

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1208

Chapter 111, Laws of 2021

67th Legislature
2021 Regular Session

LEARNING ASSISTANCE PROGRAM—VARIOUS PROVISIONS

EFFECTIVE DATE: April 21, 2021—Except for section 3, which is contingent.

Passed by the House April 13, 2021
Yeas 93 Nays 5

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 9, 2021
Yeas 28 Nays 20

DENNY HECK

President of the Senate

Approved April 21, 2021 3:12 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1208** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 21, 2021

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1208

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Education (originally sponsored by Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist, and Harris-Talley)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to modifying the learning assistance program to
2 enable school districts to focus on identifying and addressing
3 student academic deficits in basic skills resulting from or
4 exacerbated by the COVID-19 pandemic by granting greater local
5 control over, accountability for, and flexibility with program funds,
6 and to authorize continued flexible use of program funds through the
7 framework of the Washington integrated student supports protocol;
8 amending RCW 28A.300.139, 28A.165.005, 28A.165.015, 28A.165.065,
9 28A.165.100, 28A.300.130, 28A.305.130, 28A.320.190, and 28A.710.280;
10 adding new sections to chapter 28A.165 RCW; creating new sections;
11 repealing RCW 28A.165.035; providing a contingent effective date;
12 providing a contingent expiration date; and declaring an emergency.

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

14 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that the
15 learning assistance program was developed to provide supplemental
16 instruction and services for public school students who are not
17 meeting academic standards. Initially, school districts were allowed
18 to use learning assistance program funds in a flexible manner to
19 support students participating in the program. Over time, the
20 legislature restricted, and established priorities for, the use of
21 learning assistance program funds. The legislature finds that it is

1 time to restore flexibility to the use of learning assistance program
2 funds; however, local control must be balanced with accountability
3 for improvement in the academic achievement of students participating
4 in the program.

5 (2) (a) The legislature expects that the learning assistance
6 program will continue to be used to fund supplemental instruction and
7 service to eligible students who are not meeting academic standards.

8 (b) However, the legislature intends to immediately remove
9 restrictions on the use of learning assistance program funds so that
10 school districts can flexibly use these funds to identify and address
11 the academic and nonacademic needs of students resulting from and
12 exacerbated by the COVID-19 pandemic. Removal of the restrictions
13 does not mean that learning assistance programs cannot continue to
14 use the best practices and strategies included on the state menus or
15 the services and activities listed in RCW 28A.165.035, as repealed by
16 this act.

17 (3) (a) Beginning September 1, 2025, or following the end of the
18 state of emergency declared by the governor due to COVID-19,
19 whichever is later, the legislature intends to continue the flexible
20 use of learning assistance program funds but require that budgeting
21 and expenditure of these funds occur through the framework of the
22 Washington integrated student supports protocol, established by the
23 legislature in 2016.

24 (b) To ease the transition, the legislature recommends that
25 school district boards of directors begin budgeting and expending
26 learning assistance program funds using the Washington integrated
27 student supports protocol as soon as possible.

28 (c) Under the protocol, before engaging in the process of
29 budgeting and expending learning assistance program funds, the
30 legislature expects school district boards of directors to perform
31 needs assessments and use data to map the resources of the school
32 district, each school, and the community. School boards are expected
33 to identify gaps in the coordination and integration of academic and
34 nonacademic supports and to engage community partners in strategic
35 planning that prioritizes the needs of students. Each school in the
36 district is also expected to use needs assessments and data to
37 determine how to best engage community partners to address the
38 academic and nonacademic needs of its students in an integrated and
39 coordinated manner. Finally, the legislature expects that schools and
40 school districts will use data in an iterative process to drive

1 decisions about how learning assistance program funds continue to be
2 used, and to determine whether decisions about the use of program
3 funds resulted in improvement in students' academic achievement.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.165
5 RCW to be codified between RCW 28A.165.005 and 28A.165.065 to read as
6 follows:

7 (1) Immediately upon the effective date of this section and
8 through the later of: (a) The expiration or termination of
9 Proclamation 20-05, and any subsequent orders extending or amending
10 the proclamation, declaring a state of emergency on February 29,
11 2020, for all counties in Washington due to COVID-19; or (b)
12 September 1, 2025, school districts must budget and expend the
13 appropriations for the learning assistance program, under RCW
14 28A.165.005 through 28A.165.065, to identify and address the academic
15 and nonacademic needs of students resulting from and exacerbated by
16 the COVID-19 pandemic.

