
HOUSE BILL 2832

State of Washington 60th Legislature 2008 Regular Session

By Representatives Anderson, Fromhold, Priest, Haigh, Quall,
Sullivan, Conway, and Haler

Read first time 01/16/08. Referred to Committee on Education.

1 AN ACT Relating to recodifying the state's educational obligations
2 under Article IX, sections 1 and 2 of the state Constitution; amending
3 RCW 28A.150.200, 28A.150.220, 28A.150.205, 28A.150.380, 28A.150.040,
4 28A.150.060, 28A.150.100, 28A.150.230, 28A.150.250, 28A.150.260,
5 28A.150.262, 28A.150.290, 28A.150.350, 28A.150.390, 28A.150.400,
6 28A.150.410, 28A.155.010, 28A.155.020, 28A.155.040, 28A.155.090,
7 28A.155.100, 28A.160.130, 28A.185.020, 28A.195.010, 28A.225.010,
8 28A.225.115, 28A.225.200, 28A.230.010, 28A.305.035, 28A.305.130,
9 28A.305.140, 28A.305.215, 28A.320.240, 28A.335.030, 28A.340.060,
10 28A.400.200, 28A.400.205, 28A.410.210, 28A.415.310, 28A.600.310,
11 28A.600.405, 28A.655.010, 28A.655.070, 28A.655.110, 39.35D.020,
12 41.59.935, 74.09.5256, 84.33.010, 84.52.0531, and 84.52.0531;
13 reenacting and amending RCW 28A.150.370, 28A.320.330, and 28A.415.023;
14 adding a new chapter to Title 28A RCW; recodifying RCW 28A.150.200,
15 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.250, 28A.150.260,
16 28A.150.205, 28A.150.060, 28A.150.100, 28A.150.410, 28A.150.230,
17 28A.150.240, 28A.150.350, 28A.150.370, 28A.150.390, 28A.150.280,
18 28A.150.270, 28A.150.275, 28A.150.290, 28A.150.400, 28A.150.360, and
19 28A.150.420; providing an effective date; and providing an expiration
20 date.

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

2 NEW SECTION. **Sec. 1.** (1) In 1977, the legislature adopted the
3 Washington basic education act of 1977 to set forth an education
4 program that complies with the requirements of Article IX, sections 1
5 and 2 of the state Constitution. Subsequently, the courts have held
6 that the state's obligations under Article IX include the provision of
7 several programs in addition to the program contained in the Washington
8 basic education act of 1977. In particular in 1983, Thurston county
9 superior court Judge Robert J. Doran in *Seattle School District No. 1*
10 *v. State*, Thurston Co. Superior Court No. 81-2-1713-1 (1983),
11 identified a number of additional programs that fall within the state's
12 obligations under Article IX of the state Constitution. Since 1983,
13 the legislature has proceeded as though the programs identified by
14 Judge Doran are included in the state's obligations under Article IX.

15 (2) However, the legislature has not made reference within state
16 statutes to the relationship of other court-identified programs to the
17 state's constitutional obligations. Programs provided with the intent
18 of complying with Article IX, sections 1 and 2 of the state
19 Constitution have come to be collectively described as "basic
20 education," even though statutory references to basic education tend to
21 refer to the education program adopted under the Washington basic
22 education act of 1977. The legislature's interpretation of its
23 constitutional obligations regarding a basic education is not
24 immediately apparent in the statutes.

25 (3) Therefore, the purpose of this act is to set forth in a
26 separate chapter, through recodification and cross-reference and solely
27 for purposes of clarity, those statutes and programs the courts have
28 held to be included in the state's constitutional obligations under
29 Article IX, sections 1 and 2 of the state Constitution. For further
30 clarity and ease of reference, this act recodifies within the new
31 chapter certain sections of law that are administrative in nature and
32 necessary for implementation of the state's obligations.

33 (4) This act does not expand, diminish, or alter the state's
34 obligations under Article IX of the state Constitution.

35 **PART I**

1 learning experiences. The state board of education shall establish
2 rules to determine annual average instructional hours for districts
3 including fewer than twelve grades. The program shall include the
4 essential academic learning requirements (~~(under RCW 28A.630.885)~~) and
5 such other subjects and such activities as the school district shall
6 determine to be appropriate for the education of the school district's
7 students enrolled in such group;

8 (c) If the essential academic learning requirements include a
9 requirement of languages other than English, the requirement may be met
10 by students receiving instruction in one or more American Indian
11 languages.

12 (2) Nothing contained in subsection (1) of this section shall be
13 construed to require individual students to attend school for any
14 particular number of hours per day or to take any particular courses.

15 (3) Each school district's kindergarten through twelfth grade basic
16 educational program shall be accessible to all students who are five
17 years of age, as provided by RCW 28A.225.160, and less than twenty-one
18 years of age and shall consist of a minimum of one hundred eighty
19 school days per school year in such grades as are conducted by a school
20 district, and one hundred eighty half-days of instruction, or
21 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
22 school district may schedule the last five school days of the one
23 hundred and eighty day school year for noninstructional purposes in the
24 case of students who are graduating from high school, including, but
25 not limited to, the observance of graduation and early release from
26 school upon the request of a student, and all such students may be
27 claimed as a full time equivalent student to the extent they could
28 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
29 28A.150.260 (as recodified by this act).

30 (4) The state board of education shall adopt rules to implement and
31 ensure compliance with the program requirements imposed by this
32 section, RCW 28A.150.250 and 28A.150.260 (as recodified by this act),
33 and such related supplemental program approval requirements as the
34 state board may establish.

35 NEW SECTION. **Sec. 103.** In addition to the basic education program
36 identified under RCW 28A.150.220 (as recodified by this act):

1 (1) Each school district shall make available to all eligible
2 students with disabilities as defined in RCW 28A.155.020 the
3 opportunity for an appropriate education at public expense as defined
4 by RCW 28A.155.020;

5 (2) As provided by RCW 28A.160.150 through 28A.160.180, each school
6 district shall make available to eligible students transportation
7 services and transportation to and from school;

8 (3) Each school district participating in the learning assistance
9 program, as set forth in chapter 28A.165 RCW, shall provide a program
10 to participating students that complies with the requirements of
11 chapter 28A.165 RCW;

12 (4) Each school district shall make available to each eligible and
13 enrolled student, transitional bilingual instruction as provided by RCW
14 28A.180.010 through 28A.180.080; and

15 (5) Each school district under RCW 28A.190.030 shall conduct a
16 program of education as provided by chapter 28A.190 RCW for students in
17 residential schools as defined by RCW 28A.190.020 and for juveniles in
18 detention facilities as identified by RCW 28A.190.010.

19 **Sec. 104.** RCW 28A.150.205 and 1992 c 141 s 502 are each amended to
20 read as follows:

21 Unless the context clearly requires otherwise, the definition in
22 this section applies throughout RCW (~~28A.150.200 through 28A.150.295~~)
23 28A.150.220 and 28A.150.230 (as recodified by this act).

24 "Instructional hours" means those hours students are provided the
25 opportunity to engage in educational activity planned by and under the
26 direction of school district staff, as directed by the administration
27 and board of directors of the district, inclusive of intermissions for
28 class changes, recess, and teacher/parent-guardian conferences that are
29 planned and scheduled by the district for the purpose of discussing
30 students' educational needs or progress, and exclusive of time actually
31 spent for meals.

32 **Sec. 105.** RCW 28A.150.370 and 1995 c 335 s 102 and 1995 c 77 s 5
33 are each reenacted and amended to read as follows:

34 (1) The legislature shall, at each regular session in an odd-
35 numbered year, appropriate from the state general fund for the current
36 use of the common schools such amounts as needed for state support to

1 the common schools during the ensuing biennium as provided in this
2 chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and
3 28A.500.010.

4 (2) In addition to those state funds provided to school districts
5 for basic education, the legislature shall appropriate funds for pupil
6 transportation, in accordance with this chapter, RCW 28A.160.150
7 through 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010, and for
8 special education programs for students with disabilities, in
9 accordance with RCW 28A.155.010 through 28A.155.100. The legislature
10 may appropriate funds to be distributed to school districts for
11 population factors such as urban costs, enrollment fluctuations and for
12 special programs, including but not limited to, vocational-technical
13 institutes, compensatory programs, bilingual education, urban, rural,
14 racial and disadvantaged programs, programs for gifted students, and
15 other special programs.

16 NEW SECTION. Sec. 106. (1) The legislature and the state supreme
17 court have found that chapter 28A.193 RCW, rather than the basic
18 education act, fully satisfies any duty under Article IX of the state
19 Constitution to provide education programs for individuals under the
20 age of eighteen who are incarcerated in adult correctional facilities.
21 The purpose of this section is solely to acknowledge this
22 constitutional obligation. Programs for juvenile inmates are included
23 in this chapter solely for ease of reference.

24 (2) Each education provider under chapter 28A.193 RCW shall provide
25 a program of education to eligible and participating juvenile inmates
26 in adult correctional facilities as provided by chapter 28A.193 RCW.

27 **Sec. 107.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to
28 read as follows:

29 ~~((1) The state legislature shall, at each regular session in an~~
30 ~~odd-numbered year, appropriate from the state general fund for the~~
31 ~~current use of the common schools such amounts as needed for state~~
32 ~~support to the common schools during the ensuing biennium as provided~~
33 ~~in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and~~
34 ~~28A.500.010.~~

35 ~~(2))~~ The state legislature shall ~~((also))~~, at each regular session
36 in an odd-numbered year, appropriate from the student achievement fund

1 and education construction fund solely for the purposes of and in
2 accordance with the provisions of the student achievement act during
3 the ensuing biennium.

4 **PART II**
5 **TECHNICAL CORRECTIONS**

6 **Sec. 201.** RCW 28A.150.040 and 1990 c 33 s 101 are each amended to
7 read as follows:

8 The school year shall begin on the first day of September and end
9 with the last day of August: PROVIDED, That any school district may
10 elect to commence the minimum annual school term as required under RCW
11 28A.150.220 (as recodified by this act) in the month of August of any
12 calendar year and in such case the operation of a school district for
13 such period in August shall be credited by the superintendent of public
14 instruction to the succeeding school year for the purpose of the
15 allocation and distribution of state funds for the support of such
16 school district.

17 **Sec. 202.** RCW 28A.150.060 and 2005 c 497 s 212 are each amended to
18 read as follows:

19 The term "certificated employee" as used in RCW 28A.195.010,
20 28A.150.060 (as recodified by this act), 28A.150.260 (as recodified by
21 this act), 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
22 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, shall include
23 those persons who hold certificates as authorized by rule of the
24 Washington professional educator standards board or the superintendent
25 of public instruction.

26 **Sec. 203.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
27 read as follows:

28 (1) For the purposes of this section and RCW 28A.150.410 (as
29 recodified by this act) and 28A.400.200, "basic education certificated
30 instructional staff" shall mean all full time equivalent certificated
31 instructional staff in the following programs as defined for statewide
32 school district accounting purposes: Basic education, secondary
33 vocational education, general instructional support, and general
34 supportive services.

1 (2) In the 1988-89 school year and thereafter, each school district
2 shall maintain a ratio of at least forty-six basic education
3 certificated instructional staff to one thousand annual average full
4 time equivalent students.

5 **Sec. 204.** RCW 28A.150.230 and 2006 c 263 s 201 are each amended to
6 read as follows:

7 (1) It is the intent and purpose of this section to guarantee that
8 each common school district board of directors, whether or not acting
9 through its respective administrative staff, be held accountable for
10 the proper operation of their district to the local community and its
11 electorate. In accordance with the provisions of Title 28A RCW, (~~as~~
12 ~~now or hereafter amended,~~) each common school district board of
13 directors shall be vested with the final responsibility for the setting
14 of policies ensuring quality in the content and extent of its
15 educational program and that such program provide students with the
16 opportunity to achieve those skills which are generally recognized as
17 requisite to learning.

18 (2) In conformance with the provisions of Title 28A RCW, (~~as now~~
19 ~~or hereafter amended,~~) it shall be the responsibility of each common
20 school district board of directors to adopt policies to:

21 (a) Establish performance criteria and an evaluation process for
22 its certificated personnel, including administrative staff, and for all
23 programs constituting a part of such district's curriculum;

24 (b) Determine the final assignment of staff, certificated or
25 classified, according to board enumerated classroom and program needs;

26 (c) Determine the amount of instructional hours necessary for any
27 student to acquire a quality education in such district, in not less
28 than an amount otherwise required in RCW 28A.150.220 (as recodified by
29 this act), or rules of the state board of education;

30 (d) Determine the allocation of staff time, whether certificated or
31 classified;

32 (e) Establish final curriculum standards consistent with law and
33 rules of the superintendent of public instruction, relevant to the
34 particular needs of district students or the unusual characteristics of
35 the district, and ensuring a quality education for each student in the
36 district; and

1 (f) Evaluate teaching materials, including text books, teaching
2 aids, handouts, or other printed material, in public hearing upon
3 complaint by parents, guardians or custodians of students who consider
4 dissemination of such material to students objectionable.

5 **Sec. 205.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
6 read as follows:

7 From those funds made available by the legislature for the current
8 use of the common schools, the superintendent of public instruction
9 shall distribute annually as provided in RCW 28A.510.250 to each school
10 district of the state operating a program approved by the state board
11 of education an amount which, when combined with an appropriate portion
12 of such locally available revenues, other than receipts from federal
13 forest revenues distributed to school districts pursuant to RCW
14 28A.520.010 and 28A.520.020, as the superintendent of public
15 instruction may deem appropriate for consideration in computing state
16 equalization support, excluding excess property tax levies, will
17 constitute a basic education allocation in dollars for each annual
18 average full time equivalent student enrolled, based upon one full
19 school year of one hundred eighty days, except that for kindergartens
20 one full school year shall be one hundred eighty half days of
21 instruction, or the equivalent as provided in RCW 28A.150.220 (as
22 recodified by this act).

23 Basic education shall be considered to be fully funded by those
24 amounts of dollars appropriated by the legislature pursuant to RCW
25 28A.150.250 and 28A.150.260 (as recodified by this act) to fund those
26 program requirements identified in RCW 28A.150.220 (as recodified by
27 this act) in accordance with the formula and ratios provided in RCW
28 28A.150.260 (as recodified by this act) and those amounts of dollars
29 appropriated by the legislature to fund the salary requirements of RCW
30 28A.150.100 and 28A.150.410 (as recodified by this act).

