

CERTIFICATION OF ENROLLMENT
FOURTH SUBSTITUTE HOUSE BILL 1541

64th Legislature
2016 Regular Session

Passed by the House March 10, 2016
Yeas 59 Nays 38

Speaker of the House of Representatives

Passed by the Senate March 4, 2016
Yeas 38 Nays 10

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **FOURTH SUBSTITUTE HOUSE BILL 1541** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

FOURTH SUBSTITUTE HOUSE BILL 1541

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

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,
23 subject to the availability of amounts appropriated for this specific
24 purpose, shall develop a training program to support the
25 implementation of discipline policies and procedures under chapter
26 28A.600 RCW.

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

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

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

37 (a) Access to material over a reasonable number of training
38 sessions;

1 (b) Delivery in person or online; and

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

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

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

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

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

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

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

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

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

1 (b) An offense in RCW 13.04.155;

2 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
3 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
4 or

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

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

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

18 (9) Nothing in this section creates any civil liability for
19 school districts, or creates a new cause of action or new theory of
20 negligence against a school district board of directors, a school
21 district, or the state.

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

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

29 (2) Any student who creates a disruption of the educational
30 process in violation of the building disciplinary standards while
31 under a teacher's immediate supervision may be excluded by the
32 teacher from his or her individual classroom and instructional or
33 activity area for all or any portion of the balance of the school
34 day, or up to the following two days, or until the principal or
35 designee and teacher have conferred, whichever occurs first. Except
36 in emergency circumstances, the teacher first must attempt one or
37 more alternative forms of corrective action. In no event without the
38 consent of the teacher may an excluded student return to the class
39 during the balance of that class or activity period or up to the

1 following two days, or until the principal or his or her designee and
2 the teacher have conferred.

3 (3) In order to preserve a beneficial learning environment for
4 all students and to maintain good order and discipline in each
5 classroom, every school district board of directors shall provide
6 that written procedures are developed for administering discipline at
7 each school within the district. Such procedures shall be developed
8 with the participation of parents and the community, and shall
9 provide that the teacher, principal or designee, and other
10 authorities designated by the board of directors, make every
11 reasonable attempt to involve the parent or guardian and the student
12 in the resolution of student discipline problems. Such procedures
13 shall provide that students may be excluded from their individual
14 classes or activities for periods of time in excess of that provided
15 in subsection (2) of this section if such students have repeatedly
16 disrupted the learning of other students. The procedures must be
17 consistent with the rules of the superintendent of public instruction
18 and must provide for early involvement of parents in attempts to
19 improve the student's behavior.

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

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

27 (i) Engages in two or more violations within a three-year period
28 of RCW 9A.46.120, (~~(28A.320.135,)~~) 28A.600.455, 28A.600.460,
29 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280(~~(, — or~~
30 ~~28A.320.140))~~); or

31 (ii) Engages in one or more of the offenses listed in RCW
32 13.04.155.

33 (b) The principal shall communicate the disciplinary action taken
34 by the principal to the school personnel who referred the student to
35 the principal for disciplinary action.

36 (6) Any corrective action involving a suspension or expulsion
37 from school for more than ten days must have an end date of not more
38 than (~~(one calendar year))~~ the length of an academic term, as defined
39 by the school board, from the time of corrective action. Districts
40 shall make reasonable efforts to assist students and parents in

1 returning to an educational setting prior to and no later than the
2 end date of the corrective action. Where warranted based on public
3 health or safety, a school may petition the superintendent of the
4 school district, pursuant to policies and procedures adopted by the
5 office of the superintendent of public instruction, for authorization
6 to exceed the (~~one calendar year~~) academic term limitation provided
7 in this subsection. The superintendent of public instruction shall
8 adopt rules outlining the limited circumstances in which a school may
9 petition to exceed the (~~one calendar year~~) academic term
10 limitation, including safeguards to ensure that the school district
11 has made every effort to plan for the student's return to school.
12 School districts shall report to the office of the superintendent of
13 public instruction the number of petitions made to the school board
14 and the number of petitions granted on an annual basis.

15 (7) Nothing in this section prevents a public school district,
16 educational service district, the Washington state center for
17 childhood deafness and hearing loss, or the state school for the
18 blind if it has suspended or expelled a student from the student's
19 regular school setting from providing educational services to the
20 student in an alternative setting or modifying the suspension or
21 expulsion on a case-by-case basis. An alternative setting should be
22 comparable, equitable, and appropriate to the regular education
23 services a student would have received without the exclusionary
24 discipline. Example alternative settings include alternative high
25 schools, one-on-one tutoring, and online learning.

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

28 (1) School districts should make efforts to have suspended or
29 expelled students return to an educational setting as soon as
30 possible. School districts (~~should~~) must convene a meeting with the
31 student and the student's parents or guardians within twenty days of
32 the student's long-term suspension or expulsion, but no later than
33 five days before the student's enrollment, to discuss a plan to
34 reengage the student in a school program. Families must have access
35 to, provide meaningful input on, and have the opportunity to
36 participate in a culturally sensitive and culturally responsive
37 reengagement plan.

