

4SHB 1541 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 03/04/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature has already  
4 established that it is a goal of the state to provide for a public  
5 school system that gives all students the opportunity to achieve  
6 personal and academic success. This goal contains within it a promise  
7 of excellence and opportunity for all students, not just some  
8 students. In 2012, in *McCleary v. State of Washington*, the Washington  
9 supreme court reaffirmed the positive constitutional right of every  
10 student by noting, "No child is excluded." In establishing the  
11 educational opportunity gap oversight and accountability committee in  
12 2009, the legislature recognized that additional work was needed to  
13 fulfill the promise of excellence and opportunity for students of  
14 certain demographic groups, including English language learners.

15 (2) In its 2015 report to the legislature, the educational  
16 opportunity gap oversight and accountability committee made the  
17 following recommendations in keeping with its statutory purpose,  
18 which is to recommend specific policies and strategies to close the  
19 educational opportunity gap:

20 (a) Reduce the length of time students of color are excluded from  
21 school due to suspension and expulsion and provide students support  
22 for reengagement plans;

23 (b) Enhance the cultural competence of current and future  
24 educators and classified staff;

25 (c) Endorse all educators in English language learner and second  
26 language acquisition;

27 (d) Account for the transitional bilingual instruction program  
28 instructional services provided to English language learner students;

29 (e) Analyze the opportunity gap through deeper disaggregation of  
30 student demographic data;

31 (f) Invest in the recruitment, hiring, and retention of educators  
32 of color;

1 (g) Incorporate integrated student services and family  
2 engagement; and

3 (h) Strengthen student transitions at each stage of the education  
4 development pathway: Early learning to elementary, elementary to  
5 secondary, secondary to college and career.

6 (3) The legislature finds that these recommendations represent a  
7 holistic approach to making progress toward closing the opportunity  
8 gap. The recommendations are interdependent and mutually reinforcing.  
9 Closing the opportunity gap requires highly skilled, culturally  
10 competent, and diverse educators who understand the communities and  
11 cultures that students come from; it requires careful monitoring of  
12 not only the academic performance but also the educational  
13 environment for all students, at a fine grain of detail to assure  
14 adequate accountability; and it requires a robust program of  
15 instruction, including appropriately trained educators, to help  
16 English language learners gain language proficiency as well as  
17 academic proficiency.

18 (4) Therefore, the legislature intends to adopt policies and  
19 programs to implement the six recommendations of the educational  
20 opportunity gap oversight and accountability committee and fulfill  
21 its promise of excellence and opportunity for all students.

## 22 PART I

### 23 DISPROPORTIONALITY IN STUDENT DISCIPLINE

24 **Sec. 101.** RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are each  
25 amended to read as follows:

26 (1) The office of the superintendent of public instruction shall  
27 convene a discipline task force to develop standard definitions for  
28 causes of student disciplinary actions taken at the discretion of the  
29 school district. The task force must also develop data collection  
30 standards for disciplinary actions that are discretionary and for  
31 disciplinary actions that result in the exclusion of a student from  
32 school. The data collection standards must include data about  
33 education services provided while a student is subject to a  
34 disciplinary action, the status of petitions for readmission to the  
35 school district when a student has been excluded from school, credit  
36 retrieval during a period of exclusion, and school dropout as a  
37 result of disciplinary action.

1 (2) The discipline task force shall include representatives from  
2 the K-12 data governance group, the educational opportunity gap  
3 oversight and accountability committee, the state ethnic commissions,  
4 the governor's office of Indian affairs, the office of the education  
5 (~~(ombudsman—[ombuds])~~) ombuds, school districts, tribal  
6 representatives, and other education and advocacy organizations.

7 (3) The office of the superintendent of public instruction and  
8 the K-12 data governance group shall revise the statewide student  
9 data system to incorporate the student discipline data collection  
10 standards recommended by the discipline task force, and begin  
11 collecting data based on the revised standards in the 2015-16 school  
12 year.

13 NEW SECTION. Sec. 102. A new section is added to chapter  
14 28A.320 RCW to read as follows:

15 (1) School districts shall annually disseminate discipline  
16 policies and procedures to students, families, and the community.

17 (2) School districts shall use disaggregated data collected  
18 pursuant to RCW 28A.300.042 to monitor the impact of the school  
19 district's discipline policies and procedures.

20 (3) School districts, in consultation with school district staff,  
21 students, families, and the community, shall periodically review and  
22 update their discipline rules, policies, and procedures.

23 NEW SECTION. Sec. 103. A new section is added to chapter  
24 28A.345 RCW to read as follows:

25 (1) The Washington state school directors' association shall  
26 create model school district discipline policies and procedures and  
27 post these models publicly by December 1, 2016. In developing these  
28 model policies and procedures, the association shall request  
29 technical assistance and guidance from the equity and civil rights  
30 office within the office of the superintendent of public instruction  
31 and the Washington state human rights commission. The model policies  
32 and procedures shall be updated as necessary.

33 (2) School districts shall adopt and enforce discipline policies  
34 and procedures consistent with the model policy by the beginning of  
35 the 2017-18 school year.

36 NEW SECTION. Sec. 104. A new section is added to chapter  
37 28A.415 RCW to read as follows:

1 (1) The office of the superintendent of public instruction,  
2 subject to the availability of amounts appropriated for this specific  
3 purpose, shall develop a training program to support the  
4 implementation of discipline policies and procedures under chapter  
5 28A.600 RCW.

6 (2) School districts are strongly encouraged to provide the  
7 trainings to all school and district staff interacting with students,  
8 including instructional staff and noninstructional staff, as well as  
9 within a reasonable time following any substantive change to school  
10 discipline policies or procedures.

11 (3) To the maximum extent feasible, the trainings must  
12 incorporate or adapt existing online training or curriculum,  
13 including securing materials or curriculum under contract or purchase  
14 agreements within available funds.

15 (4) The trainings must be developed in modules that allow:

16 (a) Access to material over a reasonable number of training  
17 sessions;

18 (b) Delivery in person or online; and

19 (c) Use in a self-directed manner.

20 **Sec. 105.** RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each  
21 amended to read as follows:

22 (1) The superintendent of public instruction shall adopt and  
23 distribute to all school districts lawful and reasonable rules  
24 prescribing the substantive and procedural due process guarantees of  
25 pupils in the common schools. Such rules shall authorize a school  
26 district to use informal due process procedures in connection with  
27 the short-term suspension of students to the extent constitutionally  
28 permissible: PROVIDED, That the superintendent of public instruction  
29 deems the interest of students to be adequately protected. When a  
30 student suspension or expulsion is appealed, the rules shall  
31 authorize a school district to impose the suspension or expulsion  
32 temporarily after an initial hearing for no more than ten consecutive  
33 school days or until the appeal is decided, whichever is earlier. Any  
34 days that the student is temporarily suspended or expelled before the  
35 appeal is decided shall be applied to the term of the student  
36 suspension or expulsion and shall not limit or extend the term of the  
37 student suspension or expulsion. An expulsion or suspension of a  
38 student may not be for an indefinite period of time.

1 (2) Short-term suspension procedures may be used for suspensions  
2 of students up to and including, ten consecutive school days.

3 (3) Emergency expulsions must end or be converted to another form  
4 of corrective action within ten school days from the date of the  
5 emergency removal from school. Notice and due process rights must be  
6 provided when an emergency expulsion is converted to another form of  
7 corrective action.

8 (4) School districts may not impose long-term suspension or  
9 expulsion as a form of discretionary discipline.

10 (5) Any imposition of discretionary and nondiscretionary  
11 discipline is subject to the bar on suspending the provision of  
12 educational services pursuant to subsection (8) of this section.

13 (6) As used in this chapter, "discretionary discipline" means a  
14 disciplinary action taken by a school district for student behavior  
15 that violates rules of student conduct adopted by a school district  
16 board of directors under RCW 28A.600.010 and this section, but does  
17 not constitute action taken in response to any of the following:

18 (a) A violation of RCW 28A.600.420;

19 (b) An offense in RCW 13.04.155;

20 (c) Two or more violations of RCW 9A.46.120, 9.41.280,  
21 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;  
22 or

23 (d) Behavior that adversely impacts the health or safety of other  
24 students or educational staff.

25 (7) Except as provided in RCW 28A.600.420, school districts are  
26 not required to impose long-term suspension or expulsion for behavior  
27 that constitutes a violation or offense listed under subsection  
28 (6)(a) through (d) of this section and should first consider  
29 alternative actions.