31 Operation of a program approved by the state board of education,
32 for the purposes of this section, shall include a finding that the
33 ratio of students per classroom teacher in grades kindergarten through
34 three is not greater than the ratio of students per classroom teacher
35 in grades four and above for such district: PROVIDED, That for the
36 purposes of this section, "classroom teacher" shall be defined as an
37 instructional employee possessing at least a provisional certificate,

1 but not necessarily employed as a certificated employee, whose primary
2 duty is the daily educational instruction of students: PROVIDED
3 FURTHER, That the state board of education shall adopt rules ((~~and~~
4 ~~regulations~~)) to insure compliance with the student/teacher ratio
5 provisions of this section, and such rules ((~~and~~~~regulations~~)) shall
6 allow for exemptions for those special programs and/or school districts
7 which may be deemed unable to practicably meet the student/teacher
8 ratio requirements of this section by virtue of a small number of
9 students.

10 If a school district's basic education program fails to meet the
11 basic education requirements enumerated in RCW 28A.150.250,
12 28A.150.260, and 28A.150.220 (as recodified by this act), the state
13 board of education shall require the superintendent of public
14 instruction to withhold state funds in whole or in part for the basic
15 education allocation until program compliance is assured: PROVIDED,
16 That the state board of education may waive this requirement in the
17 event of substantial lack of classroom space.

18 **Sec. 206.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to
19 read as follows:

20 The basic education allocation for each annual average full_time
21 equivalent student shall be determined in accordance with the following
22 procedures:

23 (1) The governor shall and the superintendent of public instruction
24 may recommend to the legislature a formula based on a ratio of students
25 to staff for the distribution of a basic education allocation for each
26 annual average full_time equivalent student enrolled in a common
27 school. The distribution formula shall have the primary objective of
28 equalizing educational opportunities and shall provide appropriate
29 recognition of the following costs among the various districts within
30 the state:

- 31 (a) Certificated instructional staff and their related costs;
- 32 (b) Certificated administrative staff and their related costs;
- 33 (c) Classified staff and their related costs;
- 34 (d) Nonsalary costs;
- 35 (e) Extraordinary costs, including school facilities, of remote and
36 necessary schools as judged by the superintendent of public

1 instruction, with recommendations from the school facilities citizen
2 advisory panel under RCW 28A.525.025, and small high schools, including
3 costs of additional certificated and classified staff; and

4 (f) The attendance of students pursuant to RCW 28A.335.160 and
5 28A.225.250 who do not reside within the servicing school district.

6 (2)(a) This formula for distribution of basic education funds shall
7 be reviewed biennially by the superintendent and governor. The
8 recommended formula shall be subject to approval, amendment or
9 rejection by the legislature. The formula shall be for allocation
10 purposes only. While the legislature intends that the allocations for
11 additional instructional staff be used to increase the ratio of such
12 staff to students, nothing in this section shall require districts to
13 reduce the number of administrative staff below existing levels.

14 (b) The formula adopted by the legislature shall reflect the
15 following ratios at a minimum: (i) Forty-nine certificated
16 instructional staff to one thousand annual average full-time equivalent
17 students enrolled in grades kindergarten through three; (ii) forty-six
18 certificated instructional staff to one thousand annual average full-
19 time equivalent students in grades four through twelve; (iii) four
20 certificated administrative staff to one thousand annual average full-
21 time equivalent students in grades kindergarten through twelve; and
22 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
23 thousand annual average full-time equivalent students enrolled in
24 grades kindergarten through twelve.

25 (c) In the event the legislature rejects the distribution formula
26 recommended by the governor, without adopting a new distribution
27 formula, the distribution formula for the previous school year shall
28 remain in effect: PROVIDED, That the distribution formula developed
29 pursuant to this section shall be for state apportionment and
30 equalization purposes only and shall not be construed as mandating
31 specific operational functions of local school districts other than
32 those program requirements identified in RCW 28A.150.220 and
33 28A.150.100 (as recodified by this act). The enrollment of any
34 district shall be the annual average number of full-time equivalent
35 students and part-time students as provided in RCW 28A.150.350 (as
36 recodified by this act), enrolled on the first school day of each month
37 and shall exclude full-time equivalent students with disabilities
38 recognized for the purposes of allocation of state funds for programs

1 under RCW 28A.155.010 through 28A.155.100. The definition of full-time
2 equivalent student shall be determined by rules of the superintendent
3 of public instruction: PROVIDED, That the definition shall be included
4 as part of the superintendent's biennial budget request: PROVIDED,
5 FURTHER, That any revision of the present definition shall not take
6 effect until approved by the house appropriations committee and the
7 senate ways and means committee: PROVIDED, FURTHER, That the office of
8 financial management shall make a monthly review of the
9 superintendent's reported full-time equivalent students in the common
10 schools in conjunction with RCW 43.62.050.

11 (3)(a) Certificated instructional staff shall include those persons
12 employed by a school district who are nonsupervisory employees within
13 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
14 people of unusual competence but without certification may teach
15 students so long as a certificated person exercises general
16 supervision: PROVIDED, FURTHER, That the hiring of such classified
17 people shall not occur during a labor dispute and such classified
18 people shall not be hired to replace certificated employees during a
19 labor dispute.

20 (b) Certificated administrative staff shall include all those
21 persons who are chief executive officers, chief administrative
22 officers, confidential employees, supervisors, principals, or assistant
23 principals within the meaning of RCW 41.59.020(4).

24 **Sec. 207.** RCW 28A.150.262 and 2005 c 356 s 2 are each amended to
25 read as follows:

26 Under RCW 28A.150.260 (as recodified by this act), the
27 superintendent of public instruction shall revise the definition of a
28 full-time equivalent student to include students who receive
29 instruction through digital programs. "Digital programs" means
30 electronically delivered learning that occurs primarily away from the
31 classroom. The superintendent of public instruction has the authority
32 to adopt rules to implement the revised definition beginning with the
33 2005-2007 biennium for school districts claiming state funding for the
34 programs. The rules shall include but not be limited to the following:

35 (1) Defining a full-time equivalent student under RCW 28A.150.260
36 (as recodified by this act) or part-time student under RCW 28A.150.350
37 (as recodified by this act) based upon the district's estimated average

1 weekly hours of learning activity as identified in the student's
2 learning plan, as long as the student is found, through monthly
3 evaluation, to be making satisfactory progress; the rules shall require
4 districts providing programs under this section to nonresident students
5 to establish procedures that address, at a minimum, the coordination of
6 student counting for state funding so that no student is counted for
7 more than one full-time equivalent in the aggregate;

8 (2) Requiring the board of directors of a school district offering,
9 or contracting under RCW 28A.150.305 to offer, a digital program to
10 adopt and annually review written policies for each program and program
11 provider and to receive an annual report on its digital learning
12 programs from its staff;

13 (3) Requiring each school district offering or contracting to offer
14 a digital program to report annually to the superintendent of public
15 instruction on the types of programs and course offerings, and number
16 of students participating;

17 (4) Requiring completion of a program self-evaluation;

18 (5) Requiring documentation of the district of the student's
19 physical residence;

20 (6) Requiring that supervision, monitoring, assessment, and
21 evaluation of the digital program be provided by certificated
22 instructional staff;

23 (7) Requiring each school district offering courses or programs to
24 identify the ratio of certificated instructional staff to full-time
25 equivalent students enrolled in such courses or programs, and to
26 include a description of their ratio as part of the reports required
27 under subsections (2) and (3) of this section;

28 (8) Requiring reliable methods to verify a student is doing his or
29 her own work; the methods may include proctored examinations or
30 projects, including the use of web cams or other technologies.
31 "Proctored" means directly monitored by an adult authorized by the
32 school district;

33 (9) Requiring, for each student receiving instruction in a digital
34 program, a learning plan that includes a description of course
35 objectives and information on the requirements a student must meet to
36 successfully complete the program or courses. The rules shall allow
37 course syllabi and other additional information to be used to meet the
38 requirement for a learning plan;

1 (10) Requiring that the district assess the educational progress of
2 enrolled students at least annually, using, for full-time students, the
3 state assessment for the student's grade level and using any other
4 annual assessments required by the school district. Part-time students
5 shall also be assessed at least annually. However, part-time students
6 who are either receiving home-based instruction under chapter 28A.200
7 RCW or who are enrolled in an approved private school under chapter
8 28A.195 RCW are not required to participate in the assessments required
9 under chapter 28A.655 RCW. The rules shall address how students who
10 reside outside the geographic service area of the school district are
11 to be assessed;

12 (11) Requiring that each student enrolled in the program have
13 direct personal contact with certificated instructional staff at least
14 weekly until the student completes the course objectives or the
15 requirements in the learning plan. Direct personal contact is for the
16 purposes of instruction, review of assignments, testing, evaluation of
17 student progress, or other learning activities. Direct personal
18 contact may include the use of telephone, e-mail, instant messaging,
19 interactive video communication, or other means of digital
20 communication;

21 (12) Requiring state-funded public schools or public school
22 programs whose primary purpose is to provide digital learning programs
23 to receive accreditation through the state accreditation program or
24 through the regional accreditation program;

25 (13) Requiring state-funded public schools or public school
26 programs whose primary purpose is to provide digital learning to
27 provide information to students and parents on whether or not the
28 courses or programs: Cover one or more of the school district's
29 learning goals or of the state's essential academic learning
30 requirements or whether they permit the student to meet one or more of
31 the state's or district's graduation requirements; and

32 (14) Requiring that a school district that provides one or more
33 digital courses to a student provide the parent or guardian of the
34 student, prior to the student's enrollment, with a description of any
35 difference between home-based education as described in chapter 28A.200
36 RCW and the enrollment option selected by the student. The parent or
37 guardian shall sign documentation attesting to his or her understanding

1 of the difference and the documentation shall be retained by the
2 district and made available for audit.

3 **Sec. 208.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction shall have the power
6 and duty to make such rules (~~((and regulations))~~) as are necessary for
7 the proper administration of this chapter and RCW 28A.160.150 through
8 (~~((28A.160.220))~~) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
9 not inconsistent with the provisions thereof, and in addition to
10 require such reports as may be necessary to carry out his or her duties
11 under this chapter and RCW 28A.160.150 through (~~((28A.160.220))~~)
12 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

13 (2) The superintendent of public instruction shall have the
14 authority to make rules (~~((and regulations))~~) which establish the terms
15 and conditions for allowing school districts to receive state basic
16 education moneys as provided in RCW 28A.150.250 (as recodified by this
17 act) when said districts are unable to fulfill for one or more schools
18 as officially scheduled the requirement of a full school year of one
19 hundred eighty days or the annual average total instructional hour
20 offering imposed by RCW 28A.150.220 and 28A.150.260 (as recodified by
21 this act) due to one or more of the following conditions:

22 (a) An unforeseen natural event, including, but not necessarily
23 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or
24 volcanic eruption that has the direct or indirect effect of rendering
25 one or more school district facilities unsafe, unhealthy, inaccessible,
26 or inoperable; and

27 (b) An unforeseen mechanical failure or an unforeseen action or
28 inaction by one or more persons, including negligence and threats, that
29 (i) is beyond the control of both a school district board of directors
30 and its employees and (ii) has the direct or indirect effect of
31 rendering one or more school district facilities unsafe, unhealthy,
32 inaccessible, or inoperable. Such actions, inactions or mechanical
33 failures may include, but are not necessarily limited to, arson,
34 vandalism, riots, insurrections, bomb threats, bombings, delays in the
35 scheduled completion of construction projects, and the discontinuance
36 or disruption of utilities such as heating, lighting and water:

1 PROVIDED, That an unforeseen action or inaction shall not include any
2 labor dispute between a school district board of directors and any
3 employee of the school district.

4 A condition is foreseeable for the purposes of this subsection to
5 the extent a reasonably prudent person would have anticipated prior to
6 August first of the preceding school year that the condition probably
7 would occur during the ensuing school year because of the occurrence of
8 an event or a circumstance which existed during such preceding school
9 year or a prior school year. A board of directors of a school district
10 is deemed for the purposes of this subsection to have knowledge of
11 events and circumstances which are a matter of common knowledge within
12 the school district and of those events and circumstances which can be
13 discovered upon prudent inquiry or inspection.

14 (3) The superintendent of public instruction shall make every
15 effort to reduce the amount of paperwork required in administration of
16 this chapter and RCW 28A.160.150 through (~~28A.160.220~~) 28A.160.210,
17 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
18 monitoring and evaluation processes used; to eliminate all duplicative
19 requests for information from local school districts; and to make every
20 effort to integrate and standardize information requests for other
21 state education acts and federal aid to education acts administered by
22 the superintendent of public instruction so as to reduce paperwork
23 requirements and duplicative information requests.

24 **Sec. 209.** RCW 28A.150.350 and 1990 c 33 s 112 are each amended to
25 read as follows:

26 (1) For purposes of this section, the following definitions shall
27 apply:

28 (a) "Private school student" shall mean any student enrolled full
29 time in a private school;

30 (b) "School" shall mean any primary, secondary or vocational
31 school;

32 (c) "School funding authority" shall mean any nonfederal
33 governmental authority which provides moneys to common schools;

34 (d) "Part-time student" shall mean and include: Any student
35 enrolled in a course of instruction in a private school and taking
36 courses at and/or receiving ancillary services offered by any public
37 school not available in such private school; or any student who is not

1 enrolled in a private school and is receiving home-based instruction
2 under RCW 28A.225.010 which instruction includes taking courses at or
3 receiving ancillary services from the local school district or both; or
4 any student involved in any work training program and taking courses in
5 any public school, which work training program is approved by the
6 school board of the district in which such school is located.

7 (2) The board of directors of any school district is authorized
8 and, in the same manner as for other public school students, shall
9 permit the enrollment of and provide ancillary services for part time
10 students: PROVIDED, That this section shall only apply to part time
11 students who would be otherwise eligible for full time enrollment in
12 the school district.