38 (2) In developing a reengagement plan, school districts should
39 consider shortening the length of time that the student is suspended

1 or expelled, other forms of corrective action, and supportive
2 interventions that aid in the student's academic success and keep the
3 student engaged and on track to graduate. School districts must
4 create a reengagement plan tailored to the student's individual
5 circumstances, including consideration of the incident that led to
6 the student's long-term suspension or expulsion. The plan should aid
7 the student in taking the necessary steps to remedy the situation
8 that led to the student's suspension or expulsion.

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

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

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

34 (2) The education data center shall:

35 (a) In consultation with the legislative evaluation and
36 accountability program committee and the agencies and organizations
37 participating in the education data center, identify the critical
38 research and policy questions that are intended to be addressed by

1 the education data center and the data needed to address the
2 questions;

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

7 (c) Collaborate with the legislative evaluation and
8 accountability program committee and the education and fiscal
9 committees of the legislature in identifying the data to be compiled
10 and analyzed to ensure that legislative interests are served;

11 (d) Annually provide to the K-12 data governance group a list of
12 data elements and data quality improvements that are necessary to
13 answer the research and policy questions identified by the education
14 data center and have been identified by the legislative committees in
15 (c) of this subsection. Within three months of receiving the list,
16 the K-12 data governance group shall develop and transmit to the
17 education data center a feasibility analysis of obtaining or
18 improving the data, including the steps required, estimated time
19 frame, and the financial and other resources that would be required.
20 Based on the analysis, the education data center shall submit, if
21 necessary, a recommendation to the legislature regarding any
22 statutory changes or resources that would be needed to collect or
23 improve the data;

24 (e) Monitor and evaluate the education data collection systems of
25 the organizations and agencies represented in the education data
26 center ensuring that data systems are flexible, able to adapt to
27 evolving needs for information, and to the extent feasible and
28 necessary, include data that are needed to conduct the analyses and
29 provide answers to the research and policy questions identified in
30 (a) of this subsection;

31 (f) Track enrollment and outcomes through the public centralized
32 higher education enrollment system;

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

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

39 (i) Prepare a regular report on the educational and workforce
40 outcomes of youth in the juvenile justice system, using data

1 disaggregated by age, and by ethnic categories and racial subgroups
2 in accordance with RCW 28A.300.042; and

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

6 (3) The department of early learning, superintendent of public
7 instruction, professional educator standards board, state board of
8 education, state board for community and technical colleges,
9 workforce training and education coordinating board, student
10 achievement council, public four-year institutions of higher
11 education, department of social and health services and employment
12 security department shall work with the education data center to
13 develop data-sharing and research agreements, consistent with
14 applicable security and confidentiality requirements, to facilitate
15 the work of the center. The education data center shall also develop
16 data-sharing and research agreements with the administrative office
17 of the courts to conduct research on educational and workforce
18 outcomes using data maintained under RCW 13.50.010(12) related to
19 juveniles. Private, nonprofit institutions of higher education that
20 provide programs of education beyond the high school level leading at
21 least to the baccalaureate degree and are accredited by the Northwest
22 association of schools and colleges or their peer accreditation
23 bodies may also develop data-sharing and research agreements with the
24 education data center, consistent with applicable security and
25 confidentiality requirements. The education data center shall make
26 data from collaborative analyses available to the education agencies
27 and institutions that contribute data to the education data center to
28 the extent allowed by federal and state security and confidentiality
29 requirements applicable to the data of each contributing agency or
30 institution.

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

33 (1) For purposes of this chapter:

34 (a) "Good faith effort to pay" means a juvenile offender has
35 either (i) paid the principal amount in full; (ii) made at least
36 eighty percent of the value of full monthly payments within the
37 period from disposition or deferred disposition until the time the
38 amount of restitution owed is under review; or (iii) can show good

1 cause why he or she paid an amount less than eighty percent of the
2 value of full monthly payments;

3 (b) "Juvenile justice or care agency" means any of the following:
4 Police, diversion units, court, prosecuting attorney, defense
5 attorney, detention center, attorney general, the legislative
6 children's oversight committee, the office of the family and
7 children's ombuds, the department of social and health services and
8 its contracting agencies, schools; persons or public or private
9 agencies having children committed to their custody; and any
10 placement oversight committee created under RCW 72.05.415;

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

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

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

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

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

25 (a) The agency may never knowingly record inaccurate information.
26 Any information in records maintained by the department of social and
27 health services relating to a petition filed pursuant to chapter
28 13.34 RCW that is found by the court to be false or inaccurate shall
29 be corrected or expunged from such records by the agency;

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

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

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

38 (5) Any person who has reasonable cause to believe information
39 concerning that person is included in the records of a juvenile
40 justice or care agency and who has been denied access to those

1 records by the agency may make a motion to the court for an order
2 authorizing that person to inspect the juvenile justice or care
3 agency record concerning that person. The court shall grant the
4 motion to examine records unless it finds that in the interests of
5 justice or in the best interests of the juvenile the records or parts
6 of them should remain confidential.

