
FOURTH SUBSTITUTE HOUSE BILL 1541

State of Washington 64th Legislature 2016 Regular Session

By House Appropriations (originally sponsored by Representatives Santos, Ortiz-Self, Tharinger, Moscoso, Orwall, and Gregerson)

READ FIRST TIME 01/25/16.

1 AN ACT Relating to implementing strategies to close the
2 educational opportunity gap, based on the recommendations of the
3 educational opportunity gap oversight and accountability committee;
4 amending RCW 28A.600.490, 28A.600.015, 28A.600.020, 28A.600.022,
5 43.41.400, 28A.405.106, 28A.405.120, 28A.180.040, 28A.180.090,
6 28A.300.042, 28A.300.505, 28A.300.507, 28A.165.035, and 28A.300.130;
7 reenacting and amending RCW 13.50.010; adding a new section to
8 chapter 28A.320 RCW; adding new sections to chapter 28A.345 RCW;
9 adding new sections to chapter 28A.415 RCW; adding new sections to
10 chapter 28A.657 RCW; adding a new section to chapter 43.215 RCW;
11 adding a new section to chapter 28A.300 RCW; creating new sections;
12 and providing expiration dates.

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

14 NEW SECTION. **Sec. 1.** (1) The legislature has already
15 established that it is a goal of the state to provide for a public
16 school system that gives all students the opportunity to achieve
17 personal and academic success. This goal contains within it a promise
18 of excellence and opportunity for all students, not just some
19 students. In 2012, in *McCleary v. State of Washington*, the Washington
20 supreme court reaffirmed the positive constitutional right of every
21 student by noting, "No child is excluded." In establishing the

1 educational opportunity gap oversight and accountability committee in
2 2009, the legislature recognized that additional work was needed to
3 fulfill the promise of excellence and opportunity for students of
4 certain demographic groups, including English language learners.

5 (2) In its 2015 report to the legislature, the educational
6 opportunity gap oversight and accountability committee made the
7 following recommendations in keeping with its statutory purpose,
8 which is to recommend specific policies and strategies to close the
9 educational opportunity gap:

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

13 (b) Enhance the cultural competence of current and future
14 educators and classified staff;

15 (c) Endorse all educators in English language learner and second
16 language acquisition;

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

19 (e) Analyze the opportunity gap through deeper disaggregation of
20 student demographic data;

21 (f) Invest in the recruitment, hiring, and retention of educators
22 of color;

23 (g) Incorporate integrated student services and family
24 engagement; and

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

28 (3) The legislature finds that these recommendations represent a
29 holistic approach to making progress toward closing the opportunity
30 gap. The recommendations are interdependent and mutually reinforcing.
31 Closing the opportunity gap requires highly skilled, culturally
32 competent, and diverse educators who understand the communities and
33 cultures that students come from; it requires careful monitoring of
34 not only the academic performance but also the educational
35 environment for all students, at a fine grain of detail to assure
36 adequate accountability; and it requires a robust program of
37 instruction, including appropriately trained educators, to help
38 English language learners gain language proficiency as well as
39 academic proficiency.

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

5 **PART I**

6 **DISPROPORTIONALITY IN STUDENT DISCIPLINE**

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

9 (1) The office of the superintendent of public instruction shall
10 convene a discipline task force to develop standard definitions for
11 causes of student disciplinary actions taken at the discretion of the
12 school district. The task force must also develop data collection
13 standards for disciplinary actions that are discretionary and for
14 disciplinary actions that result in the exclusion of a student from
15 school. The data collection standards must include data about
16 education services provided while a student is subject to a
17 disciplinary action, the status of petitions for readmission to the
18 school district when a student has been excluded from school, credit
19 retrieval during a period of exclusion, and school dropout as a
20 result of disciplinary action.

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

27 (3) The office of the superintendent of public instruction and
28 the K-12 data governance group shall revise the statewide student
29 data system to incorporate the student discipline data collection
30 standards recommended by the discipline task force, and begin
31 collecting data based on the revised standards in the 2015-16 school
32 year.

33 NEW SECTION. **Sec. 102.** A new section is added to chapter
34 28A.320 RCW to read as follows:

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

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

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

7 NEW SECTION. **Sec. 103.** A new section is added to chapter
8 28A.345 RCW to read as follows:

9 (1) The Washington state school directors' association shall
10 create model school district discipline policies and procedures and
11 post these models publicly by December 1, 2016. In developing these
12 model policies and procedures, the association shall request
13 technical assistance and guidance from the equity and civil rights
14 office within the office of the superintendent of public instruction
15 and the Washington state human rights commission. The model policies
16 and procedures shall be updated as necessary.

