
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2604.1/01

ATTY/TYPIST: SCG:ads

BRIEF DESCRIPTION:

2 **E2SSB 5625** - H AMD WITHDRAWN 4/20/01

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 28A.655.030 and 1999 c 388 s 102 are each amended to
8 read as follows:

9 The powers and duties of the academic achievement and
10 accountability commission shall include, but are not limited to the
11 following:

12 (1) For purposes of statewide accountability, the commission shall:

13 (a) Adopt and revise:

14 (i) Performance improvement goals in reading, writing, science, and
15 mathematics by subject and grade level as the commission deems
16 appropriate to improve student learning, once assessments in these
17 subjects are required statewide. The goals shall be in addition to any
18 goals adopted in RCW 28A.655.050. The commission may also revise any
19 goal adopted in RCW 28A.655.050;

20 (ii) Goals for dropout rates and reduction of dropout rates for
21 middle schools, junior high schools, and high schools, if the
22 superintendent of public instruction develops common definitions and a
23 student tracking system; and

24 (iii) Goals designed to accelerate the achievement of students who
25 are disproportionately underachieving academically. The commission
26 shall adopt the goals by rule. However, before each goal is
27 implemented, the commission shall present the goal to the education
28 committees of the house of representatives and the senate for the
29 committees' review and comment in a time frame that will permit the
30 legislature to take statutory action on the goal if such action is
31 deemed warranted by the legislature;

32 (b) Identify the scores students must achieve in order to meet the
33 standard on the Washington assessment of student learning and determine
34 student scores that identify levels of student performance below and
35 beyond the standard. The commission shall set such performance
36 standards and levels in consultation with the superintendent of public

1 instruction and after consideration of any recommendations that may be
2 developed by any advisory committees that may be established for this
3 purpose;

4 (c) Adopt objective, systematic criteria to identify successful
5 schools and school districts and recommend to the superintendent of
6 public instruction schools and districts to be recognized for two types
7 of accomplishments, student achievement and improvements in student
8 achievement. Recognition for improvements in student achievement shall
9 include consideration of one or more of the following accomplishments:

10 (i) An increase in the percent of students meeting standards. The
11 level of achievement required for recognition may be based on the
12 achievement goals established by the legislature under RCW 28A.655.050
13 and the commission under (a) of this subsection;

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

16 (iii) Improvements despite challenges such as high levels of
17 mobility, poverty, English as a second language learners, and large
18 numbers of students in special populations as measured by either the
19 percent of students meeting the standard, or the improvement index.

20 When determining the baseline year or years for recognizing
21 individual schools, the commission may use the assessment results from
22 the initial years the assessments were administered, if doing so with
23 individual schools would be appropriate;

24 (d) Adopt objective, systematic criteria to identify schools and
25 school districts in need of state assistance (~~((and those in which))~~) due
26 to significant numbers of students persistently (~~((fail))~~) failing to
27 meet state standards. In its deliberations, the commission shall
28 consider the use of performance improvement goals and all statewide
29 mandated criterion-referenced and norm-referenced standardized tests;

30 (e) Identify, based on the commission's criteria and the level of
31 available appropriations, schools and school districts in which state
32 (~~((intervention measures))~~) assistance will be (~~((needed and a range of~~
33 ~~appropriate intervention strategies, beginning no earlier than June 30,~~
34 ~~2001, and after the legislature has authorized a set of intervention~~
35 ~~strategies. Beginning no earlier than June 30, 2001, and after the~~
36 ~~legislature has authorized a set of intervention strategies, at the~~
37 ~~request of the commission, the superintendent shall intervene in the~~
38 ~~school or school district and take corrective actions. This chapter~~
39 ~~does not provide additional authority for the commission or the~~

1 ~~superintendent of public instruction to intervene in a school or school~~
2 ~~district))~~ available;

3 (f) Adopt student performance and improvement thresholds for use in
4 evaluating school and district progress under state assistance and
5 superintendent of public instruction intervention:

6 (i) For schools identified during the 2001-02 or 2002-03 school
7 years, for the first three years in state assistance or superintendent
8 of public instruction intervention, the threshold shall be based on the
9 school's progress toward reading improvement goals adopted under (a)(i)
10 of this subsection and a minimum percentile score, as adopted by the
11 commission, on statewide mandated norm-referenced standardized tests;

