
SUBSTITUTE SENATE BILL 5237

State of Washington

63rd Legislature

2013 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield, Carrell, and Shin)

READ FIRST TIME 02/07/13.

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

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

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

15 (2) The legislature also finds that significant state investments
16 have been and will be made to support a continuum of learning from
17 prekindergarten through third grade, including through early learning
18 programs, statewide implementation of full-day kindergarten, and
19 reduced class sizes in grades kindergarten through three. These

1 investments reflect the importance of providing young children with the
2 best possible opportunities to develop foundational knowledge and
3 skills, particularly in the critical area of English language arts.
4 The investments also reflect the legislature's recognition that early
5 intervention represents the best hope of eliminating the educational
6 opportunity gap among groups of students.

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

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

19 (1) The department shall administer a state-supported early
20 childhood education and assistance program to assist eligible children
21 with educational, social, health, nutritional, and cultural development
22 to enhance their opportunity for success in the common school system.
23 Eligible children shall be admitted to approved early childhood
24 programs to the extent that the legislature provides funds, and
25 additional eligible children may be admitted to the extent that grants
26 and contributions from community sources provide sufficient funds for
27 a program equivalent to that supported by state funds.

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

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.415
33 RCW to read as follows:

34 (1) High-quality professional development strategies are essential
35 to school and student success. Educators must keep abreast of the
36 important advances that are occurring in education through professional

1 development. Professional development is especially important in the
2 instruction of young readers since reading proficiency is a crucial
3 element for student academic success.

4 (2) Subject to appropriations made for this purpose, targeted,
5 research-based professional development programs are authorized to
6 further the development of outstanding reading teaching and learning
7 opportunities. The office of the superintendent of public instruction
8 shall create partnerships with the educational service districts or
9 public or private institutions of higher education with approved
10 educator preparation programs to develop and deliver professional
11 development learning opportunities in reading instruction for K-3
12 teachers.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320
14 RCW to read as follows:

15 (1) Each school district shall require that each report card of
16 every student in kindergarten through fourth grade include information
17 regarding how a student is progressing on acquiring reading skills and
18 whether a student is at grade level in reading. If a student is not at
19 or above grade level, the teacher must explain to the parent or
20 guardian what interventions and strategies will be used to help the
21 student improve the student's reading skills.

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

30 NEW SECTION. **Sec. 5.** 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 and sections 7 and 8 of this act unless the context clearly
34 requires otherwise.

35 (a) "Basic" means a score on the statewide student assessment at a
36 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, a student who receives
7 a score of below basic on the third grade statewide student assessment
8 in English language arts shall automatically be enrolled in an
9 intensive summer school program provided by the school district to
10 improve the reading skills of the students. A parent or guardian may
11 choose to not have his or her child attend and opt out of the intensive
12 summer school program.

13 (b) At the end of the summer school program the school district
14 shall administer a retake of the statewide third grade English language
15 arts assessment.

16 (c) If the student does not meet the state standard on the
17 assessment administered at the end of the summer school program, the
18 district must provide remediation in grade four as required under
19 section 8 of this act.

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

26 (4) A school district must provide written notification to the
27 parent or guardian of a student who did not meet the state standard on
28 the third grade statewide student assessment in English language arts.
29 The notification must outline the requirements of this section and
30 sections 6 through 8 of this act and provide information about the
31 remediation that will be provided by the school district.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.655
33 RCW to read as follows:

34 (1) Beginning in the 2016-17 school year, a student who receives a
35 score of below basic on the fourth grade statewide student assessment
36 in English language arts and has participated in the intensive summer

1 school program and the remediation provided in accordance with section
2 5 of this act may not be promoted to fifth grade unless the student
3 meets one of the good cause exemptions under section 7 of this act.

4 (2) Beginning in the 2016-17 school year, a school district must
5 provide remediation as required under section 8 of this act for any
6 student who did not meet the state standard on the fourth grade
7 statewide student assessment in English language arts in the previous
8 school year.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.655
10 RCW to read as follows:

11 (1) A school district may exempt the following students from the
12 performance standard for promotion to fourth grade required under
13 section 5 of this act:

14 (a) Students who participate in the statewide student assessment
15 system through an alternate assessment designed for students with
16 significant cognitive disabilities;

17 (b) Students with disabilities whose individualized education
18 program includes specially designed instruction in English language
19 arts, and whose individualized education program team determines that
20 retention in third grade is not an appropriate educational placement;

21 (c) Students who are English language learners who have been
22 enrolled in the transitional bilingual instructional program under
23 chapter 28A.180 RCW for two or fewer years; and

24 (d) Students who have previously been retained in the same grade
25 and who have received supplemental instruction and remediation for at
26 least two years.

27 (2) School districts must adopt a policy for the mid-year promotion
28 to fourth grade of a student who is retained in third grade under
29 section 5 of this act if the district determines the student is
30 demonstrating sufficient progress to be likely to achieve at least a
31 score of basic on the fourth grade statewide student assessment in
32 English language arts.

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

35 (1) Beginning in the 2016-17 school year, a school district must
36 provide the following remediation for any student who did not meet the

1 state standard on the third grade statewide assessment in English
2 language arts in the previous school year, in accordance with section
3 5 of this act; and any student who did not meet the state standard on
4 the fourth grade statewide assessment in English language arts in the
5 previous school year, in accordance with section 6 of this act:

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

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

9 (c) Supplemental tutoring; and

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

13 (2) In addition to the remediation required under subsection (1) of
14 this section, a school district must provide supplemental learning
15 opportunities through an extended school day or school year or through
16 a summer school program for any student who is retained in third grade
17 under section 5 of this act and for any student who was eligible to be
18 retained but was promoted to fourth grade as a result of an exemption
19 under section 7 of this act. School districts are encouraged but not
20 required to provide such supplemental learning opportunities for other
21 students who did not meet the state standard on the third or fourth
22 grade statewide assessment in English language arts.

23 (3) To implement the remediation required under this section,
24 school districts may use state funds provided for basic education
25 through general apportionment or the learning assistance program, state
26 and federal funds for the transitional bilingual instructional program
27 for students eligible for and enrolled in the program, state and
28 federal funds for special education for students with disabilities,
29 federal funds from Title I of the elementary and secondary education
30 act, or any other state, federal, local, or private funds available
31 generally or specifically to support student learning in English
32 language arts.

--- END ---