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ENGROSSED SUBSTITUTE SENATE BILL 5889

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State of Washington

61st Legislature

2009 Regular Session

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, McDermott, and Oemig)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to flexibility in the education system; amending  
2 RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.020, 28A.210.030,  
3 28A.210.040, 28A.210.080, 28A.225.005, 28A.225.290, 28A.225.300,  
4 28A.230.095, 28A.300.040, 28A.300.118, 28A.300.525, 28A.320.160,  
5 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and  
6 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW  
7 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, and 28A.300.412;  
8 providing an expiration date; and declaring an emergency.

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

10 **Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read  
11 as follows:

12 ~~((By July 1st of each year,))~~ (1) A participating school district  
13 shall submit the district's plan for using learning assistance funds to  
14 the office of the superintendent of public instruction for approval, to  
15 the extent required under subsection (2) of this section. ~~((For the~~  
16 ~~2004-05 school year, school districts must identify the program~~  
17 ~~activities to be implemented from RCW 28A.165.035 and are encouraged to~~  
18 ~~implement the elements in subsections (1) through (8) of this section.~~  
19 ~~Beginning in the 2005-06 school year,))~~ The program plan must identify

1 the program activities to be implemented from RCW 28A.165.035 and  
2 implement all of the elements in (~~(subsections--(1))~~) (a) through  
3 (~~((8))~~) (h) of this (~~(section)~~) subsection. The school district plan  
4 shall include the following:

5 (~~((1))~~) (a) District and school-level data on reading, writing, and  
6 mathematics achievement as reported pursuant to chapter 28A.655 RCW and  
7 relevant federal law;

8 (~~((2))~~) (b) Processes used for identifying the underachieving  
9 students to be served by the program, including the identification of  
10 school or program sites providing program activities;

11 (~~((3))~~) (c) How accelerated learning plans are developed and  
12 implemented for participating students. Accelerated learning plans may  
13 be developed as part of existing student achievement plan process such  
14 as student plans for achieving state high school graduation standards,  
15 individual student academic plans, or the achievement plans for groups  
16 of students. Accelerated learning plans shall include:

17 (~~((a))~~) (i) Achievement goals for the students;

18 (~~((b))~~) (ii) Roles of the student, parents, or guardians and  
19 teachers in the plan;

20 (~~((c))~~) (iii) Communication procedures regarding student  
21 accomplishment; and

22 (~~((d))~~) (iv) Plan reviews and adjustments processes;

23 (~~((4))~~) (d) How state level and classroom assessments are used to  
24 inform instruction;

25 (~~((5))~~) (e) How focused and intentional instructional strategies  
26 have been identified and implemented;

27 (~~((6))~~) (f) How highly qualified instructional staff are developed  
28 and supported in the program and in participating schools;

29 (~~((7))~~) (g) How other federal, state, district, and school  
30 resources are coordinated with school improvement plans and the  
31 district's strategic plan to support underachieving students; and

32 (~~((8))~~) (h) How a program evaluation will be conducted to determine  
33 direction for the following school year.

34 (2) If a school district has received approval of its plan once, it  
35 is not required to submit a plan for approval under RCW 28A.165.045 or  
36 this section unless the district has made a significant change to the  
37 plan. If a district has made a significant change to only a portion of  
38 the plan the district need only submit a description of the changes

1 made and not the entire plan. Plans or descriptions of changes to the  
2 plan must be submitted by July 1st as required under this section. The  
3 office of the superintendent of public instruction shall establish  
4 guidelines for what a "significant change" is.

5 **Sec. 2.** RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read  
6 as follows:

7 A participating school district shall (~~annually~~) submit a program  
8 plan to the office of the superintendent of public instruction for  
9 approval to the extent required by RCW 28A.165.025. The program plan  
10 must address all of the elements in RCW 28A.165.025 and identify the  
11 program activities to be implemented from RCW 28A.165.035.

12 School districts achieving state reading and mathematics goals as  
13 prescribed in chapter 28A.655 RCW shall have their program approved  
14 once the program plan and activities submittal is completed.

15 School districts not achieving state reading and mathematics goals  
16 as prescribed in chapter 28A.655 RCW and that are not in a state or  
17 federal program of school improvement shall be subject to program  
18 approval once the plan components are reviewed by the office of the  
19 superintendent of public instruction for the purpose of receiving  
20 technical assistance in the final development of the plan.

21 School districts with one or more schools in a state or federal  
22 program of school improvement shall have their plans and activities  
23 reviewed and approved in conjunction with the state or federal program  
24 school improvement program requirements.

25 **Sec. 3.** RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read  
26 as follows:

27 The state board of health, after consultation with the  
28 superintendent of public instruction, shall adopt reasonable rules  
29 (~~and regulations~~) regarding the presence of persons on or about any  
30 school premises who have, or who have been exposed to, contagious  
31 diseases deemed by the state board of health as dangerous to the public  
32 health. Such rules (~~and regulations~~) shall specify reasonable and  
33 precautionary procedures as to such presence and/or readmission of such  
34 persons and may include the requirement for a certificate from a  
35 licensed physician that there is no danger of contagion. The  
36 superintendent of public instruction shall (~~print and distribute the~~)

1 provide to appropriate school officials and personnel, access and  
2 notice of these rules ((and regulations)) of the state board of health  
3 ((above provided to appropriate school officials and personnel)).  
4 Providing online access to these rules satisfies the requirements of  
5 this section. The superintendent of public instruction is required to  
6 provide this notice only when there are significant changes to the  
7 rules.