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

20 NEW SECTION. **Sec. 104.** A new section is added to chapter
21 28A.415 RCW to read as follows:

22 (1) The office of the superintendent of public instruction shall
23 develop a training program to support the implementation of
24 discipline policies and procedures under chapter 28A.600 RCW.

25 (2) School districts are strongly encouraged to provide the
26 trainings to all school and district staff interacting with students,
27 including instructional staff and noninstructional staff, as well as
28 within a reasonable time following any substantive change to school
29 discipline policies or procedures.

30 (3) To the maximum extent feasible, the trainings must
31 incorporate or adapt existing online training or curriculum,
32 including securing materials or curriculum under contract or purchase
33 agreements within available funds.

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

35 (a) Access to material over a reasonable number of training
36 sessions;

37 (b) Delivery in person or online; and

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

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

3 (1) The superintendent of public instruction shall adopt and
4 distribute to all school districts lawful and reasonable rules
5 prescribing the substantive and procedural due process guarantees of
6 pupils in the common schools. Such rules shall authorize a school
7 district to use informal due process procedures in connection with
8 the short-term suspension of students to the extent constitutionally
9 permissible: PROVIDED, That the superintendent of public instruction
10 deems the interest of students to be adequately protected. When a
11 student suspension or expulsion is appealed, the rules shall
12 authorize a school district to impose the suspension or expulsion
13 temporarily after an initial hearing for no more than ten consecutive
14 school days or until the appeal is decided, whichever is earlier. Any
15 days that the student is temporarily suspended or expelled before the
16 appeal is decided shall be applied to the term of the student
17 suspension or expulsion and shall not limit or extend the term of the
18 student suspension or expulsion. An expulsion or suspension of a
19 student may not be for an indefinite period of time.

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

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

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

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

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

35 (b) An offense in RCW 13.04.155; or

36 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
37 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period.

38 (6) Except as provided in RCW 28A.600.420, school districts are
39 not required to impose long-term suspension or expulsion for behavior
40 that constitutes a violation or offense listed under subsection

1 (5)(a) through (c) of this section and should first consider
2 alternative actions.

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

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

11 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
12 interpreted to ensure that the optimum learning atmosphere of the
13 classroom is maintained, and that the highest consideration is given
14 to the judgment of qualified certificated educators regarding
15 conditions necessary to maintain the optimum learning atmosphere.

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

29 (3) In order to preserve a beneficial learning environment for
30 all students and to maintain good order and discipline in each
31 classroom, every school district board of directors shall provide
32 that written procedures are developed for administering discipline at
33 each school within the district. Such procedures shall be developed
34 with the participation of parents and the community, and shall
35 provide that the teacher, principal or designee, and other
36 authorities designated by the board of directors, make every
37 reasonable attempt to involve the parent or guardian and the student
38 in the resolution of student discipline problems. Such procedures
39 shall provide that students may be excluded from their individual

1 classes or activities for periods of time in excess of that provided
2 in subsection (2) of this section if such students have repeatedly
3 disrupted the learning of other students. The procedures must be
4 consistent with the rules of the superintendent of public instruction
5 and must provide for early involvement of parents in attempts to
6 improve the student's behavior.

7 (4) The procedures shall assure, pursuant to RCW 28A.400.110,
8 that all staff work cooperatively toward consistent enforcement of
9 proper student behavior throughout each school as well as within each
10 classroom.

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

14 (i) Engages in two or more violations within a three-year period
15 of RCW 9A.46.120, (~~(28A.320.135,)~~) 28A.600.455, 28A.600.460,
16 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280(~~(, — or~~
17 ~~28A.320.140))~~); or

18 (ii) Engages in one or more of the offenses listed in RCW
19 13.04.155.

20 (b) The principal shall communicate the disciplinary action taken
21 by the principal to the school personnel who referred the student to
22 the principal for disciplinary action.

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

1 public instruction the number of petitions made to the school board
2 and the number of petitions granted on an annual basis.

