
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5841

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to enhancing student learning opportunities and
2 student achievement; amending RCW 28A.150.210; adding a new section to
3 chapter 28A.150 RCW; adding new sections to chapter 28A.630 RCW; adding
4 a new section to chapter 28A.155 RCW; creating new sections; and
5 providing expiration dates.

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

7 **Sec. 1.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to
8 read as follows:

9 The goal of the basic education act for the schools of the state of
10 Washington set forth in this chapter shall be to provide students with
11 the opportunity to become responsible citizens, to contribute to their
12 own economic well-being and to that of their families and communities,
13 and to enjoy productive and satisfying lives, and to develop a public
14 school system that focuses more on the educational performance of
15 students and includes high expectations for all students. To these
16 ends, the goals of each school district, with the involvement of
17 parents and community members, shall be to provide opportunities for
18 all students to develop the knowledge and skills essential to:

1 (1) Read with comprehension, write with skill, and communicate
2 effectively and responsibly in a variety of ways and settings;

3 (2) Know and apply the core concepts and principles of mathematics;
4 social, physical, and life sciences; civics and history; geography;
5 arts; and health and fitness;

6 (3) Think analytically, logically, and creatively, and to integrate
7 experience and knowledge to form reasoned judgments and solve problems;
8 and

9 (4) Understand the importance of work and how performance, effort,
10 and decisions directly affect future career and educational
11 opportunities.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
13 RCW to read as follows:

14 ALL-DAY KINDERGARTEN PROGRAMS--FUNDING. Beginning with the 2007-08
15 school year, funding for voluntary all-day kindergarten programs shall
16 be phased-in beginning with schools with the highest poverty levels,
17 defined as those schools with the highest percentages of students
18 qualifying for free and reduced-price lunch support in the prior school
19 year. Once a school receives funding for the all-day kindergarten
20 program, that school shall remain eligible for funding in subsequent
21 school years regardless of changes in the school's percentage of
22 students eligible for free and reduced-price lunches as long as other
23 program requirements are fulfilled. Resources for all-day kindergarten
24 shall support students who qualify for free and reduced-price lunch
25 program support. The funding for voluntary all-day kindergarten
26 programs created in this section shall not be considered part of the
27 definition of basic education. Additionally, schools receiving all-day
28 kindergarten program support shall agree to the following conditions:

29 (1) Providing at least a one thousand-hour instructional program;

30 (2) Providing a curriculum that offers a rich, varied set of
31 experiences that assist students in:

32 (a) Developing initial skills in the academic areas of reading,
33 mathematics, and writing;

34 (b) Developing a variety of communication skills;

35 (c) Providing experiences in science, social studies, arts, health
36 and physical education, and a world language other than English;

37 (d) Acquiring large and small motor skills;

1 (e) Acquiring social and emotional skills including successful
2 participation in learning activities as an individual and as part of a
3 group;

4 (f) Establishing learning environments that are developmentally
5 appropriate and promote creativity; and

6 (g) Learning through hands-on experiences;

7 (3) Demonstrating strong connections and communication with early
8 learning community providers; and

9 (4) Participating in kindergarten program readiness activities with
10 early learning providers and parents.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.630
12 RCW to read as follows:

13 PRIMARY LEVEL EDUCATION PROJECTS. (1) Four demonstration projects
14 are authorized for schools serving kindergarten through third grade
15 students to develop, implement, and document the effects of a
16 comprehensive K-3 foundations program. At least two demonstration
17 projects shall be in schools that are participating in the public-
18 private early learning partnerships in the Highline and Yakima school
19 districts. A third demonstration project shall be in the Spokane
20 school district.

21 (2) The superintendent of public instruction shall select project
22 participants based on the criteria in this section, the commitment to
23 a school-wide program, and the degree to which applicants articulate an
24 understanding of development and implementation of a comprehensive K-3
25 foundations program.

26 (3) Successful school applicants shall:

27 (a) Demonstrate that there is engaged and committed school and
28 district leadership and support for the project;

29 (b) Demonstrate that school staff is engaged and committed and
30 believes in high expectations for all students;

31 (c) Have a history of successfully using data to guide decision
32 making for students and the program;

33 (d) Plan for the use of staff learning improvement days to support
34 project implementation;

35 (e) Demonstrate successful linkages with the early learning
36 providers in their communities;

1 (f) Outline the steps taken to develop this application and the
2 general plan for implementation of a comprehensive K-3 foundations
3 program; and

4 (g) Commit to individualized learning opportunities in early grades
5 by using district resources, such as funding under RCW 28A.505.210, to
6 reduce class sizes in grades kindergarten through three.

