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**SECOND SUBSTITUTE SENATE BILL 5147**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hawkins, Wellman, Billig, Dhingra, Frockt, Hasegawa, Kuderer, Muzzall, Nobles, Rivers, Saldaña, and Wilson, C.)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to addressing learning stabilization, recovery,  
2 and acceleration; adding a new section to chapter 28A.630 RCW;  
3 creating new sections; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** INTENT. The COVID-19 pandemic has created  
6 a unique set of challenges and circumstances that have tested the  
7 K-12 education system. Due to reduced instructional time, educational  
8 inequities, and the inability to access technology and educational  
9 services, many students have suffered learning loss and a disruption  
10 to their educational experience. As a result, the legislature finds  
11 that additional academic programs may help students to obtain the  
12 knowledge and skills needed to prevent negative educational outcomes.  
13 By utilizing a series of optional programs, including additional  
14 instructional days, opening various school facilities, extra academic  
15 opportunities, and an alternative school calendar, selected school  
16 districts will be better able to address the negative outcomes of the  
17 pandemic in a flexible and locally responsive manner while reengaging  
18 students to meet their social, physical, and academic needs.

19 NEW SECTION. **Sec. 2.** FUNDING FOR ADDITIONAL INSTRUCTIONAL DAYS.  
20 (1) Subject to the availability of amounts appropriated for this

1 specific purpose, school districts that provide additional  
2 instructional days beyond the minimum number required under RCW  
3 28A.150.220 during the 2021-22 school year may receive additional  
4 funding to assist in providing these instructional days.

5 (2) Funding allocated under this section is limited to a maximum  
6 of three additional instructional days per school district, in  
7 alignment with RCW 28A.330.100.

8 (3) The office of the superintendent of public instruction shall  
9 administer the funding allocated for the purposes of this section and  
10 may adopt rules necessary for the effective and efficient  
11 implementation of this section.

12 (4) This section expires August 31, 2022.

13 NEW SECTION. **Sec. 3.** SUMMER REENGAGEMENT GRANT PROGRAM. (1)

14 Subject to the availability of amounts appropriated for this specific  
15 purpose, the office of the superintendent of public instruction shall  
16 create and administer a grant program for the purpose of assisting  
17 school districts in facilitating a week-long program in schools for  
18 students to reengage in learning, physical activity, and social  
19 interaction prior to the start of the 2021-22 school year.

20 (2) (a) A school district participating in the program shall open  
21 facilities in at least one school in the district for structured  
22 activities for students, under staff supervision.

23 (b) School facilities to be opened under this program may  
24 include, but are not limited to, school libraries, cafeterias,  
25 gymnasiums, and playgrounds.

26 (c) School districts participating in this program shall  
27 prioritize activities or programs that:

- 28 (i) Promote students connecting socially with their classmates;
- 29 (ii) Encourage students to engage in physical activity; and
- 30 (iii) Support families who have struggled with child care needs.

31 (3) Grants allocated for the purposes of this section must be  
32 allocated in proportion to student enrollment.

33 (4) In allocating grants under this program, the office of the  
34 superintendent of public instruction is encouraged to collaborate  
35 with the no child left inside program of the Washington state  
36 recreation and conservation office, as applicable.

37 (5) Nothing in this section modifies instructional requirements  
38 under RCW 28A.150.220 nor shall any activity or program provided

1 under this section count towards meeting minimum instructional  
2 requirements under state law.

3 (6) The office of the superintendent of public instruction may  
4 adopt rules necessary for the effective and efficient implementation  
5 of this section.

6 (7) This section expires August 31, 2022.

7 NEW SECTION. **Sec. 4.** ADDITIONAL EDUCATIONAL OPPORTUNITIES GRANT  
8 PROGRAM. (1) Subject to the availability of amounts appropriated for  
9 this specific purpose, the office of the superintendent of public  
10 instruction shall create and administer a grant program for the  
11 purpose of providing funds for accelerating learning in certain  
12 districts to address learning loss resulting from the COVID-19  
13 pandemic.

14 (2)(a) A school district receiving a grant under this section  
15 shall provide up to five days of additional educational opportunities  
16 for students to review educational concepts, subjects, and materials  
17 under staff supervision in preparation for the 2021-22 school year.

18 (b) Programs offered as part of these reviews may include, but  
19 are not limited to:

20 (i) Enrichment and learning activities that support the arts;

21 (ii) Civic engagement;

22 (iii) Service learning;

23 (iv) Science, technology, engineering, and mathematics.

24 (3) Grants allocated for the purposes of this section shall be  
25 limited to school districts that had enrollment of 50 percent or more  
26 students eligible for free or reduced-price meals in the 2019-20  
27 school year or used the community eligibility provision under section  
28 104(a) of the federal healthy, hunger-free kids act of 2010 (P.L.  
29 111-296) to provide universal meals in all district schools during  
30 the 2019-20 school year.

31 (4) Nothing in this section shall be construed to modify  
32 instructional requirements under RCW 28A.150.220 nor shall any  
33 activity or program provided under this section count towards meeting  
34 minimum instructional requirements under state law.

35 (5) The office of the superintendent of public instruction may  
36 adopt rules that are necessary for the effective and efficient  
37 implementation of this program.

38 (6) This section expires August 31, 2022.