8 **Sec. 4.** RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read  
9 as follows:

10 (1) Every board of school directors shall have the power, and it  
11 shall be its duty to provide for and require screening for the visual  
12 and auditory acuity of all children attending schools in their  
13 districts to ascertain which if any of such children have defects  
14 sufficient to retard them in their studies. Auditory and visual  
15 screening shall be made in accordance with procedures and standards  
16 adopted by rule or regulation of the state board of health. Prior to  
17 the adoption or revision of such rules or regulations the state board  
18 of health shall seek the recommendations of the superintendent of  
19 public instruction regarding the administration of visual and auditory  
20 screening and the qualifications of persons competent to administer  
21 such screening.

22 (2) Except to the extent necessary to comply with the federal  
23 individuals with disabilities education act (IDEA) or to serve children  
24 who are eligible for free or reduced-price lunch, this section is  
25 suspended until July 1, 2011.

26 **Sec. 5.** RCW 28A.210.030 and 1991 c 3 s 289 are each amended to  
27 read as follows:

28 (1) The person or persons completing the screening prescribed in  
29 RCW 28A.210.020 shall promptly prepare a record of the screening of  
30 each child found to have, or suspected of having, reduced visual and/or  
31 auditory acuity in need of attention, including the special education  
32 services provided by RCW 28A.155.010 through 28A.155.100, and send  
33 copies of such records and recommendations to the parents or guardians  
34 of such children and shall deliver the original records to the  
35 appropriate school official who shall preserve such records and forward

1 to the superintendent of public instruction and the secretary of health  
2 visual and auditory data as requested by such officials.

3 (2) Except to the extent necessary to comply with the federal  
4 individuals with disabilities education act (IDEA) or to serve children  
5 who are eligible for free or reduced-price lunch, this section is  
6 suspended until July 1, 2011.

7 **Sec. 6.** RCW 28A.210.040 and 1990 c 33 s 189 are each amended to  
8 read as follows:

9 The superintendent of public instruction shall (~~print and~~  
10 ~~distribute~~) provide access to appropriate school officials the rules  
11 (~~and regulations~~) adopted by the state board of health pursuant to  
12 RCW 28A.210.020 and the recommended records and forms to be used in  
13 making and reporting such screenings. Providing online access to the  
14 materials satisfies the requirements of this section.

15 **Sec. 7.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to  
16 read as follows:

17 (1) The attendance of every child at every public and private  
18 school in the state and licensed day care center shall be conditioned  
19 upon the presentation before or on each child's first day of attendance  
20 at a particular school or center, of proof of either (a) full  
21 immunization, (b) the initiation of and compliance with a schedule of  
22 immunization, as required by rules of the state board of health, or (c)  
23 a certificate of exemption as provided for in RCW 28A.210.090. The  
24 attendance at the school or the day care center during any subsequent  
25 school year of a child who has initiated a schedule of immunization  
26 shall be conditioned upon the presentation of proof of compliance with  
27 the schedule on the child's first day of attendance during the  
28 subsequent school year. Once proof of full immunization or proof of  
29 completion of an approved schedule has been presented, no further proof  
30 shall be required as a condition to attendance at the particular school  
31 or center.

32 (2)(a) Beginning with sixth grade entry, every public and private  
33 school in the state shall provide parents and guardians with access to  
34 information about meningococcal disease and its vaccine at the  
35 beginning of every school year. Providing online access to the

1 information satisfies the requirements of this section unless a parent  
2 or guardian specifically requests information to be provided in written  
3 form. The information about meningococcal disease shall include:

4 (i) Its causes and symptoms, how meningococcal disease is spread,  
5 and the places where parents and guardians may obtain additional  
6 information and vaccinations for their children; and

7 (ii) Current recommendations from the United States centers for  
8 disease control and prevention regarding the receipt of vaccines for  
9 meningococcal disease and where the vaccination can be received.

10 (b) This subsection shall not be construed to require the  
11 department of health or the school to provide meningococcal vaccination  
12 to students.

13 (c) The department of health shall prepare the informational  
14 materials and shall consult with the office of superintendent of public  
15 instruction.

16 (d) This subsection does not create a private right of action.

17 (3)(a) Beginning with sixth grade entry, every public school in the  
18 state shall provide parents and guardians with access to information  
19 about human papillomavirus disease and its vaccine at the beginning of  
20 every school year. Providing online access to the information  
21 satisfies the requirements of this section unless a parent or guardian  
22 specifically requests information to be provided in written form. The  
23 information about human papillomavirus disease shall include:

24 (i) Its causes and symptoms, how human papillomavirus disease is  
25 spread, and the places where parents and guardians may obtain  
26 additional information and vaccinations for their children; and

27 (ii) Current recommendations from the United States centers for  
28 disease control and prevention regarding the receipt of vaccines for  
29 human papillomavirus disease and where the vaccination can be received.

30 (b) This subsection shall not be construed to require the  
31 department of health or the school to provide human papillomavirus  
32 vaccination to students.