7 (4) Program resources provided to demonstration projects are:

8 (a) Support to implement an all-day kindergarten program;

9 (b) Support for class sizes at a ratio of one teacher to eighteen
10 students, and the additional resources for materials generated by that
11 ratio through associated nonemployee-related costs;

12 (c) Support for a one-half full-time equivalent instructional
13 coach; and

14 (d) Support for professional development time related to program
15 implementation.

16 (5) Demonstration projects shall provide:

17 (a) A program that implements an educational philosophy that
18 supports child-centered learning;

19 (b) Learning opportunities through personal exploration and
20 discovery, hands-on experiences, and by working independently, in small
21 groups and in large groups;

22 (c) Rich and varied subject matter that includes: Reading,
23 writing, mathematics, science, social studies, a world language other
24 than English, the arts, and health and physical education;

25 (d) Opportunities to learn and feel accomplishment, diligence,
26 creativity, and confidence;

27 (e) Social and emotional development opportunities;

28 (f) Personalized assessment for each student that addresses
29 academic knowledge and skill development, social and emotional skill
30 development, critical thinking and decision-making skills, large and
31 fine motor skill development, and knowledge of personal interests,
32 strengths, and goals;

33 (g) For students to progress to the upper elementary grades when a
34 solid foundation is in place and reading and mathematics primary skills
35 have been mastered;

36 (h) Class sizes that do not exceed one certificated instructional
37 staff to eighteen students; and

1 (i) That the project will agree to cooperate with the Washington
2 state institute for public policy in its evaluation of the
3 demonstration projects, including providing the data necessary for the
4 institute to complete its work.

5 (6) The Washington state institute for public policy shall conduct
6 an evaluation of the demonstration projects under this section.
7 Student, staff, program, and parent data shall be collected using
8 various instruments including surveys, program and activity
9 descriptions, student performance measures, observations, and other
10 processes.

11 (7) Within available funding, findings from the evaluation under
12 this section shall include conclusions regarding the degree to which
13 students thrive in the education environment; student progress in
14 academic, social, and emotional areas; the program components that have
15 been most important to student success; the degree to which educational
16 staff feel accomplished in their work and satisfied with student
17 progress; and recommendations for continued implementation and
18 expansion of the program.

19 (8) The institute for public policy shall report its findings to
20 the governor, the office of the superintendent of public instruction,
21 and the appropriate early learning, education, and fiscal committees of
22 the legislature. An interim report is due November 1, 2008. The final
23 report is due December 1, 2009.

24 (9) This section expires September 1, 2010.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.630
26 RCW to read as follows:

27 ENGLISH AS A SECOND LANGUAGE PROJECTS. (1) The goals of the
28 English as a second language demonstration project are to develop
29 recommendations:

30 (a) Identifying foundational competencies for developing academic
31 English skills in English language learner students that all teachers
32 should acquire in initial teacher preparation programs;

33 (b) Identifying components of a professional development program
34 that builds classroom teacher competence for developing academic
35 English skills in English language learner students; and

36 (c) Identifying job-embedded practices that connect the English

1 language learner teacher and classroom teachers to coordinate
2 instruction to support the work of the student.

3 (2) The English as a second language demonstration project shall
4 use two field strategies in the development of recommendations.

5 (a) The first strategy is to conduct a field study of an ongoing
6 project in a number of schools and school districts in which Spanish is
7 the predominate language other than English.

8 (b) The second strategy is to conduct a project that provides
9 professional development and planning time resources to approximately
10 three large schools in which there are many first languages among the
11 students. The participants of this project shall partner with an
12 institution of higher education or a professional development provider
13 with expertise in support student acquisition of academic English. The
14 superintendent of public instruction shall select the participants in
15 the project under this subsection (2)(b).

16 (3)(a) The Washington state institute for public policy shall
17 conduct the field study work and collect additional information from
18 the project schools. In conducting its work, the institute shall
19 review current literature regarding best practices and consult with
20 state and national experts as appropriate.

21 (b) The institute for public policy shall report its findings to
22 the governor, the office of the superintendent of public instruction,
23 and the education and fiscal committees of the legislature. An interim
24 report is due November 1, 2008. The final report is due December 1,
25 2009.

26 (4) This section expires September 1, 2010.

