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**SENATE BILL 5505**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Hawkins, Wellman, Billig, Braun, Conway, Hunt, Kuderer, Nobles, C. Wilson, and L. Wilson

Read first time 01/23/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to addressing learning loss by expanding the  
2 school year; amending RCW 28A.150.220, 28A.150.222, 28A.150.290,  
3 28A.300.109, 28A.310.240, 28A.330.100, 28A.400.300, 28A.410.080, and  
4 28A.715.800; creating a new section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The COVID-19 pandemic has created a unique  
7 set of challenges and circumstances that have tested the K-12  
8 education system. Due to reduced instructional time, educational  
9 inequities, and the inability to access technology and educational  
10 services, many students have suffered learning loss and a disruption  
11 to their educational experience. As a result, the legislature finds  
12 that an expanded school calendar will help students address learning  
13 loss.

14 **Sec. 2.** RCW 28A.150.220 and 2017 3rd sp.s. c 13 s 506 are each  
15 amended to read as follows:

16 (1) In order for students to have the opportunity to develop the  
17 basic education knowledge and skills under RCW 28A.150.210, school  
18 districts must provide instruction of sufficient quantity and quality  
19 and give students the opportunity to complete graduation requirements  
20 that are intended to prepare them for postsecondary education,

1 gainful employment, and citizenship. The program established under  
2 this section shall be the minimum instructional program of basic  
3 education offered by school districts.

4 (2) Each school district shall make available to students the  
5 following minimum instructional offering each school year:

6 (a) ~~((For students enrolled in grades one through twelve, at  
7 least a district-wide annual average of one thousand hours, which  
8 shall be increased beginning in the 2015-16 school year to at))~~ At  
9 least ~~((one thousand eighty))~~ 1,110 instructional hours for students  
10 enrolled in grades nine through ~~((twelve))~~ 12 and at least ~~((one  
11 thousand))~~ 1,028 instructional hours for students in grades one  
12 through eight, all of which may be calculated by a school district  
13 using a district-wide annual average of instructional hours over  
14 grades one through ~~((twelve))~~ 12; and

15 (b) For students enrolled in kindergarten, at least ~~((four  
16 hundred fifty instructional hours, which shall be increased to at  
17 least one thousand))~~ 1,028 instructional hours ~~((according to the  
18 implementation schedule under RCW 28A.150.315))~~.

19 (3) The instructional program of basic education provided by each  
20 school district shall include:

21 (a) Instruction in the ~~((essential academic learning  
22 requirements))~~ state learning standards under RCW 28A.655.070;

23 (b) Instruction that provides students the opportunity to  
24 complete ~~((twenty-four))~~ 24 credits for high school graduation,  
25 beginning with the graduating class of 2019 or as otherwise provided  
26 in RCW 28A.230.090. Course distribution requirements may be  
27 established by the state board of education under RCW 28A.230.090;

28 (c) If the ~~((essential academic learning requirements))~~ state  
29 learning standards include a requirement of languages other than  
30 English, the requirement may be met by students receiving instruction  
31 in one or more American Indian languages;

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

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

1 (f) 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; and

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

6 (4) Nothing contained in this section shall be construed to  
7 require individual students to attend school for any particular  
8 number of hours per day or to take any particular courses.

9 (5)(a) Each school district's kindergarten through ~~((twelfth))~~  
10 12th grade basic educational program shall be accessible to all  
11 students who are five years of age, as provided by RCW 28A.225.160,  
12 and less than ~~((twenty-one))~~ 21 years of age and shall consist of a  
13 minimum of ~~((one hundred eighty))~~ 185 school days per school year in  
14 such grades as are conducted by a school district ~~((, and one hundred  
15 eighty half-days of instruction, or equivalent, in kindergarten, to  
16 be increased to a minimum of one hundred eighty school days per  
17 school year according to the implementation schedule under RCW  
18 28A.150.315))~~).