12 (ii) For schools identified during the 2003-04 school year or in
13 subsequent years, the threshold shall be based on the school's progress
14 toward all performance improvement goals adopted under (a)(i) of this
15 subsection and a minimum percentile score, as adopted by the
16 commission, on statewide mandated norm-referenced standardized tests;

17 (g) Identify performance incentive systems that have improved or
18 have the potential to improve student achievement;

19 ~~((g))~~ (h) Annually review the assessment reporting system to
20 ensure fairness, accuracy, timeliness, and equity of opportunity,
21 especially with regard to schools with special circumstances and unique
22 populations of students, and ~~((a recommendation))~~ recommend to the
23 superintendent of public instruction ~~((of))~~ any improvements needed to
24 the system;

25 ~~((h))~~ (i) Annually report by December 1st to the legislature, the
26 governor, the superintendent of public instruction, and the state board
27 of education on the progress, findings, and recommendations of the
28 commission. The report may include recommendations of actions to help
29 improve student achievement;

30 ~~((i))~~ (j) By December 1, 2000, and by December 1st annually
31 thereafter, report to the education committees of the house of
32 representatives and the senate on the progress that has been made in
33 achieving the reading goal under RCW 28A.655.050 and any additional
34 goals adopted by the commission;

35 ~~((j))~~ (k) Coordinate its activities with the state board of
36 education and the office of the superintendent of public instruction;

37 ~~((k))~~ (l) Seek advice from the public and all interested
38 educational organizations in the conduct of its work; ~~((and~~

1 ~~(l))~~ (m) Establish advisory committees, which may include persons
2 who are not members of the commission; and

3 (n) Develop and analyze any data or information necessary to
4 perform its accountability responsibilities;

5 (2) Holding meetings and public hearings, which may include
6 regional meetings and hearings;

7 (3) Hiring necessary staff and determining the staff's duties and
8 compensation. However, the office of the superintendent of public
9 instruction shall provide staff support to the commission until the
10 commission has hired its own staff, and shall provide most of the
11 technical assistance and logistical support needed by the commission
12 thereafter. The office of the superintendent of public instruction
13 shall be the fiscal agent for the commission. The commission may
14 direct the office of the superintendent of public instruction to enter
15 into subcontracts, within the commission's resources, with school
16 districts, teachers, higher education faculty, state agencies, business
17 organizations, and other individuals and organizations to assist the
18 commission in its deliberations; and

19 (4) Receiving per diem and travel allowances as permitted under RCW
20 43.03.050 and 43.03.060.

21 NEW SECTION. Sec. 2. SUPERINTENDENT OF PUBLIC INSTRUCTION DUTIES.

22 (1) The superintendent of public instruction may delegate the
23 superintendent's duties under this chapter to a proxy, with the
24 exception of the superintendent's membership on the academic
25 achievement and accountability commission.

26 (2) The superintendent of public instruction shall:

27 (a) Provide state assistance to schools and school districts under
28 section 3 of this act and exercise governance responsibilities for
29 schools in superintendent of public instruction intervention under
30 section 4 of this act;

31 (b) Provide the academic achievement and accountability commission,
32 in a timely manner, with available data, including raw student data,
33 and other information the commission deems appropriate to fulfill its
34 responsibility to provide oversight and monitoring of the state's
35 educational accountability system; and

36 (c) Make available to schools information on models of excellence
37 in instruction, management, capacity building, parent involvement, and
38 other research-based strategies to improve student achievement.

1 NEW SECTION. **Sec. 3.** PROCESS FOR STATE ASSISTANCE. (1) The

2 process for state assistance shall include the following components:

3 (a) In September of each year, based on academic achievement and
4 accountability commission-adopted criteria and available
5 appropriations, the commission shall identify schools and school
6 districts for state assistance.

7 (b) The superintendent of public instruction shall notify each
8 school district of the assistance eligibility of one or more schools
9 within the district.