3 (7) Nothing in this section prevents a public school district,
4 educational service district, the Washington state center for
5 childhood deafness and hearing loss, or the state school for the
6 blind if it has suspended or expelled a student from the student's
7 regular school setting from providing educational services to the
8 student in an alternative setting or modifying the suspension or
9 expulsion on a case-by-case basis. An alternative setting should be
10 comparable, equitable, and appropriate to the regular education
11 services a student would have received without the exclusionary
12 discipline. Example alternative settings include alternative high
13 schools, one-on-one tutoring, and online learning.

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

16 (1) School districts should make efforts to have suspended or
17 expelled students return to an educational setting as soon as
18 possible. School districts (~~should~~) must convene a meeting with the
19 student and the student's parents or guardians within twenty days of
20 the student's long-term suspension or expulsion, but no later than
21 five days before the student's enrollment, to discuss a plan to
22 reengage the student in a school program. Families must have access
23 to, provide meaningful input on, and have the opportunity to
24 participate in a culturally sensitive and culturally responsive
25 reengagement plan.

26 (2) In developing a reengagement plan, school districts should
27 consider shortening the length of time that the student is suspended
28 or expelled, other forms of corrective action, and supportive
29 interventions that aid in the student's academic success and keep the
30 student engaged and on track to graduate. School districts must
31 create a reengagement plan tailored to the student's individual
32 circumstances, including consideration of the incident that led to
33 the student's long-term suspension or expulsion. The plan should aid
34 the student in taking the necessary steps to remedy the situation
35 that led to the student's suspension or expulsion.

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

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

3 (1) An education data center shall be established in the office
4 of financial management. The education data center shall jointly,
5 with the legislative evaluation and accountability program committee,
6 conduct collaborative analyses of early learning, K-12, and higher
7 education programs and education issues across the P-20 system, which
8 includes the department of early learning, the superintendent of
9 public instruction, the professional educator standards board, the
10 state board of education, the state board for community and technical
11 colleges, the workforce training and education coordinating board,
12 the student achievement council, public and private nonprofit four-
13 year institutions of higher education, and the employment security
14 department. The education data center shall conduct collaborative
15 analyses under this section with the legislative evaluation and
16 accountability program committee and provide data electronically to
17 the legislative evaluation and accountability program committee, to
18 the extent permitted by state and federal confidentiality
19 requirements. The education data center shall be considered an
20 authorized representative of the state educational agencies in this
21 section under applicable federal and state statutes for purposes of
22 accessing and compiling student record data for research purposes.

23 (2) The education data center shall:

24 (a) In consultation with the legislative evaluation and
25 accountability program committee and the agencies and organizations
26 participating in the education data center, identify the critical
27 research and policy questions that are intended to be addressed by
28 the education data center and the data needed to address the
29 questions;

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

34 (c) Collaborate with the legislative evaluation and
35 accountability program committee and the education and fiscal
36 committees of the legislature in identifying the data to be compiled
37 and analyzed to ensure that legislative interests are served;

38 (d) Annually provide to the K-12 data governance group a list of
39 data elements and data quality improvements that are necessary to
40 answer the research and policy questions identified by the education

1 data center and have been identified by the legislative committees in
2 (c) of this subsection. Within three months of receiving the list,
3 the K-12 data governance group shall develop and transmit to the
4 education data center a feasibility analysis of obtaining or
5 improving the data, including the steps required, estimated time
6 frame, and the financial and other resources that would be required.
7 Based on the analysis, the education data center shall submit, if
8 necessary, a recommendation to the legislature regarding any
9 statutory changes or resources that would be needed to collect or
10 improve the data;

11 (e) Monitor and evaluate the education data collection systems of
12 the organizations and agencies represented in the education data
13 center ensuring that data systems are flexible, able to adapt to
14 evolving needs for information, and to the extent feasible and
15 necessary, include data that are needed to conduct the analyses and
16 provide answers to the research and policy questions identified in
17 (a) of this subsection;

18 (f) Track enrollment and outcomes through the public centralized
19 higher education enrollment system;

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

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

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

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

33 (3) The department of early learning, superintendent of public
34 instruction, professional educator standards board, state board of
35 education, state board for community and technical colleges,
36 workforce training and education coordinating board, student
37 achievement council, public four-year institutions of higher
38 education, department of social and health services and employment
39 security department shall work with the education data center to
40 develop data-sharing and research agreements, consistent with

1 applicable security and confidentiality requirements, to facilitate
2 the work of the center. The education data center shall also develop
3 data-sharing and research agreements with the administrative office
4 of the courts to conduct research on educational and workforce
5 outcomes using data maintained under RCW 13.50.010(12) related to
6 juveniles. Private, nonprofit institutions of higher education that
7 provide programs of education beyond the high school level leading at
8 least to the baccalaureate degree and are accredited by the Northwest
9 association of schools and colleges or their peer accreditation
10 bodies may also develop data-sharing and research agreements with the
11 education data center, consistent with applicable security and
12 confidentiality requirements. The education data center shall make
13 data from collaborative analyses available to the education agencies
14 and institutions that contribute data to the education data center to
15 the extent allowed by federal and state security and confidentiality
16 requirements applicable to the data of each contributing agency or
17 institution.