30 (8) School districts may not suspend the provision of educational  
31 services to a student as a disciplinary action. A student may be  
32 excluded from a particular classroom or instructional or activity  
33 area for the period of suspension or expulsion, but the school  
34 district must provide an opportunity for a student to receive  
35 educational services during a period of suspension or expulsion.

36 (9) Nothing in this section creates any civil liability for  
37 school districts, or creates a new cause of action or new theory of  
38 negligence against a school district board of directors, a school  
39 district, or the state.

1       **Sec. 106.** RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each  
2 amended to read as follows:

3       (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
4 interpreted to ensure that the optimum learning atmosphere of the  
5 classroom is maintained, and that the highest consideration is given  
6 to the judgment of qualified certificated educators regarding  
7 conditions necessary to maintain the optimum learning atmosphere.

8       (2) Any student who creates a disruption of the educational  
9 process in violation of the building disciplinary standards while  
10 under a teacher's immediate supervision may be excluded by the  
11 teacher from his or her individual classroom and instructional or  
12 activity area for all or any portion of the balance of the school  
13 day, or up to the following two days, or until the principal or  
14 designee and teacher have conferred, whichever occurs first. Except  
15 in emergency circumstances, the teacher first must attempt one or  
16 more alternative forms of corrective action. In no event without the  
17 consent of the teacher may an excluded student return to the class  
18 during the balance of that class or activity period or up to the  
19 following two days, or until the principal or his or her designee and  
20 the teacher have conferred.

21       (3) In order to preserve a beneficial learning environment for  
22 all students and to maintain good order and discipline in each  
23 classroom, every school district board of directors shall provide  
24 that written procedures are developed for administering discipline at  
25 each school within the district. Such procedures shall be developed  
26 with the participation of parents and the community, and shall  
27 provide that the teacher, principal or designee, and other  
28 authorities designated by the board of directors, make every  
29 reasonable attempt to involve the parent or guardian and the student  
30 in the resolution of student discipline problems. Such procedures  
31 shall provide that students may be excluded from their individual  
32 classes or activities for periods of time in excess of that provided  
33 in subsection (2) of this section if such students have repeatedly  
34 disrupted the learning of other students. The procedures must be  
35 consistent with the rules of the superintendent of public instruction  
36 and must provide for early involvement of parents in attempts to  
37 improve the student's behavior.

38       (4) The procedures shall assure, pursuant to RCW 28A.400.110,  
39 that all staff work cooperatively toward consistent enforcement of

1 proper student behavior throughout each school as well as within each  
2 classroom.

3 (5)(a) A principal shall consider imposing long-term suspension  
4 or expulsion as a sanction when deciding the appropriate disciplinary  
5 action for a student who, after July 27, 1997:

6 (i) Engages in two or more violations within a three-year period  
7 of RCW 9A.46.120, (~~(28A.320.135,)~~) 28A.600.455, 28A.600.460,  
8 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280(~~(, — or~~  
9 ~~28A.320.140))~~); or

10 (ii) Engages in one or more of the offenses listed in RCW  
11 13.04.155.

12 (b) The principal shall communicate the disciplinary action taken  
13 by the principal to the school personnel who referred the student to  
14 the principal for disciplinary action.

15 (6) Any corrective action involving a suspension or expulsion  
16 from school for more than ten days must have an end date of not more  
17 than (~~(one calendar year))~~ the length of an academic term, as defined  
18 by the school board, from the time of corrective action. Districts  
19 shall make reasonable efforts to assist students and parents in  
20 returning to an educational setting prior to and no later than the  
21 end date of the corrective action. Where warranted based on public  
22 health or safety, a school may petition the superintendent of the  
23 school district, pursuant to policies and procedures adopted by the  
24 office of the superintendent of public instruction, for authorization  
25 to exceed the (~~(one calendar year))~~ academic term limitation provided  
26 in this subsection. The superintendent of public instruction shall  
27 adopt rules outlining the limited circumstances in which a school may  
28 petition to exceed the (~~(one calendar year))~~ academic term  
29 limitation, including safeguards to ensure that the school district  
30 has made every effort to plan for the student's return to school.  
31 School districts shall report to the office of the superintendent of  
32 public instruction the number of petitions made to the school board  
33 and the number of petitions granted on an annual basis.

34 (7) Nothing in this section prevents a public school district,  
35 educational service district, the Washington state center for  
36 childhood deafness and hearing loss, or the state school for the  
37 blind if it has suspended or expelled a student from the student's  
38 regular school setting from providing educational services to the  
39 student in an alternative setting or modifying the suspension or  
40 expulsion on a case-by-case basis. An alternative setting should be

1 comparable, equitable, and appropriate to the regular education  
2 services a student would have received without the exclusionary  
3 discipline. Example alternative settings include alternative high  
4 schools, one-on-one tutoring, and online learning.

5 **Sec. 107.** RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are each  
6 amended to read as follows:

7 (1) School districts should make efforts to have suspended or  
8 expelled students return to an educational setting as soon as  
9 possible. School districts (~~should~~) must convene a meeting with the  
10 student and the student's parents or guardians within twenty days of  
11 the student's long-term suspension or expulsion, but no later than  
12 five days before the student's enrollment, to discuss a plan to  
13 reengage the student in a school program. Families must have access  
14 to, provide meaningful input on, and have the opportunity to  
15 participate in a culturally sensitive and culturally responsive  
16 reengagement plan.

17 (2) In developing a reengagement plan, school districts should  
18 consider shortening the length of time that the student is suspended  
19 or expelled, other forms of corrective action, and supportive  
20 interventions that aid in the student's academic success and keep the  
21 student engaged and on track to graduate. School districts must  
22 create a reengagement plan tailored to the student's individual  
23 circumstances, including consideration of the incident that led to  
24 the student's long-term suspension or expulsion. The plan should aid  
25 the student in taking the necessary steps to remedy the situation  
26 that led to the student's suspension or expulsion.

27 (3) Any reengagement meetings conducted by the school district  
28 involving the suspended or expelled student and his or her parents or  
29 guardians are not intended to replace a petition for readmission.

30 **Sec. 108.** RCW 43.41.400 and 2012 c 229 s 585 are each amended to  
31 read as follows:

32 (1) An education data center shall be established in the office  
33 of financial management. The education data center shall jointly,  
34 with the legislative evaluation and accountability program committee,  
35 conduct collaborative analyses of early learning, K-12, and higher  
36 education programs and education issues across the P-20 system, which  
37 includes the department of early learning, the superintendent of  
38 public instruction, the professional educator standards board, the

1 state board of education, the state board for community and technical  
2 colleges, the workforce training and education coordinating board,  
3 the student achievement council, public and private nonprofit four-  
4 year institutions of higher education, and the employment security  
5 department. The education data center shall conduct collaborative  
6 analyses under this section with the legislative evaluation and  
7 accountability program committee and provide data electronically to  
8 the legislative evaluation and accountability program committee, to  
9 the extent permitted by state and federal confidentiality  
10 requirements. The education data center shall be considered an  
11 authorized representative of the state educational agencies in this  
12 section under applicable federal and state statutes for purposes of  
13 accessing and compiling student record data for research purposes.

