
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6162

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By Senate Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo, and Mullet)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to defining dyslexia as a specific learning
2 disability and requiring early screening for dyslexia; amending RCW
3 28A.165.035 and 28A.710.040; adding new sections to chapter 28A.320
4 RCW; adding new sections to chapter 28A.300 RCW; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
8 RCW to read as follows:

9 For the purposes of sections 2 through 6 of this act, "dyslexia"
10 means a specific learning disorder that is neurological in origin and
11 that is characterized by unexpected difficulties with accurate or
12 fluent word recognition and by poor spelling and decoding abilities
13 that are not consistent with the person's intelligence, motivation,
14 and sensory capabilities. These difficulties typically result from a
15 deficit in the phonological components of language that is often
16 unexpected in relation to other cognitive abilities. In addition, the
17 difficulties are not typically a result of ineffective classroom
18 instruction. Secondary consequences may include problems in reading
19 comprehension and reduced reading experience that can impede growth
20 of vocabulary and background knowledge.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
2 RCW to read as follows:

3 (1) Beginning in the 2021-22 school year, and as provided in this
4 section, each school district must use multitiered systems of support
5 to provide interventions to students in kindergarten through second
6 grade who display indications of, or areas of weakness associated
7 with, dyslexia. In order to provide school districts with the
8 opportunity to intervene before a student's performance falls
9 significantly below grade level, school districts must screen
10 students in kindergarten through second grade for indications of, or
11 areas associated with, dyslexia as provided in this section.

12 (2)(a) School districts must use screening tools and resources
13 that exemplify best practices, as described under section 3 of this
14 act.

15 (b) School districts may use the screening tools and resources
16 identified by the superintendent of public instruction in accordance
17 with section 3 of this act.

18 (3)(a) If a student shows indications of below grade level
19 literacy development or indications of, or areas of weakness
20 associated with, dyslexia, the school district must provide
21 interventions using evidence-based multitiered systems of support,
22 consistent with the recommendations of the dyslexia advisory council
23 under section 4 of this act and as required under this subsection
24 (3).

25 (b) The interventions must be evidence-based multisensory
26 structured literacy interventions and must be provided by an educator
27 trained in instructional methods specifically targeting students'
28 areas of weakness.

29 (c) Whenever possible, a school district must begin by providing
30 student supports in the general education classroom. If screening
31 tools and resources indicate that, after receiving the initial tier
32 of student support, a student requires interventions, the school
33 district may provide the interventions in either the general
34 education classroom or a learning assistance program setting. If
35 after receiving interventions, further screening tools and resources
36 indicate that a student continues to have indications of, or areas of
37 weakness associated with, dyslexia, the school district must
38 recommend to the student's parents and family that the student be
39 evaluated for dyslexia or a specific learning disability.

1 (4) For a student who shows indications of, or areas of weakness
2 associated with, dyslexia, each school district must notify the
3 student's parents and family of the identified indicators and areas
4 of weakness, as well as the plan for using multitiered systems of
5 support to provide supports and interventions. The initial notice
6 must also include information relating to dyslexia and resources for
7 parental support developed by the superintendent of public
8 instruction. The school district must regularly update the student's
9 parents and family of the student's progress.

10 (5) School districts may use state funds provided under chapter
11 28A.165 RCW to meet the requirements of this section.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300
13 RCW to read as follows:

14 (1) By September 1, 2019, the superintendent of public
15 instruction, after considering recommendations from the dyslexia
16 advisory council convened under section 4 of this act, must identify
17 screening tools and resources that, at a minimum, meet the following
18 best practices to:

19 (a) Satisfy developmental and academic criteria, including
20 considerations of validity and reliability, that indicate typical
21 literacy development or dyslexia, taking into account typical child
22 neurological development; and

23 (b) Identify indicators and areas of weakness that are highly
24 predictive of future reading difficulty, including phonological
25 awareness, phonemic awareness, rapid naming skills, letter sound
26 knowledge, and family history of difficulty with reading and language
27 acquisition.

