
SECOND SUBSTITUTE SENATE BILL 5237

State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield, and Carrell)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to establishing accountability for student
2 performance in reading; amending RCW 43.215.410, 28A.165.025, and
3 28A.165.035; adding a new section to chapter 28A.415 RCW; adding a new
4 section to chapter 28A.165 RCW; adding a new section to chapter 28A.320
5 RCW; adding new sections to chapter 28A.655 RCW; and creating a new
6 section.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that research
9 consistently shows that state investments in high-quality early
10 learning programs have a powerful positive impact on young learners.
11 Studies have confirmed that participation in high-quality early
12 learning programs improves early language and literacy skills,
13 especially for children who are considered to be at-risk. The
14 legislature intends to increase access for young learners to the high
15 quality early childhood education and assistance program by increasing
16 funding to allow more children to participate.

17 (2) The legislature also finds that significant state investments
18 have been and will be made to support a continuum of learning from
19 prekindergarten through third grade, including through early learning

1 programs, statewide implementation of full-day kindergarten, and
2 reduced class sizes in grades kindergarten through three. These
3 investments reflect the importance of providing young children with the
4 best possible opportunities to develop foundational knowledge and
5 skills, particularly in the critical area of English language arts.
6 The investments also reflect the legislature's recognition that early
7 intervention represents the best hope of eliminating the educational
8 opportunity gap among groups of students.

9 (3) The legislature also finds that such investments and the
10 state's commitment to prekindergarten through third grade learning
11 warrant an accountability mechanism to ensure positive student
12 outcomes. School districts should be required to provide intensive
13 remediation if student performance in English language arts continues
14 to fall below grade level after completion of third grade.
15 Furthermore, statewide implementation of aligned curriculum,
16 instruction, and assessments associated with the common core state
17 standards provides a timely opportunity to initiate this accountability
18 mechanism.

19 (4) The legislature recognizes that the learning assistance program
20 is a supplemental education program that falls within the definition of
21 basic education. The purpose of the learning assistance program is to
22 provide students who are underachieving students with the greatest
23 academic deficits in basic skills with supplemental education in order
24 to provide them access to the program of basic education. The
25 legislature intends to focus the learning assistance program on the
26 individual reading needs of the youngest learners in grades
27 kindergarten through three and to emphasize the remediation for reading
28 and reading readiness skills since reading proficiency is a crucial
29 element for student academic success.

30 **Sec. 2.** RCW 43.215.410 and 2006 c 265 s 211 are each amended to
31 read as follows:

32 (1) The department shall administer a state-supported early
33 childhood education and assistance program to assist eligible children
34 with educational, social, health, nutritional, and cultural development
35 to enhance their opportunity for success in the common school system.
36 Eligible children shall be admitted to approved early childhood
37 programs to the extent that the legislature provides funds, and

1 additional eligible children may be admitted to the extent that grants
2 and contributions from community sources provide sufficient funds for
3 a program equivalent to that supported by state funds.

4 (2) The department of early learning shall expand the early
5 childhood education and assistance program to serve more children in
6 the 2013-2015 fiscal biennium, subject to funds being appropriated for
7 this purpose.

8 NEW SECTION. Sec. 3. A new section is added to chapter 28A.415
9 RCW to read as follows:

10 (1) High-quality professional development strategies are essential
11 to school and student success. Educators must keep abreast of the
12 important advances that are occurring in education through professional
13 development. Professional development is especially important in the
14 instruction of young readers since reading proficiency is a crucial
15 element for student academic success.

16 (2) Subject to appropriations made for this purpose, targeted,
17 research-based professional development programs are authorized to
18 further the development of outstanding reading teaching and learning
19 opportunities. The office of the superintendent of public instruction
20 shall create partnerships with the educational service districts or
21 public or private institutions of higher education with approved
22 educator preparation programs to develop and deliver professional
23 development learning opportunities in reading instruction for K-3
24 teachers.