33 (c) The department of health shall prepare the informational  
34 materials and shall consult with the office of the superintendent of  
35 public instruction.

36 (d) This subsection does not create a private right of action.

37 (4) Private schools are required by state law to notify parents

1 that information on the human papillomavirus disease prepared by the  
2 department of health is available.

3 **Sec. 8.** RCW 28A.225.005 and 1992 c 205 s 201 are each amended to  
4 read as follows:

5 Each school within a school district shall inform the students and  
6 the parents of the students enrolled in the school about the compulsory  
7 education requirements under this chapter. The school shall  
8 ~~((distribute))~~ provide access to the information at least annually.  
9 Providing online access to the information satisfies the requirements  
10 of this section unless a parent or guardian specifically requests  
11 information to be provided in written form.

12 **Sec. 9.** RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each  
13 amended to read as follows:

14 (1) The superintendent of public instruction shall prepare and  
15 annually ~~((distribute-an))~~ provide access to information ~~((booklet))~~  
16 outlining parents' and guardians' enrollment options for their  
17 children. Providing online access to the information satisfies the  
18 requirements of this section unless a parent or guardian specifically  
19 requests information to be provided in written form.

20 (2) ~~((Before the 1991-92 school year, the booklet shall be~~  
21 ~~distributed to all school districts by the office of the superintendent~~  
22 ~~of public instruction. School districts shall have a copy of the~~  
23 ~~information booklet available for public inspection at each school in~~  
24 ~~the district, at the district office, and in public libraries))~~ School  
25 districts shall provide access to the information in this section to  
26 the public. Providing online access to the information satisfies the  
27 requirements of this subsection unless a parent or guardian  
28 specifically requests the information be provided in written form.

29 (3) The booklet shall include:

30 (a) Information about enrollment options and program opportunities,  
31 including but not limited to programs in RCW 28A.225.220, 28A.185.040,  
32 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250,  
33 28A.175.090, 28A.340.010 through 28A.340.070 (small high school  
34 cooperative projects), and 28A.335.160.

35 (b) Information about the running start - community college or

1 vocational-technical institute choice program under RCW 28A.600.300  
2 through ((28A.600.395)) 28A.600.390; and

3 (c) Information about the seventh and eighth grade choice program  
4 under RCW 28A.230.090.

5 **Sec. 10.** RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each  
6 amended to read as follows:

7 Each school district board of directors annually shall inform  
8 parents of the district's intradistrict and interdistrict enrollment  
9 options and parental involvement opportunities. Information on  
10 intradistrict enrollment options and interdistrict acceptance policies  
11 shall be provided to nonresidents on request. Providing online access  
12 to the information satisfies the requirements of this section unless a  
13 parent or guardian specifically requests information to be provided in  
14 written form.

15 **Sec. 11.** RCW 28A.230.095 and 2006 c 113 s 2 are each amended to  
16 read as follows:

17 (1) By the end of the 2008-09 school year, school districts shall  
18 have in place in elementary schools, middle schools, and high schools  
19 assessments or other strategies to assure that students have an  
20 opportunity to learn the essential academic learning requirements in  
21 social studies, the arts, and health and fitness. Social studies  
22 includes history, geography, civics, economics, and social studies  
23 skills. Beginning with the 2008-09 school year, school districts shall  
24 annually submit an implementation verification report to the office of  
25 the superintendent of public instruction. The verification report  
26 shall require school districts to report only the information necessary  
27 to comply with this section.

28 (2) Beginning with the 2008-09 school year, school districts shall  
29 require students in ((the fourth or fifth grades {grade},)) the seventh  
30 or eighth ((grades {grade})) grade, and the eleventh or twelfth  
31 ((grades {grade})) grade to each complete at least one classroom-based  
32 assessment in civics. Beginning with the 2010-11 school year, school  
33 districts shall require students in the fourth or fifth grade to each  
34 complete at least one classroom-based assessment in civics. The civics  
35 assessment may be selected from a list of classroom-based assessments  
36 approved by the office of the superintendent of public instruction.

1 Beginning with the 2008-09 school year, school districts shall annually  
2 submit implementation verification reports to the office of the  
3 superintendent of public instruction documenting the use of the  
4 classroom-based assessments in civics. The verification report shall  
5 require school districts to report only the information necessary to  
6 comply with this section.

7 **Sec. 12.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6  
8 are each reenacted and amended to read as follows:

9 (1) The superintendent of public instruction, in consultation with  
10 the higher education coordinating board, the state board for community  
11 and technical colleges, and the workforce training and education  
12 coordinating board, shall develop for use by all public school  
13 districts a standardized high school transcript. The superintendent  
14 shall establish clear definitions for the terms "credits" and "hours"  
15 so that school programs operating on the quarter, semester, or  
16 trimester system can be compared.

17 (2) The standardized high school transcript shall include a  
18 notation of whether the student has earned a certificate of individual  
19 achievement or a certificate of academic achievement.