19 (b) Schools administering the Washington kindergarten inventory  
20 of developing skills may use up to three school days at the beginning  
21 of the school year to meet with parents and families as required in  
22 the parent involvement component of the inventory.

23 (c) In the case of students who are graduating from high school,  
24 a school district may schedule the last five school days of the ~~((one  
25 hundred eighty))~~ 185-day school year for noninstructional purposes  
26 including, but not limited to, the observance of graduation and early  
27 release from school upon the request of a student. All such students  
28 may be claimed as a full-time equivalent student to the extent they  
29 could otherwise have been so claimed for the purposes of RCW  
30 28A.150.250 and 28A.150.260. Any hours scheduled by a school district  
31 for noninstructional purposes during the last five school days for  
32 such students shall count toward the instructional hours requirement  
33 in subsection (2)(a) of this section.

34 (6) Subject to RCW 28A.150.276, nothing in this section precludes  
35 a school district from enriching the instructional program of basic  
36 education, such as offering additional instruction or providing  
37 additional services, programs, or activities that the school district  
38 determines to be appropriate for the education of the school  
39 district's students.

1 (7) The state board of education shall adopt rules to implement  
2 and ensure compliance with the program requirements imposed by this  
3 section, RCW 28A.150.250 and 28A.150.260, and such related  
4 supplemental program approval requirements as the state board may  
5 establish.

6 **Sec. 3.** RCW 28A.150.222 and 2019 c 274 s 1 are each amended to  
7 read as follows:

8 (1) In addition to waivers authorized under RCW 28A.300.750, the  
9 superintendent of public instruction, in accordance with the criteria  
10 in subsection (2) of this section and criteria adopted by the state  
11 board of education under subsection (3) of this section, may grant  
12 waivers of the requirement for a (~~one hundred eighty-day~~) 185-day  
13 school year under RCW 28A.150.220 to school districts that propose to  
14 operate one or more schools on a flexible calendar for purposes of  
15 economy and efficiency as provided in this section. The requirement  
16 under RCW 28A.150.220 that school districts offer minimum  
17 instructional hours may not be waived.

18 (2) A school district seeking a waiver under this section must  
19 submit an application to the superintendent of public instruction  
20 that includes:

21 (a) A proposed calendar for the school day and school year that  
22 demonstrates how the instructional hour requirement will be  
23 maintained;

24 (b) An explanation and estimate of the economies and efficiencies  
25 to be gained from compressing the instructional hours into fewer than  
26 (~~one hundred eighty~~) 185 days;

27 (c) An explanation of how monetary savings from the proposal will  
28 be redirected to support student learning;

29 (d) A summary of comments received at one or more public hearings  
30 on the proposal and how concerns will be addressed;

31 (e) An explanation of the impact on students who rely upon free  
32 and reduced-price school child nutrition services and the impact on  
33 the ability of the child nutrition program to operate an economically  
34 independent program;

35 (f) An explanation of the impact on employees in education  
36 support positions and the ability to recruit and retain employees in  
37 education support positions;

38 (g) An explanation of the impact on students whose parents work  
39 during the missed school day; and

1 (h) Other information that the superintendent of public  
2 instruction may request to assure that the proposed flexible calendar  
3 will not adversely affect student learning.

4 (3) The state board of education shall adopt rules establishing  
5 the criteria to evaluate waiver requests under this section. A waiver  
6 may be effective for up to three years and may be renewed for  
7 subsequent periods of three or fewer years. After each school year in  
8 which a waiver has been granted under this section, the  
9 superintendent of public instruction must analyze empirical evidence  
10 to determine whether the reduction is affecting student learning. If  
11 the superintendent of public instruction determines that student  
12 learning is adversely affected, the school district must discontinue  
13 the flexible calendar as soon as possible but not later than the  
14 beginning of the next school year after the superintendent of public  
15 instruction's determination.