13 (3) The superintendent of public instruction shall recognize the
14 costs to each school district occasioned by enrollment of and/or
15 ancillary services provided for part time students authorized by
16 subsection (2) of this section and shall include such costs in the
17 distribution of funds to school districts pursuant to RCW 28A.150.260
18 (as recodified by this act). Each school district shall be reimbursed
19 for the costs or a portion thereof, occasioned by attendance of and/or
20 ancillary services provided for part time students on a part time
21 basis, by the superintendent of public instruction, according to law.

22 (4) Each school funding authority shall recognize the costs
23 occasioned to each school district by enrollment of and ancillary
24 services provided for part time students authorized by subsection (2)
25 of this section, and shall include said costs in funding the activities
26 of said school districts.

27 (5) The superintendent of public instruction is authorized to adopt
28 rules (~~(and regulations)~~) to carry out the purposes of RCW 28A.150.260
29 and 28A.150.350 (as recodified by this act).

30 **Sec. 210.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to
31 read as follows:

32 The superintendent of public instruction shall submit to each
33 regular session of the legislature during an odd-numbered year a
34 programmed budget request for special education programs for students
35 with disabilities. Funding for programs operated by local school
36 districts shall be on an excess cost basis from appropriations provided
37 by the legislature for special education programs for students with

1 disabilities and shall take account of state funds accruing through RCW
2 28A.150.250, 28A.150.260 (as recodified by this act), federal medical
3 assistance and private funds accruing under RCW 74.09.5249 through
4 74.09.5253 and 74.09.5254 through 74.09.5256, and other state and local
5 funds, excluding special excess levies.

6 **Sec. 211.** RCW 28A.150.400 and 1990 c 33 s 117 are each amended to
7 read as follows:

8 State and county funds which may become due and apportionable to
9 school districts shall be apportioned in such a manner that any
10 apportionment factors used shall utilize data and statistics derived in
11 the school year that such funds are paid: PROVIDED, That the
12 superintendent of public instruction may make necessary administrative
13 provision for the use of estimates, and corresponding adjustments to
14 the extent necessary: PROVIDED FURTHER, That as to those revenues used
15 in determining the amount of state funds to be apportioned to school
16 districts pursuant to RCW 28A.150.250 (as recodified by this act), any
17 apportionment factors shall utilize data and statistics derived in an
18 annual period established pursuant to rules (~~and regulations~~
19 ~~promulgated~~) adopted by the superintendent of public instruction in
20 cooperation with the department of revenue.

21 **Sec. 212.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
22 read as follows:

23 (1) The legislature shall establish for each school year in the
24 appropriations act a statewide salary allocation schedule, for
25 allocation purposes only, to be used to distribute funds for basic
26 education certificated instructional staff salaries under RCW
27 28A.150.260 (as recodified by this act).

28 (2) Salary allocations for state-funded basic education
29 certificated instructional staff shall be calculated by the
30 superintendent of public instruction by determining the district's
31 average salary for certificated instructional staff, using the
32 statewide salary allocation schedule and related documents, conditions,
33 and limitations established by the omnibus appropriations act.

34 (3) Beginning January 1, 1992, no more than ninety college quarter-
35 hour credits received by any employee after the baccalaureate degree

1 may be used to determine compensation allocations under the state
2 salary allocation schedule and LEAP documents referenced in the omnibus
3 appropriations act, or any replacement schedules and documents, unless:

- 4 (a) The employee has a masters degree; or
- 5 (b) The credits were used in generating state salary allocations
6 before January 1, 1992.

7 (4) Beginning in the 2007-08 school year, the calculation of years
8 of service for occupational therapists, physical therapists, speech-
9 language pathologists, audiologists, nurses, social workers,
10 counselors, and psychologists regulated under Title 18 RCW may include
11 experience in schools and other nonschool positions as occupational
12 therapists, physical therapists, speech-language pathologists,
13 audiologists, nurses, social workers, counselors, or psychologists.
14 The calculation shall be that one year of service in a nonschool
15 position counts as one year of service for purposes of this chapter, up
16 to a limit of two years of nonschool service. Nonschool years of
17 service included in calculations under this subsection shall not be
18 applied to service credit totals for purposes of any retirement benefit
19 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement
20 system benefits.

21 **Sec. 213.** RCW 28A.155.010 and 2007 c 115 s 1 are each amended to
22 read as follows:

23 It is the purpose of RCW 28A.155.010 through 28A.155.160,
24 28A.160.030, and 28A.150.390 (as recodified by this act) to ensure that
25 all children with disabilities as defined in RCW 28A.155.020 shall have
26 the opportunity for an appropriate education at public expense as
27 guaranteed to them by the Constitution of this state and applicable
28 federal laws.

29 **Sec. 214.** RCW 28A.155.020 and 2007 c 115 s 2 are each amended to
30 read as follows:

31 There is established in the office of the superintendent of public
32 instruction an administrative section or unit for the education of
33 children with disabilities who require special education.

34 Students with disabilities are those children whether enrolled in
35 school or not who through an evaluation process are determined eligible
36 for special education due to a disability.

1 In accordance with part B of the federal individuals with
2 disabilities education improvement act and any other federal or state
3 laws relating to the provision of special education services, the
4 superintendent of public instruction shall require each school district
5 in the state to insure an appropriate educational opportunity for all
6 children with disabilities between the ages of three and twenty-one,
7 but when the twenty-first birthday occurs during the school year, the
8 educational program may be continued until the end of that school year.
9 The superintendent of public instruction, by rule, shall establish for
10 the purpose of excess cost funding, as provided in RCW 28A.150.390 (as
11 recodified by this act), 28A.160.030, and 28A.155.010 through
12 28A.155.160, functional definitions of special education, the various
13 types of disabling conditions, and eligibility criteria for special
14 education programs for children with disabilities, including referral
15 procedures, use of aversive interventions, the education curriculum and
16 statewide or district-wide assessments, parent and district requests
17 for special education due process hearings, and procedural safeguards.
18 For the purposes of RCW 28A.155.010 through 28A.155.160, an appropriate
19 education is defined as an education directed to the unique needs,
20 abilities, and limitations of the children with disabilities who are
21 enrolled either full time or part time in a school district. School
22 districts are strongly encouraged to provide parental training in the
23 care and education of the children and to involve parents in the
24 classroom.

25 Nothing in this section shall prohibit the establishment or
26 continuation of existing cooperative programs between school districts
27 or contracts with other agencies approved by the superintendent of
28 public instruction, which can meet the obligations of school districts
29 to provide education for children with disabilities, or prohibit the
30 continuation of needed related services to school districts by the
31 department of social and health services.

32 This section shall not be construed as in any way limiting the
33 powers of local school districts set forth in RCW 28A.155.070.

34 **Sec. 215.** RCW 28A.155.040 and 2007 c 115 s 4 are each amended to
35 read as follows:

36 The board of directors of each school district, for the purpose of
37 compliance with the provisions of RCW 28A.150.390 (as recodified by

1 this act), 28A.160.030, and 28A.155.010 through 28A.155.160 and chapter
2 28A.190 RCW, shall cooperate with the superintendent of public
3 instruction and with the administrative officer and shall provide an
4 appropriate educational opportunity to children with disabilities, as
5 defined in RCW 28A.155.020, in regular or special school facilities
6 within the district or shall contract for such services with other
7 agencies as provided in RCW 28A.155.060 or shall participate in an
8 interdistrict arrangement in accordance with RCW 28A.335.160 and
9 28A.225.220 and/or 28A.225.250 and 28A.225.260.

10 In carrying out their responsibilities under this chapter, school
11 districts severally or jointly with the approval of the superintendent
12 of public instruction are authorized to support and/or contract for
13 residential schools and/or homes approved by the department of social
14 and health services for aid and special attention to students with
15 disabilities.

16 The cost of board and room in facilities approved by the department
17 of social and health services shall be provided by the department of
18 social and health services for those students with disabilities
19 eligible for such aid under programs of the department. The cost of
20 approved board and room shall be provided for those students with
21 disabilities not eligible under programs of the department of social
22 and health services but deemed in need of the same by the
23 superintendent of public instruction: PROVIDED, That no school
24 district shall be financially responsible for special education
25 programs for students who are attending residential schools operated by
26 the department of social and health services: PROVIDED FURTHER, That
27 the provisions of RCW 28A.150.390 (as recodified by this act),
28 28A.160.030, and 28A.155.010 through 28A.155.100 shall not preclude the
29 extension by the superintendent of public instruction of special
30 education opportunities to students with disabilities in residential
31 schools operated by the department of social and health services.

32 **Sec. 216.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to
33 read as follows:

34 The superintendent of public instruction shall have the duty and
35 authority, through the administrative section or unit for the education
36 of children with disabling conditions, to:

1 (1) Assist school districts in the formation of programs to meet
2 the needs of children with disabilities;

3 (2) Develop interdistrict cooperation programs for children with
4 disabilities as authorized in RCW 28A.225.250;

5 (3) Provide, upon request, to parents or guardians of children with
6 disabilities, information as to the special education programs for
7 students with disabilities offered within the state;

8 (4) Assist, upon request, the parent or guardian of any child with
9 disabilities in the placement of any child with disabilities who is
10 eligible for but not receiving special educational services for
11 children with disabilities;

12 (5) Approve school district and agency programs as being eligible
13 for special excess cost financial aid to students with disabilities;

14 (6) Consistent with the provisions of RCW 28A.150.390 (as
15 recodified by this act), 28A.160.030, and 28A.155.010 through
16 28A.155.160, and part B of the federal individuals with disabilities
17 education improvement act, administer administrative hearings and other
18 procedures to ensure procedural safeguards of children with
19 disabilities; and

20 (7) (~~Promulgate~~) Adopt such rules as are necessary to implement
21 part B of the federal individuals with disabilities education
22 improvement act or other federal law providing for special education
23 services for children with disabilities and the several provisions of
24 RCW 28A.150.390 (as recodified by this act), 28A.160.030, and
25 28A.155.010 through 28A.155.160 and to ensure appropriate access to and
26 participation in the general education curriculum and participation in
27 statewide assessments for all students with disabilities.

28 **Sec. 217.** RCW 28A.155.100 and 2007 c 115 s 12 are each amended to
29 read as follows:

30 The superintendent of public instruction is hereby authorized and
31 directed to establish appropriate sanctions to be applied to any school
32 district of the state failing to comply with the provisions of RCW
33 28A.150.390 (as recodified by this act), 28A.160.030, and 28A.155.010
34 through 28A.155.060 and 28A.155.080 through 28A.155.160 to be applied
35 beginning upon the effective date thereof, which sanctions shall
36 include withholding of any portion of state aid to such district until
37 such time as compliance is assured.

1 **Sec. 218.** RCW 28A.160.130 and 1991 c 114 s 2 are each amended to
2 read as follows:

3 (1) There is created a fund on deposit with each county treasurer
4 for each school district of the county, which shall be known as the
5 transportation vehicle fund. Money to be deposited into the
6 transportation vehicle fund shall include, but is not limited to, the
7 following:

8 (a) The balance of accounts held in the general fund of each school
9 district for the purchase of approved transportation equipment and for
10 major transportation equipment repairs under RCW 28A.150.280 (as
11 recodified by this act). The amount transferred shall be the balance
12 of the account as of September 1, 1982;

13 (b) Reimbursement payments provided for in RCW 28A.160.200 except
14 those provided under RCW 28A.160.200(~~(4)~~)(3) that are necessary for
15 contracted payments to private carriers;

16 (c) Earnings from transportation vehicle fund investments as
17 authorized in RCW 28A.320.300; and

18 (d) The district's share of the proceeds from the sale of
19 transportation vehicles, as determined by the superintendent of public
20 instruction.

21 (2) Funds in the transportation vehicle fund may be used for the
22 following purposes:

23 (a) Purchase of pupil transportation vehicles pursuant to RCW
24 28A.160.200 and 28A.150.280 (as recodified by this act);

25 (b) Payment of conditional sales contracts as authorized in RCW
26 28A.335.200 or payment of obligations authorized in RCW 28A.530.080,
27 entered into or issued for the purpose of pupil transportation
28 vehicles;

29 (c) Major repairs to pupil transportation vehicles.

30 The superintendent of public instruction shall adopt rules which
31 shall establish the standards, conditions, and procedures governing the
32 establishment and use of the transportation vehicle fund. The rules
33 shall not permit the transfer of funds from the transportation vehicle
34 fund to any other fund of the district.

35 **Sec. 219.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to
36 read as follows:

37 Supplementary funds as may be provided by the state for this

1 program, in accordance with RCW 28A.150.370 (as recodified by this
2 act), shall be categorical funding on an excess cost basis based upon
3 a per student amount not to exceed three percent of any district's
4 full-time equivalent enrollment.

5 **Sec. 220.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to
6 read as follows:

7 The legislature hereby recognizes that private schools should be
8 subject only to those minimum state controls necessary to insure the
9 health and safety of all the students in the state and to insure a
10 sufficient basic education to meet usual graduation requirements. The
11 state, any agency or official thereof, shall not restrict or dictate
12 any specific educational or other programs for private schools except
13 as hereinafter in this section provided.

14 Principals of private schools or superintendents of private school
15 districts shall file each year with the state superintendent of public
16 instruction a statement certifying that the minimum requirements
17 hereinafter set forth are being met, noting any deviations. After
18 review of the statement, the state superintendent will notify schools
19 or school districts of those deviations which must be corrected. In
20 case of major deviations, the school or school district may request and
21 the state board of education may grant provisional status for one year
22 in order that the school or school district may take action to meet the
23 requirements. The state board of education shall not require private
24 school students to meet the student learning goals, obtain a
25 certificate of academic achievement, or a certificate of individual
26 achievement to graduate from high school, to master the essential
27 academic learning requirements, or to be assessed pursuant to RCW
28 28A.655.061. However, private schools may choose, on a voluntary
29 basis, to have their students master these essential academic learning
30 requirements, take the assessments, and obtain a certificate of
31 academic achievement or a certificate of individual achievement.
32 Minimum requirements shall be as follows:

33 (1) The minimum school year for instructional purposes shall
34 consist of no less than one hundred eighty school days or the
35 equivalent in annual minimum program hour offerings as prescribed in
36 RCW 28A.150.220 (as recodified by this act).