14 (2) The education data center shall:

15 (a) In consultation with the legislative evaluation and  
16 accountability program committee and the agencies and organizations  
17 participating in the education data center, identify the critical  
18 research and policy questions that are intended to be addressed by  
19 the education data center and the data needed to address the  
20 questions;

21 (b) Coordinate with other state education agencies to compile and  
22 analyze education data, including data on student demographics that  
23 is disaggregated by distinct ethnic categories within racial  
24 subgroups, and complete P-20 research projects;

25 (c) Collaborate with the legislative evaluation and  
26 accountability program committee and the education and fiscal  
27 committees of the legislature in identifying the data to be compiled  
28 and analyzed to ensure that legislative interests are served;

29 (d) Annually provide to the K-12 data governance group a list of  
30 data elements and data quality improvements that are necessary to  
31 answer the research and policy questions identified by the education  
32 data center and have been identified by the legislative committees in  
33 (c) of this subsection. Within three months of receiving the list,  
34 the K-12 data governance group shall develop and transmit to the  
35 education data center a feasibility analysis of obtaining or  
36 improving the data, including the steps required, estimated time  
37 frame, and the financial and other resources that would be required.  
38 Based on the analysis, the education data center shall submit, if  
39 necessary, a recommendation to the legislature regarding any

1 statutory changes or resources that would be needed to collect or  
2 improve the data;

3 (e) Monitor and evaluate the education data collection systems of  
4 the organizations and agencies represented in the education data  
5 center ensuring that data systems are flexible, able to adapt to  
6 evolving needs for information, and to the extent feasible and  
7 necessary, include data that are needed to conduct the analyses and  
8 provide answers to the research and policy questions identified in  
9 (a) of this subsection;

10 (f) Track enrollment and outcomes through the public centralized  
11 higher education enrollment system;

12 (g) Assist other state educational agencies' collaborative  
13 efforts to develop a long-range enrollment plan for higher education  
14 including estimates to meet demographic and workforce needs;

15 (h) Provide research that focuses on student transitions within  
16 and among the early learning, K-12, and higher education sectors in  
17 the P-20 system; ((and))

18 (i) Prepare a regular report on the educational and workforce  
19 outcomes of youth in the juvenile justice system, using data  
20 disaggregated by age, and by ethnic categories and racial subgroups  
21 in accordance with RCW 28A.300.042; and

22 (j) Make recommendations to the legislature as necessary to help  
23 ensure the goals and objectives of this section and RCW 28A.655.210  
24 and 28A.300.507 are met.

25 (3) The department of early learning, superintendent of public  
26 instruction, professional educator standards board, state board of  
27 education, state board for community and technical colleges,  
28 workforce training and education coordinating board, student  
29 achievement council, public four-year institutions of higher  
30 education, department of social and health services and employment  
31 security department shall work with the education data center to  
32 develop data-sharing and research agreements, consistent with  
33 applicable security and confidentiality requirements, to facilitate  
34 the work of the center. The education data center shall also develop  
35 data-sharing and research agreements with the administrative office  
36 of the courts to conduct research on educational and workforce  
37 outcomes using data maintained under RCW 13.50.010(12) related to  
38 juveniles. Private, nonprofit institutions of higher education that  
39 provide programs of education beyond the high school level leading at  
40 least to the baccalaureate degree and are accredited by the Northwest

1 association of schools and colleges or their peer accreditation  
2 bodies may also develop data-sharing and research agreements with the  
3 education data center, consistent with applicable security and  
4 confidentiality requirements. The education data center shall make  
5 data from collaborative analyses available to the education agencies  
6 and institutions that contribute data to the education data center to  
7 the extent allowed by federal and state security and confidentiality  
8 requirements applicable to the data of each contributing agency or  
9 institution.

10 **Sec. 109.** RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1  
11 are each reenacted and amended to read as follows:

12 (1) For purposes of this chapter:

13 (a) "Good faith effort to pay" means a juvenile offender has  
14 either (i) paid the principal amount in full; (ii) made at least  
15 eighty percent of the value of full monthly payments within the  
16 period from disposition or deferred disposition until the time the  
17 amount of restitution owed is under review; or (iii) can show good  
18 cause why he or she paid an amount less than eighty percent of the  
19 value of full monthly payments;

20 (b) "Juvenile justice or care agency" means any of the following:  
21 Police, diversion units, court, prosecuting attorney, defense  
22 attorney, detention center, attorney general, the legislative  
23 children's oversight committee, the office of the family and  
24 children's ombuds, the department of social and health services and  
25 its contracting agencies, schools; persons or public or private  
26 agencies having children committed to their custody; and any  
27 placement oversight committee created under RCW 72.05.415;

28 (c) "Official juvenile court file" means the legal file of the  
29 juvenile court containing the petition or information, motions,  
30 memorandums, briefs, findings of the court, and court orders;

31 (d) "Records" means the official juvenile court file, the social  
32 file, and records of any other juvenile justice or care agency in the  
33 case;

34 (e) "Social file" means the juvenile court file containing the  
35 records and reports of the probation counselor.

36 (2) Each petition or information filed with the court may include  
37 only one juvenile and each petition or information shall be filed  
38 under a separate docket number. The social file shall be filed  
39 separately from the official juvenile court file.

1 (3) It is the duty of any juvenile justice or care agency to  
2 maintain accurate records. To this end:

3 (a) The agency may never knowingly record inaccurate information.  
4 Any information in records maintained by the department of social and  
5 health services relating to a petition filed pursuant to chapter  
6 13.34 RCW that is found by the court to be false or inaccurate shall  
7 be corrected or expunged from such records by the agency;

8 (b) An agency shall take reasonable steps to assure the security  
9 of its records and prevent tampering with them; and

10 (c) An agency shall make reasonable efforts to insure the  
11 completeness of its records, including action taken by other agencies  
12 with respect to matters in its files.

13 (4) Each juvenile justice or care agency shall implement  
14 procedures consistent with the provisions of this chapter to  
15 facilitate inquiries concerning records.

16 (5) Any person who has reasonable cause to believe information  
17 concerning that person is included in the records of a juvenile  
18 justice or care agency and who has been denied access to those  
19 records by the agency may make a motion to the court for an order  
20 authorizing that person to inspect the juvenile justice or care  
21 agency record concerning that person. The court shall grant the  
22 motion to examine records unless it finds that in the interests of  
23 justice or in the best interests of the juvenile the records or parts  
24 of them should remain confidential.

25 (6) A juvenile, or his or her parents, or any person who has  
26 reasonable cause to believe information concerning that person is  
27 included in the records of a juvenile justice or care agency may make  
28 a motion to the court challenging the accuracy of any information  
29 concerning the moving party in the record or challenging the  
30 continued possession of the record by the agency. If the court grants  
31 the motion, it shall order the record or information to be corrected  
32 or destroyed.

33 (7) The person making a motion under subsection (5) or (6) of  
34 this section shall give reasonable notice of the motion to all  
35 parties to the original action and to any agency whose records will  
36 be affected by the motion.

37 (8) The court may permit inspection of records by, or release of  
38 information to, any clinic, hospital, or agency which has the subject  
39 person under care or treatment. The court may also permit inspection  
40 by or release to individuals or agencies, including juvenile justice

1 advisory committees of county law and justice councils, engaged in  
2 legitimate research for educational, scientific, or public purposes.  
3 Each person granted permission to inspect juvenile justice or care  
4 agency records for research purposes shall present a notarized  
5 statement to the court stating that the names of juveniles and  
6 parents will remain confidential.

7 (9) The court shall release to the caseload forecast council the  
8 records needed for its research and data-gathering functions. Access  
9 to caseload forecast data may be permitted by the council for  
10 research purposes only if the anonymity of all persons mentioned in  
11 the records or information will be preserved.

12 (10) Juvenile detention facilities shall release records to the  
13 caseload forecast council upon request. The commission shall not  
14 disclose the names of any juveniles or parents mentioned in the  
15 records without the named individual's written permission.

16 (11) Requirements in this chapter relating to the court's  
17 authority to compel disclosure shall not apply to the legislative  
18 children's oversight committee or the office of the family and  
19 children's ombuds.

20 (12) For the purpose of research only, the administrative office  
21 of the courts shall maintain an electronic research copy of all  
22 records in the judicial information system related to juveniles.  
23 Access to the research copy is restricted to the (~~Washington state~~  
24 ~~center for court research~~) administrative office of the courts for  
25 research purposes as authorized by the supreme court or by state  
26 statute. The (~~Washington state center for court research~~)  
27 administrative office of the courts shall maintain the  
28 confidentiality of all confidential records and shall preserve the  
29 anonymity of all persons identified in the research copy. Data  
30 contained in the research copy may be shared with other governmental  
31 agencies as authorized by state statute, pursuant to data-sharing and  
32 research agreements, and consistent with applicable security and  
33 confidentiality requirements. The research copy may not be subject to  
34 any records retention schedule and must include records destroyed or  
35 removed from the judicial information system pursuant to RCW  
36 13.50.270 and 13.50.100(3).

37 (13) The court shall release to the Washington state office of  
38 public defense records needed to implement the agency's oversight,  
39 technical assistance, and other functions as required by RCW  
40 2.70.020. Access to the records used as a basis for oversight,

1 technical assistance, or other agency functions is restricted to the  
2 Washington state office of public defense. The Washington state  
3 office of public defense shall maintain the confidentiality of all  
4 confidential information included in the records.