16 (4) The superintendent of public instruction may grant waivers  
17 authorized under this section to (~~ten~~) 10 or fewer school districts  
18 with student populations of less than (~~five hundred~~) 500 students.  
19 Of the (~~ten~~) 10 waivers that may be granted, two must be reserved  
20 for districts with student populations of less than (~~one hundred~~  
21 ~~fifty~~) 150 students.

22 **Sec. 4.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to  
23 read as follows:

24 (1) The superintendent of public instruction shall have the power  
25 and duty to make such rules and regulations as are necessary for the  
26 proper administration of this chapter and RCW 28A.160.150 through  
27 (~~28A.160.220,~~) 28A.160.210, 28A.300.035, 28A.300.170, and  
28 28A.500.010 not inconsistent with the provisions thereof, and in  
29 addition to require such reports as may be necessary to carry out his  
30 or her duties under this chapter and RCW 28A.160.150 through  
31 (~~28A.160.220,~~) 28A.160.210, 28A.300.035, 28A.300.170, and  
32 28A.500.010.

33 (2) The superintendent of public instruction shall have the  
34 authority to make rules and regulations which establish the terms and  
35 conditions for allowing school districts to receive state basic  
36 education moneys as provided in RCW 28A.150.250 when said districts  
37 are unable to fulfill for one or more schools as officially scheduled  
38 the requirement of a full school year of (~~one hundred eighty~~) 185  
39 days or the annual average total instructional hour offering imposed

1 by RCW 28A.150.220 and 28A.150.260 due to one or more of the  
2 following conditions:

3 (a) An unforeseen natural event, including, but not necessarily  
4 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or  
5 volcanic eruption that has the direct or indirect effect of rendering  
6 one or more school district facilities unsafe, unhealthy,  
7 inaccessible, or inoperable; and

8 (b) An unforeseen mechanical failure or an unforeseen action or  
9 inaction by one or more persons, including negligence and threats,  
10 that (i) is beyond the control of both a school district board of  
11 directors and its employees and (ii) has the direct or indirect  
12 effect of rendering one or more school district facilities unsafe,  
13 unhealthy, inaccessible, or inoperable. Such actions, inactions or  
14 mechanical failures may include, but are not necessarily limited to,  
15 arson, vandalism, riots, insurrections, bomb threats, bombings,  
16 delays in the scheduled completion of construction projects, and the  
17 discontinuance or disruption of utilities such as heating, lighting  
18 and water: PROVIDED, That an unforeseen action or inaction shall not  
19 include any labor dispute between a school district board of  
20 directors and any employee of the school district.

21 A condition is foreseeable for the purposes of this subsection to  
22 the extent a reasonably prudent person would have anticipated prior  
23 to August first of the preceding school year that the condition  
24 probably would occur during the ensuing school year because of the  
25 occurrence of an event or a circumstance which existed during such  
26 preceding school year or a prior school year. A board of directors of  
27 a school district is deemed for the purposes of this subsection to  
28 have knowledge of events and circumstances which are a matter of  
29 common knowledge within the school district and of those events and  
30 circumstances which can be discovered upon prudent inquiry or  
31 inspection.

32 (3) The superintendent of public instruction shall make every  
33 effort to reduce the amount of paperwork required in administration  
34 of this chapter and RCW 28A.160.150 through ~~((28A.160.220,))~~  
35 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010; to simplify  
36 the application, monitoring and evaluation processes used; to  
37 eliminate all duplicative requests for information from local school  
38 districts; and to make every effort to integrate and standardize  
39 information requests for other state education acts and federal aid  
40 to education acts administered by the superintendent of public

1 instruction so as to reduce paperwork requirements and duplicative  
2 information requests.