27 NEW SECTION. **Sec. 5.** The state auditor's office, in consultation
28 with the office of financial management and the joint legislative audit
29 and review committee, will conduct an audit and evaluation of the
30 current process for determining student eligibility for free and
31 reduced price lunch. The audit and review shall include, but is not
32 limited to: (1) An assessment of the current error rate for
33 determining eligibility for free or reduced price lunch; (2)
34 recommendations on methods and procedures that would reduce the error
35 rate; and (3) an analysis of other poverty measures that could be used
36 as a more accurate indicator of school district poverty. The audit and

1 review shall be submitted to the office of financial management and the
2 appropriate policy and fiscal committees of the legislature by
3 September 1, 2008.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.155
5 RCW to read as follows:

6 (1) To the extent necessary, funds shall be made available for
7 safety net awards for districts with demonstrated needs for special
8 education funding beyond the amounts provided through the special
9 education funding formula. If safety net awards exceed the amount
10 appropriated, then the superintendent shall expend all available
11 federal discretionary funds necessary to meet this need. Safety net
12 funds shall be awarded by the state safety net oversight committee
13 subject to the following conditions and limitations:

14 (a) The committee shall consider additional funds for districts
15 that can convincingly demonstrate that all legitimate expenditures for
16 special education exceed all available revenues from state funding
17 formulas. In the determination of need, the committee shall also
18 consider additional available revenues from federal sources.
19 Differences in program costs attributable to district philosophy,
20 service delivery choice, or accounting practices are not a legitimate
21 basis for safety net awards.

22 (b) The committee shall then consider the extraordinary high cost
23 needs of one or more individual special education students.
24 Differences in costs attributable to district philosophy, service
25 delivery choice, or accounting practices are not a legitimate basis for
26 safety net awards.

27 (c) The committee shall then consider extraordinary costs
28 associated with communities that draw a larger number of families with
29 children in need of special education services.

30 (d) The maximum allowable indirect cost for calculating safety net
31 eligibility may not exceed the federal restricted indirect cost rate
32 for the district plus one percent.

33 (e) Safety net awards shall be adjusted based on the percent of
34 potential medicaid eligible students billed as calculated by the
35 superintendent in accordance with chapter 318, Laws of 1999.

36 (f) Safety net awards must be adjusted for any audit findings or
37 exceptions related to special education funding.

1 (2) The superintendent of public instruction may adopt such rules
2 and procedures as are necessary to administer the special education
3 funding and safety net award process. Prior to revising any standards,
4 procedures, or rules, the superintendent shall consult with the office
5 of financial management and the fiscal committees of the legislature.
6 In adopting and revising the rules, the superintendent shall ensure the
7 application process to access safety net funding is streamlined,
8 timelines for submission are not in conflict, feedback to school
9 districts is timely and provides sufficient information to allow school
10 districts to know what they need to do to correct any deficiencies in
11 their safety net application, and that there is consistency between
12 awards approved by school districts and by application period. The
13 office of the superintendent of public instruction shall also provide
14 technical assistance to school districts to assist them in preparing
15 and submitting their special education safety net application.

16 (3) On an annual basis, the superintendent shall survey districts
17 regarding their satisfaction with the safety net process and consider
18 feedback to improve the safety net process. Each year by December 1st,
19 the superintendent shall prepare and submit a report to the office of
20 financial management and the appropriate policy and fiscal committees
21 of the legislature that summarizes the survey results and changes made
22 to the safety net process as a result of the school district feedback.

23 (4) The safety net oversight committee appointed by the
24 superintendent of public instruction shall consist of:

25 (a) One staff from the office of superintendent of public
26 instruction;

27 (b) Staff of the office of the state auditor who shall be nonvoting
28 members of the committee; and

29 (c) One or more representatives from school districts or
30 educational service districts knowledgeable of special education
31 programs and funding.

32 NEW SECTION. **Sec. 7.** (1) In addition to the responsibilities in
33 section 6 of this act, the state special education safety net oversight
34 committee, with the assistance of the office of the superintendent of
35 public instruction, shall conduct further evaluation of issues raised
36 in the recently completed review of the special education excess cost
37 accounting procedures by the office of the superintendent of public

1 instruction and the 2006 report of the joint legislative audit and
2 review committee report on the accounting of special education excess
3 costs. Specifically, the state special education safety net oversight
4 committee shall evaluate options for modifying or replacing the current
5 accounting methodology in place for the 2005-06 school year in a way
6 that better reflects the special education program funding and
7 spending. By November 1, 2008, the oversight committee shall submit a
8 report to the office of financial management and the appropriate policy
9 and fiscal committees of the legislature outlining the options for
10 replacing the current excess cost method. One of the options will be
11 based on, to the maximum extent appropriate, a full cost accounting.

12 (2) This section expires June 30, 2009.

13 NEW SECTION. **Sec. 8.** Captions used in this act are not any part
14 of the law.

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