17 (2) During the time period described in subsection (1) of this
18 section, school districts are encouraged to budget and expend the
19 appropriations for the learning assistance program, under RCW
20 28A.165.005 through 28A.165.065, using the framework of the
21 Washington integrated student supports protocol, established under
22 RCW 28A.300.139.

23 (3) If a school district elects to budget and expend learning
24 assistance program funds using the framework of the Washington
25 integrated student supports protocol, a district may use up to 15
26 percent of the district's learning assistance program allocation to
27 deliver academic, nonacademic, and social-emotional supports and
28 services to students through partnerships with community-based or
29 other out-of-school organizations in accordance with RCW 28A.300.139.
30 Any agreement entered into by a school district and a community
31 partner in accordance with RCW 28A.300.139 must:

32 (a) Specify that learning assistance program funds may be used
33 only to provide direct supports and services to students;

34 (b) Clearly identify the academic, nonacademic, or social-
35 emotional supports and services that will be made available to
36 students by the community partner and how those supports and services
37 align to the needs of the students as identified in the student-level
38 needs assessment required by RCW 28A.300.139; and

1 (c) Identify the in-school supports that will be reinforced by
2 the supports and services provided by the community partner to
3 promote student progress towards meeting academic standards.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.165
5 RCW to be codified between RCW 28A.165.005 and 28A.165.065 to read as
6 follows:

7 (1) While the state allocations for the learning assistance
8 program under this chapter are intended to be flexible dollars within
9 the control of the public school and school district, this local
10 control must be balanced with local accountability for improvement in
11 student achievement.

12 (2) School district boards of directors must budget and expend
13 the appropriations for the learning assistance program, under RCW
14 28A.165.005 through 28A.165.065, using the framework of the
15 Washington integrated student supports protocol, established under
16 RCW 28A.300.139.

17 (3) A district may use up to 15 percent of the district's
18 learning assistance program allocation to deliver academic,
19 nonacademic, and social-emotional supports and services to students
20 through partnerships with community-based or other out-of-school
21 organizations in accordance with RCW 28A.300.139. Any agreement
22 entered into by a school district and a community partner in
23 accordance with RCW 28A.300.139 must:

24 (a) Specify that learning assistance program funds may be used
25 only to provide direct supports and services to students;

26 (b) Clearly identify the academic, nonacademic, or social-
27 emotional supports and services that will be made available to
28 students by the community partner and how those supports and services
29 align to the needs of the students as identified in the student-level
30 needs assessment required by RCW 28A.300.139; and

31 (c) Identify the in-school supports that will be reinforced by
32 the supports and services provided by the community partner to
33 promote student progress towards meeting academic standards.

34 **Sec. 4.** RCW 28A.300.139 and 2016 c 72 s 801 are each amended to
35 read as follows:

36 (1) (~~Subject to the availability of amounts appropriated for~~
37 ~~this specific purpose, the~~) The Washington integrated student
38 supports protocol is established. The protocol shall be developed by

1 the center for the improvement of student learning, established in
2 RCW 28A.300.130, based on the framework described in this section.
3 The purposes of the protocol include:

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

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

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

13 (d) Increasing public awareness of the evidence showing that
14 academic outcomes are a result of both academic and nonacademic
15 factors; and

16 (e) Supporting statewide and local organizations in their efforts
17 to provide leadership, coordination, technical assistance,
18 professional development, and advocacy to implement high-quality,
19 evidence-based, student-centered, coordinated approaches throughout
20 the state.

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

26 (b) The essential framework of the Washington integrated student
27 supports protocol includes:

28 (i) Needs assessments: A system-level needs assessment with
29 resource mapping must be conducted in order to identify academic and
30 nonacademic supports that are currently available or lacking in
31 schools, school districts, and the community. A student-level needs
32 assessment must be conducted for all at-risk students in order to
33 develop or identify the needed academic and nonacademic supports
34 within the students' school and community. These supports must be
35 coordinated to provide students with a package of mutually
36 reinforcing supports designed to meet the individual needs of each
37 student.