3 **Sec. 5.** RCW 28A.300.109 and 2018 c 290 s 2 are each amended to  
4 read as follows:

5 (1) The superintendent of public instruction shall, upon receipt  
6 of an application from a school that is the subject of a state-tribal  
7 education compact and that is participating in the pilot project  
8 established in RCW 28A.715.800:

9 (a) Grant a waiver from the requirements for a (~~one hundred~~  
10 ~~eighty-day~~) 185-day school year under RCW 28A.150.220; and

11 (b) Authorize the school to consider student participation in  
12 cultural, fisheries, or agricultural programs as instructional days  
13 for the purposes of RCW 28A.150.220(5).

14 (2) This section expires September 1, 2023.

15 **Sec. 6.** RCW 28A.310.240 and 2009 c 47 s 1 are each amended to  
16 read as follows:

17 (1) Every educational service district board shall adopt written  
18 policies granting leaves to persons under contracts of employment  
19 with the district in positions requiring either certification or  
20 classified qualifications, including but not limited to leaves for  
21 attendance at official or private institutes and conferences and  
22 sabbatical leaves for employees in positions requiring certification  
23 qualification, and leaves for illness, injury, bereavement, and  
24 emergencies for both certificated and classified employees, with such  
25 compensation as the board prescribes. The board shall adopt written  
26 policies granting annual leave with compensation for illness, injury,  
27 and emergencies as follows:

28 (a) For persons under contract with the district for a full  
29 fiscal year, at least (~~ten~~) 10 days;

30 (b) For persons under contract with the district as part-time  
31 employees, at least that portion of (~~ten~~) 10 days as the total  
32 number of days contracted for bears to (~~one hundred eighty~~) 185  
33 days;

34 (c) For certificated and classified employees, annual leave with  
35 compensation for illness, injury, and emergencies shall be granted  
36 and accrue at a rate not to exceed twelve days per fiscal year.  
37 Provisions of any contract in force on July 23, 1989, which conflict  
38 with requirements of this subsection shall continue in effect until

1 contract expiration; after expiration, any new contract executed  
2 between the parties shall be consistent with this subsection;

3 (d) Compensation for leave for illness or injury actually taken  
4 shall be the same as the compensation the person would have received  
5 had the person not taken the leave provided in this section;

6 (e) Leave provided in this section not taken shall accumulate  
7 from fiscal year to fiscal year up to a maximum of (~~one hundred~~  
8 ~~eighty~~) 185 days for the purposes of RCW 28A.310.490, and for leave  
9 purposes up to a maximum of the number of contract days agreed to in  
10 a given contract, but not greater than one fiscal year. Such  
11 accumulated time may be taken at any time during the fiscal year, or  
12 up to (~~twelve~~) 12 days per year may be used for the purpose of  
13 payments for unused sick leave; and

14 (f) Accumulated leave under this section shall be transferred to  
15 educational service districts, school districts, the office of the  
16 superintendent of public instruction, the state school for the blind,  
17 the (~~school for the deaf~~) Washington center for deaf and hard of  
18 hearing youth, institutions of higher education, and community and  
19 technical colleges, and from any such district, school, or office to  
20 another such district, school, office, institution of higher  
21 education, or community or technical college. An intervening  
22 customary summer break in employment or the performance of employment  
23 duties shall not preclude such a transfer.

24 (2) Leave accumulated by a person in a district prior to leaving  
25 the district may, under rules of the board, be granted to the person  
26 when the person returns to the employment of the district.

27 (3) Leave for illness or injury accumulated before July 23, 1989,  
28 under the administrative practices of an educational service  
29 district, and such leave transferred before July 23, 1989, to or from  
30 an educational service district, school district, or the office of  
31 the superintendent of public instruction under the administrative  
32 practices of the district or office, is declared valid and shall be  
33 added to such leave for illness or injury accumulated after July 23,  
34 1989.