28 (2) Beginning September 1, 2019, the superintendent of public
29 instruction must maintain on the agency's web site the list of
30 screening tools and resources identified under this section and must
31 include links to the tools and resources, when available.

32 (3) The superintendent of public instruction must review and
33 update the list of screening tools and resources identified under
34 this section as appropriate.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300
36 RCW to read as follows:

37 (1) The superintendent of public instruction shall convene a
38 dyslexia advisory council to advise the superintendent on matters

1 relating to dyslexia in an academic setting. The council must include
2 interested stakeholders including, but not limited to, literacy and
3 dyslexia experts, special education experts, primary school teachers,
4 school administrators, school psychologists, representatives of
5 school boards, and representatives of nonprofit organizations with
6 expertise in dyslexia. Members of the council must serve without
7 compensation.

8 (2) By June 1, 2019, the council must identify and describe
9 screening tools and resources that satisfy developmental and academic
10 criteria, including considerations of validity and reliability, that
11 indicate typical literacy development or dyslexia, taking into
12 account typical child neurological development, and report this
13 information to the superintendent of public instruction.

14 (3) By June 1, 2020, the council must develop recommendations and
15 report to the superintendent of public instruction regarding:

16 (a) Best practices for school district implementation of
17 screenings as required under section 2 of this act, including
18 trainings for school district staff conducting the screenings;

19 (b) Best practices for using multitiered systems of support to
20 provide interventions as required under section 2 of this act,
21 including trainings for school district staff in instructional
22 methods specifically targeting students' areas of weakness;

23 (c) Sample educational information for parents and families
24 related to dyslexia that includes a list of resources for parental
25 support; and

26 (d) Best practices to address the needs of students above grade
27 two who show indications of, or areas of weakness associated with,
28 dyslexia.

29 (4) By January 15, 2022, the council must review school district
30 implementation of screenings and their use of multitiered systems of
31 support to provide interventions as required under section 2 of this
32 act, and report to the superintendent of public instruction with
33 updates on its recommendations for the best practices and sample
34 educational information required under subsection (3) of this
35 section.

36 (5) This section expires August 1, 2023.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
38 RCW to read as follows:

1 (1) By June 1, 2021, the superintendent of public instruction
2 must review the dyslexia advisory council's recommendations required
3 under section 4 of this act and make available to school districts:

4 (a) Best practices for school district implementation of
5 screenings as required under section 2 of this act, including
6 trainings for school district staff conducting the screenings;

7 (b) Best practices for using multitiered systems of support to
8 provide interventions as required under section 2 of this act,
9 including trainings for school district staff in instructional
10 methods specifically targeting students' areas of weakness;

11 (c) Sample educational information for parents and families
12 related to dyslexia that includes a list of resources for parental
13 support; and

14 (d) Best practices to address the needs of students above grade
15 two who show indications of, or areas of weakness associated with,
16 dyslexia.

17 (2) By February 15, 2022, the superintendent of public
18 instruction must review the dyslexia advisory council's updated
19 report required under section 4 of this act and revise the best
20 practices and sample educational information made available to school
21 districts required under subsection (1) of this section.

22 (3) By November 1, 2022, and in compliance with RCW 43.01.036,
23 the superintendent of public instruction must report to the house of
24 representatives and senate education committees with the following
25 information from the 2021-22 school year:

26 (a) The number of students: (i) Screened pursuant to section 2 of
27 this act; (ii) with indications of, or areas of weakness associated
28 with, dyslexia identified under section 3 of this act; and (iii)
29 provided interventions pursuant to section 2 of this act;

30 (b) Descriptions from school districts of the types of
31 interventions used in accordance with section 2 of this act and rates
32 of student progress, when available; and