1 (2) The school day shall be the same as that required in RCW
2 28A.150.030 and 28A.150.220 (as recodified by this act), except that
3 the percentages of total program hour offerings as prescribed in RCW
4 28A.150.220 (as recodified by this act) for basic skills, work skills,
5 and optional subjects and activities shall not apply to private schools
6 or private sectarian schools.

7 (3) All classroom teachers shall hold appropriate Washington state
8 certification except as follows:

9 (a) Teachers for religious courses or courses for which no
10 counterpart exists in public schools shall not be required to obtain a
11 state certificate to teach those courses.

12 (b) In exceptional cases, people of unusual competence but without
13 certification may teach students so long as a certified person
14 exercises general supervision. Annual written statements shall be
15 submitted to the office of the superintendent of public instruction
16 reporting and explaining such circumstances.

17 (4) An approved private school may operate an extension program for
18 parents, guardians, or persons having legal custody of a child to teach
19 children in their custody. The extension program shall require at a
20 minimum that:

21 (a) The parent, guardian, or custodian be under the supervision of
22 an employee of the approved private school who is certified under
23 chapter 28A.410 RCW;

24 (b) The planning by the certified person and the parent, guardian,
25 or person having legal custody include objectives consistent with this
26 subsection and subsections (1), (2), (5), (6), and (7) of this section;

27 (c) The certified person spend a minimum average each month of one
28 contact hour per week with each student under his or her supervision
29 who is enrolled in the approved private school extension program;

30 (d) Each student's progress be evaluated by the certified person;
31 and

32 (e) The certified employee shall not supervise more than thirty
33 students enrolled in the approved private school's extension program.

34 (5) Appropriate measures shall be taken to safeguard all permanent
35 records against loss or damage.

36 (6) The physical facilities of the school or district shall be
37 adequate to meet the program offered by the school or district:
38 PROVIDED, That each school building shall meet reasonable health and

1 fire safety requirements. A residential dwelling of the parent,
2 guardian, or custodian shall be deemed to be an adequate physical
3 facility when a parent, guardian, or person having legal custody is
4 instructing his or her child under subsection (4) of this section.

5 (7) Private school curriculum shall include instruction of the
6 basic skills of occupational education, science, mathematics, language,
7 social studies, history, health, reading, writing, spelling, and the
8 development of appreciation of art and music, all in sufficient units
9 for meeting state board of education graduation requirements.

10 (8) Each school or school district shall be required to maintain
11 up-to-date policy statements related to the administration and
12 operation of the school or school district.

13 All decisions of policy, philosophy, selection of books, teaching
14 material, curriculum, except as in subsection (7) of this section
15 provided, school rules and administration, or other matters not
16 specifically referred to in this section, shall be the responsibility
17 of the administration and administrators of the particular private
18 school involved.

19 **Sec. 221.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
20 read as follows:

21 (1) All parents in this state of any child eight years of age and
22 under eighteen years of age shall cause such child to attend the public
23 school of the district in which the child resides and such child shall
24 have the responsibility to and therefore shall attend for the full time
25 when such school may be in session unless:

26 (a) The child is attending an approved private school for the same
27 time or is enrolled in an extension program as provided in RCW
28 28A.195.010(4);

29 (b) The child is receiving home-based instruction as provided in
30 subsection (4) of this section;

31 (c) The child is attending an education center as provided in
32 chapter 28A.205 RCW;

33 (d) The school district superintendent of the district in which the
34 child resides shall have excused such child from attendance because the
35 child is physically or mentally unable to attend school, is attending
36 a residential school operated by the department of social and health
37 services, is incarcerated in an adult correctional facility, or has

1 been temporarily excused upon the request of his or her parents for
2 purposes agreed upon by the school authorities and the parent:
3 PROVIDED, That such excused absences shall not be permitted if deemed
4 to cause a serious adverse effect upon the student's educational
5 progress: PROVIDED FURTHER, That students excused for such temporary
6 absences may be claimed as full time equivalent students to the extent
7 they would otherwise have been so claimed for the purposes of RCW
8 28A.150.250 and 28A.150.260 (as recodified by this act) and shall not
9 affect school district compliance with the provisions of RCW
10 28A.150.220 (as recodified by this act); or

11 (e) The child is sixteen years of age or older and:

12 (i) The child is regularly and lawfully employed and either the
13 parent agrees that the child should not be required to attend school or
14 the child is emancipated in accordance with chapter 13.64 RCW;

15 (ii) The child has already met graduation requirements in
16 accordance with state board of education rules (~~(and regulations)~~); or

17 (iii) The child has received a certificate of educational
18 competence under rules (~~(and regulations)~~) established by the state
19 board of education under RCW 28A.305.190.

20 (2) A parent for the purpose of this chapter means a parent,
21 guardian, or person having legal custody of a child.

22 (3) An approved private school for the purposes of this chapter and
23 chapter 28A.200 RCW shall be one approved under (~~(regulations)~~) rules
24 established by the state board of education pursuant to RCW
25 28A.305.130.

26 (4) For the purposes of this chapter and chapter 28A.200 RCW,
27 instruction shall be home-based if it consists of planned and
28 supervised instructional and related educational activities, including
29 a curriculum and instruction in the basic skills of occupational
30 education, science, mathematics, language, social studies, history,
31 health, reading, writing, spelling, and the development of an
32 appreciation of art and music, provided for a number of hours
33 equivalent to the total annual program hours per grade level
34 established for approved private schools under RCW 28A.195.010 and
35 28A.195.040 and if such activities are:

36 (a) Provided by a parent who is instructing his or her child only
37 and are supervised by a certificated person. A certificated person for
38 purposes of this chapter and chapter 28A.200 RCW shall be a person

1 certified under chapter 28A.410 RCW. For purposes of this section,
2 "supervised by a certificated person" means: The planning by the
3 certificated person and the parent of objectives consistent with this
4 subsection; a minimum each month of an average of one contact hour per
5 week with the child being supervised by the certificated person; and
6 evaluation of such child's progress by the certificated person. The
7 number of children supervised by the certificated person shall not
8 exceed thirty for purposes of this subsection; or

9 (b) Provided by a parent who is instructing his or her child only
10 and who has either earned forty-five college level quarter credit hours
11 or its equivalent in semester hours or has completed a course in home-
12 based instruction at a postsecondary institution or a vocational-
13 technical institute; or

14 (c) Provided by a parent who is deemed sufficiently qualified to
15 provide home-based instruction by the superintendent of the local
16 school district in which the child resides.

17 (5) The legislature recognizes that home-based instruction is less
18 structured and more experiential than the instruction normally provided
19 in a classroom setting. Therefore, the provisions of subsection (4) of
20 this section relating to the nature and quantity of instructional and
21 related educational activities shall be liberally construed.

22 **Sec. 222.** RCW 28A.225.115 and 1996 c 134 s 11 are each amended to
23 read as follows:

24 The superintendent of public instruction, subject to available
25 funding, shall allocate funds to provide educational services for
26 children who have been referred to a community truancy board or to the
27 courts under RCW 28A.225.030. The funds shall be used on behalf of
28 such children for enrollment in skill centers, education centers,
29 alternative programs, and in other public or private educational
30 programs. Decisions regarding the expenditure of the funds shall be
31 made by the community truancy board or the courts, whichever is
32 applicable. The amount of the assistance for each child shall be
33 determined in accordance with the omnibus appropriations act. These
34 funds shall be in excess of any other funds provided through RCW
35 28A.150.260 (as recodified by this act) as basic education and other
36 state, federal, or local sources.

1 **Sec. 223.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
2 read as follows:

3 (1) A local district may be authorized by the educational service
4 district superintendent to transport and educate its pupils in other
5 districts for one year, either by payment of a compensation agreed upon
6 by such school districts, or under other terms mutually satisfactory to
7 the districts concerned when this will afford better educational
8 facilities for the pupils and when a saving may be effected in the cost
9 of education: PROVIDED, That notwithstanding any other provision of
10 law, the amount to be paid by the state to the resident school district
11 for apportionment purposes and otherwise payable pursuant to RCW
12 28A.150.100 (as recodified by this act), 28A.150.250 through
13 28A.150.290 (as recodified by this act), 28A.150.350 through
14 28A.150.410 (as recodified by this act), 28A.160.150 through
15 28A.160.200, (~~28A.160.220~~) 28A.300.035, 28A.300.170, and 28A.500.010
16 shall not be greater than the regular apportionment for each high
17 school student of the receiving district. Such authorization may be
18 extended for an additional year at the discretion of the educational
19 service district superintendent.

20 (2) Subsection (1) of this section shall not apply to districts
21 participating in a cooperative project established under RCW
22 28A.340.030 which exceeds two years in duration.

23 **Sec. 224.** RCW 28A.230.010 and 2003 c 49 s 1 are each amended to
24 read as follows:

25 School district boards of directors shall identify and offer
26 courses with content that meet or exceed: (1) The basic education
27 skills identified in RCW 28A.150.210 (as recodified by this act); (2)
28 the graduation requirements under RCW 28A.230.090; (3) the courses
29 required to meet the minimum college entrance requirements under RCW
30 28A.230.130; and (4) the course options for career development under
31 RCW 28A.230.130. Such courses may be applied or theoretical, academic,
32 or vocational.

33 **Sec. 225.** RCW 28A.305.035 and 2006 c 263 s 103 are each amended to
34 read as follows:

35 (1) By October 15th of each even-numbered year, the state board of
36 education and the professional educator standards board shall submit a

1 joint report to the legislative education committees, the governor, and
2 the superintendent of public instruction. The report shall address the
3 progress the boards have made and the obstacles they have encountered,
4 individually and collectively, in the work of achieving the goals in
5 RCW 28A.150.210 (as recodified by this act).

6 (2) The state board of education shall include the chairs and
7 ranking minority members of the legislative education committees in
8 board communications so that the legislature can be kept apprised of
9 the discussions and proposed actions of the board.

10 **Sec. 226.** RCW 28A.305.130 and 2006 c 263 s 102 are each amended to
11 read as follows:

12 The purpose of the state board of education is to provide advocacy
13 and strategic oversight of public education; implement a standards-
14 based accountability system to improve student academic achievement;
15 provide leadership in the creation of a system that personalizes
16 education for each student and respects diverse cultures, abilities,
17 and learning styles; and promote achievement of the goals of RCW
18 28A.150.210 (as recodified by this act). In addition to any other
19 powers and duties as provided by law, the state board of education
20 shall:

21 (1) Hold regularly scheduled meetings at such time and place within
22 the state as the board shall determine and may hold such special
23 meetings as may be deemed necessary for the transaction of public
24 business;

25 (2) Form committees as necessary to effectively and efficiently
26 conduct the work of the board;

27 (3) Seek advice from the public and interested parties regarding
28 the work of the board;

29 (4) For purposes of statewide accountability:

30 (a) Adopt and revise performance improvement goals in reading,
31 writing, science, and mathematics, by subject and grade level, once
32 assessments in these subjects are required statewide; academic and
33 technical skills, as appropriate, in secondary career and technical
34 education programs; and student attendance, as the board deems
35 appropriate to improve student learning. The goals shall be consistent
36 with student privacy protection provisions of RCW 28A.655.090(7) and
37 shall not conflict with requirements contained in Title I of the

1 federal elementary and secondary education act of 1965, or the
2 requirements of the Carl D. Perkins vocational education act of 1998,
3 each as amended. The goals may be established for all students,
4 economically disadvantaged students, limited English proficient
5 students, students with disabilities, and students from
6 disproportionately academically underachieving racial and ethnic
7 backgrounds. The board may establish school and school district goals
8 addressing high school graduation rates and dropout reduction goals for
9 students in grades seven through twelve. The board shall adopt the
10 goals by rule. However, before each goal is implemented, the board
11 shall present the goal to the education committees of the house of
12 representatives and the senate for the committees' review and comment
13 in a time frame that will permit the legislature to take statutory
14 action on the goal if such action is deemed warranted by the
15 legislature;

16 (b) Identify the scores students must achieve in order to meet the
17 standard on the Washington assessment of student learning and, for high
18 school students, to obtain a certificate of academic achievement. The
19 board shall also determine student scores that identify levels of
20 student performance below and beyond the standard. The board shall
21 consider the incorporation of the standard error of measurement into
22 the decision regarding the award of the certificates. The board shall
23 set such performance standards and levels in consultation with the
24 superintendent of public instruction and after consideration of any
25 recommendations that may be developed by any advisory committees that
26 may be established for this purpose. The initial performance standards
27 and any changes recommended by the board in the performance standards
28 for the tenth grade assessment shall be presented to the education
29 committees of the house of representatives and the senate by November
30 30th of the school year in which the changes will take place to permit
31 the legislature to take statutory action before the changes are
32 implemented if such action is deemed warranted by the legislature. The
33 legislature shall be advised of the initial performance standards and
34 any changes made to the elementary level performance standards and the
35 middle school level performance standards;

36 (c) Adopt objective, systematic criteria to identify successful
37 schools and school districts and recommend to the superintendent of
38 public instruction schools and districts to be recognized for two types

1 of accomplishments, student achievement and improvements in student
2 achievement. Recognition for improvements in student achievement shall
3 include consideration of one or more of the following accomplishments:

4 (i) An increase in the percent of students meeting standards. The
5 level of achievement required for recognition may be based on the
6 achievement goals established by the legislature and by the board under
7 (a) of this subsection;

8 (ii) Positive progress on an improvement index that measures
9 improvement in all levels of the assessment; and

10 (iii) Improvements despite challenges such as high levels of
11 mobility, poverty, English as a second language learners, and large
12 numbers of students in special populations as measured by either the
13 percent of students meeting the standard, or the improvement index.
14 When determining the baseline year or years for recognizing individual
15 schools, the board may use the assessment results from the initial
16 years the assessments were administered, if doing so with individual
17 schools would be appropriate;

18 (d) Adopt objective, systematic criteria to identify schools and
19 school districts in need of assistance and those in which significant
20 numbers of students persistently fail to meet state standards. In its
21 deliberations, the board shall consider the use of all statewide
22 mandated criterion-referenced and norm-referenced standardized tests;

23 (e) Identify schools and school districts in which state
24 intervention measures will be needed and a range of appropriate
25 intervention strategies after the legislature has authorized a set of
26 intervention strategies. After the legislature has authorized a set of
27 intervention strategies, at the request of the board, the
28 superintendent shall intervene in the school or school district and
29 take corrective actions. This chapter does not provide additional
30 authority for the board or the superintendent of public instruction to
31 intervene in a school or school district;

32 (f) Identify performance incentive systems that have improved or
33 have the potential to improve student achievement;

34 (g) Annually review the assessment reporting system to ensure
35 fairness, accuracy, timeliness, and equity of opportunity, especially
36 with regard to schools with special circumstances and unique
37 populations of students, and a recommendation to the superintendent of
38 public instruction of any improvements needed to the system; and

1 (h) Include in the biennial report required under RCW 28A.305.035,
2 information on the progress that has been made in achieving goals
3 adopted by the board;

4 (5) Accredite, subject to such accreditation standards and
5 procedures as may be established by the state board of education, all
6 private schools that apply for accreditation, and approve, subject to
7 the provisions of RCW 28A.195.010, private schools carrying out a
8 program for any or all of the grades kindergarten through twelve:
9 PROVIDED, That no private school may be approved that operates a
10 kindergarten program only: PROVIDED FURTHER, That no private schools
11 shall be placed upon the list of accredited schools so long as secret
12 societies are knowingly allowed to exist among its students by school
13 officials;

14 (6) Articulate with the institutions of higher education, workforce
15 representatives, and early learning policymakers and providers to
16 coordinate and unify the work of the public school system;

17 (7) Hire an executive director and an administrative assistant to
18 reside in the office of the superintendent of public instruction for
19 administrative purposes. Any other personnel of the board shall be
20 appointed as provided by RCW 28A.300.020. The executive director,
21 administrative assistant, and all but one of the other personnel of the
22 board are exempt from civil service, together with other staff as now
23 or hereafter designated as exempt in accordance with chapter 41.06 RCW;
24 and

25 (8) Adopt a seal that shall be kept in the office of the
26 superintendent of public instruction.