7 (6) A juvenile, or his or her parents, or any person who has
8 reasonable cause to believe information concerning that person is
9 included in the records of a juvenile justice or care agency may make
10 a motion to the court challenging the accuracy of any information
11 concerning the moving party in the record or challenging the
12 continued possession of the record by the agency. If the court grants
13 the motion, it shall order the record or information to be corrected
14 or destroyed.

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

19 (8) The court may permit inspection of records by, or release of
20 information to, any clinic, hospital, or agency which has the subject
21 person under care or treatment. The court may also permit inspection
22 by or release to individuals or agencies, including juvenile justice
23 advisory committees of county law and justice councils, engaged in
24 legitimate research for educational, scientific, or public purposes.
25 Each person granted permission to inspect juvenile justice or care
26 agency records for research purposes shall present a notarized
27 statement to the court stating that the names of juveniles and
28 parents will remain confidential.

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

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

38 (11) Requirements in this chapter relating to the court's
39 authority to compel disclosure shall not apply to the legislative

1 children's oversight committee or the office of the family and
2 children's ombuds.

3 (12) For the purpose of research only, the administrative office
4 of the courts shall maintain an electronic research copy of all
5 records in the judicial information system related to juveniles.
6 Access to the research copy is restricted to the (~~Washington state~~
7 ~~center for court research~~) administrative office of the courts for
8 research purposes as authorized by the supreme court or by state
9 statute. The (~~Washington state center for court research~~)
10 administrative office of the courts shall maintain the
11 confidentiality of all confidential records and shall preserve the
12 anonymity of all persons identified in the research copy. Data
13 contained in the research copy may be shared with other governmental
14 agencies as authorized by state statute, pursuant to data-sharing and
15 research agreements, and consistent with applicable security and
16 confidentiality requirements. The research copy may not be subject to
17 any records retention schedule and must include records destroyed or
18 removed from the judicial information system pursuant to RCW
19 13.50.270 and 13.50.100(3).

20 (13) The court shall release to the Washington state office of
21 public defense records needed to implement the agency's oversight,
22 technical assistance, and other functions as required by RCW
23 2.70.020. Access to the records used as a basis for oversight,
24 technical assistance, or other agency functions is restricted to the
25 Washington state office of public defense. The Washington state
26 office of public defense shall maintain the confidentiality of all
27 confidential information included in the records.

28 (14) The court shall release to the Washington state office of
29 civil legal aid records needed to implement the agency's oversight,
30 technical assistance, and other functions as required by RCW
31 2.53.045. Access to the records used as a basis for oversight,
32 technical assistance, or other agency functions is restricted to the
33 Washington state office of civil legal aid. The Washington state
34 office of civil legal aid shall maintain the confidentiality of all
35 confidential information included in the records, and shall, as soon
36 as possible, destroy any retained notes or records obtained under
37 this section that are not necessary for its functions related to RCW
38 2.53.045.

1 **EDUCATOR CULTURAL COMPETENCE**

2 NEW SECTION. **Sec. 201.** A new section is added to chapter
3 28A.345 RCW to read as follows:

4 The Washington state school directors' association, in
5 consultation with the office of the superintendent of public
6 instruction, the professional educator standards board, the steering
7 committee established in RCW 28A.405.100, and the educational
8 opportunity gap oversight and accountability committee, must develop
9 a plan for the creation and delivery of cultural competency training
10 for school board directors and superintendents. The training program
11 must also include the foundational elements of cultural competence,
12 focusing on multicultural education and principles of English
13 language acquisition, including information regarding best practices
14 to implement the tribal history and culture curriculum. The content
15 of the training must be aligned with the standards for cultural
16 competence developed by the professional educator standards board
17 under RCW 28A.410.270.

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

20 (1) Subject to funds appropriated for this purpose, the office of
21 the superintendent of public instruction must develop and make
22 available a professional development program to support the
23 implementation of the evaluation systems required by RCW 28A.405.100.
24 The program components may be organized into professional development
25 modules for principals, administrators, and teachers. The
26 professional development program shall include a comprehensive online
27 training package.

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

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

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

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

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

37 (e) Strategies for achieving maximum rater agreement;

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

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

2 (h) Methods to link the evaluation process to ongoing educator
3 professional development.