10 (c) Within ninety days of the date the notice was sent to the
11 district, the district shall:

12 (i) Notify school staff, parents, and the community of the state
13 assistance process;

14 (ii) Conduct an educational audit of each identified school using
15 experts convened by the superintendent of public instruction. The
16 audit shall include the resources available to the school, the use of
17 those resources, and suggestions for using funds more effectively; the
18 relationship of the school to its local district, parents, and
19 community; the curriculum and instructional materials available and the
20 extent to which those materials are aligned with the state's essential
21 academic learning requirements; the roles and contributions of the
22 school's employees; the level of experience and subject matter
23 expertise of the school's certificated employees; the needs and
24 characteristics of the school's students; school district management
25 practices; and other indicators;

26 (iii) Hold a public hearing to inform parents, school employees,
27 and the local community of the audit's findings and recommendations and
28 solicit input on ways to address the issues the audit identified; and

29 (iv) Identify some immediate steps the school and district can take
30 to begin addressing issues raised in the audit.

31 (d) Based on the results of the audit and community response, the
32 district, with advice from the school's parents and staff, shall
33 develop a comprehensive school improvement plan.

34 (i) The plan shall include, but need not be limited to three-year
35 student performance improvement goals established by the commission;
36 measurable benchmarks; strategies to address the issues raised in the
37 audit; and a timeline to reach student goals incrementally.

38 (ii) The plan may include the use of incentives, including
39 school-based supplemental contracts, to recruit and retain employees;

1 the use of severance pay; the revision of school district personnel
2 assignments; and the restructuring of the management, budget,
3 organization, calendar, and instructional or programmatic approaches
4 used in the school.

5 (e) The superintendent of public instruction and the school
6 district shall negotiate and adopt, and revise as necessary, a
7 performance agreement to implement the school improvement plan. The
8 agreement shall be adopted no later than one month before the start of
9 the school year following notification of state assistance eligibility.

10 (f) If the superintendent of public instruction determines that the
11 school district has not completed the state assistance process in a
12 timely fashion or has failed to conduct the process in good faith, the
13 superintendent of public instruction shall impose superintendent of
14 public instruction intervention on the school or district.

15 (2) After a performance agreement has been in effect for one
16 complete school year, academic achievement and accountability
17 commission-adopted student performance and improvement thresholds in
18 each state-assisted school shall be analyzed annually. The results of
19 the analysis shall be included in the school's annual school
20 performance report under RCW 28A.655.110.

21 (3) The parent or guardian of a student enrolled in a school
22 identified for state assistance, at the beginning of the school year
23 following identification, may enroll the student in a different school
24 either in the district or in a different district under RCW 28A.225.220
25 and 28A.225.270. In a class I school district, the parent or guardian
26 of a student enrolled in a school identified for state assistance, at
27 the beginning of the school year following identification, may enroll
28 the student in a different school in the district as provided under
29 section 6 of this act.

30 (4) If a school successfully meets academic achievement and
31 accountability commission-adopted student performance and improvement
32 thresholds in any two years, the school shall be released from the list
33 of schools identified for state assistance. However, for the duration
34 of the performance agreement, the superintendent of public instruction
35 may continue to provide any type of assistance included in the
36 agreement.

37 (5) If a state-assisted school does not meet academic achievement
38 and accountability commission-adopted student performance and
39 improvement thresholds in any year, the superintendent of public

1 instruction may impose superintendent of public instruction
2 intervention on the school and district.

3 (6) If a state-assisted school does not meet academic achievement
4 and accountability commission-adopted student performance and
5 improvement thresholds by the end of three complete school years in
6 state assistance, the superintendent of public instruction shall impose
7 superintendent of public instruction intervention on the school and
8 district.

9 (7) With the exception of agreements for schools that are subject
10 to subsection (6) of this section, performance agreements may be
11 extended with the approval of the commission.

12 NEW SECTION. **Sec. 4.** PROCESS FOR SUPERINTENDENT OF PUBLIC
13 INSTRUCTION INTERVENTION. (1) A school or district identified for the
14 imposition of superintendent of public instruction intervention under
15 section 3 (5) or (6) of this act shall, for certain governance
16 purposes, be removed from local control and placed under the
17 jurisdiction of the superintendent of public instruction.