5 (14) The court shall release to the Washington state office of  
6 civil legal aid records needed to implement the agency's oversight,  
7 technical assistance, and other functions as required by RCW  
8 2.53.045. Access to the records used as a basis for oversight,  
9 technical assistance, or other agency functions is restricted to the  
10 Washington state office of civil legal aid. The Washington state  
11 office of civil legal aid shall maintain the confidentiality of all  
12 confidential information included in the records, and shall, as soon  
13 as possible, destroy any retained notes or records obtained under  
14 this section that are not necessary for its functions related to RCW  
15 2.53.045.

16 **PART II**

17 **EDUCATOR CULTURAL COMPETENCE**

18 NEW SECTION. **Sec. 201.** A new section is added to chapter  
19 28A.345 RCW to read as follows:

20 The Washington state school directors' association, in  
21 consultation with the office of the superintendent of public  
22 instruction, the professional educator standards board, the steering  
23 committee established in RCW 28A.405.100, and the educational  
24 opportunity gap oversight and accountability committee, must develop  
25 a plan for the creation and delivery of cultural competency training  
26 for school board directors and superintendents. The training program  
27 must also include the foundational elements of cultural competence,  
28 focusing on multicultural education and principles of English  
29 language acquisition, including information regarding best practices  
30 to implement the tribal history and culture curriculum. The content  
31 of the training must be aligned with the standards for cultural  
32 competence developed by the professional educator standards board  
33 under RCW 28A.410.270.

34 **Sec. 202.** RCW 28A.405.106 and 2012 c 35 s 5 are each amended to  
35 read as follows:

36 (1) Subject to funds appropriated for this purpose, the office of  
37 the superintendent of public instruction must develop and make

1 available a professional development program to support the  
2 implementation of the evaluation systems required by RCW 28A.405.100.  
3 The program components may be organized into professional development  
4 modules for principals, administrators, and teachers. The  
5 professional development program shall include a comprehensive online  
6 training package.

7 (2) The training program must include, but not be limited to, the  
8 following topics:

9 (a) Introduction of the evaluation criteria for teachers and  
10 principals and the four-level rating system;

11 (b) Orientation to and use of instructional frameworks;

12 (c) Orientation to and use of the leadership frameworks;

13 (d) Best practices in developing and using data in the evaluation  
14 systems, including multiple measures, student growth data, classroom  
15 observations, and other measures and evidence;

16 (e) Strategies for achieving maximum rater agreement;

17 (f) Evaluator feedback protocols in the evaluation systems;

18 (g) Examples of high quality teaching and leadership; and

19 (h) Methods to link the evaluation process to ongoing educator  
20 professional development.

21 (3) The training program must also include the foundational  
22 elements of cultural competence, focusing on multicultural education  
23 and principles of English language acquisition, including information  
24 regarding best practices to implement the tribal history and culture  
25 curriculum. The content of the training must be aligned with the  
26 standards for cultural competence developed by the professional  
27 educator standards board under RCW 28A.410.270. The office of the  
28 superintendent of public instruction, in consultation with the  
29 professional educator standards board, the steering committee  
30 established in RCW 28A.405.100, and the educational opportunity gap  
31 oversight and accountability committee, must integrate the content  
32 for cultural competence into the overall training for principals,  
33 administrators, and teachers to support the revised evaluation  
34 systems.

35 (4) To the maximum extent feasible, the professional development  
36 program must incorporate or adapt existing online training or  
37 curriculum, including securing materials or curriculum under contract  
38 or purchase agreements within available funds. Multiple modes of  
39 instruction should be incorporated including videos of classroom

1 teaching, participatory exercises, and other engaging combinations of  
2 online audio, video, and print presentation.

3 ~~((4))~~ (5) The professional development program must be  
4 developed in modules that allow:

5 (a) Access to material over a reasonable number of training  
6 sessions;

7 (b) Delivery in person or online; and

8 (c) Use in a self-directed manner.

9 ~~((5))~~ (6) The office of the superintendent of public  
10 instruction must maintain a web site that includes the online  
11 professional development materials along with sample evaluation forms  
12 and templates, links to relevant research on evaluation and on high  
13 quality teaching and leadership, samples of contract and collective  
14 bargaining language on key topics, examples of multiple measures of  
15 teacher and principal performance, suggestions for data to measure  
16 student growth, and other tools that will assist school districts in  
17 implementing the revised evaluation systems.

18 ~~((6))~~ (7) The office of the superintendent of public  
19 instruction must identify the number of in-service training hours  
20 associated with each professional development module and develop a  
21 way for users to document their completion of the training.  
22 Documented completion of the training under this section is  
23 considered approved in-service training for the purposes of RCW  
24 28A.415.020.

25 ~~((7))~~ (8) The office of the superintendent of public  
26 instruction shall periodically update the modules to reflect new  
27 topics and research on performance evaluation so that the training  
28 serves as an ongoing source of continuing education and professional  
29 development.

30 ~~((8))~~ (9) The office of the superintendent of public  
31 instruction shall work with the educational service districts to  
32 provide clearinghouse services for the identification and publication  
33 of professional development opportunities for teachers and principals  
34 that align with performance evaluation criteria.

35 **Sec. 203.** RCW 28A.405.120 and 2012 c 35 s 2 are each amended to  
36 read as follows:

37 (1) School districts shall require each administrator, each  
38 principal, or other supervisory personnel who has responsibility for

1 evaluating classroom teachers or principals to have training in  
2 evaluation procedures.

3 (2) Before school district implementation of the revised  
4 evaluation systems required under RCW 28A.405.100, principals and  
5 administrators who have evaluation responsibilities must engage in  
6 professional development designed to implement the revised systems  
7 and maximize rater agreement. The professional development to support  
8 the revised evaluation systems must also include foundational  
9 elements of cultural competence, focusing on multicultural education  
10 and principles of English language acquisition.

11 NEW SECTION. **Sec. 204.** A new section is added to chapter  
12 28A.415 RCW to read as follows:

13 (1) Subject to funds appropriated specifically for this purpose,  
14 the office of the superintendent of public instruction, in  
15 collaboration with the educational opportunity gap oversight and  
16 accountability committee, the professional educator standards board,  
17 colleges of education, and representatives from diverse communities  
18 and community-based organizations, must develop a content outline for  
19 professional development and training in cultural competence for  
20 school staff.

21 (2) The content of the cultural competence professional  
22 development and training must be aligned with the standards developed  
23 by the professional educator standards board under RCW 28A.410.270.  
24 The training program must also include the foundational elements of  
25 cultural competence, focusing on multicultural education and  
26 principles of English language acquisition, including information  
27 regarding best practices to implement the tribal history and culture  
28 curriculum.

29 (3) The cultural competence professional development and training  
30 must contain components that are appropriate for classified school  
31 staff and district administrators as well as certificated  
32 instructional staff and principals at the building level. The  
33 professional development and training must also contain components  
34 suitable for delivery by individuals from the local community or  
35 community-based organizations with appropriate expertise.

36 (4) The legislature encourages educational service districts and  
37 school districts to use the cultural competence professional  
38 development and training developed under this section and provide  
39 opportunities for all school and school district staff to gain

1 knowledge and skills in cultural competence, including in partnership  
2 with their local communities.

3 NEW SECTION. **Sec. 205.** A new section is added to chapter  
4 28A.657 RCW to read as follows:

5 Required action districts as provided in RCW 28A.657.030, and  
6 districts with schools that receive the federal school improvement  
7 grant under the American recovery and reinvestment act of 2009, and  
8 districts with schools identified by the superintendent of public  
9 instruction as priority or focus are strongly encouraged to provide  
10 the cultural competence professional development and training  
11 developed under RCW 28A.405.106, 28A.405.120, and section 204 of this  
12 act for classified, certificated instructional, and administrative  
13 staff of the school. The professional development and training may be  
14 delivered by an educational service district, through district in-  
15 service, or by another qualified provider, including in partnership  
16 with the local community.

17 **PART III**  
18 **INSTRUCTING ENGLISH LANGUAGE LEARNERS**

19 **Sec. 301.** RCW 28A.180.040 and 2013 2nd sp.s. c 9 s 4 are each  
20 amended to read as follows:

21 (1) Every school district board of directors shall:

22 (a) Make available to each eligible pupil transitional bilingual  
23 instruction to achieve competency in English, in accord with rules of  
24 the superintendent of public instruction;

25 (b) Wherever feasible, ensure that communications to parents  
26 emanating from the schools shall be appropriately bilingual for those  
27 parents of pupils in the bilingual instruction program;

28 (c) Determine, by administration of an English test approved by  
29 the superintendent of public instruction the number of eligible  
30 pupils enrolled in the school district at the beginning of a school  
31 year and thereafter during the year as necessary in individual cases;

32 (d) Ensure that a student who is a child of a military family in  
33 transition and who has been assessed as in need of, or enrolled in, a  
34 bilingual instruction program, the receiving school shall initially  
35 honor placement of the student into a like program.