38 (ii) Integration and coordination: The school and district
39 leadership and staff must (~~develop close relationships~~) establish
40 clear, cooperative policies and procedures with community-based and

1 other out-of-school providers of academic and nonacademic supports to
2 enhance the effectiveness of the protocol.

3 (iii) Community partnerships: Community partners must be engaged
4 to provide academic, nonacademic, and social-emotional supports to
5 reduce barriers to students' academic success, including supports to
6 students' families.

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

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

14 **Sec. 5.** RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each
15 amended to read as follows:

16 (~~(1)~~) This chapter is designed to: (~~(a)~~) (1) Promote the use
17 of data when developing programs to assist students who are not
18 meeting academic standards (~~and reduce disruptive behaviors in the~~
19 ~~classroom~~); and (~~(b)~~) (2) guide school districts in providing the
20 most effective and efficient practices when implementing supplemental
21 instruction and services to assist students who are not meeting
22 academic standards (~~and reduce disruptive behaviors in the~~
23 ~~classroom~~)).

24 (~~(2) School districts implementing a learning assistance program~~
25 ~~shall focus first on addressing the needs of students in grades~~
26 ~~kindergarten through four who are deficient in reading or reading~~
27 ~~readiness skills to improve reading literacy.))~~

28 **Sec. 6.** RCW 28A.165.015 and 2017 3rd sp.s. c 13 s 404 are each
29 amended to read as follows:

30 Unless the context clearly indicates otherwise the definitions in
31 this section apply throughout this chapter.

32 (1) "Basic skills areas" means reading, writing, and mathematics
33 as well as readiness associated with these skills.

34 (2) (~~("Participating student" means a student in kindergarten~~
35 ~~through grade twelve who scores below standard for his or her grade~~
36 ~~level using multiple measures of performance, including on the~~
37 ~~statewide student assessments or other assessments and performance~~

1 ~~measurement tools administered by the school or district and who is~~
2 ~~identified by the district to receive services.~~

3 ~~(3))~~ "Statewide student assessments" means one or more of the
4 assessments administered by school districts as required under RCW
5 28A.655.070.

6 ~~((4))~~ (3) "Students who are not meeting academic standards"
7 means students with the greatest academic deficits in basic skills as
8 identified by statewide, school, or district assessments or other
9 performance measurement tools.

10 **Sec. 7.** RCW 28A.165.065 and 2013 2nd sp.s. c 18 s 206 are each
11 amended to read as follows:

12 To ensure that school districts are meeting the requirements of
13 this chapter, the superintendent of public instruction shall monitor
14 learning assistance programs using, at minimum, data reported as
15 required under RCW 28A.165.100, no less than once every four years.
16 The primary purpose of program monitoring is to evaluate the
17 effectiveness of a school district's allocation and expenditure of
18 resources and monitor school district fidelity in implementing best
19 practices using the framework of the Washington integrated student
20 supports protocol, established under RCW 28A.300.139. The office of
21 the superintendent of public instruction may provide technical
22 assistance to school districts to improve the effectiveness of a
23 learning assistance program.

24 **Sec. 8.** RCW 28A.165.100 and 2019 c 208 s 1 are each amended to
25 read as follows:

26 (1) School districts shall record in the statewide individual
27 student data system annual entrance and exit performance data for
28 each student participating in the learning assistance program
29 according to specifications established by the office of the
30 superintendent of public instruction.

31 (2) ~~((By August 1, 2014, and each))~~ Annually September 30th
32 ~~((thereafter))~~, school districts shall report to the office of the
33 superintendent of public instruction, using a common format prepared
34 by the office:

35 (a) The amount of academic growth gained by students
36 participating in the learning assistance program;

37 (b) The number of students who gain at least one year of academic
38 growth;

1 (c) The specific practices, activities, and programs used by each
2 school building that received learning assistance program funding;
3 ((and))

4 (d) The percentage of learning assistance program funding used to
5 engage community partners, the number of students receiving direct
6 supports and services from those community partners, and the types of
7 supports and services; and

8 (e) Other data if required by the office of the superintendent of
9 public instruction to demonstrate the efficacy of the learning
10 assistance program expenditures to show student academic growth gains
11 including indicators aligned with the accountability framework for
12 schools receiving support under RCW 28A.657.110.