4 (3) The training program must also include the foundational
5 elements of cultural competence, focusing on multicultural education
6 and principles of English language acquisition, including information
7 regarding best practices to implement the tribal history and culture
8 curriculum. The content of the training must be aligned with the
9 standards for cultural competence developed by the professional
10 educator standards board under RCW 28A.410.270. The office of the
11 superintendent of public instruction, in consultation with the
12 professional educator standards board, the steering committee
13 established in RCW 28A.405.100, and the educational opportunity gap
14 oversight and accountability committee, must integrate the content
15 for cultural competence into the overall training for principals,
16 administrators, and teachers to support the revised evaluation
17 systems.

18 (4) To the maximum extent feasible, the professional development
19 program must incorporate or adapt existing online training or
20 curriculum, including securing materials or curriculum under contract
21 or purchase agreements within available funds. Multiple modes of
22 instruction should be incorporated including videos of classroom
23 teaching, participatory exercises, and other engaging combinations of
24 online audio, video, and print presentation.

25 ((+4)) (5) The professional development program must be
26 developed in modules that allow:

27 (a) Access to material over a reasonable number of training
28 sessions;

29 (b) Delivery in person or online; and

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

31 ((+5)) (6) The office of the superintendent of public
32 instruction must maintain a web site that includes the online
33 professional development materials along with sample evaluation forms
34 and templates, links to relevant research on evaluation and on high
35 quality teaching and leadership, samples of contract and collective
36 bargaining language on key topics, examples of multiple measures of
37 teacher and principal performance, suggestions for data to measure
38 student growth, and other tools that will assist school districts in
39 implementing the revised evaluation systems.

1 ~~((6))~~ (7) The office of the superintendent of public
2 instruction must identify the number of in-service training hours
3 associated with each professional development module and develop a
4 way for users to document their completion of the training.
5 Documented completion of the training under this section is
6 considered approved in-service training for the purposes of RCW
7 28A.415.020.

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

13 ~~((8))~~ (9) The office of the superintendent of public
14 instruction shall work with the educational service districts to
15 provide clearinghouse services for the identification and publication
16 of professional development opportunities for teachers and principals
17 that align with performance evaluation criteria.

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

20 (1) School districts shall require each administrator, each
21 principal, or other supervisory personnel who has responsibility for
22 evaluating classroom teachers or principals to have training in
23 evaluation procedures.

24 (2) Before school district implementation of the revised
25 evaluation systems required under RCW 28A.405.100, principals and
26 administrators who have evaluation responsibilities must engage in
27 professional development designed to implement the revised systems
28 and maximize rater agreement. The professional development to support
29 the revised evaluation systems must also include foundational
30 elements of cultural competence, focusing on multicultural education
31 and principles of English language acquisition.

32 NEW SECTION. **Sec. 204.** A new section is added to chapter
33 28A.415 RCW to read as follows:

34 (1) Subject to funds appropriated specifically for this purpose,
35 the office of the superintendent of public instruction, in
36 collaboration with the educational opportunity gap oversight and
37 accountability committee, the professional educator standards board,
38 colleges of education, and representatives from diverse communities

1 and community-based organizations, must develop a content outline for
2 professional development and training in cultural competence for
3 school staff.

4 (2) The content of the cultural competence professional
5 development and training must be aligned with the standards developed
6 by the professional educator standards board under RCW 28A.410.270.
7 The training program must also include the foundational elements of
8 cultural competence, focusing on multicultural education and
9 principles of English language acquisition, including information
10 regarding best practices to implement the tribal history and culture
11 curriculum.

12 (3) The cultural competence professional development and training
13 must contain components that are appropriate for classified school
14 staff and district administrators as well as certificated
15 instructional staff and principals at the building level. The
16 professional development and training must also contain components
17 suitable for delivery by individuals from the local community or
18 community-based organizations with appropriate expertise.

19 (4) The legislature encourages educational service districts and
20 school districts to use the cultural competence professional
21 development and training developed under this section and provide
22 opportunities for all school and school district staff to gain
23 knowledge and skills in cultural competence, including in partnership
24 with their local communities.

25 NEW SECTION. **Sec. 205.** A new section is added to chapter
26 28A.657 RCW to read as follows:

27 Required action districts as provided in RCW 28A.657.030, and
28 districts with schools that receive the federal school improvement
29 grant under the American recovery and reinvestment act of 2009, and
30 districts with schools identified by the superintendent of public
31 instruction as priority or focus are strongly encouraged to provide
32 the cultural competence professional development and training
33 developed under RCW 28A.405.106, 28A.405.120, and section 204 of this
34 act for classified, certificated instructional, and administrative
35 staff of the school. The professional development and training may be
36 delivered by an educational service district, through district in-
37 service, or by another qualified provider, including in partnership
38 with the local community.