25 **Sec. 4.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to
26 read as follows:

27 (1) A participating school district shall submit the district's
28 plan for using learning assistance funds to the office of the
29 superintendent of public instruction for approval, to the extent
30 required under subsection (2) of this section. The program plan must
31 identify the program activities to be implemented from RCW 28A.165.035
32 and implement all of the elements in (a) through ~~((h))~~ (i) of this
33 subsection. The school district plan shall include the following:

34 (a) A focus on first addressing the needs of students in grades
35 kindergarten through three who are deficient in reading or reading
36 readiness skills;

1 (b) District and school-level data on reading, writing, and
2 mathematics achievement as reported pursuant to chapter 28A.655 RCW and
3 relevant federal law;

4 ~~((b))~~ (c) Processes used for identifying the underachieving
5 students to be served by the program, including the identification of
6 school or program sites providing program activities;

7 ~~((e))~~ (d) How accelerated learning plans are developed and
8 implemented for participating students. Accelerated learning plans may
9 be developed as part of existing student achievement plan process such
10 as student plans for achieving state high school graduation standards,
11 individual student academic plans, or the achievement plans for groups
12 of students. Accelerated learning plans shall include:

13 (i) Achievement goals for the students;

14 (ii) Roles of the student, parents, or guardians and teachers in
15 the plan;

16 (iii) Communication procedures regarding student accomplishment;
17 and

18 (iv) Plan reviews and adjustments processes;

19 ~~((d))~~ (e) How state level and classroom assessments are used to
20 inform instruction;

21 ~~((e))~~ (f) How focused and intentional instructional strategies
22 have been identified and implemented;

23 ~~((f))~~ (g) How highly qualified instructional staff are developed
24 and supported in the program and in participating schools;

25 ~~((g))~~ (h) How other federal, state, district, and school
26 resources are coordinated with school improvement plans and the
27 district's strategic plan to support underachieving students; and

28 ~~((h))~~ (i) How a program evaluation will be conducted to determine
29 direction for the following school year.

30 (2) If a school district has received approval of its plan once, it
31 is not required to submit a plan for approval under RCW 28A.165.045 or
32 this section unless the district has made a significant change to the
33 plan. If a district has made a significant change to only a portion of
34 the plan the district need only submit a description of the changes
35 made and not the entire plan. Plans or descriptions of changes to the
36 plan must be submitted by July 1st as required under this section. The
37 office of the superintendent of public instruction shall establish
38 guidelines for what a "significant change" is.

1 **Sec. 5.** RCW 28A.165.035 and 2008 c 321 s 4 are each amended to
2 read as follows:

3 (1) School districts shall place special emphasis on first
4 addressing the needs of students in kindergarten through grade three
5 who are deficient in reading or reading readiness skills.

6 (2) Use of best practices magnifies the opportunities for student
7 success. The following are services and activities that may be
8 supported by the learning assistance program:

9 ~~((1))~~ (a) Extended learning time opportunities occurring:

10 ~~((a))~~ (i) Before or after the regular school day;

11 ~~((b))~~ (ii) On Saturday; and

12 ~~((c))~~ (iii) Beyond the regular school year;

13 ~~((2))~~ (b) Services under RCW 28A.320.190;

14 ~~((3))~~ (c) Professional development for certificated and
15 classified staff that focuses on:

16 ~~((a))~~ (i) The needs of a diverse student population;

17 ~~((b))~~ (ii) Specific literacy and mathematics content and
18 instructional strategies; and

19 ~~((c))~~ (iii) The use of student work to guide effective
20 instruction;

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

23 ~~((5))~~ (e) Tutoring support for participating students; and

24 ~~((6))~~ (f) Outreach activities and support for parents of
25 participating students, with a special focus and emphasis on parents of
26 participating students in kindergarten through grade three who are
27 deficient in reading or reading readiness skills.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.165
29 RCW to read as follows:

30 (1) Beginning August 1, 2013, and each August 1st thereafter,
31 school districts shall report to the office of the superintendent of
32 public instruction:

33 (a) Annual entrance and exit data for individual students
34 participating in the learning assistance program;

35 (b) The amount of academic growth gained by each student and the
36 number of students who gain at least one year of academic growth; and

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

3 (2) The office of the superintendent of public instruction shall
4 compile the school district data and report annual and longitudinal
5 gains for the specific practices, activities, and programs used by the
6 school districts to show which are the most effective.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.320
8 RCW to read as follows:

9 (1) National research consistently shows that when a student's
10 family is actively involved in the student's education then the
11 student's rates of academic achievement increase. Therefore, each
12 school district shall require that each report card of every student in
13 kindergarten through fourth grade include information regarding how a
14 student is progressing on acquiring reading skills and whether a
15 student is at grade level in reading. If a student is not at or above
16 grade level, the teacher must explain to the parent or guardian what
17 interventions and strategies will be used to help the student improve
18 the student's reading skills and provide strategies for the parents to
19 assist the student to improve the student's reading skills at home.