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

20 (1) For purposes of this chapter:

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

28 (b) "Juvenile justice or care agency" means any of the following:
29 Police, diversion units, court, prosecuting attorney, defense
30 attorney, detention center, attorney general, the legislative
31 children's oversight committee, the office of the family and
32 children's ombuds, the department of social and health services and
33 its contracting agencies, schools; persons or public or private
34 agencies having children committed to their custody; and any
35 placement oversight committee created under RCW 72.05.415;

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

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

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

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

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

12 (a) The agency may never knowingly record inaccurate information.
13 Any information in records maintained by the department of social and
14 health services relating to a petition filed pursuant to chapter
15 13.34 RCW that is found by the court to be false or inaccurate shall
16 be corrected or expunged from such records by the agency;

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

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

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

25 (5) Any person who has reasonable cause to believe information
26 concerning that person is included in the records of a juvenile
27 justice or care agency and who has been denied access to those
28 records by the agency may make a motion to the court for an order
29 authorizing that person to inspect the juvenile justice or care
30 agency record concerning that person. The court shall grant the
31 motion to examine records unless it finds that in the interests of
32 justice or in the best interests of the juvenile the records or parts
33 of them should remain confidential.

34 (6) A juvenile, or his or her parents, or any person who has
35 reasonable cause to believe information concerning that person is
36 included in the records of a juvenile justice or care agency may make
37 a motion to the court challenging the accuracy of any information
38 concerning the moving party in the record or challenging the
39 continued possession of the record by the agency. If the court grants

1 the motion, it shall order the record or information to be corrected
2 or destroyed.

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

7 (8) The court may permit inspection of records by, or release of
8 information to, any clinic, hospital, or agency which has the subject
9 person under care or treatment. The court may also permit inspection
10 by or release to individuals or agencies, including juvenile justice
11 advisory committees of county law and justice councils, engaged in
12 legitimate research for educational, scientific, or public purposes.
13 Each person granted permission to inspect juvenile justice or care
14 agency records for research purposes shall present a notarized
15 statement to the court stating that the names of juveniles and
16 parents will remain confidential.

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

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

26 (11) Requirements in this chapter relating to the court's
27 authority to compel disclosure shall not apply to the legislative
28 children's oversight committee or the office of the family and
29 children's ombuds.

30 (12) For the purpose of research only, the administrative office
31 of the courts shall maintain an electronic research copy of all
32 records in the judicial information system related to juveniles.
33 Access to the research copy is restricted to the (~~Washington state~~
34 ~~center for court research~~) administrative office of the courts for
35 research purposes as authorized by the supreme court or by state
36 statute. The (~~Washington state center for court research~~)
37 administrative office of the courts shall maintain the
38 confidentiality of all confidential records and shall preserve the
39 anonymity of all persons identified in the research copy. Data
40 contained in the research copy may be shared with other governmental

1 agencies as authorized by state statute, pursuant to data-sharing and
2 research agreements, and consistent with applicable security and
3 confidentiality requirements. The research copy may not be subject to
4 any records retention schedule and must include records destroyed or
5 removed from the judicial information system pursuant to RCW
6 13.50.270 and 13.50.100(3).

7 (13) The court shall release to the Washington state office of
8 public defense records needed to implement the agency's oversight,
9 technical assistance, and other functions as required by RCW
10 2.70.020. Access to the records used as a basis for oversight,
11 technical assistance, or other agency functions is restricted to the
12 Washington state office of public defense. The Washington state
13 office of public defense shall maintain the confidentiality of all
14 confidential information included in the records.