1 (i) The receiving school shall determine whether the district's  
2 program is a like program when compared to the sending school's  
3 program; and

4 (ii) The receiving school may conduct subsequent assessments  
5 pursuant to RCW 28A.180.090 to determine appropriate placement and  
6 continued enrollment in the program;

7 (e) Before the conclusion of each school year, measure each  
8 eligible pupil's improvement in learning the English language by  
9 means of a test approved by the superintendent of public instruction;

10 (f) Provide in-service training for teachers, counselors, and  
11 other staff, who are involved in the district's transitional  
12 bilingual program. Such training shall include appropriate  
13 instructional strategies for children of culturally different  
14 backgrounds, use of curriculum materials, and program models; and

15 (g) Make available a program of instructional support for up to  
16 two years immediately after pupils exit from the program, for exited  
17 pupils who need assistance in reaching grade-level performance in  
18 academic subjects even though they have achieved English proficiency  
19 for purposes of the transitional bilingual instructional program.

20 (2) Beginning in the 2019-20 school year, all classroom teachers  
21 assigned using funds for the transitional bilingual instruction  
22 program to provide supplemental instruction for eligible pupils must  
23 hold an endorsement in bilingual education or English language  
24 learner, or both.

25 (3) The definitions in Article II of RCW 28A.705.010 apply to  
26 subsection (1)(d) of this section.

#### 27 PART IV

#### 28 ENGLISH LANGUAGE LEARNER ACCOUNTABILITY

29 **Sec. 401.** RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each  
30 amended to read as follows:

31 The superintendent of public instruction shall develop an  
32 evaluation system designed to measure increases in the English and  
33 academic proficiency of eligible pupils. When developing the system,  
34 the superintendent shall:

35 (1) Require school districts to assess potentially eligible  
36 pupils within ten days of registration using an English proficiency  
37 assessment or assessments as specified by the superintendent of  
38 public instruction. Results of these assessments shall be made

1 available to both the superintendent of public instruction and the  
2 school district;

3 (2) Require school districts to annually assess all eligible  
4 pupils at the end of the school year using an English proficiency  
5 assessment or assessments as specified by the superintendent of  
6 public instruction. Results of these assessments shall be made  
7 available to both the superintendent of public instruction and the  
8 school district;

9 (3) Develop a system to evaluate increases in the English and  
10 academic proficiency of students who are, or were, eligible pupils.  
11 This evaluation shall include students when they are in the program  
12 and after they exit the program until they finish their K-12 career  
13 or transfer from the school district. The purpose of the evaluation  
14 system is to inform schools, school districts, parents, and the state  
15 of the effectiveness of the transitional bilingual programs in school  
16 and school districts in teaching these students English and other  
17 content areas, such as mathematics and writing; and

18 ~~(4) ((Report to the education and fiscal committees of the~~  
19 ~~legislature by November 1, 2002, regarding the development of the~~  
20 ~~systems described in this section and a timeline for the full~~  
21 ~~implementation of those systems. The legislature shall approve and~~  
22 ~~provide funding for the evaluation system in subsection (3) of this~~  
23 ~~section before any implementation of the system developed under~~  
24 ~~subsection (3) of this section may occur.))~~ Subject to funds  
25 appropriated specifically for this purpose, provide school districts  
26 with technical assistance and support in selecting research-based  
27 program models, instructional materials, and professional development  
28 for program staff, including disseminating information about best  
29 practices and innovative programs. The information must include  
30 research about the differences between conversational language  
31 proficiency, academic language proficiency, and subject-specific  
32 language proficiency and the implications this research has on  
33 instructional practices and evaluation of program effectiveness.

34 NEW SECTION. Sec. 402. A new section is added to chapter  
35 28A.657 RCW to read as follows:

36 At the beginning of each school year, the office of the  
37 superintendent of public instruction shall identify schools in the  
38 top five percent of schools with the highest percent growth during  
39 the previous two school years in enrollment of English language

1 learner students as compared to previous enrollment trends. The  
2 office shall notify the identified schools, and the school districts  
3 in which the schools are located are strongly encouraged to provide  
4 the cultural competence professional development and training  
5 developed under RCW 28A.405.106, 28A.405.120, and section 204 of this  
6 act for classified, certificated instructional, and administrative  
7 staff of the schools. The professional development and training may  
8 be delivered by an educational service district, through district in-  
9 service, or by another qualified provider, including in partnership  
10 with the local community.

11 **PART V**

12 **DISAGGREGATED STUDENT DATA**

13 **Sec. 501.** RCW 28A.300.042 and 2013 2nd sp.s. c 18 s 307 are each  
14 amended to read as follows:

15 (1) Beginning with the 2017-18 school year, and using the phase-  
16 in provided in subsection (2) of this section, the superintendent of  
17 public instruction must collect and school districts must submit all  
18 student-level data using the United States department of education  
19 2007 race and ethnicity reporting guidelines, including the subracial  
20 and subethnic categories within those guidelines, with the following  
21 modifications:

22 (a) Further disaggregation of the Black category to differentiate  
23 students of African origin and students native to the United States  
24 with African ancestors;

25 (b) Further disaggregation of countries of origin for Asian  
26 students;

27 (c) Further disaggregation of the White category to include  
28 subethnic categories for Eastern European nationalities that have  
29 significant populations in Washington; and

30 (d) For students who report as multiracial, collection of their  
31 racial and ethnic combination of categories.

32 (2) Beginning with the 2017-18 school year, school districts  
33 shall collect student-level data as provided in subsection (1) of  
34 this section for all newly enrolled students, including transfer  
35 students. When the students enroll in a different school within the  
36 district, school districts shall resurvey the newly enrolled students  
37 for whom subracial and subethnic categories were not previously  
38 collected. School districts may resurvey other students.

1       (3) All student data-related reports required of the  
2 superintendent of public instruction in this title must be  
3 disaggregated by at least the following subgroups of students: White,  
4 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific  
5 Islander/Hawaiian Native, low income, transitional bilingual,  
6 migrant, special education, and students covered by section 504 of  
7 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.  
8 794).

9       ~~((2))~~ (4) All student data-related reports ~~((required of))~~  
10 prepared by the superintendent of public instruction regarding  
11 student suspensions and expulsions as required ~~((in RCW 28A.300.046))~~  
12 under this title are subject to disaggregation by subgroups  
13 including:

- 14       (a) Gender;
- 15       (b) Foster care;
- 16       (c) Homeless, if known;
- 17       (d) School district;
- 18       (e) School;
- 19       (f) Grade level;
- 20       (g) Behavior infraction code, including:
  - 21       (i) Bullying;
  - 22       (ii) Tobacco;
  - 23       (iii) Alcohol;
  - 24       (iv) Illicit drug;
  - 25       (v) Fighting without major injury;
  - 26       (vi) Violence without major injury;
  - 27       (vii) Violence with major injury;
  - 28       (viii) Possession of a weapon; and
  - 29       (ix) Other behavior resulting from a short-term or long-term  
30 suspension, expulsion, or interim alternative education setting  
31 intervention;
- 32       (h) Intervention applied, including:
  - 33       (i) Short-term suspension;
  - 34       (ii) Long-term suspension;
  - 35       (iii) Emergency expulsion;
  - 36       (iv) Expulsion;
  - 37       (v) Interim alternative education settings;
  - 38       (vi) No intervention applied; and
  - 39       (vii) Other intervention applied that is not described in this  
40 subsection ~~((2))~~ (4)(h);

1 (i) Number of days a student is suspended or expelled, to be  
2 counted in half or full days; and

3 (j) Any other categories added at a future date by the data  
4 governance group.

5 ~~((+3))~~ (5) All student data-related reports required of the  
6 superintendent of public instruction regarding student suspensions  
7 and expulsions as required in RCW 28A.300.046 are subject to cross-  
8 tabulation at a minimum by the following:

9 (a) School and district;

10 (b) Race, low income, special education, transitional bilingual,  
11 migrant, foster care, homeless, students covered by section 504 of  
12 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.  
13 794), and categories to be added in the future;

14 (c) Behavior infraction code; and

15 (d) Intervention applied.