20 (2) Each school shall report to the school district the number of
21 students in grades kindergarten through three that are reading below
22 grade level and the interventions that are being provided to improve
23 the reading skills of the students. The school district shall
24 aggregate the reports from the schools and provide the reports to the
25 office of the superintendent of public instruction. The information
26 provided to the superintendent of public instruction shall be
27 disaggregated by subgroups of students and reported to appropriate
28 committees of the legislature and the educational opportunity gap
29 oversight and accountability committee.

30 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.655
31 RCW to read as follows:

32 (1) The definitions in this subsection apply throughout this
33 section unless the context clearly requires otherwise.

34 (a) "Basic" means a score on the statewide student assessment at a
35 level two in a four-level scoring system.

1 (b) "Below basic" means a score on the statewide student assessment
2 at a level one in a four-level scoring system.

3 (c) "Not meet the state standard" means a score on the statewide
4 student assessment at either a level one or a level two in a four-level
5 scoring system.

6 (2)(a) Beginning in the 2015-16 school year, if a student receives
7 a score of below basic on the third grade statewide student assessment
8 in English language arts, a meeting shall automatically be required
9 between the student's parent or guardian, teacher, and the principal of
10 the school the student attends to discuss the appropriate placement and
11 remedial strategies for the student to improve the student's reading
12 skills. The options for placement shall include retention in the third
13 grade; or promotion to fourth grade with an intensive remedial summer
14 program provided, supported, or contracted by the school district and
15 identified as appropriately meeting the reading needs of the student.

16 (b) Following participation in a district summer program or other
17 remedial summer option, the third grade English language arts
18 assessment shall be readministered and a follow-up meeting with the
19 student's parent or guardian, summer instructor, and principal shall
20 occur.

21 (3) If a student does not have a score in English language arts on
22 the third grade statewide student assessment but the district
23 determines, using district or classroom-based diagnostic assessments or
24 another standardized assessment, that the student's performance is
25 equivalent to below basic in English language arts, the policy in
26 subsection (2) of this section applies.

27 (4) A school district must provide written notification of
28 assessment results to all parents or guardians of third grade students
29 taking the English language arts assessment. If the child did not meet
30 the state standard, the notification must provide information about
31 strategies for the parents or guardians to assist the student to
32 improve the student's reading skills at home, and the need for a
33 meeting to discuss the student's grade placement and remediation
34 options.

35 (5) Implementation of subsections (2), (3), and (4) of this section
36 is subject to the availability of funds specifically appropriated for
37 the purpose of this section.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.655
2 RCW to read as follows:

3 A school district may exempt the following students from the
4 process and notification required under section 8 of this act:

5 (1) Students who participate in the statewide student assessment
6 system through an alternate assessment designed for students with
7 significant cognitive disabilities;

8 (2) Students with disabilities whose individualized education
9 program includes specially designed instruction in English language
10 arts, and whose individualized education program team determines that
11 retention in third grade is not an appropriate educational placement;
12 and

13 (3) Students who are English language learners who have been
14 enrolled in the transitional bilingual instructional program under
15 chapter 28A.180 RCW for two or fewer years.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.655
17 RCW to read as follows:

18 (1) Subject to the availability of funds specifically appropriated
19 for this purpose, beginning in the 2016-17 school year, a school
20 district must provide the following remediation for any student who did
21 not meet the state standard on the third grade statewide assessment in
22 English language arts in the previous school year:

23 (a) A minimum of ninety minutes of daily, research-based
24 instruction in English language arts;

25 (b) Small group instruction or reduced teacher-to-student ratios;

26 (c) Supplemental tutoring; and

27 (d) Use of diagnostic assessments to identify specific skills where
28 the student needs assistance and other formative assessments to monitor
29 student progress during the school year.

30 (2) To implement the remediation provided under this section and
31 section 8 of this act, school districts may use state funds provided
32 for basic education through general apportionment or the learning
33 assistance program, state and federal funds for the transitional
34 bilingual instructional program for students eligible for and enrolled
35 in the program, state and federal funds for special education for
36 students with disabilities, federal funds from Title I of the

1 elementary and secondary education act, or any other state, federal,
2 local, or private funds available generally or specifically to support
3 student learning in English language arts.

--- END ---