15 (14) The court shall release to the Washington state office of
16 civil legal aid records needed to implement the agency's oversight,
17 technical assistance, and other functions as required by RCW
18 2.53.045. Access to the records used as a basis for oversight,
19 technical assistance, or other agency functions is restricted to the
20 Washington state office of civil legal aid. The Washington state
21 office of civil legal aid shall maintain the confidentiality of all
22 confidential information included in the records, and shall, as soon
23 as possible, destroy any retained notes or records obtained under
24 this section that are not necessary for its functions related to RCW
25 2.53.045.

26 PART II

27 EDUCATOR CULTURAL COMPETENCE

28 NEW SECTION. **Sec. 201.** A new section is added to chapter
29 28A.345 RCW to read as follows:

30 The Washington state school directors' association, in
31 consultation with the office of the superintendent of public
32 instruction, the professional educator standards board, the steering
33 committee established in RCW 28A.405.100, and the educational
34 opportunity gap oversight and accountability committee, must develop
35 a plan for the creation and delivery of cultural competency training
36 for school board directors and superintendents. The training program
37 must also include the foundational elements of cultural competence,
38 focusing on multicultural education and principles of English

1 language acquisition, including information regarding best practices
2 to implement the tribal history and culture curriculum. The content
3 of the training must be aligned with the standards for cultural
4 competence developed by the professional educator standards board
5 under RCW 28A.410.270.

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

8 (1) Subject to funds appropriated for this purpose, the office of
9 the superintendent of public instruction must develop and make
10 available a professional development program to support the
11 implementation of the evaluation systems required by RCW 28A.405.100.
12 The program components may be organized into professional development
13 modules for principals, administrators, and teachers. The
14 professional development program shall include a comprehensive online
15 training package.

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

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

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

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

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

25 (e) Strategies for achieving maximum rater agreement;

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

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

28 (h) Methods to link the evaluation process to ongoing educator
29 professional development.

30 (3) The training program must also include the foundational
31 elements of cultural competence, focusing on multicultural education
32 and principles of English language acquisition, including information
33 regarding best practices to implement the tribal history and culture
34 curriculum. The content of the training must be aligned with the
35 standards for cultural competence developed by the professional
36 educator standards board under RCW 28A.410.270. The office of the
37 superintendent of public instruction, in consultation with the
38 professional educator standards board, the steering committee
39 established in RCW 28A.405.100, and the educational opportunity gap

1 oversight and accountability committee, must integrate the content
2 for cultural competence into the overall training for principals,
3 administrators, and teachers to support the revised evaluation
4 systems.

5 (4) To the maximum extent feasible, the professional development
6 program must incorporate or adapt existing online training or
7 curriculum, including securing materials or curriculum under contract
8 or purchase agreements within available funds. Multiple modes of
9 instruction should be incorporated including videos of classroom
10 teaching, participatory exercises, and other engaging combinations of
11 online audio, video, and print presentation.

12 ((+4)) (5) The professional development program must be
13 developed in modules that allow:

14 (a) Access to material over a reasonable number of training
15 sessions;

16 (b) Delivery in person or online; and

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

18 ((+5)) (6) The office of the superintendent of public
19 instruction must maintain a web site that includes the online
20 professional development materials along with sample evaluation forms
21 and templates, links to relevant research on evaluation and on high
22 quality teaching and leadership, samples of contract and collective
23 bargaining language on key topics, examples of multiple measures of
24 teacher and principal performance, suggestions for data to measure
25 student growth, and other tools that will assist school districts in
26 implementing the revised evaluation systems.

27 ((+6)) (7) The office of the superintendent of public
28 instruction must identify the number of in-service training hours
29 associated with each professional development module and develop a
30 way for users to document their completion of the training.
31 Documented completion of the training under this section is
32 considered approved in-service training for the purposes of RCW
33 28A.415.020.

34 ((+7)) (8) The office of the superintendent of public
35 instruction shall periodically update the modules to reflect new
36 topics and research on performance evaluation so that the training
37 serves as an ongoing source of continuing education and professional
38 development.

39 ((+8)) (9) The office of the superintendent of public
40 instruction shall work with the educational service districts to

1 provide clearinghouse services for the identification and publication
2 of professional development opportunities for teachers and principals
3 that align with performance evaluation criteria.

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

6 (1) School districts shall require each administrator, each
7 principal, or other supervisory personnel who has responsibility for
8 evaluating classroom teachers or principals to have training in
9 evaluation procedures.