27 **Sec. 227.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to
28 read as follows:

29 The state board of education may grant waivers to school districts
30 from the provisions of RCW 28A.150.200 through 28A.150.220 (as
31 recodified by this act) on the basis that such waiver or waivers are
32 necessary to implement successfully a local plan to provide for all
33 students in the district an effective education system that is designed
34 to enhance the educational program for each student. The local plan
35 may include alternative ways to provide effective educational programs
36 for students who experience difficulty with the regular education
37 program.

1 The state board shall adopt criteria to evaluate the need for the
2 waiver or waivers.

3 **Sec. 228.** RCW 28A.305.215 and 2007 c 396 s 1 are each amended to
4 read as follows:

5 (1) The activities in this section revise and strengthen the state
6 learning standards that implement the goals of RCW 28A.150.210 (as
7 recodified by this act), known as the essential academic learning
8 requirements, and improve alignment of school district curriculum to
9 the standards.

10 (2) The state board of education shall be assisted in its work
11 under subsections (3) and (5) of this section by: (a) An expert
12 national consultant in each of mathematics and science retained by the
13 state board; and (b) the mathematics and science advisory panels
14 created under RCW 28A.305.219, as appropriate, which shall provide
15 review and formal comment on proposed recommendations to the
16 superintendent of public instruction and the state board of education
17 on new revised standards and curricula.

18 (3) By September 30, 2007, the state board of education shall
19 recommend to the superintendent of public instruction revised essential
20 academic learning requirements and grade level expectations in
21 mathematics. The recommendations shall be based on:

22 (a) Considerations of clarity, rigor, content, depth, coherence
23 from grade to grade, specificity, accessibility, and measurability;

24 (b) Study of:

25 (i) Standards used in countries whose students demonstrate high
26 performance on the trends in international mathematics and science
27 study and the programme for international student assessment;

28 (ii) College readiness standards;

29 (iii) The national council of teachers of mathematics focal points
30 and the national assessment of educational progress content frameworks;
31 and

32 (iv) Standards used by three to five other states, including
33 California, and the nation of Singapore; and

34 (c) Consideration of information presented during public comment
35 periods.

36 (4) By January 31, 2008, the superintendent of public instruction
37 shall revise the essential academic learning requirements and the grade

1 level expectations for mathematics and present the revised standards to
2 the state board of education and the education committees of the senate
3 and the house of representatives as required by RCW 28A.655.070(4).
4 The superintendent shall adopt the revised essential academic learning
5 requirements and grade level expectations unless otherwise directed by
6 the legislature during the 2008 legislative session.

7 (5) By June 30, 2008, the state board of education shall recommend
8 to the superintendent of public instruction revised essential academic
9 learning requirements and grade level expectations in science. The
10 recommendations shall be based on:

11 (a) Considerations of clarity, rigor, content, depth, coherence
12 from grade to grade, specificity, accessibility, and measurability;

13 (b) Study of standards used by three to five other states and in
14 countries whose students demonstrate high performance on the trends in
15 international mathematics and science study and the programme for
16 international student assessment; and

17 (c) Consideration of information presented during public comment
18 periods.

19 (6) By December 1, 2008, the superintendent of public instruction
20 shall revise the essential academic learning requirements and the grade
21 level expectations for science and present the revised standards to the
22 state board of education and the education committees of the senate and
23 the house of representatives as required by RCW 28A.655.070(4). The
24 superintendent shall adopt the revised essential academic learning
25 requirements and grade level expectations unless otherwise directed by
26 the legislature during the 2009 legislative session.

27 (7)(a) By May 15, 2008, the superintendent of public instruction
28 shall present to the state board of education recommendations for no
29 more than three basic mathematics curricula each for elementary,
30 middle, and high school grade spans.

31 (b) By June 30, 2008, the state board of education shall provide
32 official comment and recommendations to the superintendent of public
33 instruction regarding the recommended mathematics curricula. The
34 superintendent of public instruction shall make any changes based on
35 the comment and recommendations from the state board of education and
36 adopt the recommended curricula.

37 (c) By May 15, 2009, the superintendent of public instruction shall

1 present to the state board of education recommendations for no more
2 than three basic science curricula each for elementary, middle, and
3 high school grade spans.

4 (d) By June 30, 2009, the state board of education shall provide
5 official comment and recommendations to the superintendent of public
6 instruction regarding the recommended science curricula. The
7 superintendent of public instruction shall make any changes based on
8 the comment and recommendations from the state board of education and
9 adopt the recommended curricula.

10 (e) In selecting the recommended curricula under this subsection
11 (7), the superintendent of public instruction shall provide information
12 to the mathematics and science advisory panels created under RCW
13 28A.305.219, as appropriate, and seek the advice of the appropriate
14 panel regarding the curricula that shall be included in the
15 recommendations.

16 (f) The recommended curricula under this subsection (7) shall align
17 with the revised essential academic learning requirements and grade
18 level expectations. In addition to the recommended basic curricula,
19 appropriate diagnostic and supplemental materials shall be identified
20 as necessary to support each curricula.

21 (g) Subject to funds appropriated for this purpose and availability
22 of the curricula, at least one of the curricula in each grade span and
23 in each of mathematics and science shall be available to schools and
24 parents online at no cost to the school or parent.

25 (8) By December 1, 2007, the state board of education shall revise
26 the high school graduation requirements under RCW 28A.230.090 to
27 include a minimum of three credits of mathematics, one of which may be
28 a career and technical course equivalent in mathematics, and prescribe
29 the mathematics content in the three required credits.

30 (9) Nothing in this section requires a school district to use one
31 of the recommended curricula under subsection (7) of this section.
32 However, the statewide accountability plan adopted by the state board
33 of education under RCW 28A.305.130 shall recommend conditions under
34 which school districts should be required to use one of the recommended
35 curricula. The plan shall also describe the conditions for exception
36 to the curriculum requirement, such as the use of integrated academic
37 and career and technical education curriculum. Required use of the

1 recommended curricula as an intervention strategy must be authorized by
2 the legislature as required by RCW 28A.305.130(4)(e) before
3 implementation.

4 **Sec. 229.** RCW 28A.320.240 and 2006 c 263 s 914 are each amended to
5 read as follows:

6 (1) The purpose of this section is to identify quality criteria for
7 school library media programs that support the student learning goals
8 under RCW 28A.150.210 (as recodified by this act), the essential
9 academic learning requirements under RCW 28A.655.070, and high school
10 graduation requirements adopted under RCW 28A.230.090.

11 (2) Every board of directors shall provide for the operation and
12 stocking of such libraries as the board deems necessary for the proper
13 education of the district's students or as otherwise required by law or
14 rule of the superintendent of public instruction.

15 (3) "Teacher-librarian" means a certified teacher with a library
16 media endorsement under rules adopted by the professional educator
17 standards board.

18 (4) "School-library media program" means a school-based program
19 that is staffed by a certificated teacher-librarian and provides a
20 variety of resources that support student mastery of the essential
21 academic learning requirements in all subject areas and the
22 implementation of the district's school improvement plan.

23 (5) The teacher-librarian, through the school-library media
24 program, shall collaborate as an instructional partner to help all
25 students meet the content goals in all subject areas, and assist high
26 school students completing the culminating project and high school and
27 beyond plans required for graduation.

28 **Sec. 230.** RCW 28A.320.330 and 2007 c 503 s 2 and 2007 c 129 s 2
29 are each reenacted and amended to read as follows:

30 School districts shall establish the following funds in addition to
31 those provided elsewhere by law:

32 (1) A general fund for maintenance and operation of the school
33 district to account for all financial operations of the school district
34 except those required to be accounted for in another fund.

35 (2) A capital projects fund shall be established for major capital
36 purposes. All statutory references to a "building fund" shall mean the

1 capital projects fund so established. Money to be deposited into the
2 capital projects fund shall include, but not be limited to, bond
3 proceeds, proceeds from excess levies authorized by RCW 84.52.053,
4 state apportionment proceeds as authorized by RCW 28A.150.270 (as
5 recodified by this act), earnings from capital projects fund
6 investments as authorized by RCW 28A.320.310 and 28A.320.320, and state
7 forest revenues transferred pursuant to subsection (3) of this section.

8 Money derived from the sale of bonds, including interest earnings
9 thereof, may only be used for those purposes described in RCW
10 28A.530.010, except that accrued interest paid for bonds shall be
11 deposited in the debt service fund.

12 Money to be deposited into the capital projects fund shall include
13 but not be limited to rental and lease proceeds as authorized by RCW
14 28A.335.060, and proceeds from the sale of real property as authorized
15 by RCW 28A.335.130.

16 Money legally deposited into the capital projects fund from other
17 sources may be used for the purposes described in RCW 28A.530.010, and
18 for the purposes of:

19 (a) Major renovation, including the replacement of facilities and
20 systems where periodical repairs are no longer economical. Major
21 renovation and replacement shall include, but shall not be limited to,
22 roofing, heating and ventilating systems, floor covering, and
23 electrical systems.

24 (b) Renovation and rehabilitation of playfields, athletic fields,
25 and other district real property.

26 (c) The conduct of preliminary energy audits and energy audits of
27 school district buildings. For the purpose of this section:

28 (i) "Preliminary energy audits" means a determination of the energy
29 consumption characteristics of a building, including the size, type,
30 rate of energy consumption, and major energy using systems of the
31 building.

32 (ii) "Energy audit" means a survey of a building or complex which
33 identifies the type, size, energy use level, and major energy using
34 systems; which determines appropriate energy conservation maintenance
35 or operating procedures and assesses any need for the acquisition and
36 installation of energy conservation measures, including solar energy
37 and renewable resource measures.

1 (iii) "Energy capital improvement" means the installation, or
2 modification of the installation, of energy conservation measures in a
3 building which measures are primarily intended to reduce energy
4 consumption or allow the use of an alternative energy source.

5 (d) Those energy capital improvements which are identified as being
6 cost-effective in the audits authorized by this section.

7 (e) Purchase or installation of additional major items of equipment
8 and furniture: PROVIDED, That vehicles shall not be purchased with
9 capital projects fund money.

10 (f)(i) Costs associated with implementing technology systems,
11 facilities, and projects, including acquiring hardware, licensing
12 software, and on-line applications and training related to the
13 installation of the foregoing. However, the software or applications
14 must be an integral part of the district's technology systems,
15 facilities, or projects.

16 (ii) Costs associated with the application and modernization of
17 technology systems for operations and instruction including, but not
18 limited to, the ongoing fees for online applications, subscriptions, or
19 software licenses, including upgrades and incidental services, and
20 ongoing training related to the installation and integration of these
21 products and services. However, to the extent the funds are used for
22 the purpose under this subsection (2)(f)(ii), the school district shall
23 transfer to the district's general fund the portion of the capital
24 projects fund used for this purpose. The office of the superintendent
25 of public instruction shall develop accounting guidelines for these
26 transfers in accordance with internal revenue service regulations.

27 (3) A debt service fund to provide for tax proceeds, other
28 revenues, and disbursements as authorized in chapter 39.44 RCW. State
29 forest land revenues that are deposited in a school district's debt
30 service fund pursuant to RCW 79.64.110 and to the extent not necessary
31 for payment of debt service on school district bonds may be transferred
32 by the school district into the district's capital projects fund.

33 (4) An associated student body fund as authorized by RCW
34 28A.325.030.

35 (5) Advance refunding bond funds and refunded bond funds to provide
36 for the proceeds and disbursements as authorized in chapter 39.53 RCW.

1 **Sec. 231.** RCW 28A.335.030 and 1990 c 33 s 353 are each amended to
2 read as follows:

3 A school district may close a school for emergency reasons, as set
4 forth in RCW 28A.150.290(2) (a) and (b)(as recodified by this act),
5 without complying with the requirements of RCW 28A.335.020.

6 **Sec. 232.** RCW 28A.340.060 and 1990 c 33 s 371 are each amended to
7 read as follows:

8 (1) The superintendent of public instruction shall adopt rules as
9 necessary under chapter 34.05 RCW to carry out the provisions of RCW
10 28A.340.010 through 28A.340.070.

11 (2) When the joint operation of programs or services includes the
12 teaching of all or substantially all of the curriculum for a particular
13 grade or grades in only one local school district, the rules shall
14 provide that the affected students are attending school in the district
15 in which they reside for the purposes of RCW 28A.150.250 and
16 28A.150.260 (as recodified by this act) and chapter 28A.545 RCW.