33 (c) Descriptions from school districts of the issues districts
34 had related to implementing the provisions of section 2 of this act.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320
36 RCW to read as follows:

37 Beginning with the 2018-19 school year, as part of the annual
38 student assessment inventory, school districts that screen students
39 for indicators of, or areas of weakness associated with, dyslexia

1 must report the number of students and grade levels of the students
2 screened, disaggregated by student subgroups. Each school district
3 must aggregate the school reports and submit the aggregated report to
4 the office of the superintendent of public instruction. The office of
5 the superintendent of public instruction and the dyslexia advisory
6 council convened under section 4 of this act must use this data when
7 developing best practice recommendations in accordance with sections
8 4 and 5 of this act.

9 **Sec. 7.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to
10 read as follows:

11 (1) Use of best practices that have been demonstrated through
12 research to be associated with increased student achievement
13 magnifies the opportunities for student success. To the extent they
14 are included as a best practice or strategy in one of the state menus
15 or an approved alternative under this section or RCW 28A.655.235, the
16 following are services and activities that may be supported by the
17 learning assistance program:

18 (a) Extended learning time opportunities occurring:

19 (i) Before or after the regular school day;

20 (ii) On Saturday; and

21 (iii) Beyond the regular school year;

22 (b) Services under RCW 28A.320.190;

23 (c) Professional development for certificated and classified
24 staff that focuses on:

25 (i) The needs of a diverse student population;

26 (ii) Specific literacy and mathematics content and instructional
27 strategies; and

28 (iii) The use of student work to guide effective instruction and
29 appropriate assistance;

30 (d) Consultant teachers to assist in implementing effective
31 instructional practices by teachers serving participating students;

32 (e) Tutoring support for participating students;

33 (f) Outreach activities and support for parents of participating
34 students, including employing parent and family engagement
35 coordinators; and

36 (g) Up to five percent of a district's learning assistance
37 program allocation may be used for development of partnerships with
38 community-based organizations, educational service districts, and
39 other local agencies to deliver academic and nonacademic supports to

1 participating students who are significantly at risk of not being
2 successful in school to reduce barriers to learning, increase student
3 engagement, and enhance students' readiness to learn. The school
4 board must approve in an open meeting any community-based
5 organization or local agency before learning assistance funds may be
6 expended.

7 (2) In addition to the state menu developed under RCW
8 28A.655.235, the office of the superintendent of public instruction
9 shall convene a panel of experts, including the Washington state
10 institute for public policy, to develop additional state menus of
11 best practices and strategies for use in the learning assistance
12 program to assist struggling students at all grade levels in English
13 language arts and mathematics and reduce disruptive behaviors in the
14 classroom. The office of the superintendent of public instruction
15 shall publish the state menus by July 1, 2015, and update the state
16 menus by each July 1st thereafter.

17 (3)(a) Beginning in the 2016-17 school year, except as provided
18 in (b) of this subsection, school districts must use a practice or
19 strategy that is on a state menu developed under subsection (2) of
20 this section or RCW 28A.655.235.

21 (b) Beginning in the 2016-17 school year, school districts may
22 use a practice or strategy that is not on a state menu developed
23 under subsection (2) of this section for two school years initially.
24 If the district is able to demonstrate improved outcomes for
25 participating students over the previous two school years at a level
26 commensurate with the best practices and strategies on the state
27 menu, the office of the superintendent of public instruction shall
28 approve use of the alternative practice or strategy by the district
29 for one additional school year. Subsequent annual approval by the
30 superintendent of public instruction to use the alternative practice
31 or strategy is dependent on the district continuing to demonstrate
32 increased improved outcomes for participating students.

33 (c) Beginning in the 2016-17 school year, school districts may
34 enter cooperative agreements with state agencies, local governments,
35 or school districts for administrative or operational costs needed to
36 provide services in accordance with the state menus developed under
37 this section and RCW 28A.655.235.