10 (2) Before school district implementation of the revised
11 evaluation systems required under RCW 28A.405.100, principals and
12 administrators who have evaluation responsibilities must engage in
13 professional development designed to implement the revised systems
14 and maximize rater agreement. The professional development to support
15 the revised evaluation systems must also include foundational
16 elements of cultural competence, focusing on multicultural education
17 and principles of English language acquisition.

18 NEW SECTION. **Sec. 204.** A new section is added to chapter
19 28A.415 RCW to read as follows:

20 (1) The office of the superintendent of public instruction, in
21 collaboration with the educational opportunity gap oversight and
22 accountability committee, the professional educator standards board,
23 colleges of education, and representatives from diverse communities
24 and community-based organizations, must develop a content outline for
25 professional development and training in cultural competence for
26 school staff.

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

35 (3) The cultural competence professional development and training
36 must contain components that are appropriate for classified school
37 staff and district administrators as well as certificated
38 instructional staff and principals at the building level. The

1 professional development and training must also contain components
2 suitable for delivery by individuals from the local community or
3 community-based organizations with appropriate expertise.

4 (4) The legislature encourages educational service districts and
5 school districts to use the cultural competence professional
6 development and training developed under this section and provide
7 opportunities for all school and school district staff to gain
8 knowledge and skills in cultural competence, including in partnership
9 with their local communities.

10 NEW SECTION. **Sec. 205.** A new section is added to chapter
11 28A.657 RCW to read as follows:

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

24 **PART III**

25 **INSTRUCTING ENGLISH LANGUAGE LEARNERS**

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

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

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

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

35 (c) Determine, by administration of an English test approved by
36 the superintendent of public instruction the number of eligible

1 pupils enrolled in the school district at the beginning of a school
2 year and thereafter during the year as necessary in individual cases;

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

7 (i) The receiving school shall determine whether the district's
8 program is a like program when compared to the sending school's
9 program; and

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

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

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

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

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

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

33 PART IV

34 ENGLISH LANGUAGE LEARNER ACCOUNTABILITY

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

37 The superintendent of public instruction shall develop an
38 evaluation system designed to measure increases in the English and

1 academic proficiency of eligible pupils. When developing the system,
2 the superintendent shall:

3 (1) Require school districts to assess potentially eligible
4 pupils within ten days of registration 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 (2) Require school districts to annually assess all eligible
10 pupils at the end of the school year using an English proficiency
11 assessment or assessments as specified by the superintendent of
12 public instruction. Results of these assessments shall be made
13 available to both the superintendent of public instruction and the
14 school district;

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

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

1 NEW SECTION. **Sec. 402.** A new section is added to chapter
2 28A.657 RCW to read as follows:

3 At the beginning of each school year, the office of the
4 superintendent of public instruction shall identify schools in the
5 top five percent of schools with the highest percent growth during
6 the previous two school years in enrollment of English language
7 learner students as compared to previous enrollment trends. The
8 office shall notify the identified schools, and the school districts
9 in which the schools are located 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 schools. The professional development and training may
14 be 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 V**

18 **DISAGGREGATED STUDENT DATA**

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

21 (1) Beginning with the 2017-18 school year, and using the phase-
22 in provided in subsection (2) of this section, the superintendent of
23 public instruction must collect and school districts must submit all
24 student-level data using the United States department of education
25 2007 race and ethnicity reporting guidelines, including the subracial
26 and subethnic categories within those guidelines, with the following
27 modifications:

28 (a) Further disaggregation of the Black category to differentiate
29 students of African origin and students native to the United States
30 with African ancestors;

31 (b) Further disaggregation of countries of origin for Asian
32 students;

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

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

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

8 (3) All student data-related reports required of the
9 superintendent of public instruction in this title must be
10 disaggregated by at least the following subgroups of students: White,
11 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
12 Islander/Hawaiian Native, low income, transitional bilingual,
13 migrant, special education, and students covered by section 504 of
14 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
15 794).