17 **Sec. 233.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to
18 read as follows:

19 (1) Every school district board of directors shall fix, alter,
20 allow, and order paid salaries and compensation for all district
21 employees in conformance with this section.

22 (2)(a) Salaries for certificated instructional staff shall not be
23 less than the salary provided in the appropriations act in the
24 statewide salary allocation schedule for an employee with a
25 baccalaureate degree and zero years of service; and

26 (b) Salaries for certificated instructional staff with a masters
27 degree shall not be less than the salary provided in the appropriations
28 act in the statewide salary allocation schedule for an employee with a
29 masters degree and zero years of service;

30 (3)(a) The actual average salary paid to certificated instructional
31 staff shall not exceed the district's average certificated
32 instructional staff salary used for the state basic education
33 allocations for that school year as determined pursuant to RCW
34 28A.150.410 (as recodified by this act).

35 (b) Fringe benefit contributions for certificated instructional
36 staff shall be included as salary under (a) of this subsection only to

1 the extent that the district's actual average benefit contribution
2 exceeds the amount of the insurance benefits allocation provided per
3 certificated instructional staff unit in the state operating
4 appropriations act in effect at the time the compensation is payable.
5 For purposes of this section, fringe benefits shall not include payment
6 for unused leave for illness or injury under RCW 28A.400.210; employer
7 contributions for old age survivors insurance, workers' compensation,
8 unemployment compensation, and retirement benefits under the Washington
9 state retirement system; or employer contributions for health benefits
10 in excess of the insurance benefits allocation provided per
11 certificated instructional staff unit in the state operating
12 appropriations act in effect at the time the compensation is payable.
13 A school district may not use state funds to provide employer
14 contributions for such excess health benefits.

15 (c) Salary and benefits for certificated instructional staff in
16 programs other than basic education shall be consistent with the salary
17 and benefits paid to certificated instructional staff in the basic
18 education program.

19 (4) Salaries and benefits for certificated instructional staff may
20 exceed the limitations in subsection (3) of this section only by
21 separate contract for additional time, additional responsibilities, or
22 incentives. Supplemental contracts shall not cause the state to incur
23 any present or future funding obligation. Supplemental contracts shall
24 be subject to the collective bargaining provisions of chapter 41.59 RCW
25 and the provisions of RCW 28A.405.240, shall not exceed one year, and
26 if not renewed shall not constitute adverse change in accordance with
27 RCW 28A.405.300 through 28A.405.380. No district may enter into a
28 supplemental contract under this subsection for the provision of
29 services which are a part of the basic education program required by
30 Article IX, section 3 of the state Constitution.

31 (5) Employee benefit plans offered by any district shall comply
32 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

33 **Sec. 234.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each
34 amended to read as follows:

35 (1) School district employees shall be provided an annual salary
36 cost-of-living increase in accordance with this section.

1 (a) The cost-of-living increase shall be calculated by applying the
2 rate of the yearly increase in the cost-of-living index to any state-
3 funded salary base used in state funding formulas for teachers and
4 other school district employees. Beginning with the 2001-02 school
5 year, and for each subsequent school year, except for the 2003-04 and
6 2004-05 school years, each school district shall be provided a cost-of-
7 living allocation sufficient to grant this cost-of-living increase.

8 (b) A school district shall distribute its cost-of-living
9 allocation for salaries and salary-related benefits in accordance with
10 the district's salary schedules, collective bargaining agreements, and
11 compensation policies. No later than the end of the school year, each
12 school district shall certify to the superintendent of public
13 instruction that it has spent funds provided for cost-of-living
14 increases on salaries and salary-related benefits.

15 (c) Any funded cost-of-living increase shall be included in the
16 salary base used to determine cost-of-living increases for school
17 employees in subsequent years. For teachers and other certificated
18 instructional staff, the rate of the annual cost-of-living increase
19 funded for certificated instructional staff shall be applied to the
20 base salary used with the statewide salary allocation schedule
21 established under RCW 28A.150.410 (as recodified by this act) and to
22 any other salary models used to recognize school district personnel
23 costs.

24 (2) For the purposes of this section, "cost-of-living index" means,
25 for any school year, the previous calendar year's annual average
26 consumer price index, using the official current base, compiled by the
27 bureau of labor statistics, United States department of labor for the
28 state of Washington. If the bureau of labor statistics develops more
29 than one consumer price index for areas within the state, the index
30 covering the greatest number of people, covering areas exclusively
31 within the boundaries of the state, and including all items shall be
32 used for the cost-of-living index in this section.

33 **Sec. 235.** RCW 28A.410.210 and 2005 c 497 s 201 are each amended to
34 read as follows:

35 The purpose of the professional educator standards board is to
36 establish policies and requirements for the preparation and
37 certification of educators that provide standards for competency in

1 professional knowledge and practice in the areas of certification; a
2 foundation of skills, knowledge, and attitudes necessary to help
3 students with diverse needs, abilities, cultural experiences, and
4 learning styles meet or exceed the learning goals outlined in RCW
5 28A.150.210 (as recodified by this act); knowledge of research-based
6 practice; and professional development throughout a career. The
7 Washington professional educator standards board shall:

8 (1) Establish policies and practices for the approval of programs
9 of courses, requirements, and other activities leading to educator
10 certification including teacher, school administrator, and educational
11 staff associate certification;

12 (2) Establish policies and practices for the approval of the
13 character of work required to be performed as a condition of entrance
14 to and graduation from any educator preparation program including
15 teacher, school administrator, and educational staff associate
16 preparation program as provided in subsection (1) of this section;

17 (3) Establish a list of accredited institutions of higher education
18 of this and other states whose graduates may be awarded educator
19 certificates as teacher, school administrator, and educational staff
20 associate and establish criteria and enter into agreements with other
21 states to acquire reciprocal approval of educator preparation programs
22 and certification, including teacher certification from the national
23 board for professional teaching standards;

24 (4) Establish policies for approval of nontraditional educator
25 preparation programs;

26 (5) Conduct a review of educator program approval standards at
27 least every five years, beginning in 2006, to reflect research findings
28 and assure continued improvement of preparation programs for teachers,
29 administrators, and school specialized personnel;

30 (6) Specify the types and kinds of educator certificates to be
31 issued and conditions for certification in accordance with subsection
32 (1) of this section and RCW 28A.410.010;

33 (7) Hear and determine educator certification appeals as provided
34 by RCW 28A.410.100;

35 (8) Apply for and receive federal or other funds on behalf of the
36 state for purposes related to the duties of the board;

37 (9) Adopt rules under chapter 34.05 RCW that are necessary for the
38 effective and efficient implementation of this chapter;

1 (10) Maintain data concerning educator preparation programs and
2 their quality, educator certification, educator employment trends and
3 needs, and other data deemed relevant by the board;

4 (11) Serve as an advisory body to the superintendent of public
5 instruction on issues related to educator recruitment, hiring,
6 mentoring and support, professional growth, retention, educator
7 evaluation including but not limited to peer evaluation, and revocation
8 and suspension of licensure;

9 (12) Submit, by October 15th of each even-numbered year, a joint
10 report with the state board of education to the legislative education
11 committees, the governor, and the superintendent of public instruction.
12 The report shall address the progress the boards have made and the
13 obstacles they have encountered, individually and collectively, in the
14 work of achieving the goals set out in RCW 28A.150.210 (as recodified
15 by this act);

16 (13) Establish the prospective teacher assessment system for basic
17 skills and subject knowledge that shall be required to obtain residency
18 certification pursuant to RCW 28A.410.220 through 28A.410.240; and

19 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

20 **Sec. 236.** RCW 28A.415.023 and 2005 c 497 s 209 and 2005 c 393 s 1
21 are each reenacted and amended to read as follows:

22 (1) Credits earned by certificated instructional staff after
23 September 1, 1995, shall be eligible for application to the salary
24 schedule developed by the legislative evaluation and accountability
25 program committee only if the course content:

26 (a) Is consistent with a school-based plan for mastery of student
27 learning goals as referenced in RCW 28A.655.110, the annual school
28 performance report, for the school in which the individual is assigned;

29 (b) Pertains to the individual's current assignment or expected
30 assignment for the subsequent school year;

31 (c) Is necessary to obtain an endorsement as prescribed by the
32 Washington professional educator standards board;

33 (d) Is specifically required to obtain advanced levels of
34 certification;

35 (e) Is included in a college or university degree program that
36 pertains to the individual's current assignment, or potential future
37 assignment, as a certified instructional staff; or

1 (f) Addresses research-based assessment and instructional
2 strategies for students with dyslexia, dysgraphia, and language
3 disabilities when addressing learning goal one under RCW 28A.150.210
4 (as recodified by this act), as applicable and appropriate for
5 individual certificated instructional staff.

6 (2) For the purpose of this section, "credits" mean college quarter
7 hour credits and equivalent credits for approved in-service, approved
8 continuing education, or approved internship hours computed in
9 accordance with RCW 28A.415.020.

10 (3) The superintendent of public instruction shall adopt rules and
11 standards consistent with the limits established by this section for
12 certificated instructional staff.

13 **Sec. 237.** RCW 28A.415.310 and 1993 c 336 s 408 are each amended to
14 read as follows:

15 (1) The paraprofessional training program is created. The primary
16 purpose of the program is to provide training for classroom assistants
17 to assist them in helping students achieve the student learning goals
18 under RCW 28A.150.210 (as recodified by this act). Another purpose of
19 the program is to provide training to certificated personnel who work
20 with classroom assistants.

21 (2) The superintendent of public instruction may allocate funds, to
22 the extent funds are appropriated for this program, to educational
23 service districts, school districts, and other organizations for
24 providing the training in subsection (1) of this section.

25 **Sec. 238.** RCW 28A.600.310 and 2005 c 125 s 1 are each amended to
26 read as follows:

27 (1) Eleventh and twelfth grade students or students who have not
28 yet received the credits required for the award of a high school
29 diploma and are eligible to be in the eleventh or twelfth grades may
30 apply to a participating institution of higher education to enroll in
31 courses or programs offered by the institution of higher education. A
32 student receiving home-based instruction enrolling in a public high
33 school for the sole purpose of participating in courses or programs
34 offered by institutions of higher education shall not be counted by the
35 school district in any required state or federal accountability
36 reporting if the student's parents or guardians filed a declaration of

1 intent to provide home-based instruction and the student received home-
2 based instruction during the school year before the school year in
3 which the student intends to participate in courses or programs offered
4 by the institution of higher education. Students receiving home-based
5 instruction under chapter 28A.200 RCW and students attending private
6 schools approved under chapter 28A.195 RCW shall not be required to
7 meet the student learning goals, obtain a certificate of academic
8 achievement or a certificate of individual achievement to graduate from
9 high school, or to master the essential academic learning requirements.
10 However, students are eligible to enroll in courses or programs in
11 participating universities only if the board of directors of the
12 student's school district has decided to participate in the program.
13 Participating institutions of higher education, in consultation with
14 school districts, may establish admission standards for these students.
15 If the institution of higher education accepts a secondary school pupil
16 for enrollment under this section, the institution of higher education
17 shall send written notice to the pupil and the pupil's school district
18 within ten days of acceptance. The notice shall indicate the course
19 and hours of enrollment for that pupil.

20 (2) The pupil's school district shall transmit to the institution
21 of higher education an amount per each full-time equivalent college
22 student at statewide uniform rates for vocational and nonvocational
23 students. The superintendent of public instruction shall separately
24 calculate and allocate moneys appropriated for basic education under
25 RCW 28A.150.260 (as recodified by this act) to school districts for
26 purposes of making such payments and for granting school districts
27 seven percent thereof to offset program related costs. The
28 calculations and allocations shall be based upon the estimated
29 statewide annual average per full-time equivalent high school student
30 allocations under RCW 28A.150.260 (as recodified by this act),
31 excluding small high school enhancements, and applicable rules adopted
32 under chapter 34.05 RCW. The superintendent of public instruction, the
33 higher education coordinating board, and the state board for community
34 and technical colleges shall consult on the calculation and
35 distribution of the funds. The institution of higher education shall
36 not require the pupil to pay any other fees. The funds received by the
37 institution of higher education from the school district shall not be
38 deemed tuition or operating fees and may be retained by the institution

1 of higher education. A student enrolled under this subsection shall
2 not be counted for the purpose of determining any enrollment
3 restrictions imposed by the state on the institution of higher
4 education.

5 **Sec. 239.** RCW 28A.600.405 and 2007 c 355 s 4 are each amended to
6 read as follows:

7 (1) For purposes of this section and RCW 28B.50.534, "eligible
8 student" means a student who has completed all state and local high
9 school graduation requirements except the certificate of academic
10 achievement under RCW 28A.655.061 or the certificate of individual
11 achievement under RCW 28A.155.045, who is less than age twenty-one as
12 of September 1st of the academic year the student enrolls at a
13 community and technical college under this section, and who meets the
14 following criteria:

15 (a) Receives a level 2 (basic) score on the reading and writing
16 content areas of the high school Washington assessment of student
17 learning;

18 (b) Has not successfully met state standards on a retake of the
19 assessment or an alternative assessment;

20 (c) Has participated in assessment remediation; and

21 (d) Receives a recommendation to enroll in courses or a program of
22 study made available under RCW 28B.50.534 from his or her high school
23 principal.

24 (2) An eligible student may enroll in courses or a program of study
25 made available by a community or technical college participating in the
26 pilot program created under RCW 28B.50.534 for the purpose of obtaining
27 a high school diploma.

28 (3) For eligible students in courses or programs delivered directly
29 by the community or technical college participating in the pilot
30 program under RCW 28B.50.534 and only for enrollment in courses that
31 lead to a high school diploma, the superintendent of public instruction
32 shall transmit to the colleges participating in the pilot program an
33 amount per each full-time equivalent college student at statewide
34 uniform rates. The amount shall be the sum of (a), (b), (c), and (d)
35 of this subsection, as applicable.

36 (a) The superintendent shall separately calculate and allocate
37 moneys appropriated for basic education under RCW 28A.150.260 (as

1 recodified by this act) for purposes of making payments under this
2 section. The calculations and allocations shall be based upon the
3 estimated statewide annual average per full-time equivalent high school
4 student allocations under RCW 28A.150.260 (as recodified by this act),
5 excluding small high school enhancements, and applicable rules adopted
6 under chapter 34.05 RCW.