20 ~~((3) Transcripts are important documents to students who will  
21 apply for admission to postsecondary institutions of higher education.  
22 Transcripts are also important to students who will seek employment  
23 upon or prior to graduation from high school. It is recognized that  
24 student transcripts may be the only record available to employers in  
25 their decision making processes regarding prospective employees. The  
26 superintendent of public instruction shall require school districts to  
27 inform annually all high school students that prospective employers may  
28 request to see transcripts and that the prospective employee's decision  
29 to release transcripts can be an important part of the process of  
30 applying for employment.))~~

31 **Sec. 13.** RCW 28A.300.040 and 2006 c 263 s 104 are each amended to  
32 read as follows:

33 In addition to any other powers and duties as provided by law, the  
34 powers and duties of the superintendent of public instruction shall be:

35 (1) To have supervision over all matters pertaining to the public  
36 schools of the state;

1 (2) To report to the governor and the legislature such information  
2 and data as may be required for the management and improvement of the  
3 schools;

4 (3) To prepare and have printed such forms, registers, courses of  
5 study, rules for the government of the common schools, and such other  
6 material and books as may be necessary for the discharge of the duties  
7 of teachers and officials charged with the administration of the laws  
8 relating to the common schools, and to distribute the same to  
9 educational service district superintendents;

10 (4) To travel, without neglecting his or her other official duties  
11 as superintendent of public instruction, for the purpose of attending  
12 educational meetings or conventions, of visiting schools, and of  
13 consulting educational service district superintendents or other school  
14 officials;

15 (5) To prepare and from time to time to revise a manual of the  
16 Washington state common school code, copies of which shall be provided  
17 in such numbers as determined by the superintendent of public  
18 instruction at no cost to those public agencies within the common  
19 school system and which shall be sold at approximate actual cost of  
20 publication and distribution per volume to all other public and  
21 nonpublic agencies or individuals, said manual to contain Titles 28A  
22 and 28C RCW, rules related to the common schools, and such other matter  
23 as the state superintendent or the state board of education shall  
24 determine. Proceeds of the sale of such code shall be transmitted to  
25 the public printer who shall credit the state superintendent's account  
26 within the state printing plant revolving fund by a like amount. This  
27 subsection is suspended until July 1, 2011;

28 (6) To file all papers, reports and public documents transmitted to  
29 the superintendent by the school officials of the several counties or  
30 districts of the state, each year separately. Copies of all papers  
31 filed in the superintendent's office, and the superintendent's official  
32 acts, may, or upon request, shall be certified by the superintendent  
33 and attested by the superintendent's official seal, and when so  
34 certified shall be evidence of the papers or acts so certified to;

35 (7) To require annually, on or before the 15th day of August, of  
36 the president, manager, or principal of every educational institution  
37 in this state, a report as required by the superintendent of public

1 instruction; and it is the duty of every president, manager, or  
2 principal, to complete and return such forms within such time as the  
3 superintendent of public instruction shall direct;

4 (8) To keep in the superintendent's office a record of all teachers  
5 receiving certificates to teach in the common schools of this state;

6 (9) To issue certificates as provided by law;

7 (10) To keep in the superintendent's office at the capital of the  
8 state, all books and papers pertaining to the business of the  
9 superintendent's office, and to keep and preserve in the  
10 superintendent's office a complete record of statistics, as well as a  
11 record of the meetings of the state board of education;

12 (11) With the assistance of the office of the attorney general, to  
13 decide all points of law which may be submitted to the superintendent  
14 in writing by any educational service district superintendent, or that  
15 may be submitted to the superintendent by any other person, upon appeal  
16 from the decision of any educational service district superintendent;  
17 and the superintendent shall publish his or her rulings and decisions  
18 from time to time for the information of school officials and teachers;  
19 and the superintendent's decision shall be final unless set aside by a  
20 court of competent jurisdiction;

21 (12) To administer oaths and affirmations in the discharge of the  
22 superintendent's official duties;

23 (13) To deliver to his or her successor, at the expiration of the  
24 superintendent's term of office, all records, books, maps, documents  
25 and papers of whatever kind belonging to the superintendent's office or  
26 which may have been received by the superintendent's for the use of the  
27 superintendent's office;

28 (14) To administer family services and programs to promote the  
29 state's policy as provided in RCW 74.14A.025;

30 (15) To promote the adoption of school-based curricula and policies  
31 that provide quality, daily physical education for all students, and to  
32 encourage policies that provide all students with opportunities for  
33 physical activity outside of formal physical education classes;

34 (16) To perform such other duties as may be required by law.

35 **Sec. 14.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to  
36 read as follows:

37 (1) Beginning with the ((2000-01)) 2011-12 school year, the

1 superintendent of public instruction shall notify senior high schools  
2 and any other public school that includes ninth grade of the names and  
3 contact information of public and private entities offering programs  
4 leading to college credit, including information about online advanced  
5 placement classes, if the superintendent has knowledge of such entities  
6 and if the cost of reporting these entities is minimal.

7 (2) Beginning with the (~~2000-01~~) 2011-12 school year, each senior  
8 high school and any other public school that includes ninth grade shall  
9 publish annually and deliver to each parent with children enrolled in  
10 ninth through twelfth grades, information concerning the entrance  
11 requirements and the availability of programs in the local area that  
12 lead to college credit, including classes such as advanced placement,  
13 running start, tech-prep, skill centers, college in the high school,  
14 and international baccalaureate programs. The information may be  
15 included with other information the school regularly mails to parents.  
16 In addition, each senior high school and any other public school that  
17 includes ninth grade shall enclose information of the names and contact  
18 information of other public or private entities offering such programs,  
19 including online advanced placement programs, to its ninth through  
20 twelfth grade students if the school has knowledge of such entities.