18 (2) The superintendent of public instruction shall adopt, and
19 revise as necessary, an intervention plan for each school in
20 superintendent of public instruction intervention. The plan, which
21 shall include a description of the strategies that the superintendent
22 intends to use in the school and district, shall be shared with the
23 school community.

24 (3) After a school or district has been in superintendent of public
25 instruction intervention for one complete school year, academic
26 achievement and accountability commission-adopted student performance
27 and improvement thresholds for each identified school shall be analyzed
28 annually.

29 (4) If a school in superintendent of public instruction
30 intervention successfully meets academic achievement and accountability
31 commission-adopted student performance and improvement thresholds in
32 two consecutive years, the school shall be released from superintendent
33 of public instruction intervention.

34 (5) The range of intervention strategies available to the
35 superintendent of public instruction shall include, but need not be
36 limited to:

- 1 (a) The use of incentives, including school-based supplemental
2 contracts, to recruit and retain employees and the use of severance
3 pay, to the extent that funds are available for these purposes;
- 4 (b) The revision of school district personnel assignments;
- 5 (c) The restructuring of the management, budget, organization,
6 calendar, and instructional or programmatic approaches used in the
7 school;
- 8 (d) The reduction, redirection, deferral, or withholding of
9 nonbasic education state funds from the school district until the
10 superintendent of public instruction determines such strategies are no
11 longer an appropriate state intervention strategy;
- 12 (e) The redirection from school district to the school of any or
13 all state, federal, and local funds generated by or available for the
14 students in the school;
- 15 (f) The removal of a school from the district jurisdiction or the
16 appointment of a proxy of the superintendent of public instruction to
17 assume jurisdiction of the school;
- 18 (g) The adoption of either an intensive peer review or
19 collaborative principal-peer review process for certificated employees;
- 20 (h) The voluntary and involuntary transfer of employees from the
21 school pursuant to a written notice of transfer given to the employee:
- 22 (i) During the three-month period immediately following the adoption of
23 an intervention plan; or (ii) during the period from April 1st to May
24 1st of the year following the adoption of an intervention plan. A
25 transfer under this subsection (5)(h) to a position for which the
26 annual compensation is the same as the annual compensation for the
27 position from which the employee transferred shall not be construed as
28 a discharge or other adverse effect in contract status for purposes of
29 this title;
- 30 (i) The request for and use of waivers from any law, rule, or
31 district policy that conflicts with the implementation of the
32 superintendent's intervention plan;
- 33 (j) The authority to bargain, on behalf of the school district, the
34 effect on school-specific issues of a component of the intervention
35 plan if that component requires renegotiation of a collective
36 bargaining agreement;
- 37 (k) Closing and redesigning the school; and
- 38 (l) Any other action authorized by law that the superintendent of
39 public instruction deems necessary to improve student learning.

1 (6) The parent or guardian of a student enrolled in a school
2 identified for superintendent of public instruction intervention, at
3 the beginning of the school year following identification, may enroll
4 the student in a different school either in the district or in a
5 different district under the provisions of RCW 28A.225.220 and
6 28A.225.270. In a class I school district, the parent or guardian of
7 a student enrolled in a school identified for superintendent of public
8 instruction intervention, at the beginning of the school year following
9 identification, may enroll the student in a different school in the
10 district as provided under section 6 of this act.

11 (7) The school directors of a district with a school in
12 superintendent of public instruction intervention shall, at the request
13 of the superintendent of public instruction and pursuant to an
14 intervention plan:

15 (a) Find positions for employees who are transferred out of the
16 school or take other appropriate personnel actions;

17 (b) Provide payroll, student transportation, and all other support
18 services for the school, with transportation provided based on a
19 requested schedule;

20 (c) Waive district policies; and

21 (d) Provide the superintendent of public instruction with any
22 assistance necessary to implement the intervention plan.

23 NEW SECTION. **Sec. 5.** REPORT ON ACCOUNTABILITY POLICIES. By
24 November 30, 2002, the academic achievement and accountability
25 commission shall analyze and report to the governor and the legislative
26 education committees on (1) intervention strategies used by other
27 states and nations, including the success of those strategies in
28 improving student achievement, and (2) a uniform public school transfer
29 policy for students enrolled in schools in state assistance or
30 superintendent of public instruction intervention, including a proposal
31 for fully funding transportation alternatives for transferring
32 students.