35 **Sec. 7.** RCW 28A.330.100 and 2006 c 263 s 417 are each amended to  
36 read as follows:

37 Every board of directors of a school district of the first class,  
38 in addition to the general powers for directors enumerated in this  
39 title, shall have the power:



1 (1) To employ for a term of not exceeding three years a  
2 superintendent of schools of the district, and for cause to dismiss  
3 him or her, and to fix his or her duties and compensation;

4 (2) To employ, and for cause dismiss one or more assistant  
5 superintendents and to define their duties and fix their  
6 compensation;

7 (3) To employ a business manager, attorneys, architects,  
8 inspectors of construction, superintendents of buildings and a  
9 superintendent of supplies, all of whom shall serve at the board's  
10 pleasure, and to prescribe their duties and fix their compensation;

11 (4) To employ, and for cause dismiss, supervisors of instruction  
12 and to define their duties and fix their compensation;

13 (5) To prescribe a course of study and a program of exercises  
14 which shall be consistent with the course of study prepared by the  
15 superintendent of public instruction for the use of the common  
16 schools of this state;

17 (6) To, in addition to the minimum requirements imposed by this  
18 title establish and maintain such grades and departments, including  
19 night, high, kindergarten, vocational training and, except as  
20 otherwise provided by law, industrial schools, and schools and  
21 departments for the education and training of any class or classes of  
22 youth with disabilities, as in the judgment of the board, best shall  
23 promote the interests of education in the district;

24 (7) To determine the length of time over and above (~~one hundred~~  
25 ~~eighty~~) 185 days that school shall be maintained(~~(: PROVIDED, That~~  
26 ~~for purposes of apportionment no district shall be credited with more~~  
27 ~~than one hundred and eighty-three days' attendance in any school~~  
28 ~~year;)~~), and to fix the time for annual opening and closing of  
29 schools and for the daily dismissal of pupils before the regular time  
30 for closing schools;

31 (8) To maintain a shop and repair department, and to employ, and  
32 for cause dismiss, a foreman and the necessary help for the  
33 maintenance and conduct thereof;

34 (9) To provide free textbooks and supplies for all children  
35 attending school;

36 (10) To require of the officers or employees of the district to  
37 give a bond for the honest performance of their duties in such penal  
38 sum as may be fixed by the board with good and sufficient surety, and  
39 to cause the premium for all bonds required of all such officers or  
40 employees to be paid by the district: PROVIDED, That the board may,

1 by written policy, allow that such bonds may include a deductible  
2 proviso not to exceed two percent of the officer's or employee's  
3 annual salary;

4 (11) To prohibit all secret fraternities and sororities among the  
5 students in any of the schools of the said districts; and

6 (12) To appoint a practicing physician, resident of the school  
7 district, who shall be known as the school district medical  
8 inspector, and whose duty it shall be to decide for the board of  
9 directors all questions of sanitation and health affecting the safety  
10 and welfare of the public schools of the district who shall serve at  
11 the board's pleasure: PROVIDED, That children shall not be required  
12 to submit to vaccination against the will of their parents or  
13 guardian.

14 **Sec. 8.** RCW 28A.400.300 and 2019 c 266 s 19 are each amended to  
15 read as follows:

16 (1) Every board of directors, unless otherwise specially provided  
17 by law, shall:

18 (a) Except as provided in subsection (3) of this section, employ  
19 for not more than one year, and for sufficient cause discharge all  
20 certificated and classified employees;

21 (b) Adopt written policies granting leaves to persons under  
22 contracts of employment with the school district(s) in positions  
23 requiring either certification or classified qualifications,  
24 including but not limited to leaves for attendance at official or  
25 private institutes and conferences and sabbatical leaves for  
26 employees in positions requiring certification qualification, and  
27 leaves for illness, injury, bereavement and, emergencies for both  
28 certificated and classified employees, and with such compensation as  
29 the board of directors prescribe. However, the board of directors  
30 shall adopt written policies granting to such persons annual leave  
31 with compensation for illness, injury and emergencies as follows:

32 (i) For such persons under contract with the school district for  
33 a full year, at least (~~ten~~) 10 days;