7 (b) The superintendent shall allocate an amount equal to the per
8 funded student state allocation for the learning assistance program
9 under chapter 28A.165 RCW for each full-time equivalent college student
10 or a pro rata amount for less than full-time enrollment.

11 (c) The superintendent shall allocate an amount equal to the per
12 full-time equivalent student allocation for the student achievement
13 program under RCW 28A.505.210 for each full-time equivalent college
14 student or a pro rata amount for less than full-time enrollment.

15 (d) For eligible students who meet eligibility criteria for the
16 state transitional bilingual instruction program under chapter 28A.180
17 RCW, the superintendent shall allocate an amount equal to the per
18 student state allocation for the transitional bilingual instruction
19 program or a pro rata amount for less than full-time enrollment.

20 (4) The superintendent may adopt rules establishing enrollment
21 reporting, recordkeeping, and accounting requirements necessary to
22 ensure accountability for the use of basic education, learning
23 assistance, and transitional bilingual program funds under this section
24 for the pilot program created under RCW 28B.50.534.

25 (5) All school districts in the geographic area of the two
26 community and technical colleges selected pursuant to section 8,
27 chapter 355, Laws of 2007 to participate in the pilot program shall
28 provide information about the high school completion option under RCW
29 28B.50.534 to students in grades ten, eleven, and twelve and the
30 parents or guardians of those students.

31 **Sec. 240.** RCW 28A.655.010 and 1993 c 336 s 201 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout RCW 28A.630.885 and 28A.300.130.

35 (1) "Commission" means the commission on student learning created
36 in RCW 28A.630.885.

1 (2) "Student learning goals" (~~mean[s]~~) means the goals
2 established in RCW 28A.150.210 (as recodified by this act).

3 (3) "Essential academic learning requirements" means more specific
4 academic and technical skills and knowledge, based on the student
5 learning goals, as determined under RCW 28A.630.885(3)(a). Essential
6 academic learning requirements shall not limit the instructional
7 strategies used by schools or school districts or require the use of
8 specific curriculum.

9 (4) "Performance standards" or "standards" means the criteria used
10 to determine if a student has successfully learned the specific
11 knowledge or skill being assessed as determined under RCW
12 28A.630.885(3)(b). The standards should be set at internationally
13 competitive levels.

14 (5) "Assessment system" or "student assessment system" means a
15 series of assessments used to determine if students have successfully
16 learned the essential academic learning requirements. The assessment
17 system shall be developed under RCW 28A.630.885(3)(b).

18 (6) "Performance-based education system" means an education system
19 in which a significantly greater emphasis is placed on how well
20 students are learning, and significantly less emphasis is placed on
21 state-level laws and rules that dictate how instruction is to be
22 provided. The performance-based education system does not require that
23 schools use an outcome-based instructional model. Decisions regarding
24 how instruction is provided are to be made, to the greatest extent
25 possible, by schools and school districts, not by the state.

26 **Sec. 241.** RCW 28A.655.070 and 2007 c 354 s 5 are each amended to
27 read as follows:

28 (1) The superintendent of public instruction shall develop
29 essential academic learning requirements that identify the knowledge
30 and skills all public school students need to know and be able to do
31 based on the student learning goals in RCW 28A.150.210 (as recodified
32 by this act), develop student assessments, and implement the
33 accountability recommendations and requests regarding assistance,
34 rewards, and recognition of the state board of education.

35 (2) The superintendent of public instruction shall:

36 (a) Periodically revise the essential academic learning
37 requirements, as needed, based on the student learning goals in RCW

1 28A.150.210 (as recodified by this act). Goals one and two shall be
2 considered primary. To the maximum extent possible, the superintendent
3 shall integrate goal four and the knowledge and skill areas in the
4 other goals in the essential academic learning requirements; and

5 (b) Review and prioritize the essential academic learning
6 requirements and identify, with clear and concise descriptions, the
7 grade level content expectations to be assessed on the Washington
8 assessment of student learning and used for state or federal
9 accountability purposes. The review, prioritization, and
10 identification shall result in more focus and targeting with an
11 emphasis on depth over breadth in the number of grade level content
12 expectations assessed at each grade level. Grade level content
13 expectations shall be articulated over the grades as a sequence of
14 expectations and performances that are logical, build with increasing
15 depth after foundational knowledge and skills are acquired, and
16 reflect, where appropriate, the sequential nature of the discipline.
17 The office of the superintendent of public instruction, within seven
18 working days, shall post on its web site any grade level content
19 expectations provided to an assessment vendor for use in constructing
20 the Washington assessment of student learning.

21 (3) In consultation with the state board of education, the
22 superintendent of public instruction shall maintain and continue to
23 develop and revise a statewide academic assessment system in the
24 content areas of reading, writing, mathematics, and science for use in
25 the elementary, middle, and high school years designed to determine if
26 each student has mastered the essential academic learning requirements
27 identified in subsection (1) of this section. School districts shall
28 administer the assessments under guidelines adopted by the
29 superintendent of public instruction. The academic assessment system
30 may include a variety of assessment methods, including criterion-
31 referenced and performance-based measures.

32 (4) If the superintendent proposes any modification to the
33 essential academic learning requirements or the statewide assessments,
34 then the superintendent shall, upon request, provide opportunities for
35 the education committees of the house of representatives and the senate
36 to review the assessments and proposed modifications to the essential
37 academic learning requirements before the modifications are adopted.

1 (5) The assessment system shall be designed so that the results
2 under the assessment system are used by educators as tools to evaluate
3 instructional practices, and to initiate appropriate educational
4 support for students who have not mastered the essential academic
5 learning requirements at the appropriate periods in the student's
6 educational development.

7 (6) By September 2007, the results for reading and mathematics
8 shall be reported in a format that will allow parents and teachers to
9 determine the academic gain a student has acquired in those content
10 areas from one school year to the next.

11 (7) To assist parents and teachers in their efforts to provide
12 educational support to individual students, the superintendent of
13 public instruction shall provide as much individual student performance
14 information as possible within the constraints of the assessment
15 system's item bank. The superintendent shall also provide to school
16 districts:

17 (a) Information on classroom-based and other assessments that may
18 provide additional achievement information for individual students; and

19 (b) A collection of diagnostic tools that educators may use to
20 evaluate the academic status of individual students. The tools shall
21 be designed to be inexpensive, easily administered, and quickly and
22 easily scored, with results provided in a format that may be easily
23 shared with parents and students.

24 (8) To the maximum extent possible, the superintendent shall
25 integrate knowledge and skill areas in development of the assessments.

26 (9) Assessments for goals three and four of RCW 28A.150.210 (as
27 recodified by this act) shall be integrated in the essential academic
28 learning requirements and assessments for goals one and two.

29 (10) The superintendent shall develop assessments that are directly
30 related to the essential academic learning requirements, and are not
31 biased toward persons with different learning styles, racial or ethnic
32 backgrounds, or on the basis of gender.

33 (11) The superintendent shall consider methods to address the
34 unique needs of special education students when developing the
35 assessments under this section.

36 (12) The superintendent shall consider methods to address the
37 unique needs of highly capable students when developing the assessments
38 under this section.

1 (13) The superintendent shall post on the superintendent's web site
2 lists of resources and model assessments in social studies, the arts,
3 and health and fitness.

4 **Sec. 242.** RCW 28A.655.110 and 1999 c 388 s 303 are each amended to
5 read as follows:

6 (1) Beginning with the 1994-95 school year, to provide the local
7 community and electorate with access to information on the educational
8 programs in the schools in the district, each school shall publish
9 annually a school performance report and deliver the report to each
10 parent with children enrolled in the school and make the report
11 available to the community served by the school. The annual
12 performance report shall be in a form that can be easily understood and
13 be used by parents, guardians, and other members of the community who
14 are not professional educators to make informed educational decisions.
15 As data from the assessments in RCW 28A.655.060 becomes available, the
16 annual performance report should enable parents, educators, and school
17 board members to determine whether students in the district's schools
18 are attaining mastery of the student learning goals under RCW
19 28A.150.210 (as recodified by this act), and other important facts
20 about the schools' performance in assisting students to learn. The
21 annual report shall make comparisons to a school's performance in
22 preceding years and shall include school level goals under RCW
23 28A.655.050, student performance relative to the goals and the
24 percentage of students performing at each level of the assessment, a
25 comparison of student performance at each level of the assessment to
26 the previous year's performance, and information regarding school-level
27 plans to achieve the goals.

28 (2) The annual performance report shall include, but not be limited
29 to: (a) A brief statement of the mission of the school and the school
30 district; (b) enrollment statistics including student demographics; (c)
31 expenditures per pupil for the school year; (d) a summary of student
32 scores on all mandated tests; (e) a concise annual budget report; (f)
33 student attendance, graduation, and dropout rates; (g) information
34 regarding the use and condition of the school building or buildings;
35 (h) a brief description of the learning improvement plans for the
36 school; and (i) an invitation to all parents and citizens to
37 participate in school activities.

1 (3) The superintendent of public instruction shall develop by June
2 30, 1994, and update periodically, a model report form, which shall
3 also be adapted for computers, that schools may use to meet the
4 requirements of subsections (1) and (2) of this section. In order to
5 make school performance reports broadly accessible to the public, the
6 superintendent of public instruction, to the extent feasible, shall
7 make information on each school's report available on or through the
8 superintendent's internet web site.

9 **Sec. 243.** RCW 39.35D.020 and 2006 c 263 s 330 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Department" means the department of general administration.

14 (2) "High-performance public buildings" means high-performance
15 public buildings designed, constructed, and certified to a standard as
16 identified in this chapter.

17 (3) "Institutions of higher education" means the state
18 universities, the regional universities, The Evergreen State College,
19 the community colleges, and the technical colleges.

20 (4) "LEED silver standard" means the United States green building
21 council leadership in energy and environmental design green building
22 rating standard, referred to as silver standard.

23 (5)(a) "Major facility project" means: (i) A construction project
24 larger than five thousand gross square feet of occupied or conditioned
25 space as defined in the Washington state energy code; or (ii) a
26 building renovation project when the cost is greater than fifty percent
27 of the assessed value and the project is larger than five thousand
28 gross square feet of occupied or conditioned space as defined in the
29 Washington state energy code.

30 (b) "Major facility project" does not include: (i) Projects for
31 which the department, public school district, or other applicable
32 agency and the design team determine the LEED silver standard or the
33 Washington sustainable school design protocol to be not practicable; or
34 (ii) transmitter buildings, pumping stations, hospitals, research
35 facilities primarily used for sponsored laboratory experimentation,
36 laboratory research, or laboratory training in research methods, or
37 other similar building types as determined by the department. When the

1 LEED silver standard is determined to be not practicable for a project,
2 then it must be determined if any LEED standard is practicable for the
3 project. If LEED standards or the Washington sustainable school design
4 protocol are not followed for the project, the public school district
5 or public agency shall report these reasons to the department.

6 (6) "Public agency" means every state office, officer, board,
7 commission, committee, bureau, department, and public higher education
8 institution.

9 (7) "Public school district" means a school district eligible to
10 receive state basic education moneys pursuant to RCW 28A.150.250 and
11 28A.150.260 (as recodified by this act).

12 (8) "Washington sustainable school design protocol" means the
13 school design protocol and related information developed by the office
14 of the superintendent of public instruction, in conjunction with school
15 districts and the school facilities advisory board.

16 **Sec. 244.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to
17 read as follows:

18 Nothing in this chapter shall be construed to grant employers or
19 employees the right to reach agreements regarding salary or
20 compensation increases in excess of those authorized in accordance with
21 RCW 28A.150.410 (as recodified by this act) and 28A.400.200.

22 **Sec. 245.** RCW 74.09.5256 and 1999 c 318 s 4 are each amended to
23 read as follows:

24 (1) Districts shall reassign medicaid payments to be received under
25 RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this
26 section to the superintendent of public instruction.

27 (2) The superintendent of public instruction shall receive medicaid
28 payments from the department of social and health services for all
29 state and federal moneys under Title XIX of the federal social security
30 act due to districts for medical assistance provided in the district's
31 special education program.

32 (3) The superintendent shall use reports from the department of
33 social and health services, the state billing agent, districts acting
34 as their own billing agent, and firms to calculate the appropriate
35 amounts of incentive payments and state special education program
36 moneys due each district.

1 (4) Moneys received by the superintendent of public instruction
2 shall be disbursed for the following purposes:

3 (a) Reimbursement to the department of social and health services
4 for the state-funded portion of medicaid payments;

5 (b) Reimbursement for billing agent's fees, including those of
6 districts acting as their own agent and billing fees of firms;

7 (c) Incentive payments to each school district equal to one-half of
8 the percent of potential medicaid eligible students billed by the
9 school district as calculated by the superintendent multiplied by the
10 federal portion of medicaid payments after deduction for billing fees;
11 and

12 (d) The remainder shall be distributed to districts as part of
13 state allocations for the special education program provided under RCW
14 28A.150.390 (as recodified by this act).

15 (5) With respect to private insurer funds received by districts,
16 the superintendent of public instruction shall reduce state special
17 education program allocations to districts by one minus the percent
18 calculated by the superintendent in subsection (4)(c) of this section,
19 after deduction for billing fees.

20 **Sec. 246.** RCW 84.33.010 and 1990 c 33 s 598 are each amended to
21 read as follows:

22 As a result of the study and analysis of systems of taxation of
23 standing timber and forest lands by the forest tax committee pursuant
24 to Senate Concurrent Resolution No. 30 of the 41st session of the
25 legislature, and the recommendations of the committee based thereon,
26 the legislature hereby finds that:

27 (1) The public welfare requires that this state's system for
28 taxation of timber and forest lands be modernized to assure the
29 citizens of this state and its future generations the advantages to be
30 derived from the continuous production of timber and forest products
31 from the significant area of privately owned forests in this state. It
32 is this state's policy to encourage forestry and restocking and
33 reforestation of such forests so that present and future generations will
34 enjoy the benefits which forest areas provide in enhancing water
35 supply, in minimizing soil erosion, storm and flood damage to persons
36 or property, in providing a habitat for wild game, in providing scenic
37 and recreational spaces, in maintaining land areas whose forests

1 contribute to the natural ecological equilibrium, and in providing
2 employment and profits to its citizens and raw materials for products
3 needed by everyone.