16 (6) The K-12 data governance group shall develop the data  
17 protocols and guidance for school districts in the collection of data  
18 as required under this section, and the office of the superintendent  
19 of public instruction shall modify the statewide student data system  
20 as needed. The office of the superintendent of public instruction  
21 shall also incorporate training for school staff on best practices  
22 for collection of data on student race and ethnicity in other  
23 training or professional development related to data provided by the  
24 office.

25 NEW SECTION. Sec. 502. Subject to the availability of amounts  
26 appropriated for this specific purpose, the office of the  
27 superintendent of public instruction shall convene a task force to  
28 review the United States department of education 2007 race and  
29 ethnicity reporting guidelines and develop race and ethnicity  
30 guidance for the state. The task force must include representatives  
31 from the educational opportunity gap oversight and accountability  
32 committee, the ethnic commissions, the governor's office of Indian  
33 affairs, and a diverse group of parents. The guidance must clarify  
34 for students and families why information about race and ethnicity is  
35 collected and how students and families can help school  
36 administrators properly identify them. The guidance must also  
37 describe the best practices for school administrators to use when  
38 identifying the race and ethnicity of students and families. The task

1 force must use the United States census and the American community  
2 survey in the development of the guidance.

3 **Sec. 503.** RCW 28A.300.505 and 2015 c 210 s 2 are each amended to  
4 read as follows:

5 (1) The office of the superintendent of public instruction shall  
6 develop standards for school data systems that focus on validation  
7 and verification of data entered into the systems to ensure accuracy  
8 and compatibility of data. The standards shall address but are not  
9 limited to the following topics:

- 10 (a) Date validation;
- 11 (b) Code validation, which includes gender, race or ethnicity,  
12 and other code elements;
- 13 (c) Decimal and integer validation; and
- 14 (d) Required field validation as defined by state and federal  
15 requirements.

16 (2) The superintendent of public instruction shall develop a  
17 reporting format and instructions for school districts to collect and  
18 submit data that must include:

19 (a) Data on student demographics that is disaggregated (~~by~~  
20 ~~distinct ethnic categories within racial subgroups so that analyses~~  
21 ~~may be conducted on student achievement using the disaggregated~~  
22 ~~data~~) as required by RCW 28A.300.042; and

23 (b) Starting no later than the 2016-17 school year, data on  
24 students from military families. The K-12 data governance group  
25 established in RCW 28A.300.507 must develop best practice guidelines  
26 for the collection and regular updating of this data on students from  
27 military families. Collection and updating of this data must use the  
28 United States department of education 2007 race and ethnicity  
29 reporting guidelines, including the subracial and subethnic  
30 categories within those guidelines, with the following modifications:

31 (i) Further disaggregation of the Black category to differentiate  
32 students of African origin and students native to the United States  
33 with African ancestors;

34 (ii) Further disaggregation of countries of origin for Asian  
35 students;

36 (iii) Further disaggregation of the White category to include  
37 subethnic categories for Eastern European nationalities that have  
38 significant populations in Washington; and

1 (iv) For students who report as multiracial, collection of their  
2 racial and ethnic combination of categories.

3 (3) For the purposes of this section, "students from military  
4 families" means the following categories of students, with data to be  
5 collected and submitted separately for each category:

6 (a) Students with a parent or guardian who is a member of the  
7 active duty United States armed forces; and

8 (b) Students with a parent or guardian who is a member of the  
9 reserves of the United States armed forces or a member of the  
10 Washington national guard.

11 NEW SECTION. **Sec. 504.** (1) To increase the visibility of the  
12 opportunity gap in schools with small subgroups of students and to  
13 hold schools accountable to individual student-level support, by  
14 August 1, 2016, the office of the superintendent of public  
15 instruction, in cooperation with the K-12 data governance group  
16 established within the office of the superintendent of public  
17 instruction, the education data center established within the office  
18 of financial management, and the state board of education, shall  
19 adopt a rule that the only student data that should not be reported  
20 for public reporting and accountability is data where the school or  
21 district has fewer than ten students in a grade level or student  
22 subgroup.

23 (2) This section expires August 1, 2017.

## 24 **PART VI**

### 25 **RECRUITMENT AND RETENTION OF EDUCATORS**

26 **Sec. 601.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended  
27 to read as follows:

28 (1) A K-12 data governance group shall be established within the  
29 office of the superintendent of public instruction to assist in the  
30 design and implementation of a K-12 education data improvement system  
31 for financial, student, and educator data. It is the intent that the  
32 data system reporting specifically serve requirements for teachers,  
33 parents, superintendents, school boards, the office of the  
34 superintendent of public instruction, the legislature, and the  
35 public.

36 (2) The K-12 data governance group shall include representatives  
37 of the education data center, the office of the superintendent of

1 public instruction, the legislative evaluation and accountability  
2 program committee, the professional educator standards board, the  
3 state board of education, and school district staff, including  
4 information technology staff. Additional entities with expertise in  
5 education data may be included in the K-12 data governance group.

6 (3) The K-12 data governance group shall:

7 (a) Identify the critical research and policy questions that need  
8 to be addressed by the K-12 education data improvement system;

9 (b) Identify reports and other information that should be made  
10 available on the internet in addition to the reports identified in  
11 subsection (5) of this section;

12 (c) Create a comprehensive needs requirement document detailing  
13 the specific information and technical capacity needed by school  
14 districts and the state to meet the legislature's expectations for a  
15 comprehensive K-12 education data improvement system as described  
16 under RCW 28A.655.210;

17 (d) Conduct a gap analysis of current and planned information  
18 compared to the needs requirement document, including an analysis of  
19 the strengths and limitations of an education data system and  
20 programs currently used by school districts and the state, and  
21 specifically the gap analysis must look at the extent to which the  
22 existing data can be transformed into canonical form and where  
23 existing software can be used to meet the needs requirement document;

24 (e) Focus on financial and cost data necessary to support the new  
25 K-12 financial models and funding formulas, including any necessary  
26 changes to school district budgeting and accounting, and on assuring  
27 the capacity to link data across financial, student, and educator  
28 systems; and

29 (f) Define the operating rules and governance structure for K-12  
30 data collections, ensuring that data systems are flexible and able to  
31 adapt to evolving needs for information, within an objective and  
32 orderly data governance process for determining when changes are  
33 needed and how to implement them. Strong consideration must be made  
34 to the current practice and cost of migration to new requirements.  
35 The operating rules should delineate the coordination, delegation,  
36 and escalation authority for data collection issues, business rules,  
37 and performance goals for each K-12 data collection system,  
38 including:

39 (i) Defining and maintaining standards for privacy and  
40 confidentiality;

1 (ii) Setting data collection priorities;  
2 (iii) Defining and updating a standard data dictionary;  
3 (iv) Ensuring data compliance with the data dictionary;  
4 (v) Ensuring data accuracy; and  
5 (vi) Establishing minimum standards for school, student,  
6 financial, and teacher data systems. Data elements may be specified  
7 "to the extent feasible" or "to the extent available" to collect more  
8 and better data sets from districts with more flexible software.  
9 Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be  
10 construed to require that a data dictionary or reporting should be  
11 hobbled to the lowest common set. The work of the K-12 data  
12 governance group must specify which data are desirable. Districts  
13 that can meet these requirements shall report the desirable data.  
14 Funding from the legislature must establish which subset data are  
15 absolutely required.

16 (4)(a) The K-12 data governance group shall provide updates on  
17 its work as requested by the education data center and the  
18 legislative evaluation and accountability program committee.

19 (b) The work of the K-12 data governance group shall be  
20 periodically reviewed and monitored by the educational data center  
21 and the legislative evaluation and accountability program committee.