34 (ii) For such persons under contract with the school district as  
35 part time employees, at least that portion of (~~ten~~) 10 days as the  
36 total number of days contracted for bears to (~~one hundred eighty~~)  
37 185 days;

38 (iii) For certificated and classified employees, annual leave  
39 with compensation for illness, injury, and emergencies shall be

1 granted and accrue at a rate not to exceed (~~twelve~~) 12 days per  
2 year; provisions of any contract in force on June 12, 1980, which  
3 conflict with requirements of this subsection shall continue in  
4 effect until contract expiration; after expiration, any new contract  
5 executed between the parties shall be consistent with this  
6 subsection;

7 (iv) Compensation for leave for illness or injury actually taken  
8 shall be the same as the compensation such person would have received  
9 had such person not taken the leave provided in this proviso;

10 (v) Leave provided in this proviso not taken shall accumulate  
11 from year to year up to a maximum of (~~one hundred eighty~~) 185 days  
12 for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave  
13 purposes up to a maximum of the number of contract days agreed to in  
14 a given contract, but not greater than one year. Such accumulated  
15 time may be taken at any time during the school year or up to  
16 (~~twelve~~) 12 days per year may be used for the purpose of payments  
17 for unused sick leave;

18 (vi) Sick leave heretofore accumulated under section 1, chapter  
19 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated  
20 under administrative practice of school districts prior to the  
21 effective date of section 1, chapter 195, Laws of 1959 (former RCW  
22 28.58.430) is hereby declared valid, and shall be added to leave for  
23 illness or injury accumulated under this proviso;

24 (vii) Any leave for injury or illness accumulated up to a maximum  
25 of (~~forty-five~~) 45 days shall be creditable as service rendered for  
26 the purpose of determining the time at which an employee is eligible  
27 to retire, if such leave is taken it may not be compensated under the  
28 provisions of RCW 28A.400.210 and 28A.310.490;

29 (viii) Accumulated leave under this proviso shall be transferred  
30 to and from one district to another, the office of superintendent of  
31 public instruction, offices of educational service district  
32 superintendents and boards, the state school for the blind, the  
33 Washington center for deaf and hard of hearing youth, institutions of  
34 higher education, and community and technical colleges, to and from  
35 such districts, schools, offices, institutions of higher education,  
36 and community and technical colleges;

37 (ix) Leave accumulated by a person in a district prior to leaving  
38 said district may, under rules of the board, be granted to such  
39 person when the person returns to the employment of the district.

1 (2) When any certificated or classified employee leaves one  
2 school district within the state and commences employment with  
3 another school district within the state, the employee shall retain  
4 the same seniority, leave benefits and other benefits that the  
5 employee had in his or her previous position. However, classified  
6 employees who transfer between districts after July 28, 1985, shall  
7 not retain any seniority rights other than longevity when leaving one  
8 school district and beginning employment with another. If the school  
9 district to which the person transfers has a different system for  
10 computing seniority, leave benefits, and other benefits, then the  
11 employee shall be granted the same seniority, leave benefits and  
12 other benefits as a person in that district who has similar  
13 occupational status and total years of service.

14 (3) Notwithstanding subsection (1)(a) of this section, discharges  
15 of certificated and classified employees in school districts that are  
16 dissolved due to financial insolvency shall be conducted in  
17 accordance with RCW 28A.315.229.

18 **Sec. 9.** RCW 28A.410.080 and 1969 ex.s. c 223 s 28A.01.025 are  
19 each amended to read as follows:

20 The school year for all matters pertaining to teacher  
21 certification or for computing experience in teaching shall consist  
22 of not fewer than (~~one hundred eighty~~) 185 school days.

23 **Sec. 10.** RCW 28A.715.800 and 2018 c 290 s 1 are each amended to  
24 read as follows:

25 (1) The office of the superintendent of public instruction shall  
26 establish a pilot project for one or more schools that are the  
27 subject of a state-tribal education compact, schools also known as  
28 "tribal compact schools," to implement modifications to requirements  
29 governing school attendance, school year length, and assessments.  
30 Tribal compact schools that apply to the office of the superintendent  
31 of public instruction to participate in the pilot project must be  
32 included in the pilot project.