1 **PART III**

2 **INSTRUCTING ENGLISH LANGUAGE LEARNERS**

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

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

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

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

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

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

20 (i) The receiving school shall determine whether the district's
21 program is a like program when compared to the sending school's
22 program; and

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

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

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

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

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

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

8 **PART IV**

9 **ENGLISH LANGUAGE LEARNER ACCOUNTABILITY**

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

12 The superintendent of public instruction shall develop an
13 evaluation system designed to measure increases in the English and
14 academic proficiency of eligible pupils. When developing the system,
15 the superintendent shall:

16 (1) Require school districts to assess potentially eligible
17 pupils within ten days of registration using an English proficiency
18 assessment or assessments as specified by the superintendent of
19 public instruction. Results of these assessments shall be made
20 available to both the superintendent of public instruction and the
21 school district;

22 (2) Require school districts to annually assess all eligible
23 pupils at the end of the school year using an English proficiency
24 assessment or assessments as specified by the superintendent of
25 public instruction. Results of these assessments shall be made
26 available to both the superintendent of public instruction and the
27 school district;

28 (3) Develop a system to evaluate increases in the English and
29 academic proficiency of students who are, or were, eligible pupils.
30 This evaluation shall include students when they are in the program
31 and after they exit the program until they finish their K-12 career
32 or transfer from the school district. The purpose of the evaluation
33 system is to inform schools, school districts, parents, and the state
34 of the effectiveness of the transitional bilingual programs in school
35 and school districts in teaching these students English and other
36 content areas, such as mathematics and writing; and

37 (4) ~~((Report to the education and fiscal committees of the~~
38 ~~legislature by November 1, 2002, regarding the development of the~~

1 ~~systems described in this section and a timeline for the full~~
2 ~~implementation of those systems. The legislature shall approve and~~
3 ~~provide funding for the evaluation system in subsection (3) of this~~
4 ~~section before any implementation of the system developed under~~
5 ~~subsection (3) of this section may occur.))~~ Subject to funds
6 appropriated specifically for this purpose, provide school districts
7 with technical assistance and support in selecting research-based
8 program models, instructional materials, and professional development
9 for program staff, including disseminating information about best
10 practices and innovative programs. The information must include
11 research about the differences between conversational language
12 proficiency, academic language proficiency, and subject-specific
13 language proficiency and the implications this research has on
14 instructional practices and evaluation of program effectiveness.

15 NEW SECTION. **Sec. 402.** A new section is added to chapter
16 28A.657 RCW to read as follows:

17 At the beginning of each school year, the office of the
18 superintendent of public instruction shall identify schools in the
19 top five percent of schools with the highest percent growth during
20 the previous two school years in enrollment of English language
21 learner students as compared to previous enrollment trends. The
22 office shall notify the identified schools, and the school districts
23 in which the schools are located are strongly encouraged to provide
24 the cultural competence professional development and training
25 developed under RCW 28A.405.106, 28A.405.120, and section 204 of this
26 act for classified, certificated instructional, and administrative
27 staff of the schools. The professional development and training may
28 be delivered by an educational service district, through district in-
29 service, or by another qualified provider, including in partnership
30 with the local community.

31 **PART V**
32 **DISAGGREGATED STUDENT DATA**

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

35 (1) Beginning with the 2017-18 school year, and using the phase-
36 in provided in subsection (2) of this section, the superintendent of
37 public instruction must collect and school districts must submit all

1 student-level data using the United States department of education
2 2007 race and ethnicity reporting guidelines, including the subracial
3 and subethnic categories within those guidelines, with the following
4 modifications:

5 (a) Further disaggregation of the Black category to differentiate
6 students of African origin and students native to the United States
7 with African ancestors;

8 (b) Further disaggregation of countries of origin for Asian
9 students;

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

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

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

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

30 ~~((+2))~~ (4) All student data-related reports ~~((required of))~~
31 prepared by the superintendent of public instruction regarding
32 student suspensions and expulsions as required ~~((in RCW 28A.300.046))~~
33 under this title are subject to disaggregation by subgroups
34 including:

- 35 (a) Gender;
- 36 (b) Foster care;
- 37 (c) Homeless, if known;
- 38 (d) School district;
- 39 (e) School;
- 40 (f) Grade level;

1 (g) Behavior infraction code, including:
2 (i) Bullying;
3 (ii) Tobacco;
4 (iii) Alcohol;
5 (iv) Illicit drug;
6 (v) Fighting without major injury;
7 (vi) Violence without major injury;
8 (vii) Violence with major injury;
9 (viii) Possession of a weapon; and
10 (ix) Other behavior resulting from a short-term or long-term
11 suspension, expulsion, or interim alternative education setting
12 intervention;
13 (h) Intervention applied, including:
14 (i) Short-term suspension;
15 (ii) Long-term suspension;
16 (iii) Emergency expulsion;
17 (iv) Expulsion;
18 (v) Interim alternative education settings;
19 (vi) No intervention applied; and
20 (vii) Other intervention applied that is not described in this
21 subsection (~~(2)~~) (4)(h);
22 (i) Number of days a student is suspended or expelled, to be
23 counted in half or full days; and
24 (j) Any other categories added at a future date by the data
25 governance group.
26 (~~(3)~~) (5) All student data-related reports required of the
27 superintendent of public instruction regarding student suspensions
28 and expulsions as required in RCW 28A.300.046 are subject to cross-
29 tabulation at a minimum by the following:
30 (a) School and district;
31 (b) Race, low income, special education, transitional bilingual,
32 migrant, foster care, homeless, students covered by section 504 of
33 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
34 794), and categories to be added in the future;
35 (c) Behavior infraction code; and
36 (d) Intervention applied.
37 (6) The K-12 data governance group shall develop the data
38 protocols and guidance for school districts in the collection of data
39 as required under this section, and the office of the superintendent
40 of public instruction shall modify the statewide student data system

