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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6162**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo, and Mullet)

AN ACT Relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia; amending RCW 28A.165.035 and 28A.710.040; adding new sections to chapter 28A.155 RCW; adding new sections to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.155 RCW to read as follows:

For the purposes of sections 2 through 7 of this act and RCW 28A.710.040 "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning in the 2020-21 school year, each school district must screen every student in kindergarten, first, and second grade for indications of dyslexia. The screening tools used must exemplify best practices.

(2) School districts may, but are not required to, use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3) A school district may use learning assistance program funds to cover the costs of the required dyslexia screenings under this section, even if the student being screened is not currently eligible to participate in the learning assistance program.

(4) If a student shows indicators of below grade level literacy development or indicators of dyslexia, the school must provide interventions based on the school's system of support.

(5) Parents and families must be notified of the interventions being offered to their student and whether the student continues to show below grade level literacy development or indicators of dyslexia. Upon parental consultation and consent, a student can be referred for further evaluation.

(6) School districts may use state funds provided under RCW 28A.165.055 for the purposes of meeting the requirements of this section.

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

(1) The superintendent of public instruction with input from the dyslexia education advisory council that is reconvened in accordance with section 4 of this act, must determine which screening tools meet the developmental and academic criteria to indicate typical literacy development and dyslexia.

(2) Starting at the beginning of the 2019-20 school year, the superintendent of public instruction must host on the agency's web site, literacy screeners that may be used by school districts to meet the screening requirement under section 2 of this act.

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

(1) The superintendent of public instruction shall reconvene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia. The council must include interested stakeholders.

(2) The council must meet quarterly and serve without compensation for a term of three years. When the council member's term expires, the superintendent must appoint a replacement.

(3) Before the 2020-21 school year, the council must develop options for the best way to implement the requirement under section 2(1) of this act to conduct screenings.

(4) The council must submit an annual report to the house of representatives and senate education committees that:

(a) Includes the number of students screened and the number of students identified with weakness in key areas that are associated with characteristics of dyslexia or reading difficulties who were provided with intervention services;

(b) Includes descriptions from school districts on types of interventions used and rates of progress, when available; and

(c) Does not include identifying information on individual students.

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

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, if a school is screening students for indicators of dyslexia, then the school must report the number of students and grade levels of the students screened. This data must be disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction and dyslexia advisory council must use this data when developing options in accordance with section 4 of this act for the best way to implement dyslexia screenings. The dyslexia advisory council must also use this data in its ongoing advising of the office of the superintendent of public instruction on dyslexia.

**Sec.**  RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

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

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

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

(i) The needs of a diverse student population;

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

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

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

(e) Tutoring support for participating students;

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

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

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

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

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

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

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

(5) In addition to the services and activities that can be supported by the learning assistance program as specified in this section, learning assistance program funds may also be used by school districts to cover the costs of the required dyslexia screenings under section 2 of this act, even if the student being screened is not currently eligible to participate in the learning assistance program.

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

(1) The superintendent of public instruction may adopt rules to implement sections 1 through 6 of this act.

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

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

(b) The frequency for conducting the screenings;

(c) The knowledge and skills that must be assessed; and

(d) The members and scope of work for the dyslexia advisory council.

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

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

(2) A charter school must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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