38 (4) School districts are encouraged to implement best practices
39 and strategies from the state menus developed under this section and
40 RCW 28A.655.235 before the use is required.

1 (5) School districts may use learning assistance program
2 allocations to meet the screening and intervention requirements of
3 section 2 of this act, even if the student being screened or provided
4 with supports is not eligible to participate in the learning
5 assistance program. The learning assistance program allocations may
6 also be used for school district staff trainings necessary to
7 implement the provisions of section 2 of this act.

8 NEW SECTION. Sec. 8. A new section is added to chapter 28A.300
9 RCW to read as follows:

10 (1) The superintendent of public instruction may adopt rules to
11 implement sections 1 through 6 of this act and RCW 28A.165.035.

12 (2) The rules may include, but are not limited to, the following:

13 (a) A timeline for school districts and charter schools to
14 implement the screenings required under section 2 of this act;

15 (b) The frequency of conducting the screenings;

16 (c) Best practices for identifying screening tools and resources
17 in accordance with section 3 of this act;

18 (d) Training for school district staff conducting the screenings;
19 and

20 (e) The members and scope of work for the dyslexia advisory
21 council convened under section 4 of this act.

22 **Sec. 9.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to
23 read as follows:

24 (1) A charter school must operate according to the terms of its
25 charter contract and the provisions of this chapter.

26 (2) A charter school must:

27 (a) Comply with local, state, and federal health, safety,
28 parents' rights, civil rights, and nondiscrimination laws applicable
29 to school districts and to the same extent as school districts,
30 including but not limited to chapter 28A.642 RCW (discrimination
31 prohibition) and chapter 28A.640 RCW (sexual equality);

32 (b) Provide a program of basic education, that meets the goals in
33 RCW 28A.150.210, including instruction in the essential academic
34 learning requirements, and participate in the statewide student
35 assessment system as developed under RCW 28A.655.070;

36 (c) Comply with the screening and intervention requirements under
37 section 2 of this act;

1 (d) Employ certificated instructional staff as required in RCW
2 28A.410.025. Charter schools, however, may hire noncertificated
3 instructional staff of unusual competence and in exceptional cases as
4 specified in RCW 28A.150.203(7);

5 ~~((d))~~ (e) Comply with the employee record check requirements in
6 RCW 28A.400.303;

7 ~~((e))~~ (f) Adhere to generally accepted accounting principles
8 and be subject to financial examinations and audits as determined by
9 the state auditor, including annual audits for legal and fiscal
10 compliance;

11 ~~((f))~~ (g) Comply with the annual performance report under RCW
12 28A.655.110;

13 ~~((g))~~ (h) Be subject to the performance improvement goals
14 adopted by the state board of education under RCW 28A.305.130;

15 ~~((h))~~ (i) Comply with the open public meetings act in chapter
16 42.30 RCW and public records requirements in chapter 42.56 RCW; and

17 ~~((i))~~ (j) Be subject to and comply with legislation enacted
18 after December 6, 2012, that governs the operation and management of
19 charter schools.

20 (3) Charter public schools must comply with all state statutes
21 and rules made applicable to the charter school in the school's
22 charter contract, and are subject to the specific state statutes and
23 rules identified in subsection (2) of this section. For the purpose
24 of allowing flexibility to innovate in areas such as scheduling,
25 personnel, funding, and educational programs to improve student
26 outcomes and academic achievement, charter schools are not subject
27 to, and are exempt from, all other state statutes and rules
28 applicable to school districts and school district boards of
29 directors. Except as provided otherwise by this chapter or a charter
30 contract, charter schools are exempt from all school district
31 policies.

32 (4) A charter school may not engage in any sectarian practices in
33 its educational program, admissions or employment policies, or
34 operations.

35 (5) Charter schools are subject to the supervision of the
36 superintendent of public instruction and the state board of
37 education, including accountability measures, to the same extent as
38 other public schools, except as otherwise provided in this chapter.

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