22 (5) To the extent data is available, the office of the  
23 superintendent of public instruction shall make the following minimum  
24 reports available on the internet. The reports must either be run on  
25 demand against current data, or, if a static report, must have been  
26 run against the most recent data:

27 (a) The percentage of data compliance and data accuracy by school  
28 district;

29 (b) The magnitude of spending per student, by student estimated  
30 by the following algorithm and reported as the detailed summation of  
31 the following components:

32 (i) An approximate, prorated fraction of each teacher or human  
33 resource element that directly serves the student. Each human  
34 resource element must be listed or accessible through online  
35 tunneling in the report;

36 (ii) An approximate, prorated fraction of classroom or building  
37 costs used by the student;

38 (iii) An approximate, prorated fraction of transportation costs  
39 used by the student; and

1 (iv) An approximate, prorated fraction of all other resources  
2 within the district. District-wide components should be disaggregated  
3 to the extent that it is sensible and economical;

4 (c) The cost of K-12 basic education, per student, by student, by  
5 school district, estimated by the algorithm in (b) of this  
6 subsection, and reported in the same manner as required in (b) of  
7 this subsection;

8 (d) The cost of K-12 special education services per student, by  
9 student receiving those services, by school district, estimated by  
10 the algorithm in (b) of this subsection, and reported in the same  
11 manner as required in (b) of this subsection;

12 (e) Improvement on the statewide assessments computed as both a  
13 percentage change and absolute change on a scale score metric by  
14 district, by school, and by teacher that can also be filtered by a  
15 student's length of full-time enrollment within the school district;

16 (f) Number of K-12 students per classroom teacher on a per  
17 teacher basis;

18 (g) Number of K-12 classroom teachers per student on a per  
19 student basis;

20 (h) Percentage of a classroom teacher per student on a per  
21 student basis; ((and))

22 (i) Percentage of classroom teachers per school district and per  
23 school disaggregated as described in RCW 28A.300.042(1) for student-  
24 level data;

25 (j) Average length of service of classroom teachers per school  
26 district and per school disaggregated as described in RCW  
27 28A.300.042(1) for student-level data; and

28 (k) The cost of K-12 education per student by school district  
29 sorted by federal, state, and local dollars.

30 (6) The superintendent of public instruction shall submit a  
31 preliminary report to the legislature by November 15, 2009, including  
32 the analyses by the K-12 data governance group under subsection (3)  
33 of this section and preliminary options for addressing identified  
34 gaps. A final report, including a proposed phase-in plan and  
35 preliminary cost estimates for implementation of a comprehensive data  
36 improvement system for financial, student, and educator data shall be  
37 submitted to the legislature by September 1, 2010.

38 (7) All reports and data referenced in this section and RCW  
39 43.41.400 and 28A.655.210 shall be made available in a manner  
40 consistent with the technical requirements of the legislative

1 evaluation and accountability program committee and the education  
2 data center so that selected data can be provided to the legislature,  
3 governor, school districts, and the public.

4 (8) Reports shall contain data to the extent it is available. All  
5 reports must include documentation of which data are not available or  
6 are estimated. Reports must not be suppressed because of poor data  
7 accuracy or completeness. Reports may be accompanied with  
8 documentation to inform the reader of why some data are missing or  
9 inaccurate or estimated.

10 **PART VII**  
11 **TRANSITIONS**

12 NEW SECTION. **Sec. 701.** A new section is added to chapter 43.215  
13 RCW to read as follows:

14 The department, in collaboration with the office of the  
15 superintendent of public instruction, shall create a community  
16 information and involvement plan to inform home-based, tribal, and  
17 family early learning providers of the early achievers program under  
18 RCW 43.215.100.

19 **PART VIII**  
20 **INTEGRATED STUDENT SERVICES AND FAMILY ENGAGEMENT**

21 NEW SECTION. **Sec. 801.** A new section is added to chapter  
22 28A.300 RCW to read as follows:

23 (1) Subject to the availability of amounts appropriated for this  
24 specific purpose, the Washington integrated student supports protocol  
25 is established. The protocol shall be developed by the center for the  
26 improvement of student learning, established in RCW 28A.300.130,  
27 based on the framework described in this section. The purposes of the  
28 protocol include:

29 (a) Supporting a school-based approach to promoting the success  
30 of all students by coordinating academic and nonacademic supports to  
31 reduce barriers to academic achievement and educational attainment;

32 (b) Fulfilling a vision of public education where educators focus  
33 on education, students focus on learning, and auxiliary supports  
34 enable teaching and learning to occur unimpeded;

1 (c) Encouraging the creation, expansion, and quality improvement  
2 of community-based supports that can be integrated into the academic  
3 environment of schools and school districts;

4 (d) Increasing public awareness of the evidence showing that  
5 academic outcomes are a result of both academic and nonacademic  
6 factors; and

7 (e) Supporting statewide and local organizations in their efforts  
8 to provide leadership, coordination, technical assistance,  
9 professional development, and advocacy to implement high-quality,  
10 evidence-based, student-centered, coordinated approaches throughout  
11 the state.

12 (2)(a) The Washington integrated student supports protocol must  
13 be sufficiently flexible to adapt to the unique needs of schools and  
14 districts across the state, yet sufficiently structured to provide  
15 all students with the individual support they need for academic  
16 success.

17 (b) The essential framework of the Washington integrated student  
18 supports protocol includes:

19 (i) Needs assessments: A needs assessment must be conducted for  
20 all at-risk students in order to develop or identify the needed  
21 academic and nonacademic supports within the students' school and  
22 community. These supports must be coordinated to provide students  
23 with a package of mutually reinforcing supports designed to meet the  
24 individual needs of each student.

25 (ii) Integration and coordination: The school and district  
26 leadership and staff must develop close relationships with providers  
27 of academic and nonacademic supports to enhance the effectiveness of  
28 the protocol.

29 (iii) Community partnerships: Community partners must be engaged  
30 to provide nonacademic supports to reduce barriers to students'  
31 academic success, including supports to students' families.

32 (iv) Data driven: Students' needs and outcomes must be tracked  
33 over time to determine student progress and evolving needs.

34 (c) The framework must facilitate the ability of any academic or  
35 nonacademic provider to support the needs of at-risk students,  
36 including, but not limited to: Out-of-school providers, social  
37 workers, mental health counselors, physicians, dentists, speech  
38 therapists, and audiologists.

1        NEW SECTION.    **Sec. 802.**    (1) The legislature intends to integrate  
2 the delivery of various academic and nonacademic programs and  
3 services through a single protocol. This coordination and  
4 consolidation of assorted services, such as expanded learning  
5 opportunities, mental health, medical screening, and access to food  
6 and housing, is intended to reduce barriers to academic achievement  
7 and educational attainment by weaving together existing public and  
8 private resources needed to support student success in school.

9        (2) Subject to the availability of amounts appropriated for this  
10 specific purpose, the office of the superintendent of public  
11 instruction shall create a work group to determine how to best  
12 implement the framework described in section 801 of this act  
13 throughout the state.

14        (3) The work group must be composed of the following members, who  
15 must reflect the geographic diversity across the state:

16        (a) The superintendent of public instruction or the  
17 superintendent's designee;

18        (b) Three principals and three superintendents representing  
19 districts with diverse characteristics, selected by state  
20 associations of principals and superintendents, respectively;

21        (c) A representative from a statewide organization specializing  
22 in out-of-school learning;

23        (d) A representative from an organization with expertise in the  
24 needs of homeless students;

25        (e) A school counselor from an elementary school, a middle  
26 school, and a high school, selected by a state association of school  
27 counselors;

28        (f) A representative of an organization that is an expert on a  
29 multitiered system of supports; and

30        (g) A representative from a career and technical student  
31 organization.

32        (4) The superintendent of public instruction shall consult and  
33 may contract for services with a national nonpartisan, nonprofit  
34 research center that has provided data and analyses to improve  
35 policies and programs serving children and youth for over thirty-five  
36 years.

37        (5) The work group must submit to the appropriate committees of  
38 the legislature a report recommending policies that need to be  
39 adopted or revised to implement the framework described in section  
40 801 of this act throughout the state by October 1, 2017. The work

1 group must submit a preliminary report by October 1, 2016, and a  
2 final report by October 1, 2017.

3 (6) This section expires August 1, 2018.