21 **Sec. 15.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to  
22 read as follows:

23 (1) The superintendent of public instruction shall provide an  
24 annual aggregate report to the legislature on the educational  
25 experiences and progress of students in children's administration out-  
26 of-home care. This data should be disaggregated in the smallest units  
27 allowable by law that do not identify an individual student, in order  
28 to learn which school districts are experiencing the greatest success  
29 and challenges in achieving quality educational outcomes with students  
30 in children's administration out-of-home care.

31 (2) This section is suspended until July 1, 2011.

32 **Sec. 16.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to  
33 read as follows:

34 School districts must, at the first opportunity but in all cases  
35 within forty-eight hours of receiving a report alleging sexual  
36 misconduct by a school employee, notify the parents of a student

1 alleged to be the victim, target, or recipient of the misconduct.  
2 School districts (~~shall~~) may provide parents with information  
3 regarding their rights under the public records act, chapter 42.56 RCW,  
4 to request the public records regarding school employee discipline.  
5 This information shall be provided to (~~all~~) parents (~~on an annual~~  
6 ~~basis~~) upon their request.

7 **Sec. 17.** RCW 28A.320.165 and 2001 c 333 s 4 are each amended to  
8 read as follows:

9 Schools as defined in RCW 17.21.415 shall provide online notice of  
10 pesticide use to parents or guardians of students and employees  
11 pursuant to chapter 17.21 RCW, and shall provide written notice upon  
12 the request of the parent or guardian.

13 **Sec. 18.** RCW 28A.320.180 and 2007 c 396 s 11 are each amended to  
14 read as follows:

15 (1) Subject to funding appropriated for this purpose and beginning  
16 in the fall of 2009, school districts shall provide all high school  
17 students enrolled in the district the option of taking the mathematics  
18 college readiness test developed under RCW 28B.10.679 once at no cost  
19 to the students. Districts shall encourage, but not require, students  
20 to take the test in their junior or senior year of high school.

21 (2) Subject to funding appropriated for this purpose, the office of  
22 the superintendent of public instruction shall reimburse each district  
23 for the costs incurred by the district in providing students the  
24 opportunity to take the mathematics placement test.

25 (3) This section is suspended until July 1, 2011.

26 **Sec. 19.** RCW 28A.600.160 and 1998 c 225 s 2 are each amended to  
27 read as follows:

28 Any middle school, junior high school, or high school using  
29 educational pathways shall ensure that all participating students will  
30 continue to have access to the courses and instruction necessary to  
31 meet admission requirements at baccalaureate institutions. Students  
32 shall be allowed to enter the educational pathway of their choice.  
33 Before accepting a student into an educational pathway, the school  
34 shall inform the student's parent of the pathway chosen, the  
35 opportunities available to the student through the pathway, and the

1 career objectives the student will have exposure to while pursuing the  
2 pathway. Providing online access to the information satisfies the  
3 requirements of this section unless a parent or guardian specifically  
4 request information to be provided in written form. Parents and  
5 students dissatisfied with the opportunities available through the  
6 selected educational pathway shall be provided with the opportunity to  
7 transfer the student to any other pathway provided in the school.  
8 Schools may not develop educational pathways that retain students in  
9 high school beyond the date they are eligible to graduate, and may not  
10 require students who transfer between pathways to complete pathway  
11 requirements beyond the date the student is eligible to graduate.  
12 Educational pathways may include, but are not limited to, programs such  
13 as work-based learning, school-to-work transition, tech prep,  
14 vocational-technical education, running start, and preparation for  
15 technical college, community college, or university education.

16 **Sec. 20.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to  
17 read as follows:

18 (1) The high school assessment system shall include but need not be  
19 limited to the Washington assessment of student learning, opportunities  
20 for a student to retake the content areas of the assessment in which  
21 the student was not successful, and if approved by the legislature  
22 pursuant to subsection (10) of this section, one or more objective  
23 alternative assessments for a student to demonstrate achievement of  
24 state academic standards. The objective alternative assessments for  
25 each content area shall be comparable in rigor to the skills and  
26 knowledge that the student must demonstrate on the Washington  
27 assessment of student learning for each content area.

28 (2) Subject to the conditions in this section, a certificate of  
29 academic achievement shall be obtained by most students at about the  
30 age of sixteen, and is evidence that the students have successfully met  
31 the state standard in the content areas included in the certificate.  
32 With the exception of students satisfying the provisions of RCW  
33 28A.155.045 or 28A.655.0611, acquisition of the certificate is required  
34 for graduation from a public high school but is not the only  
35 requirement for graduation.

36 (3) Beginning with the graduating class of 2008, with the exception  
37 of students satisfying the provisions of RCW 28A.155.045, a student who

1 meets the state standards on the reading, writing, and mathematics  
2 content areas of the high school Washington assessment of student  
3 learning shall earn a certificate of academic achievement. If a  
4 student does not successfully meet the state standards in one or more  
5 content areas required for the certificate of academic achievement,  
6 then the student may retake the assessment in the content area up to  
7 four times at no cost to the student. If the student successfully  
8 meets the state standards on a retake of the assessment then the  
9 student shall earn a certificate of academic achievement. Once  
10 objective alternative assessments are authorized pursuant to subsection  
11 (10) of this section, a student may use the objective alternative  
12 assessments to demonstrate that the student successfully meets the  
13 state standards for that content area if the student has taken the  
14 Washington assessment of student learning at least once. If the  
15 student successfully meets the state standards on the objective  
16 alternative assessments then the student shall earn a certificate of  
17 academic achievement.