1 as needed. The office of the superintendent of public instruction
2 shall also incorporate training for school staff on best practices
3 for collection of data on student race and ethnicity in other
4 training or professional development related to data provided by the
5 office.

6 NEW SECTION. Sec. 502. Subject to the availability of amounts
7 appropriated for this specific purpose, the office of the
8 superintendent of public instruction shall convene a task force to
9 review the United States department of education 2007 race and
10 ethnicity reporting guidelines and develop race and ethnicity
11 guidance for the state. The task force must include representatives
12 from the educational opportunity gap oversight and accountability
13 committee, the ethnic commissions, the governor's office of Indian
14 affairs, and a diverse group of parents. The guidance must clarify
15 for students and families why information about race and ethnicity is
16 collected and how students and families can help school
17 administrators properly identify them. The guidance must also
18 describe the best practices for school administrators to use when
19 identifying the race and ethnicity of students and families. The task
20 force must use the United States census and the American community
21 survey in the development of the guidance.

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

24 (1) The office of the superintendent of public instruction shall
25 develop standards for school data systems that focus on validation
26 and verification of data entered into the systems to ensure accuracy
27 and compatibility of data. The standards shall address but are not
28 limited to the following topics:

- 29 (a) Date validation;
- 30 (b) Code validation, which includes gender, race or ethnicity,
31 and other code elements;
- 32 (c) Decimal and integer validation; and
- 33 (d) Required field validation as defined by state and federal
34 requirements.

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

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

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

13 (i) Further disaggregation of the Black category to differentiate
14 students of African origin and students native to the United States
15 with African ancestors;

16 (ii) Further disaggregation of countries of origin for Asian
17 students;

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

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

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

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

28 (b) Students with a parent or guardian who is a member of the
29 reserves of the United States armed forces or a member of the
30 Washington national guard.

31 NEW SECTION. **Sec. 504.** (1) To increase the visibility of the
32 opportunity gap in schools with small subgroups of students and to
33 hold schools accountable to individual student-level support, by
34 August 1, 2016, the office of the superintendent of public
35 instruction, in cooperation with the K-12 data governance group
36 established within the office of the superintendent of public
37 instruction, the education data center established within the office
38 of financial management, and the state board of education, shall
39 adopt a rule that the only student data that should not be reported

1 for public reporting and accountability is data where the school or
2 district has fewer than ten students in a grade level or student
3 subgroup.

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

5 **PART VI**

6 **RECRUITMENT AND RETENTION OF EDUCATORS**

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

9 (1) A K-12 data governance group shall be established within the
10 office of the superintendent of public instruction to assist in the
11 design and implementation of a K-12 education data improvement system
12 for financial, student, and educator data. It is the intent that the
13 data system reporting specifically serve requirements for teachers,
14 parents, superintendents, school boards, the office of the
15 superintendent of public instruction, the legislature, and the
16 public.

17 (2) The K-12 data governance group shall include representatives
18 of the education data center, the office of the superintendent of
19 public instruction, the legislative evaluation and accountability
20 program committee, the professional educator standards board, the
21 state board of education, and school district staff, including
22 information technology staff. Additional entities with expertise in
23 education data may be included in the K-12 data governance group.

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

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

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

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

35 (d) Conduct a gap analysis of current and planned information
36 compared to the needs requirement document, including an analysis of
37 the strengths and limitations of an education data system and
38 programs currently used by school districts and the state, and

1 specifically the gap analysis must look at the extent to which the
2 existing data can be transformed into canonical form and where
3 existing software can be used to meet the needs requirement document;

4 (e) Focus on financial and cost data necessary to support the new
5 K-12 financial models and funding formulas, including any necessary
6 changes to school district budgeting and accounting, and on assuring
7 the capacity to link data across financial, student, and educator
8 systems; and

9 (f) Define the operating rules and governance structure for K-12
10 data collections, ensuring that data systems are flexible and able to
11 adapt to evolving needs for information, within an objective and
12 orderly data governance process for determining when changes are
13 needed and how to implement them. Strong consideration must be made
14 to the current practice and cost of migration to new requirements.
15 The operating rules should delineate the coordination, delegation,
16 and escalation authority for data collection issues, business rules,
17 and performance goals for each K-12 data collection system,
18 including:

19 (i) Defining and maintaining standards for privacy and
20 confidentiality;

21 (ii) Setting data collection priorities;

22 (iii) Defining and updating a standard data dictionary;

23 (iv) Ensuring data compliance with the data dictionary;

24 (v) Ensuring data accuracy; and

25 (vi) Establishing minimum standards for school, student,
26 financial, and teacher data systems. Data elements may be specified
27 "to the extent feasible" or "to the extent available" to collect more
28 and better data sets from districts with more flexible software.
29 Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be
30 construed to require that a data dictionary or reporting should be
31 hobbled to the lowest common set. The work of the K-12 data
32 governance group must specify which data are desirable. Districts
33 that can meet these requirements shall report the desirable data.
34 Funding from the legislature must establish which subset data are
35 absolutely required.

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

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

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

9 (a) The percentage of data compliance and data accuracy by school
10 district;

11 (b) The magnitude of spending per student, by student estimated
12 by the following algorithm and reported as the detailed summation of
13 the following components:

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

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

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

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

25 (c) The cost of K-12 basic education, per student, by student, by
26 school district, estimated by the algorithm in (b) of this
27 subsection, and reported in the same manner as required in (b) of
28 this subsection;

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

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

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

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

1 (h) Percentage of a classroom teacher per student on a per
2 student basis; ((and))

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

6 (j) Average length of service of classroom teachers per school
7 district and per school disaggregated as described in RCW
8 28A.300.042(1) for student-level data; and

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

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

19 (7) All reports and data referenced in this section and RCW
20 43.41.400 and 28A.655.210 shall be made available in a manner
21 consistent with the technical requirements of the legislative
22 evaluation and accountability program committee and the education
23 data center so that selected data can be provided to the legislature,
24 governor, school districts, and the public.

25 (8) Reports shall contain data to the extent it is available. All
26 reports must include documentation of which data are not available or
27 are estimated. Reports must not be suppressed because of poor data
28 accuracy or completeness. Reports may be accompanied with
29 documentation to inform the reader of why some data are missing or
30 inaccurate or estimated.

31 **PART VII**
32 **TRANSITIONS**

33 NEW SECTION. Sec. 701. A new section is added to chapter 43.215
34 RCW to read as follows:

35 The department, in collaboration with the office of the
36 superintendent of public instruction, shall create a community
37 information and involvement plan to inform home-based, tribal, and

1 family early learning providers of the early achievers program under
2 RCW 43.215.100.

3 **PART VIII**

4 **INTEGRATED STUDENT SERVICES AND FAMILY ENGAGEMENT**

5 NEW SECTION. **Sec. 801.** A new section is added to chapter
6 28A.300 RCW to read as follows:

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

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

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

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

22 (d) Increasing public awareness of the evidence showing that
23 academic outcomes are a result of both academic and nonacademic
24 factors; and

25 (e) Supporting statewide and local organizations in their efforts
26 to provide leadership, coordination, technical assistance,
27 professional development, and advocacy to implement high-quality,
28 evidence-based, student-centered, coordinated approaches throughout
29 the state.

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

35 (b) The essential framework of the Washington integrated student
36 supports protocol includes:

37 (i) Needs assessments: A needs assessment must be conducted for
38 all at-risk students in order to develop or identify the needed

1 academic and nonacademic supports within the students' school and
2 community. These supports must be coordinated to provide students
3 with a package of mutually reinforcing supports designed to meet the
4 individual needs of each student.

5 (ii) Integration and coordination: The school and district
6 leadership and staff must develop close relationships with providers
7 of academic and nonacademic supports to enhance the effectiveness of
8 the protocol.

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

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

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

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

27 (2) Subject to the availability of amounts appropriated for this
28 specific purpose, the office of the superintendent of public
29 instruction shall create a work group to determine how to best
30 implement the framework described in section 801 of this act
31 throughout the state.

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

34 (a) The superintendent of public instruction or the
35 superintendent's designee;

36 (b) Three principals and three superintendents representing
37 districts with diverse characteristics, selected by state
38 associations of principals and superintendents, respectively;

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

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

5 (e) A school counselor from an elementary school, a middle
6 school, and a high school, selected by a state association of school
7 counselors;

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

10 (g) A representative from a career and technical student
11 organization.

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

17 (5) The work group must submit to the appropriate committees of
18 the legislature a report recommending policies that need to be
19 adopted or revised to implement the framework described in section
20 801 of this act throughout the state by October 1, 2017. The work
21 group must submit a preliminary report by October 1, 2016, and a
22 final report by October 1, 2017.