16 ~~((+2))~~ (4) All student data-related reports ~~((required of))~~
17 prepared by the superintendent of public instruction regarding
18 student suspensions and expulsions as required ~~((in RCW 28A.300.046))~~
19 under this title are subject to disaggregation by subgroups
20 including:

- 21 (a) Gender;
- 22 (b) Foster care;
- 23 (c) Homeless, if known;
- 24 (d) School district;
- 25 (e) School;
- 26 (f) Grade level;
- 27 (g) Behavior infraction code, including:
 - 28 (i) Bullying;
 - 29 (ii) Tobacco;
 - 30 (iii) Alcohol;
 - 31 (iv) Illicit drug;
 - 32 (v) Fighting without major injury;
 - 33 (vi) Violence without major injury;
 - 34 (vii) Violence with major injury;
 - 35 (viii) Possession of a weapon; and
 - 36 (ix) Other behavior resulting from a short-term or long-term
 - 37 suspension, expulsion, or interim alternative education setting
 - 38 intervention;
- 39 (h) Intervention applied, including:
 - 40 (i) Short-term suspension;

1 (ii) Long-term suspension;
2 (iii) Emergency expulsion;
3 (iv) Expulsion;
4 (v) Interim alternative education settings;
5 (vi) No intervention applied; and
6 (vii) Other intervention applied that is not described in this
7 subsection (~~(2)~~) (4)(h);

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

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

12 (~~(3)~~) (5) All student data-related reports required of the
13 superintendent of public instruction regarding student suspensions
14 and expulsions as required in RCW 28A.300.046 are subject to cross-
15 tabulation at a minimum by the following:

16 (a) School and district;

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

21 (c) Behavior infraction code; and

22 (d) Intervention applied.

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

32 NEW SECTION. Sec. 502. The office of the superintendent of
33 public instruction shall convene a task force to review the United
34 States department of education 2007 race and ethnicity reporting
35 guidelines and develop race and ethnicity guidance for the state. The
36 task force must include representatives from the educational
37 opportunity gap oversight and accountability committee, the ethnic
38 commissions, the governor's office of Indian affairs, and a diverse
39 group of parents. The guidance must clarify for students and families

1 why information about race and ethnicity is collected and how
2 students and families can help school administrators properly
3 identify them. The guidance must also describe the best practices for
4 school administrators to use when identifying the race and ethnicity
5 of students and families. The task force must use the United States
6 census and the American community survey in the development of the
7 guidance.

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

10 (1) The office of the superintendent of public instruction shall
11 develop standards for school data systems that focus on validation
12 and verification of data entered into the systems to ensure accuracy
13 and compatibility of data. The standards shall address but are not
14 limited to the following topics:

15 (a) Date validation;

16 (b) Code validation, which includes gender, race or ethnicity,
17 and other code elements;

18 (c) Decimal and integer validation; and

19 (d) Required field validation as defined by state and federal
20 requirements.

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

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

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

36 (i) Further disaggregation of the Black category to differentiate
37 students of African origin and students native to the United States
38 with African ancestors;

1 (ii) Further disaggregation of countries of origin for Asian
2 students;

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

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

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

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

13 (b) Students with a parent or guardian who is a member of the
14 reserves of the United States armed forces or a member of the
15 Washington national guard.

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

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

29 **PART VI**

30 **RECRUITMENT AND RETENTION OF EDUCATORS**

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

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

1 parents, superintendents, school boards, the office of the
2 superintendent of public instruction, the legislature, and the
3 public.

4 (2) The K-12 data governance group shall include representatives
5 of the education data center, the office of the superintendent of
6 public instruction, the legislative evaluation and accountability
7 program committee, the professional educator standards board, the
8 state board of education, and school district staff, including
9 information technology staff. Additional entities with expertise in
10 education data may be included in the K-12 data governance group.

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

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

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

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

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

29 (e) Focus on financial and cost data necessary to support the new
30 K-12 financial models and funding formulas, including any necessary
31 changes to school district budgeting and accounting, and on assuring
32 the capacity to link data across financial, student, and educator
33 systems; and

34 (f) Define the operating rules and governance structure for K-12
35 data collections, ensuring that data systems are flexible and able to
36 adapt to evolving needs for information, within an objective and
37 orderly data governance process for determining when changes are
38 needed and how to implement them. Strong consideration must be made
39 to the current practice and cost of migration to new requirements.
40 The operating rules should delineate the coordination, delegation,

1 and escalation authority for data collection issues, business rules,
2 and performance goals for each K-12 data collection system,
3 including:

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

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

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

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

32 (a) The percentage of data compliance and data accuracy by school
33 district;

34 (b) The magnitude of spending per student, by student estimated
35 by the following algorithm and reported as the detailed summation of
36 the following components:

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

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

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

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

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

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

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

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

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

24 (h) Percentage of a classroom teacher per student on a per
25 student basis; ((and))

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

29 (j) Average length of service of classroom teachers per school
30 district and per school disaggregated as described in RCW
31 28A.300.042(1) for student-level data; and

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

34 (6) The superintendent of public instruction shall submit a
35 preliminary report to the legislature by November 15, 2009, including
36 the analyses by the K-12 data governance group under subsection (3)
37 of this section and preliminary options for addressing identified
38 gaps. A final report, including a proposed phase-in plan and
39 preliminary cost estimates for implementation of a comprehensive data

1 improvement system for financial, student, and educator data shall be
2 submitted to the legislature by September 1, 2010.