1        NEW SECTION.    **Sec. 5.**    21st CENTURY COMMUNITY LEARNING CENTERS  
2 PROGRAM (1) In creating, administering, and disbursing awards for the  
3 grant programs created in sections 3 and 4 of this act, the office of  
4 the superintendent of public instruction is encouraged, to the  
5 greatest extent possible, to use funding disbursed under the federal  
6 21st century community learning centers program in Title IV, part B  
7 of the elementary and secondary education act (20 U.S.C. Sec.  
8 7171-7176).

9        (2) Nothing in this section affects previous grant awards or  
10 supersedes federal requirements under the 21st century community  
11 learning centers program (20 U.S.C. Sec. 7171-7176).

12        (3) This section expires August 31, 2022.

13        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 28A.630  
14 RCW to read as follows:

15        BALANCED SCHOOL CALENDAR GRANT PROGRAM. (1) The office of the  
16 superintendent of public instruction shall select a limited number of  
17 school districts for a program to implement a year-round school  
18 calendar. In doing so, the office of the superintendent of public  
19 instruction may select up to 20 school districts to provide a minimum  
20 of 180 school days throughout the entire school year.

21        (2) School districts selected under the program shall provide a  
22 year-round school year instructional schedule beginning in the  
23 2022-23 school year and through the 2025-26 school year in all  
24 schools in their district.

25        (3)(a) Each school district participating in the alternative  
26 school year calendar program must have:

27        (i) Except as provided under (c)(i)(B) of this subsection, had  
28 enrollment of 35 percent or more students eligible for free or  
29 reduced-price meals in the 2019-20 school year or used the community  
30 eligibility provision under section 104(a) of the federal healthy,  
31 hunger-free kids act of 2010 (P.L. 111-296) to provide universal  
32 meals in all district schools during the 2019-20 school year; and

33        (ii) A maximum district-wide enrollment of 10,000 students in the  
34 2019-20 school year.

35        (b) In selecting districts for participation in the program, the  
36 office of the superintendent of public instruction shall select  
37 districts on a first-come, first-served basis based on the  
38 application date of eligible districts, except as provided under (c)  
39 and (d) of this subsection.

1 (c) The office of the superintendent of public instruction may  
2 select up to 20 school districts for participation in this program  
3 under the following parameters:

4 (i)(A) Up to 10 school districts with a maximum district-wide  
5 enrollment of 2,000 students in the 2019-20 school year.

6 (B) Additional school districts of this size may be selected,  
7 subject to amounts appropriated for this specific purpose, for any  
8 openings that may remain under (c)(ii) and (iii) of this subsection  
9 upon the closure of the application window;

10 (ii) Up to seven school districts with a minimum district-wide  
11 enrollment of 2,001 students and a maximum district-wide enrollment  
12 of 6,000 students in the 2019-20 school year; and

13 (iii) Up to three school districts with a minimum district-wide  
14 enrollment of 6,001 students and a maximum district-wide enrollment  
15 of 10,000 students in the 2019-20 school year.

16 (d) From all applicants, the office of the superintendent of  
17 public instruction may select up to 10 school districts located west  
18 of the crest of the Cascade mountains and up to 10 school districts  
19 east of the crest of the Cascade mountains.

20 (4) Prior to applying to participate in the program, school  
21 districts must convene at least two public meetings to solicit public  
22 comments and must consult with any bargaining units.

23 (5) In addition to other program requirements established by the  
24 office of the superintendent of public instruction, school districts  
25 participating in the program shall adopt a school calendar that  
26 provides instructional days in at least 11 months of the year and in  
27 which breaks in scheduled instructional days for students are limited  
28 to a maximum of four consecutive weeks throughout the school year.

29 (6) Subject to the availability of amounts appropriated for this  
30 specific purpose, the office of the superintendent of public  
31 instruction shall allocate funds to each participating school  
32 district in an amount equal to the school district's base allocation  
33 per full-time equivalent student, multiplied by the school's annual  
34 average full-time equivalent student enrollment, multiplied by 0.025.

35 (7) The office of the superintendent of public instruction shall  
36 notify districts of their selection in the program by no later than  
37 March 1, 2022. The notification to districts of their selection must  
38 also include an estimate of funds to be received under subsection (5)  
39 of this section. Districts shall have 90 days from the date of  
40 notification to accept or deny participation in the program.

1 (8) By December 31, 2026, the office of the superintendent of  
2 public instruction shall provide a report to the education committees  
3 of the legislature on the following:

4 (a) Participation in the program, including demographic  
5 information of the participating school districts;

6 (b) Outcomes of the program, including student growth and  
7 academic performance between districts; and

8 (c) Recommendations based on the experiences of the school  
9 district, including any relevant policy and fiscal recommendations  
10 for the statewide application of a year-round school year.

11 (9) The office of the superintendent of public instruction may  
12 adopt rules necessary for the implementation of this section.

13 (10) This section expires July 31, 2027.

14 NEW SECTION. **Sec. 7.** The legislature recognizes that additional  
15 resources from the federal government may be forthcoming that could  
16 be used to fund the activities and purposes of this act. To ensure  
17 the efficient uses of state resources and to maximize the use of  
18 federal funds, the office should use any anticipated or unanticipated  
19 federal funding allocated to the state through July 1, 2022, that is  
20 available to supplant the amounts appropriated for the purpose of  
21 implementing this act. If the office submits a request to the  
22 governor pursuant to RCW 43.79.270 for an allotment revision to spend  
23 unanticipated revenue that could be used for the purposes of this  
24 act, the request must contain a proposal to use the unanticipated  
25 moneys for the sole purpose of reducing allotments of appropriations  
26 made to implement this act and to place such moneys in unallotted  
27 reserve status.

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