13 (3) By January 1, 2020, and each January 1st thereafter, the
14 office of the superintendent of public instruction shall compile the
15 school district data reported as required by subsection (2) of this
16 section, and report, in compliance with RCW 43.01.036, to the
17 appropriate committees of the legislature with the annual and
18 longitudinal gains for the specific practices, activities, and
19 programs used by the school districts and schools to show which are
20 the most effective. The data must be disaggregated by student
21 subgroups as described in RCW 28A.300.042(1) for student-level data.

22 **Sec. 9.** RCW 28A.300.130 and 2016 c 72 s 804 are each amended to
23 read as follows:

24 Provisions in subsections (1) through (5) of this section are
25 subject to the availability of amounts appropriated for these
26 specific purposes.

27 (1) To facilitate access to information and materials on
28 educational improvement and research, the superintendent of public
29 instruction(~~(, subject to the availability of amounts appropriated~~
30 ~~for this specific purpose,)) shall establish the center for the
31 improvement of student learning. The center shall work in conjunction
32 with parents, educational service districts, institutions of higher
33 education, and education, parent, community, and business
34 organizations.~~

35 (2) The center, (~~subject to the availability of amounts~~
36 ~~appropriated for this specific purpose, and)) in conjunction with
37 other staff in the office of the superintendent of public
38 instruction, shall:~~

1 (a) Serve as a clearinghouse for information regarding successful
2 educational improvement and parental involvement programs in schools
3 and districts, and information about efforts within institutions of
4 higher education in the state to support educational improvement
5 initiatives in Washington schools and districts;

6 (b) Provide best practices research that can be used to help
7 schools develop and implement: Programs and practices to improve
8 instruction; systems to analyze student assessment data, with an
9 emphasis on systems that will combine the use of state and local data
10 to monitor the academic progress of each and every student in the
11 school district; comprehensive, school-wide improvement plans;
12 school-based shared decision-making models; programs to promote
13 lifelong learning and community involvement in education; school-to-
14 work transition programs; programs to meet the needs of highly
15 capable students; programs and practices to meet the needs of
16 students with disabilities; programs and practices to meet the
17 diverse needs of students based on gender, racial, ethnic, economic,
18 and special needs status; research, information, and technology
19 systems; and other programs and practices that will assist educators
20 in helping students learn the essential academic learning
21 requirements;

22 (c) Periodically review the efficacy of programs and practices
23 designed to meet the needs of students who are not meeting academic
24 standards as defined in RCW 28A.165.015, starting with the best
25 practices and strategies included on the state menus developed under
26 RCW 28A.165.035, as repealed by this act, and RCW 28A.655.235, and
27 the services and activities listed in RCW 28A.165.035, as repealed by
28 this act;

29 (d) Develop and maintain an internet web site to increase the
30 availability of information, research, and other materials;

31 ~~((d))~~ (e) Work with appropriate organizations to inform
32 teachers, district and school administrators, and school directors
33 about the waivers available and the broadened school board powers
34 under RCW 28A.320.015;

35 ~~((e))~~ (f) Provide training and consultation services, including
36 conducting regional summer institutes;

37 ~~((f))~~ (g) Identify strategies for improving the success rates
38 of ethnic and racial student groups and students with disabilities,
39 with disproportionate academic achievement;

1 ~~((g))~~ (h) Work with parents, teachers, and school districts in
2 establishing a model absentee notification procedure that will
3 properly notify parents when their student has not attended a class
4 or has missed a school day. The office of the superintendent of
5 public instruction shall consider various types of communication with
6 parents including, but not limited to, email, phone, and postal mail;
7 (~~and~~

8 ~~(h))~~ (i) By December 1, 2026, and by December 1st annually
9 thereafter: (i) Review the learning assistance program information
10 submitted as required by RCW 28A.165.100; and (ii) report to the
11 appropriate committees of the legislature with a summary of the
12 innovations made by school districts to reduce barriers to the
13 academic achievement of students participating in the learning
14 assistance program; and

