CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6162**

65th Legislature

2018 Regular Session

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| Passed by the Senate March 6, 2018  Yeas 49 Nays 0  **President of the Senate**  Passed by the House March 1, 2018  Yeas 96 Nays 2  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6162** as passed by Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6162**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

**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.320 RCW; adding new sections to chapter 28A.300 RCW; and providing an expiration date.

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

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

For the purposes of sections 2 through 6 of this act, "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 that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities. In addition, the difficulties are not typically a result of ineffective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

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

(1) Beginning in the 2021-22 school year, and as provided in this section, each school district must use multitiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia. In order to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level, school districts must screen students in kindergarten through second grade for indications of, or areas associated with, dyslexia as provided in this section.

(2)(a) School districts must use screening tools and resources that exemplify best practices, as described under section 3 of this act.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence-based multitiered systems of support, consistent with the recommendations of the dyslexia advisory council under section 4 of this act and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, a school district must begin by providing student supports in the general education classroom. If screening tools and resources indicate that, after receiving the initial tier of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further screening tools and resources indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be evaluated for dyslexia or a specific learning disability.

(4) For a student who shows indications of, or areas of weakness associated with, dyslexia, each school district must notify the student's parents and family of the identified indicators and areas of weakness, as well as the plan for using multitiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction. The school district must regularly update the student's parents and family of the student's progress.

(5) School districts may use state funds provided under chapter 28A.165 RCW to meet the requirements of this section.

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

(1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened under section 4 of this act, must identify screening tools and resources that, at a minimum, meet the following best practices to:

(a) Satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of screening tools and resources identified under this section and must include links to the tools and resources, when available.

(3) The superintendent of public instruction must review and update the list of screening tools and resources identified under this section as appropriate.

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

(1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools and resources that satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By January 15, 2022, the council must review school district implementation of screenings and their use of multitiered systems of support to provide interventions as required under section 2 of this act, and report to the superintendent of public instruction with updates on its recommendations for the best practices and sample educational information required under subsection (3) of this section.

(5) This section expires August 1, 2023.

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

(1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under section 4 of this act and make available to school districts:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By February 15, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under section 4 of this act and revise the best practices and sample educational information made available to school districts required under subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened pursuant to section 2 of this act; (ii) with indications of, or areas of weakness associated with, dyslexia identified under section 3 of this act; and (iii) provided interventions pursuant to section 2 of this act;

(b) Descriptions from school districts of the types of interventions used in accordance with section 2 of this act and rates of student progress, when available; and

(c) Descriptions from school districts of the issues districts had related to implementing the provisions of section 2 of this act.

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, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under section 4 of this act must use this data when developing best practice recommendations in accordance with sections 4 and 5 of this act.

**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) School districts may use learning assistance program allocations to meet the screening and intervention requirements of section 2 of this act, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of 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 may adopt rules to implement sections 1 through 6 of this act and RCW 28A.165.035.

(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 of conducting the screenings;

(c) Best practices for identifying screening tools and resources in accordance with section 3 of this act;

(d) Training for school district staff conducting the screenings; and

(e) The members and scope of work for the dyslexia advisory council convened under section 4 of this act.

**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 screening and intervention requirements under 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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