4 (2) The combination of variations in quantities, qualities and
5 locations of timber and forest lands, the fact that market areas for
6 timber products are nation-wide and world-wide and the unique long term
7 nature of investment costs and risks associated with growing timber,
8 all make exceedingly difficult the function of valuing and assessing
9 timber and forest lands.

10 (3) The existing ad valorem property tax system is unsatisfactory
11 for taxation of standing timber and forest land and will significantly
12 frustrate, to an ever increasing degree with the passage of time, the
13 perpetual enjoyment of the benefits enumerated above.

14 (4) For these reasons it is desirable, in exercise of the powers to
15 promote the general welfare and to impose taxes; that

16 (a) the ad valorem system for taxing timber be modified and
17 discontinued in stages over a three year period during which such
18 system will be replaced by one under which timber will be taxed on the
19 basis of stumpage value at the time of harvest, and

20 (b) forest land remain under the ad valorem taxation system but be
21 taxed only as provided in this chapter and RCW 28A.150.250 (as
22 recodified by this act).

23 **Sec. 247.** RCW 84.52.0531 and 2006 c 119 s 2 are each amended to
24 read as follows:

25 The maximum dollar amount which may be levied by or for any school
26 district for maintenance and operation support under the provisions of
27 RCW 84.52.053 shall be determined as follows:

28 (1) For excess levies for collection in calendar year 1997, the
29 maximum dollar amount shall be calculated pursuant to the laws and
30 rules in effect in November 1996.

31 (2) For excess levies for collection in calendar year 1998 and
32 thereafter, the maximum dollar amount shall be the sum of (a) plus or
33 minus (b) and (c) of this subsection minus (d) of this subsection:

34 (a) The district's levy base as defined in subsections (3) and (4)
35 of this section multiplied by the district's maximum levy percentage as
36 defined in subsection (5) of this section;

1 (b) For districts in a high/nonhigh relationship, the high school
2 district's maximum levy amount shall be reduced and the nonhigh school
3 district's maximum levy amount shall be increased by an amount equal to
4 the estimated amount of the nonhigh payment due to the high school
5 district under RCW 28A.545.030(3) and 28A.545.050 for the school year
6 commencing the year of the levy;

7 (c) For districts in an interdistrict cooperative agreement, the
8 nonresident school district's maximum levy amount shall be reduced and
9 the resident school district's maximum levy amount shall be increased
10 by an amount equal to the per pupil basic education allocation included
11 in the nonresident district's levy base under subsection (3) of this
12 section multiplied by:

13 (i) The number of full-time equivalent students served from the
14 resident district in the prior school year; multiplied by:

15 (ii) The serving district's maximum levy percentage determined
16 under subsection (5) of this section; increased by:

17 (iii) The percent increase per full-time equivalent student as
18 stated in the state basic education appropriation section of the
19 biennial budget between the prior school year and the current school
20 year divided by fifty-five percent;

21 (d) The district's maximum levy amount shall be reduced by the
22 maximum amount of state matching funds for which the district is
23 eligible under RCW 28A.500.010.

24 (3) For excess levies for collection in calendar year 2005 and
25 thereafter, a district's levy base shall be the sum of allocations in
26 (a) through (c) of this subsection received by the district for the
27 prior school year and the amounts determined under subsection (4) of
28 this section, including allocations for compensation increases, plus
29 the sum of such allocations multiplied by the percent increase per full
30 time equivalent student as stated in the state basic education
31 appropriation section of the biennial budget between the prior school
32 year and the current school year and divided by fifty-five percent. A
33 district's levy base shall not include local school district property
34 tax levies or other local revenues, or state and federal allocations
35 not identified in (a) through (c) of this subsection.

36 (a) The district's basic education allocation as determined
37 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350 (as
38 recodified by this act);

1 (b) State and federal categorical allocations for the following
2 programs:

3 (i) Pupil transportation;

4 (ii) Special education;

5 (iii) Education of highly capable students;

6 (iv) Compensatory education, including but not limited to learning
7 assistance, migrant education, Indian education, refugee programs, and
8 bilingual education;

9 (v) Food services; and

10 (vi) Statewide block grant programs; and

11 (c) Any other federal allocations for elementary and secondary
12 school programs, including direct grants, other than federal impact aid
13 funds and allocations in lieu of taxes.

14 (4) For levy collections in calendar years 2005 through 2011, in
15 addition to the allocations included under subsection (3)(a) through
16 (c) of this section, a district's levy base shall also include the
17 following:

18 (a) The difference between the allocation the district would have
19 received in the current school year had RCW 84.52.068 not been amended
20 by chapter 19, Laws of 2003 1st sp. sess. and the allocation the
21 district received in the current school year pursuant to RCW 84.52.068.
22 The office of the superintendent of public instruction shall offset the
23 amount added to a district's levy base pursuant to this subsection
24 (4)(a) by any additional per student allocations included in a
25 district's levy base pursuant to the enactment of an initiative to the
26 people subsequent to June 10, 2004; and

27 (b) The difference between the allocations the district would have
28 received the prior school year had RCW 28A.400.205 not been amended by
29 chapter 20, Laws of 2003 1st sp. sess. and the allocations the district
30 actually received the prior school year pursuant to RCW 28A.400.205.
31 The office of the superintendent of public instruction shall offset the
32 amount added to a district's levy base pursuant to this subsection
33 (4)(b) by any additional salary increase allocations included in a
34 district's levy base pursuant to the enactment of an initiative to the
35 people subsequent to June 10, 2004.

36 (5) A district's maximum levy percentage shall be twenty-two
37 percent in 1998 and twenty-four percent in 1999 and every year

1 thereafter; plus, for qualifying districts, the grandfathered
2 percentage determined as follows:

3 (a) For 1997, the difference between the district's 1993 maximum
4 levy percentage and twenty percent; and

5 (b) For 1998 and thereafter, the percentage calculated as follows:

6 (i) Multiply the grandfathered percentage for the prior year times
7 the district's levy base determined under subsection (3) of this
8 section;

9 (ii) Reduce the result of (b)(i) of this subsection by any levy
10 reduction funds as defined in subsection (6) of this section that are
11 to be allocated to the district for the current school year;

12 (iii) Divide the result of (b)(ii) of this subsection by the
13 district's levy base; and

14 (iv) Take the greater of zero or the percentage calculated in
15 (b)(iii) of this subsection.

16 (6) "Levy reduction funds" shall mean increases in state funds from
17 the prior school year for programs included under subsections (3) and
18 (4) of this section: (a) That are not attributable to enrollment
19 changes, compensation increases, or inflationary adjustments; and (b)
20 that are or were specifically identified as levy reduction funds in the
21 appropriations act. If levy reduction funds are dependent on formula
22 factors which would not be finalized until after the start of the
23 current school year, the superintendent of public instruction shall
24 estimate the total amount of levy reduction funds by using prior school
25 year data in place of current school year data. Levy reduction funds
26 shall not include moneys received by school districts from cities or
27 counties.

28 (7) For the purposes of this section, "prior school year" means the
29 most recent school year completed prior to the year in which the levies
30 are to be collected.

31 (8) For the purposes of this section, "current school year" means
32 the year immediately following the prior school year.

33 (9) Funds collected from transportation vehicle fund tax levies
34 shall not be subject to the levy limitations in this section.

35 (10) The superintendent of public instruction shall develop rules
36 (~~and regulations~~) and inform school districts of the pertinent data
37 necessary to carry out the provisions of this section.

1 **Sec. 248.** RCW 84.52.0531 and 1997 c 259 s 2 are each amended to
2 read as follows:

3 The maximum dollar amount which may be levied by or for any school
4 district for maintenance and operation support under the provisions of
5 RCW 84.52.053 shall be determined as follows:

6 (1) For excess levies for collection in calendar year 1997, the
7 maximum dollar amount shall be calculated pursuant to the laws and
8 rules in effect in November 1996.

9 (2) For excess levies for collection in calendar year 1998 and
10 thereafter, the maximum dollar amount shall be the sum of (a) plus or
11 minus (b) and (c) of this subsection minus (d) of this subsection:

12 (a) The district's levy base as defined in subsection (3) of this
13 section multiplied by the district's maximum levy percentage as defined
14 in subsection (4) of this section;

15 (b) For districts in a high/nonhigh relationship, the high school
16 district's maximum levy amount shall be reduced and the nonhigh school
17 district's maximum levy amount shall be increased by an amount equal to
18 the estimated amount of the nonhigh payment due to the high school
19 district under RCW 28A.545.030(3) and 28A.545.050 for the school year
20 commencing the year of the levy;

21 (c) For districts in an interdistrict cooperative agreement, the
22 nonresident school district's maximum levy amount shall be reduced and
23 the resident school district's maximum levy amount shall be increased
24 by an amount equal to the per pupil basic education allocation included
25 in the nonresident district's levy base under subsection (3) of this
26 section multiplied by:

27 (i) The number of full-time equivalent students served from the
28 resident district in the prior school year; multiplied by:

29 (ii) The serving district's maximum levy percentage determined
30 under subsection (4) of this section; increased by:

31 (iii) The percent increase per full-time equivalent student as
32 stated in the state basic education appropriation section of the
33 biennial budget between the prior school year and the current school
34 year divided by fifty-five percent;

35 (d) The district's maximum levy amount shall be reduced by the
36 maximum amount of state matching funds for which the district is
37 eligible under RCW 28A.500.010.

1 (3) For excess levies for collection in calendar year 1998 and
2 thereafter, a district's levy base shall be the sum of allocations in
3 (a) through (c) of this subsection received by the district for the
4 prior school year, including allocations for compensation increases,
5 plus the sum of such allocations multiplied by the percent increase per
6 full time equivalent student as stated in the state basic education
7 appropriation section of the biennial budget between the prior school
8 year and the current school year and divided by fifty-five percent. A
9 district's levy base shall not include local school district property
10 tax levies or other local revenues, or state and federal allocations
11 not identified in (a) through (c) of this subsection.

12 (a) The district's basic education allocation as determined
13 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350 (as
14 recodified by this act);

15 (b) State and federal categorical allocations for the following
16 programs:

17 (i) Pupil transportation;

18 (ii) Special education;

19 (iii) Education of highly capable students;

20 (iv) Compensatory education, including but not limited to learning
21 assistance, migrant education, Indian education, refugee programs, and
22 bilingual education;

23 (v) Food services; and

24 (vi) Statewide block grant programs; and

25 (c) Any other federal allocations for elementary and secondary
26 school programs, including direct grants, other than federal impact aid
27 funds and allocations in lieu of taxes.

28 (4) A district's maximum levy percentage shall be twenty-two
29 percent in 1998 and twenty-four percent in 1999 and every year
30 thereafter; plus, for qualifying districts, the grandfathered
31 percentage determined as follows:

32 (a) For 1997, the difference between the district's 1993 maximum
33 levy percentage and twenty percent; and

34 (b) For 1998 and thereafter, the percentage calculated as follows:

35 (i) Multiply the grandfathered percentage for the prior year times
36 the district's levy base determined under subsection (3) of this
37 section;

1 (ii) Reduce the result of (b)(i) of this subsection by any levy
2 reduction funds as defined in subsection (5) of this section that are
3 to be allocated to the district for the current school year;

4 (iii) Divide the result of (b)(ii) of this subsection by the
5 district's levy base; and

6 (iv) Take the greater of zero or the percentage calculated in
7 (b)(iii) of this subsection.

8 (5) "Levy reduction funds" shall mean increases in state funds from
9 the prior school year for programs included under subsection (3) of
10 this section: (a) That are not attributable to enrollment changes,
11 compensation increases, or inflationary adjustments; and (b) that are
12 or were specifically identified as levy reduction funds in the
13 appropriations act. If levy reduction funds are dependent on formula
14 factors which would not be finalized until after the start of the
15 current school year, the superintendent of public instruction shall
16 estimate the total amount of levy reduction funds by using prior school
17 year data in place of current school year data. Levy reduction funds
18 shall not include moneys received by school districts from cities or
19 counties.

20 (6) For the purposes of this section, "prior school year" means the
21 most recent school year completed prior to the year in which the levies
22 are to be collected.

23 (7) For the purposes of this section, "current school year" means
24 the year immediately following the prior school year.

25 (8) Funds collected from transportation vehicle fund tax levies
26 shall not be subject to the levy limitations in this section.

27 (9) The superintendent of public instruction shall develop rules
28 (~~and regulations~~) and inform school districts of the pertinent data
29 necessary to carry out the provisions of this section.

30 PART III

31 MISCELLANEOUS PROVISIONS

32 NEW SECTION. **Sec. 301.** Part headings used in this act are not any
33 part of the law.

34 NEW SECTION. **Sec. 302.** The following are codified or recodified

1 in the following order with subchapter headings in the new chapter
2 created in section 303 of this act.

3 Programs and Funding

4 Section 1 of this act

5 RCW 28A.150.200

6 RCW 28A.150.210

7 RCW 28A.150.211

8 RCW 28A.150.220

9 RCW 28A.150.250

10 RCW 28A.150.260

11 Section 103 of this act

12 RCW 28A.150.205

13 RCW 28A.150.060

14 RCW 28A.150.100

15 RCW 28A.150.410

16 RCW 28A.150.230

17 RCW 28A.150.240

18 RCW 28A.150.350

19 RCW 28A.150.370

20 RCW 28A.150.390

21 RCW 28A.150.280

22 Section 106 of this act

23 Administration

24 RCW 28A.150.270

25 RCW 28A.150.275

26 RCW 28A.150.290

27 RCW 28A.150.400

28 RCW 28A.150.360

29 RCW 28A.150.420

30 NEW SECTION. **Sec. 303.** Sections 1, 103, 106, and 301 of this act
31 constitute a new chapter in Title 28A RCW.

32 NEW SECTION. **Sec. 304.** Section 247 of this act expires January 1,
33 2012.

1 NEW SECTION. **Sec. 305.** Section 248 of this act takes effect
2 January 1, 2012.

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