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

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

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

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

38 **Sec. 10.** RCW 28A.305.130 and 2019 c 252 s 112 are each amended
39 to read as follows:

1 The purpose of the state board of education is to provide
2 advocacy and strategic oversight of public education; implement a
3 standards-based accountability framework that creates a unified
4 system of increasing levels of support for schools in order to
5 improve student academic achievement; provide leadership in the
6 creation of a system that personalizes education for each student and
7 respects diverse cultures, abilities, and learning styles; and
8 promote achievement of the goals of RCW 28A.150.210. In addition to
9 any other powers and duties as provided by law, the state board of
10 education shall:

11 (1) Hold regularly scheduled meetings at such time and place
12 within the state as the board shall determine and may hold such
13 special meetings as may be deemed necessary for the transaction of
14 public business;

15 (2) Form committees as necessary to effectively and efficiently
16 conduct the work of the board;

17 (3) Seek advice from the public and interested parties regarding
18 the work of the board;

19 (4) For purposes of statewide accountability:

20 (a) Adopt and revise performance improvement goals in reading,
21 writing, science, and mathematics, by subject and grade level, once
22 assessments in these subjects are required statewide; academic and
23 technical skills, as appropriate, in secondary career and technical
24 education programs; and student attendance, as the board deems
25 appropriate to improve student learning. The goals shall be
26 consistent with student privacy protection provisions of RCW
27 28A.655.090(7) and shall not conflict with requirements contained in
28 Title I of the federal elementary and secondary education act of
29 1965, or the requirements of the Carl D. Perkins vocational education
30 act of 1998, each as amended. The goals may be established for all
31 students, economically disadvantaged students, limited English
32 proficient students, students with disabilities, and students (~~from~~
33 ~~disproportionately academically underachieving racial and ethnic~~
34 ~~backgrounds~~) who are not meeting academic standards as defined in
35 RCW 28A.165.015, disaggregated as described in RCW 28A.300.042(1) for
36 student-level data. The board may establish school and school
37 district goals addressing high school graduation rates and dropout
38 reduction goals for students in grades seven through twelve. The
39 board shall adopt the goals by rule. However, before each goal is
40 implemented, the board shall present the goal to the education

1 committees of the house of representatives and the senate for the
2 committees' review and comment in a time frame that will permit the
3 legislature to take statutory action on the goal if such action is
4 deemed warranted by the legislature;

5 (b) (i) (A) Identify the scores students must achieve in order to
6 meet the standard on the statewide student assessment, and the SAT or
7 the ACT if used to demonstrate career and college readiness under RCW
8 28A.655.250. The board shall also determine student scores that
9 identify levels of student performance below and beyond the standard.
10 The board shall set such performance standards and levels in
11 consultation with the superintendent of public instruction and after
12 consideration of any recommendations that may be developed by any
13 advisory committees that may be established for this purpose;

14 (B) To permit the legislature to take any statutory action it
15 deems warranted before modified or newly established scores are
16 implemented, the board shall notify the education committees of the
17 house of representatives and the senate of any scores that are
18 modified or established under (b) (i) (A) of this subsection on or
19 after July 28, 2019. The notifications required by this subsection
20 (4) (b) (i) (B) must be provided by November 30th of the year proceeding
21 the beginning of the school year in which the modified or established
22 scores will take effect;

23 (ii) The legislature intends to continue the implementation of
24 chapter 22, Laws of 2013 2nd sp. sess. when the legislature expressed
25 the intent for the state board of education to identify the student
26 performance standard that demonstrates a student's career and college
27 readiness for the eleventh grade consortium-developed assessments.
28 Therefore, by December 1, 2018, the state board of education, in
29 consultation with the superintendent of public instruction, must
30 identify and report to the governor and the education policy and
31 fiscal committees of the legislature on the equivalent student
32 performance standard that a tenth grade student would need to achieve
33 on the state assessments to be on track to be career and college
34 ready at the end of the student's high school experience;