18 (4) Beginning no later than with the graduating class of 2013, a  
19 student must meet the state standards in science in addition to the  
20 other content areas required under subsection (3) of this section on  
21 the Washington assessment of student learning or the objective  
22 alternative assessments in order to earn a certificate of academic  
23 achievement. The state board of education may adopt a rule that  
24 implements the requirements of this subsection (4) beginning with a  
25 graduating class before the graduating class of 2013, if the state  
26 board of education adopts the rule by September 1st of the freshman  
27 school year of the graduating class to which the requirements of this  
28 subsection (4) apply. The state board of education's authority under  
29 this subsection (4) does not alter the requirement that any change in  
30 performance standards for the tenth grade assessment must comply with  
31 RCW 28A.305.130.

32 (5) The state board of education may not require the acquisition of  
33 the certificate of academic achievement for students in home-based  
34 instruction under chapter 28A.200 RCW, for students enrolled in private  
35 schools under chapter 28A.195 RCW, or for students satisfying the  
36 provisions of RCW 28A.155.045.

37 (6) A student may retain and use the highest result from each  
38 successfully completed content area of the high school assessment.

1 (7) School districts must make available to students the following  
2 options:

3 (a) To retake the Washington assessment of student learning up to  
4 four times in the content areas in which the student did not meet the  
5 state standards if the student is enrolled in a public school; or

6 (b) To retake the Washington assessment of student learning up to  
7 four times in the content areas in which the student did not meet the  
8 state standards if the student is enrolled in a high school completion  
9 program at a community or technical college. The superintendent of  
10 public instruction and the state board for community and technical  
11 colleges shall jointly identify means by which students in these  
12 programs can be assessed.

13 (8) Students who achieve the standard in a content area of the high  
14 school assessment but who wish to improve their results shall pay for  
15 retaking the assessment, using a uniform cost determined by the  
16 superintendent of public instruction.

17 (9) Opportunities to retake the assessment at least twice a year  
18 shall be available to each school district.

19 (10)(a) The office of the superintendent of public instruction  
20 shall develop options for implementing objective alternative  
21 assessments, which may include an appeals process for students' scores,  
22 for students to demonstrate achievement of the state academic  
23 standards. The objective alternative assessments shall be comparable  
24 in rigor to the skills and knowledge that the student must demonstrate  
25 on the Washington assessment of student learning and be objective in  
26 its determination of student achievement of the state standards.  
27 Before any objective alternative assessments in addition to those  
28 authorized in RCW 28A.655.065 or (b) of this subsection are used by a  
29 student to demonstrate that the student has met the state standards in  
30 a content area required to obtain a certificate, the legislature shall  
31 formally approve the use of any objective alternative assessments  
32 through the omnibus appropriations act or by statute or concurrent  
33 resolution.

34 (b)(i) A student's score on the mathematics, reading or English, or  
35 writing portion of the (~~scholastic assessment test~~(+))SAT((+)) or the  
36 (~~American college test~~(+))ACT((+)) may be used as an objective  
37 alternative assessment under this section for demonstrating that a  
38 student has met or exceeded the state standards for the certificate of

1 academic achievement. The state board of education shall identify the  
2 scores students must achieve on the relevant portion of the SAT or ACT  
3 to meet or exceed the state standard in the relevant content area on  
4 the Washington assessment of student learning. The state board of  
5 education shall identify the first scores by December 1, 2007. After  
6 the first scores are established, the state board may increase but not  
7 decrease the scores required for students to meet or exceed the state  
8 standards.

9 (ii) Until August 31, 2008, a student's score on the mathematics  
10 portion of the (~~(preliminary scholastic assessment test-())~~)PSAT(~~(+)~~)  
11 may be used as an objective alternative assessment under this section  
12 for demonstrating that a student has met or exceeded the state standard  
13 for the certificate of academic achievement. The state board of  
14 education shall identify the score students must achieve on the  
15 mathematics portion of the PSAT to meet or exceed the state standard in  
16 that content area on the Washington assessment of student learning.

17 (iii) A student who scores at least a three on the grading scale of  
18 one to five for selected AP examinations may use the score as an  
19 objective alternative assessment under this section for demonstrating  
20 that a student has met or exceeded state standards for the certificate  
21 of academic achievement. A score of three on the AP examinations in  
22 calculus or statistics may be used as an alternative assessment for the  
23 mathematics portion of the Washington assessment of student learning.  
24 A score of three on the AP examinations in English language and  
25 composition may be used as an alternative assessment for the writing  
26 portion of the Washington assessment of student learning. A score of  
27 three on the AP examinations in English literature and composition,  
28 macroeconomics, microeconomics, psychology, United States history,  
29 world history, United States government and politics, or comparative  
30 government and politics may be used as an alternative assessment for  
31 the reading portion of the Washington assessment of student learning.