4 **Sec. 803.** RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each  
5 amended to read as follows:

6 (1) ~~((Beginning in the 2015-16 school year, expenditure of funds  
7 from the learning assistance program must be consistent with the  
8 provisions of RCW 28A.655.235.~~

9 ~~(2))~~ Use of best practices that have been demonstrated through  
10 research to be associated with increased student achievement  
11 magnifies the opportunities for student success. To the extent they  
12 are included as a best practice or strategy in one of the state menus  
13 or an approved alternative under this section or RCW 28A.655.235, the  
14 following are services and activities that may be supported by the  
15 learning assistance program:

16 (a) Extended learning time opportunities occurring:

17 (i) Before or after the regular school day;

18 (ii) On Saturday; and

19 (iii) Beyond the regular school year;

20 (b) Services under RCW 28A.320.190;

21 (c) Professional development for certificated and classified  
22 staff that focuses on:

23 (i) The needs of a diverse student population;

24 (ii) Specific literacy and mathematics content and instructional  
25 strategies; and

26 (iii) The use of student work to guide effective instruction and  
27 appropriate assistance;

28 (d) Consultant teachers to assist in implementing effective  
29 instructional practices by teachers serving participating students;

30 (e) Tutoring support for participating students;

31 (f) Outreach activities and support for parents of participating  
32 students, including employing parent and family engagement  
33 coordinators; and

34 (g) Up to five percent of a district's learning assistance  
35 program allocation may be used for development of partnerships with  
36 community-based organizations, educational service districts, and  
37 other local agencies to deliver academic and nonacademic supports to  
38 participating students who are significantly at risk of not being  
39 successful in school to reduce barriers to learning, increase student

1 engagement, and enhance students' readiness to learn. The (~~office of~~  
2 ~~the superintendent of public instruction~~) school board must approve  
3 in an open meeting any community-based organization or local agency  
4 before learning assistance funds may be expended.

5 ((+3)) (2) In addition to the state menu developed under RCW  
6 28A.655.235, the office of the superintendent of public instruction  
7 shall convene a panel of experts, including the Washington state  
8 institute for public policy, to develop additional state menus of  
9 best practices and strategies for use in the learning assistance  
10 program to assist struggling students at all grade levels in English  
11 language arts and mathematics and reduce disruptive behaviors in the  
12 classroom. The office of the superintendent of public instruction  
13 shall publish the state menus by July 1, 2015, and update the state  
14 menus by each July 1st thereafter.

15 ((+4)) (3)(a) Beginning in the 2016-17 school year, except as  
16 provided in (b) of this subsection, school districts must use a  
17 practice or strategy that is on a state menu developed under  
18 subsection ((+3)) (2) of this section or RCW 28A.655.235.

19 (b) Beginning in the 2016-17 school year, school districts may  
20 use a practice or strategy that is not on a state menu developed  
21 under subsection ((+3)) (2) of this section for two school years  
22 initially. If the district is able to demonstrate improved outcomes  
23 for participating students over the previous two school years at a  
24 level commensurate with the best practices and strategies on the  
25 state menu, the office of the superintendent of public instruction  
26 shall approve use of the alternative practice or strategy by the  
27 district for one additional school year. Subsequent annual approval  
28 by the superintendent of public instruction to use the alternative  
29 practice or strategy is dependent on the district continuing to  
30 demonstrate increased improved outcomes for participating students.

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

36 ((+5)) (4) School districts are encouraged to implement best  
37 practices and strategies from the state menus developed under this  
38 section and RCW 28A.655.235 before the use is required.

1       **Sec. 804.** RCW 28A.300.130 and 2009 c 578 s 6 are each amended to  
2 read as follows:

3       (1) To facilitate access to information and materials on  
4 educational improvement and research, the superintendent of public  
5 instruction, (~~to the extent funds are appropriated~~) subject to the  
6 availability of amounts appropriated for this specific purpose, shall  
7 establish the center for the improvement of student learning. The  
8 center shall work in conjunction with parents, educational service  
9 districts, institutions of higher education, and education, parent,  
10 community, and business organizations.

11       (2) The center, (~~to the extent funds are appropriated for this~~  
12 ~~purpose~~) subject to the availability of amounts appropriated for  
13 this specific purpose, and in conjunction with other staff in the  
14 office of the superintendent of public instruction, shall:

15       (a) Serve as a clearinghouse for information regarding successful  
16 educational improvement and parental involvement programs in schools  
17 and districts, and information about efforts within institutions of  
18 higher education in the state to support educational improvement  
19 initiatives in Washington schools and districts;

20       (b) Provide best practices research that can be used to help  
21 schools develop and implement: Programs and practices to improve  
22 instruction; systems to analyze student assessment data, with an  
23 emphasis on systems that will combine the use of state and local data  
24 to monitor the academic progress of each and every student in the  
25 school district; comprehensive, school-wide improvement plans;  
26 school-based shared decision-making models; programs to promote  
27 lifelong learning and community involvement in education; school-to-  
28 work transition programs; programs to meet the needs of highly  
29 capable students; programs and practices to meet the needs of  
30 students with disabilities; programs and practices to meet the  
31 diverse needs of students based on gender, racial, ethnic, economic,  
32 and special needs status; research, information, and technology  
33 systems; and other programs and practices that will assist educators  
34 in helping students learn the essential academic learning  
35 requirements;

36       (c) Develop and maintain an internet web site to increase the  
37 availability of information, research, and other materials;

38       (d) Work with appropriate organizations to inform teachers,  
39 district and school administrators, and school directors about the

1 waivers available and the broadened school board powers under RCW  
2 28A.320.015;

3 (e) Provide training and consultation services, including  
4 conducting regional summer institutes;

5 (f) Identify strategies for improving the success rates of ethnic  
6 and racial student groups and students with disabilities, with  
7 disproportionate academic achievement;

8 (g) Work with parents, teachers, and school districts in  
9 establishing a model absentee notification procedure that will  
10 properly notify parents when their student has not attended a class  
11 or has missed a school day. The office of the superintendent of  
12 public instruction shall consider various types of communication with  
13 parents including, but not limited to, (~~electronic-mail~~) email,  
14 phone, and postal mail; and

15 (h) Perform other functions consistent with the purpose of the  
16 center as prescribed in subsection (1) of this section.

17 (3) The superintendent of public instruction shall select and  
18 employ a director for the center.

19 (4) The superintendent may enter into contracts with individuals  
20 or organizations including but not limited to: School districts;  
21 educational service districts; educational organizations; teachers;  
22 higher education faculty; institutions of higher education; state  
23 agencies; business or community-based organizations; and other  
24 individuals and organizations to accomplish the duties and  
25 responsibilities of the center. In carrying out the duties and  
26 responsibilities of the center, the superintendent, whenever  
27 possible, shall use practitioners to assist agency staff as well as  
28 assist educators and others in schools and districts.

29 (5) The office of the superintendent of public instruction shall  
30 report to the legislature by September 1, 2007, and thereafter  
31 biennially, regarding the effectiveness of the center for the  
32 improvement of student learning, how the services provided by the  
33 center for the improvement of student learning have been used and by  
34 whom, and recommendations to improve the accessibility and  
35 application of knowledge and information that leads to improved  
36 student learning and greater family and community involvement in the  
37 public education system."

**ADOPTED 03/04/2016**

1       On page 1, line 3 of the title, after "committee;" strike the  
2 remainder of the title and insert "amending RCW 28A.600.490,  
3 28A.600.015, 28A.600.020, 28A.600.022, 43.41.400, 28A.405.106,  
4 28A.405.120, 28A.180.040, 28A.180.090, 28A.300.042, 28A.300.505,  
5 28A.300.507, 28A.165.035, and 28A.300.130; reenacting and amending  
6 RCW 13.50.010; adding a new section to chapter 28A.320 RCW; adding  
7 new sections to chapter 28A.345 RCW; adding new sections to chapter  
8 28A.415 RCW; adding new sections to chapter 28A.657 RCW; adding a new  
9 section to chapter 43.215 RCW; adding a new section to chapter  
10 28A.300 RCW; creating new sections; and providing expiration dates."

EFFECT: Adds that any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services.

Adds that behavior that adversely impacts the health or safety of other students or educational staff is not included within the meaning of discretionary discipline.

Adds a provision stating that nothing in this section creates any civil liability for school districts or creates a new cause of action.

Adds subject to appropriations clauses to the Office of the Superintendent of Public Instruction's (1) development of a cultural competence outline for professional development and training, and (2) technical assistance and support to school districts regarding English language learner instruction.

Removes the provision that allows the integrated student supports protocol and services to be supported by the Learning Assistance Program.

Provides that school districts are not required to impose long-term suspension or expulsion for behavior that adversely impacts the health or safety of other students or educational staff and should first consider alternative actions.

Restores the requirement for OSPI to develop a state menu of best practices for disruptive behaviors in the classroom.

Adds or restores subject to appropriations clauses to the following:

1. OSPI creation of a school district discipline training program;
2. OSPI led task force to review federal race and ethnicity reporting guidelines;
3. The Washington integrated student supports protocol (WISSP);
4. OSPI led work group for implementing the WISSP; and

5. The establishment of the Center for the Improvement of Student Learning at OSPI and the duties of the Center required.

--- END ---