35 (iii) The legislature shall be advised of the initial performance
36 standards and any changes made to the elementary, middle, and high
37 school level performance standards. The board must provide an
38 explanation of and rationale for all initial performance standards
39 and any changes, for all grade levels of the statewide student
40 assessment. If the board changes the performance standards for any

1 grade level or subject, the superintendent of public instruction must
2 recalculate the results from the previous ten years of administering
3 that assessment regarding students below, meeting, and beyond the
4 state standard, to the extent that this data is available, and post a
5 comparison of the original and recalculated results on the
6 superintendent's web site;

7 (c) Annually review the assessment reporting system to ensure
8 fairness, accuracy, timeliness, and equity of opportunity, especially
9 with regard to schools with special circumstances and unique
10 populations of students, and a recommendation to the superintendent
11 of public instruction of any improvements needed to the system; and

12 (d) Include in the biennial report required under RCW
13 28A.305.035, information on the progress that has been made in
14 achieving goals adopted by the board;

15 (5) Accredite, subject to such accreditation standards and
16 procedures as may be established by the state board of education, all
17 private schools that apply for accreditation, and approve, subject to
18 the provisions of RCW 28A.195.010, private schools carrying out a
19 program for any or all of the grades kindergarten through twelve.
20 However, no private school may be approved that operates a
21 kindergarten program only and no private school shall be placed upon
22 the list of accredited schools so long as secret societies are
23 knowingly allowed to exist among its students by school officials;

24 (6) Articulate with the institutions of higher education,
25 workforce representatives, and early learning policymakers and
26 providers to coordinate and unify the work of the public school
27 system;

28 (7) Hire an executive director and an administrative assistant to
29 reside in the office of the superintendent of public instruction for
30 administrative purposes. Any other personnel of the board shall be
31 appointed as provided by RCW 28A.300.020. The board may delegate to
32 the executive director by resolution such duties as deemed necessary
33 to efficiently carry on the business of the board including, but not
34 limited to, the authority to employ necessary personnel and the
35 authority to enter into, amend, and terminate contracts on behalf of
36 the board. The executive director, administrative assistant, and all
37 but one of the other personnel of the board are exempt from civil
38 service, together with other staff as now or hereafter designated as
39 exempt in accordance with chapter 41.06 RCW; and

1 (8) Adopt a seal that shall be kept in the office of the
2 superintendent of public instruction.

3 **Sec. 11.** RCW 28A.320.190 and 2019 c 252 s 113 are each amended
4 to read as follows:

5 (1) The extended learning opportunities program is created for
6 eligible (~~eleventh and~~) ninth through twelfth grade students who
7 are not on track to meet local or state graduation requirements as
8 well as eighth grade students who need additional assistance in order
9 to have the opportunity for a successful entry into high school. The
10 program shall provide early notification of graduation status and
11 information on education opportunities including preapprenticeship
12 programs that are available.

13 (2) Under the extended learning opportunities program and to the
14 extent funds are available for that purpose, districts shall make
15 available to students in grade twelve who have failed to meet one or
16 more local or state graduation requirements the option of continuing
17 enrollment in the school district in accordance with RCW 28A.225.160.
18 Districts are authorized to use basic education program funding to
19 provide instruction to eligible students under RCW 28A.150.220(5).

20 (3) Under the extended learning opportunities program,
21 instructional services for eligible students can occur during the
22 regular school day, evenings, on weekends, or at a time and location
23 deemed appropriate by the school district, including the educational
24 service district, in order to meet the needs of these students.
25 Instructional services provided under this section do not include
26 services offered at private schools. Instructional services can
27 include, but are not limited to, the following:

28 (a) Individual or small group instruction;

29 (b) Attendance in a public high school or public alternative
30 school classes or at a skill center;

31 (c) Inclusion in remediation programs, including summer school;

32 (d) Language development instruction for English language
33 learners;

34 (e) Online curriculum and instructional support, including
35 programs for credit retrieval and statewide student assessment
36 preparatory classes; and

37 (f) Reading improvement specialists available at the educational
38 service districts to serve eighth(~~, eleventh, and~~) through twelfth
39 grade educators through professional development in accordance with

1 RCW 28A.415.350. The reading improvement specialist may also provide
2 direct services to eligible students and those students electing to
3 continue a fifth year in a high school program who are still
4 struggling with basic reading skills.