3 (7) All reports and data referenced in this section and RCW
4 43.41.400 and 28A.655.210 shall be made available in a manner
5 consistent with the technical requirements of the legislative
6 evaluation and accountability program committee and the education
7 data center so that selected data can be provided to the legislature,
8 governor, school districts, and the public.

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

15 **PART VII**
16 **TRANSITIONS**

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

19 The department, in collaboration with the office of the
20 superintendent of public instruction, shall create a community
21 information and involvement plan to inform home-based, tribal, and
22 family early learning providers of the early achievers program under
23 RCW 43.215.100.

24 **PART VIII**
25 **INTEGRATED STUDENT SERVICES AND FAMILY ENGAGEMENT**

26 NEW SECTION. **Sec. 801.** A new section is added to chapter
27 28A.300 RCW to read as follows:

28 (1) The Washington integrated student supports protocol is
29 established. The protocol shall be developed by the center for the
30 improvement of student learning, established in RCW 28A.300.130,
31 based on the framework described in this section. The purposes of the
32 protocol include:

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

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

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

7 (d) Increasing public awareness of the evidence showing that
8 academic outcomes are a result of both academic and nonacademic
9 factors; and

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

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

20 (b) The essential framework of the Washington integrated student
21 supports protocol includes:

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

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

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

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

37 (c) The framework must facilitate the ability of any academic or
38 nonacademic provider to support the needs of at-risk students,
39 including, but not limited to: Out-of-school providers, social

1 workers, mental health counselors, physicians, dentists, speech
2 therapists, and audiologists.

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

11 (2) The office of the superintendent of public instruction shall
12 create a work group to determine how to best implement the framework
13 described in section 801 of this act 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

1 801 of this act throughout the state by October 1, 2017. The work
2 group must submit a preliminary report by October 1, 2016, and a
3 final report by October 1, 2017.

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

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

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

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

17 (a) Extended learning time opportunities occurring:

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

19 (ii) On Saturday; and

20 (iii) Beyond the regular school year;

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

22 (c) The integrated student supports protocol and services under
23 section 801 of this act;

24 (d) Professional development for certificated and classified
25 staff that focuses on:

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

27 (ii) Specific literacy and mathematics content and instructional
28 strategies; and

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

31 ~~((d))~~ (e) Consultant teachers to assist in implementing
32 effective instructional practices by teachers serving participating
33 students;

34 ~~((e))~~ (f) Tutoring support for participating students;

35 ~~((f))~~ (g) Outreach activities and support for parents of
36 participating students, including employing parent and family
37 engagement coordinators; and

38 ~~((g))~~ (h) Up to five percent of a district's learning
39 assistance program allocation may be used for development of

1 partnerships with community-based organizations, educational service
2 districts, and other local agencies to deliver academic and
3 nonacademic supports to participating students who are significantly
4 at risk of not being successful in school to reduce barriers to
5 learning, increase student engagement, and enhance students'
6 readiness to learn. The (~~office of the superintendent of public
7 instruction~~) school board must approve in an open meeting any
8 community-based organization or local agency before learning
9 assistance funds may be expended.

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

20 (~~(4)~~) (3)(a) Beginning in the 2016-17 school year, except as
21 provided in (b) of this subsection, school districts must use a
22 practice or strategy that is on a state menu developed under
23 subsection (~~(3)~~) (2) of this section or RCW 28A.655.235.

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

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

1 (~~(5)~~) (4) School districts are encouraged to implement best
2 practices and strategies from the state menus developed under this
3 section and RCW 28A.655.235 before the use is required.

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

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

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

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

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

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

1 (d) Work with appropriate organizations to inform teachers,
2 district and school administrators, and school directors about the
3 waivers available and the broadened school board powers under RCW
4 28A.320.015;

5 (e) Provide training and consultation services, including
6 conducting regional summer institutes;

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

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

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

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

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

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

1 student learning and greater family and community involvement in the
2 public education system.

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