32 (11) By December 15, 2004, the house of representatives and senate  
33 education committees shall obtain information and conclusions from  
34 recognized, independent, national assessment experts regarding the  
35 validity and reliability of the high school Washington assessment of  
36 student learning for making individual student high school graduation  
37 determinations.

1       ~~((12) To help assure continued progress in academic achievement as~~  
2 ~~a foundation for high school graduation and to assure that students are~~  
3 ~~on track for high school graduation, each school district shall prepare~~  
4 ~~plans for and notify students and their parents or legal guardians as~~  
5 ~~provided in this subsection (12).~~

6       ~~(a) Student learning plans are required for eighth through twelfth~~  
7 ~~grade students who were not successful on any or all of the content~~  
8 ~~areas of the Washington assessment for student learning during the~~  
9 ~~previous school year or who may not be on track to graduate due to~~  
10 ~~credit deficiencies or absences. The parent or legal guardian shall be~~  
11 ~~notified about the information in the student learning plan, preferably~~  
12 ~~through a parent conference and at least annually. To the extent~~  
13 ~~feasible, schools serving English language learner students and their~~  
14 ~~parents shall translate the plan into the primary language of the~~  
15 ~~family. The plan shall include the following information as~~  
16 ~~applicable:~~

17       ~~(i) The student's results on the Washington assessment of student~~  
18 ~~learning;~~

19       ~~(ii) If the student is in the transitional bilingual program, the~~  
20 ~~score on his or her Washington language proficiency test II;~~

21       ~~(iii) Any credit deficiencies;~~

22       ~~(iv) The student's attendance rates over the previous two years;~~

23       ~~(v) The student's progress toward meeting state and local~~  
24 ~~graduation requirements;~~

25       ~~(vi) The courses, competencies, and other steps needed to be taken~~  
26 ~~by the student to meet state academic standards and stay on track for~~  
27 ~~graduation;~~

28       ~~(vii) Remediation strategies and alternative education options~~  
29 ~~available to students, including informing students of the option to~~  
30 ~~continue to receive instructional services after grade twelve or until~~  
31 ~~the age of twenty one;~~

32       ~~(viii) The alternative assessment options available to students~~  
33 ~~under this section and RCW 28A.655.065;~~

34       ~~(ix) School district programs, high school courses, and career and~~  
35 ~~technical education options available for students to meet graduation~~  
36 ~~requirements; and~~

37       ~~(x) Available programs offered through skill centers or community~~  
38 ~~and technical colleges.~~

1 ~~(b) All fifth grade students who were not successful in one or more~~  
2 ~~of the content areas of the fourth grade Washington assessment of~~  
3 ~~student learning shall have a student learning plan.~~

4 ~~(i) The parent or guardian of the student shall be notified,~~  
5 ~~preferably through a parent conference, of the student's results on the~~  
6 ~~Washington assessment of student learning, actions the school intends~~  
7 ~~to take to improve the student's skills in any content area in which~~  
8 ~~the student was unsuccessful, and provide strategies to help them~~  
9 ~~improve their student's skills.~~

10 ~~(ii) Progress made on the student plan shall be reported to the~~  
11 ~~student's parents or guardian at least annually and adjustments to the~~  
12 ~~plan made as necessary.))~~

13 **Sec. 21.** RCW 28A.655.075 and 2007 c 396 s 16 are each amended to  
14 read as follows:

15 (1) Within funds specifically appropriated therefor, by December 1,  
16 2008, the superintendent of public instruction shall develop essential  
17 academic learning requirements and grade level expectations for  
18 educational technology literacy and technology fluency that identify  
19 the knowledge and skills that all public school students need to know  
20 and be able to do in the areas of technology and technology literacy.  
21 The development process shall include a review of current standards  
22 that have been developed or are used by other states and national and  
23 international technology associations. To the maximum extent possible,  
24 the superintendent shall integrate goal four and the knowledge and  
25 skill areas in the other goals in the technology essential academic  
26 learning requirements.

27 (a) As used in this section, "technology literacy" means the  
28 ability to responsibly, creatively, and effectively use appropriate  
29 technology to communicate; access, collect, manage, integrate, and  
30 evaluate information; solve problems and create solutions; build and  
31 share knowledge; and improve and enhance learning in all subject areas  
32 and experiences.

33 (b) Technology fluency builds upon technology literacy and is  
34 demonstrated when students: Apply technology to real-world  
35 experiences; adapt to changing technologies; modify current and create  
36 new technologies; and personalize technology to meet personal needs,  
37 interests, and learning styles.

1 (2)(a) Within funds specifically appropriated therefor, the  
2 superintendent shall obtain or develop education technology assessments  
3 that may be administered in the elementary, middle, and high school  
4 grades to assess the essential academic learning requirements for  
5 technology. The assessments shall be designed to be classroom or  
6 project-based so that they can be embedded in classroom instruction and  
7 be administered and scored by school staff throughout the regular  
8 school year using consistent scoring criteria and procedures. By the  
9 2010-11 school year, these assessments shall be made available to  
10 school districts for the districts' voluntary use. If a school  
11 district uses the assessments created under this section, then the  
12 school district shall notify the superintendent of public instruction  
13 of the use. The superintendent shall report annually to the  
14 legislature on the number of school districts that use the assessments  
15 each school year.