5 **Sec. 12.** RCW 28A.710.280 and 2018 c 266 s 403 are each amended
6 to read as follows:

7 (1) The legislature intends that state funding for charter
8 schools be distributed equitably with state funding provided for
9 other public schools.

10 (2) For eligible students enrolled in a charter school
11 established and operating in accordance with this chapter, the
12 superintendent of public instruction shall transmit to each charter
13 school an amount calculated as provided in this section and based on
14 the statewide average salaries set forth in RCW 28A.150.410 for
15 certificated instructional staff adjusted by the regionalization
16 factor that applies to the school district in which the charter
17 school is geographically located, including any enrichment to those
18 statutory formulae that is specified in the omnibus appropriations
19 act. The amount must be the sum of (a) and (b) of this subsection.

20 (a) The superintendent shall, for purposes of making
21 distributions under this section, separately calculate and distribute
22 to charter schools moneys appropriated for general apportionment
23 under the same ratios as in RCW 28A.150.260.

24 (b) The superintendent also shall, for purposes of making
25 distributions under this section, and in accordance with the
26 applicable formulae for categorical programs specified in (b)(i)
27 through (v) of this subsection (2) and any enrichment to those
28 statutory formulae that is specified in the omnibus appropriations
29 act, separately calculate and distribute moneys appropriated by the
30 legislature to charter schools for:

31 (i) Supplemental instruction and services for (~~underachieving~~)
32 students who are not meeting academic standards through the learning
33 assistance program under RCW 28A.165.005 through 28A.165.065;

34 (ii) Supplemental instruction and services for eligible and
35 enrolled students and exited students whose primary language is other
36 than English through the transitional bilingual instruction program
37 under RCW 28A.180.010 through 28A.180.080;

1 (iii) The opportunity for an appropriate education at public
2 expense as defined by RCW 28A.155.020 for all eligible students with
3 disabilities as defined in RCW 28A.155.020;

4 (iv) Programs for highly capable students under RCW 28A.185.010
5 through 28A.185.030; and

6 (v) Pupil transportation services to and from school in
7 accordance with RCW 28A.160.150 through 28A.160.180. Distributions
8 for pupil transportation must be calculated on a per eligible student
9 basis based on the allocation for the previous school year to the
10 school district in which the charter school is located.

11 (3) The superintendent of public instruction must adopt rules
12 necessary for the distribution of funding required by this section
13 and to comply with federal reporting requirements.

14 NEW SECTION. **Sec. 13.** RCW 28A.165.035 (Program activities—
15 Partnerships with local entities—Development and use of state menus
16 of best practices and strategies) and 2018 c 75 s 7, 2016 c 72 s 803,
17 2013 2nd sp.s. c 18 s 203, 2008 c 321 s 4, & 2004 c 20 s 4 are each
18 repealed.

19 NEW SECTION. **Sec. 14.** Section 2 of this act expires at the
20 later of either: (1) The expiration or termination of Proclamation
21 20-05, and any subsequent orders extending or amending the
22 proclamation, declaring a state of emergency on February 29, 2020,
23 for all counties in Washington due to COVID-19; or (2) September 1,
24 2025.

25 NEW SECTION. **Sec. 15.** Section 3 of this act takes effect at the
26 later of either: (1) The expiration or termination of Proclamation
27 20-05, and any subsequent orders extending or amending the
28 proclamation, declaring a state of emergency on February 29, 2020,
29 for all counties in Washington due to COVID-19; or (2) September 1,
30 2025.

31 NEW SECTION. **Sec. 16.** The office of the governor must provide
32 written notice of the expiration date of section 2 of this act and
33 the effective date of section 3 of this act to affected parties, the
34 chief clerk of the house of representatives, the secretary of the
35 senate, the office of the code reviser, and others as deemed
36 appropriate by the office of the governor.

1 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

Passed by the House April 13, 2021.

Passed by the Senate April 9, 2021.

Approved by the Governor April 21, 2021.

Filed in Office of Secretary of State April 21, 2021.

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