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

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

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

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

36 (a) Extended learning time opportunities occurring:

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

38 (ii) On Saturday; and

39 (iii) Beyond the regular school year;

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

2 (c) Professional development for certificated and classified
3 staff that focuses on:

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

5 (ii) Specific literacy and mathematics content and instructional
6 strategies; and

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

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

11 (e) Tutoring support for participating students;

12 (f) Outreach activities and support for parents of participating
13 students, including employing parent and family engagement
14 coordinators; and

15 (g) Up to five percent of a district's learning assistance
16 program allocation may be used for development of partnerships with
17 community-based organizations, educational service districts, and
18 other local agencies to deliver academic and nonacademic supports to
19 participating students who are significantly at risk of not being
20 successful in school to reduce barriers to learning, increase student
21 engagement, and enhance students' readiness to learn. The ~~((office of
22 the superintendent of public instruction))~~ school board must approve
23 in an open meeting any community-based organization or local agency
24 before learning assistance funds may be expended.

25 ~~((+3))~~ (2) In addition to the state menu developed under RCW
26 28A.655.235, the office of the superintendent of public instruction
27 shall convene a panel of experts, including the Washington state
28 institute for public policy, to develop additional state menus of
29 best practices and strategies for use in the learning assistance
30 program to assist struggling students at all grade levels in English
31 language arts and mathematics and reduce disruptive behaviors in the
32 classroom. The office of the superintendent of public instruction
33 shall publish the state menus by July 1, 2015, and update the state
34 menus by each July 1st thereafter.

35 ~~((+4))~~ (3)(a) Beginning in the 2016-17 school year, except as
36 provided in (b) of this subsection, school districts must use a
37 practice or strategy that is on a state menu developed under
38 subsection ~~((+3))~~ (2) of this section or RCW 28A.655.235.

39 (b) Beginning in the 2016-17 school year, school districts may
40 use a practice or strategy that is not on a state menu developed

1 under subsection ~~((3))~~ (2) of this section for two school years
2 initially. If the district is able to demonstrate improved outcomes
3 for participating students over the previous two school years at a
4 level commensurate with the best practices and strategies on the
5 state menu, the office of the superintendent of public instruction
6 shall approve use of the alternative practice or strategy by the
7 district for one additional school year. Subsequent annual approval
8 by the superintendent of public instruction to use the alternative
9 practice or strategy is dependent on the district continuing to
10 demonstrate increased improved outcomes for participating students.

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

16 ~~((5))~~ (4) School districts are encouraged to implement best
17 practices and strategies from the state menus developed under this
18 section and RCW 28A.655.235 before the use is required.

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

21 (1) To facilitate access to information and materials on
22 educational improvement and research, the superintendent of public
23 instruction, ~~((to the extent funds are appropriated))~~ subject to the
24 availability of amounts appropriated for this specific purpose, shall
25 establish the center for the improvement of student learning. The
26 center shall work in conjunction with parents, educational service
27 districts, institutions of higher education, and education, parent,
28 community, and business organizations.

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

33 (a) Serve as a clearinghouse for information regarding successful
34 educational improvement and parental involvement programs in schools
35 and districts, and information about efforts within institutions of
36 higher education in the state to support educational improvement
37 initiatives in Washington schools and districts;

38 (b) Provide best practices research that can be used to help
39 schools develop and implement: Programs and practices to improve

1 instruction; systems to analyze student assessment data, with an
2 emphasis on systems that will combine the use of state and local data
3 to monitor the academic progress of each and every student in the
4 school district; comprehensive, school-wide improvement plans;
5 school-based shared decision-making models; programs to promote
6 lifelong learning and community involvement in education; school-to-
7 work transition programs; programs to meet the needs of highly
8 capable students; programs and practices to meet the needs of
9 students with disabilities; programs and practices to meet the
10 diverse needs of students based on gender, racial, ethnic, economic,
11 and special needs status; research, information, and technology
12 systems; and other programs and practices that will assist educators
13 in helping students learn the essential academic learning
14 requirements;

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

17 (d) Work with appropriate organizations to inform teachers,
18 district and school administrators, and school directors about the
19 waivers available and the broadened school board powers under RCW
20 28A.320.015;

21 (e) Provide training and consultation services, including
22 conducting regional summer institutes;

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

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

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

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

37 (4) The superintendent may enter into contracts with individuals
38 or organizations including but not limited to: School districts;
39 educational service districts; educational organizations; teachers;
40 higher education faculty; institutions of higher education; state

1 agencies; business or community-based organizations; and other
2 individuals and organizations to accomplish the duties and
3 responsibilities of the center. In carrying out the duties and
4 responsibilities of the center, the superintendent, whenever
5 possible, shall use practitioners to assist agency staff as well as
6 assist educators and others in schools and districts.

7 (5) The office of the superintendent of public instruction shall
8 report to the legislature by September 1, 2007, and thereafter
9 biennially, regarding the effectiveness of the center for the
10 improvement of student learning, how the services provided by the
11 center for the improvement of student learning have been used and by
12 whom, and recommendations to improve the accessibility and
13 application of knowledge and information that leads to improved
14 student learning and greater family and community involvement in the
15 public education system.

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