16 (b) Beginning December 1, 2010, and annually thereafter, the  
17 superintendent of public instruction shall provide a report to the  
18 relevant legislative committees regarding the use of the assessments.

19 (3) This section is suspended until July 1, 2011.

20 **Sec. 22.** RCW 17.21.415 and 2001 c 333 s 3 are each amended to read  
21 as follows:

22 (1) As used in this section, "school" means a licensed day care  
23 center or a public kindergarten or a public elementary or secondary  
24 school.

25 (2) A school shall provide online notification, or written  
26 notification (~~((annually or upon enrollment))~~) upon request, to parents  
27 or guardians of students and employees describing the school's pest  
28 control policies and methods, including the posting and notification  
29 requirements of this section.

30 (3) A school shall establish a notification system that, as a  
31 minimum, notifies interested parents or guardians of students and  
32 employees at least forty-eight hours before a pesticide application to  
33 a school facility. The notification system shall include posting of  
34 the notification in a prominent place in the main office of the school.

35 (4) All notifications to parents, guardians, and employees shall  
36 include the heading "Notice: Pesticide Application" and, at a minimum,  
37 shall state:

- 1 (a) The product name of the pesticide to be applied;
- 2 (b) The intended date and time of application;
- 3 (c) The location to which the pesticide is to be applied;
- 4 (d) The pest to be controlled; and
- 5 (e) The name and phone number of a contact person at the school.

6 (5) A school facility application must be made within forty-eight  
7 hours following the intended date and time stated in the notification  
8 or the notification process shall be repeated.

9 (6) A school shall, at the time of application, post notification  
10 signs for all pesticide applications made to school facilities unless  
11 the application is otherwise required to be posted by a certified  
12 applicator under the provisions of RCW 17.21.410(1)(d).

13 (a) Notification signs for applications made to school grounds by  
14 school employees shall be placed at the location of the application and  
15 at each primary point of entry to the school grounds. The signs shall  
16 be a minimum of four inches by five inches and shall include the words:  
17 "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY  
18 YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as  
19 the footer. The footer shall provide the name and telephone number of  
20 a contact person at the school.

21 (b) Notification signs for applications made to school facilities  
22 other than school grounds shall be posted at the location of the  
23 application. The signs shall be a minimum of eight and one-half by  
24 eleven inches and shall include the heading "Notice: Pesticide  
25 Application" and, at a minimum, shall state:

- 26 (i) The product name of the pesticide applied;
- 27 (ii) The date and time of application;
- 28 (iii) The location to which the pesticide was applied;
- 29 (iv) The pest to be controlled; and
- 30 (v) The name and phone number of a contact person at the school.

31 (c) Notification signs shall be printed in colors contrasting to  
32 the background.

33 (d) Notification signs shall remain in place for at least  
34 twenty-four hours from the time the application is completed. In the  
35 event the pesticide label requires a restricted entry interval greater  
36 than twenty-four hours, the notification sign shall remain in place  
37 consistent with the restricted entry interval time as required by the  
38 label.

1 (7) A school facility application does not include the application  
2 of antimicrobial pesticides or the placement of insect or rodent baits  
3 that are not accessible to children.

4 (8) The prenotification requirements of this section do not apply  
5 if the school facility application is made when the school is not  
6 occupied by students for at least two consecutive days after the  
7 application.

8 (9) The prenotification requirements of this section do not apply  
9 to any emergency school facility application for control of any pest  
10 that poses an immediate human health or safety threat, such as an  
11 application to control stinging insects. When an emergency school  
12 facility application is made, notification consistent with the school's  
13 notification system shall occur as soon as possible after the  
14 application. The notification shall include information consistent  
15 with subsection (6)(b) of this section.

16 (10) A school shall make the records of all pesticide applications  
17 to school facilities required under this chapter, including an annual  
18 summary of the records, readily accessible to interested persons.

19 (11) A school is not liable for the removal of signs by  
20 unauthorized persons. A school that complies with this section may not  
21 be held liable for personal property damage or bodily injury resulting  
22 from signs that are placed as required.

23 NEW SECTION. **Sec. 23.** The following acts or parts of acts, as now  
24 existing or hereafter amended, are each repealed:

25 (1) RCW 28A.210.130 (Immunization program--Superintendent of public  
26 instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s  
27 4;

28 (2) RCW 28A.220.050 (Information on proper use of left-hand lane)  
29 and 1986 c 93 s 4;

30 (3) RCW 28A.220.080 (Information on motorcycle awareness) and 2007  
31 c 97 s 4 & 2004 c 126 s 1;

32 (4) RCW 28A.220.085 (Information on driving safely among bicyclists  
33 and pedestrians) and 2008 c 125 s 4; and

34 (5) RCW 28A.300.412 (Washington civil liberties public education  
35 program--Report) and 2000 c 210 s 6.

1        NEW SECTION.   **Sec. 24.**   Sections 4, 5, 13, 15, 18, and 21 of this  
2   act expire July 1, 2011.

3        NEW SECTION.   **Sec. 25.**   This act is necessary for the immediate  
4   preservation of the public peace, health, or safety, or support of the  
5   state government and its existing public institutions, and takes effect  
6   immediately.

--- END ---