33 (2) The purpose of the pilot project is to grant participating  
34 schools flexibility regarding:

35 (a) Accommodating cultural, fisheries, and agricultural events  
36 and practices; and

37 (b) Replacing, to the maximum extent permitted by state and  
38 federal law, statewide student assessments with locally developed

1 assessments that are culturally relevant, based on community  
2 standards, and aligned with the Washington state learning standards.

3 (3) Schools participating in the pilot project may:

4 (a) Request a waiver, in accordance with RCW 28A.300.109, to the  
5 requirement for a (~~one hundred eighty~~) 185-day school year  
6 established in RCW 28A.150.220. The waiver requested in accordance  
7 with this subsection (3)(a) may be for allowing additional  
8 instructional days, including an allowance for year-round  
9 instruction;

10 (b) Develop curricula that links student learning with engagement  
11 in cultural, fisheries, and agricultural programs, and aligns with  
12 the Washington state learning standards;

13 (c) Request authorization to consider student participation in  
14 cultural, fisheries, or agricultural programs as instructional days  
15 for the purposes of RCW 28A.150.220(5);

16 (d) Replace, to the maximum extent permitted by state and federal  
17 law, statewide student assessments with locally developed assessments  
18 that are culturally relevant, based on community standards, and  
19 aligned with the Washington state learning standards; and

20 (e) Consider and implement, to the maximum extent permitted by  
21 state and federal law, other modifications to requirements as  
22 determined by each participating school.

23 (4) The office of native education within the office of the  
24 superintendent of public instruction must collaborate with each  
25 tribal compact school participating in the pilot project, including  
26 providing technical support and assistance, and review any terms of  
27 the compact that relate to the school's implementation of the pilot  
28 project.

29 (5) The office of the superintendent of public instruction, in  
30 establishing the pilot project required by this section, shall  
31 explore and pursue options for granting flexibility to participating  
32 schools from state and federal requirements, including requirements  
33 related to assessments, to further the purpose of the pilot project  
34 as expressed in subsection (2) of this section.

35 (6) If requested by a tribal compact school participating or  
36 intending to participate in the pilot project, the superintendent of  
37 public instruction shall convene a government-to-government meeting  
38 with the tribal compact school for the purpose of revising the  
39 compact to reflect the terms of the pilot project. The superintendent

1 of public instruction may also convene a government-to-government  
2 meeting on his or her own accord.

3 (7) Nothing contained in this section is intended or may be  
4 construed to limit the amount of funding allocated to tribal compact  
5 schools participating in the pilot project.

6 (8)(a) Each tribal compact school participating in the pilot  
7 project shall submit a report every two years to the appropriate  
8 committees of the house of representatives and senate and the office  
9 of the superintendent of public instruction, with the first report  
10 submitted no later than August 1, 2021.

11 (b) Reports submitted in accordance with this subsection (8) must  
12 include:

13 (i) Information about student performance on assessments required  
14 for state and federal accountability purposes and locally developed  
15 assessments under subsection (3)(d) of this section, including  
16 differences in student performance between the statewide and locally  
17 developed assessments; and

18 (ii) Recommendations for lessening or removing barriers that may  
19 affect either student performance on assessments, the effective  
20 administration of assessments, or both.

21 (c) The final report of each participating school must include a  
22 recommendation of whether the pilot project should be modified,  
23 continued, expanded, or discontinued.

24 (d) Reports submitted to the house of representatives and the  
25 senate in accordance with this subsection (8) must comply with RCW  
26 43.01.036.

27 (9) The pilot project expires August 1, 2023.

28 (10) This section expires September 1, 2023.

29 NEW SECTION. **Sec. 11.** This act takes effect August 1, 2023.

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