33 NEW SECTION. **Sec. 6.** A new section as added to chapter 28A.320
34 RCW to read as follows:

35 STUDENT AND PARENT TRANSFER OPTIONS. Each class I school district
36 shall adopt a policy allowing the automatic intradistrict release and
37 acceptance of students from schools that are in state assistance or

1 superintendent of public instruction intervention under chapter 28A.655
2 RCW.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 RECOGNITION FOR REACHING FOURTH GRADE READING GOALS. The
6 superintendent of public instruction shall recognize and honor each
7 school that has met or exceeded the state minimum fourth grade reading
8 goal for the school, as defined in RCW 28A.655.050, on the 2001
9 Washington assessment of student learning.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 41.56 RCW
11 to read as follows:

12 COLLECTIVE BARGAINING. A component of an intervention plan under
13 chapter 28A.655 RCW shall be considered an educational policy decision.
14 However, if such a component requires renegotiation of a collective
15 bargaining agreement, the employer, or the proxy designated to act on
16 behalf of the employer when the superintendent of public instruction
17 has elected to exercise the bargaining authority provided in section 4
18 of this act, and the exclusive bargaining representative that is a
19 party to the agreement shall, subject to procedures in this chapter,
20 enter into bargaining on the effect of the component on school-specific
21 issues for inclusion in an addendum to the collective bargaining
22 agreement. If an agreement is not reached after a reasonable period of
23 negotiations, either party may request the commission to provide
24 mediation services.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.59 RCW
26 to read as follows:

27 COLLECTIVE BARGAINING. A component of an intervention plan under
28 chapter 28A.655 RCW shall be considered an educational policy decision.
29 However, if such a component requires renegotiation of a collective
30 bargaining agreement, the employer, or the proxy designated to act on
31 behalf of the employer when the superintendent of public instruction
32 has elected to exercise the bargaining authority provided in section 4
33 of this act, and the exclusive bargaining representative that is a
34 party to the agreement shall, subject to procedures in this chapter,
35 enter into bargaining on the effect of the component on school-specific
36 issues for inclusion in an addendum to the collective bargaining

1 agreement. If an agreement is not reached after a reasonable period of
2 negotiations, either party may request the commission to provide
3 mediation services.

4 **Sec. 10.** RCW 41.56.905 and 1983 c 287 s 5 are each amended to read
5 as follows:

6 The provisions of this chapter are intended to be additional to
7 other remedies and shall be liberally construed to accomplish their
8 purpose. Except as provided in RCW 53.18.015, if any provision of this
9 chapter conflicts with any other statute, ordinance, rule or regulation
10 of any public employer, the provisions of this chapter shall control.
11 However, if a conflict exists between this chapter and chapter . . . ,
12 Laws of 2001 (this act), chapter . . . , Laws of 2001 (this act)
13 supersedes this chapter.

14 **Sec. 11.** RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each
15 amended to read as follows:

16 This chapter shall supersede existing statutes not expressly
17 repealed to the extent that there is a conflict between a provision of
18 this chapter and those other statutes. However, if a conflict exists
19 between this chapter and chapter . . . , Laws of 2001 (this act) chapter
20 . . . , Laws of 2001 (this act) supersedes this chapter. Except as
21 otherwise expressly provided herein, nothing in this chapter shall be
22 construed to annul, modify or preclude the renewal or continuation of
23 any lawful agreement entered into prior to January 1, 1976 between an
24 employer and an employee organization covering wages, hours, and terms
25 and conditions of employment. Where there is a conflict between any
26 collective bargaining agreement and any resolution, rule, policy or
27 regulation of the employer or its agents, the terms of the collective
28 bargaining agreement shall prevail.

29 **Sec. 12.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are
30 each amended to read as follows:

31 (1) If a local school district fails to comply with any binding
32 restrictions issued by the superintendent of public instruction, the
33 allocation of state funds for support of the local school district may
34 be withheld, pending an investigation of the reason for such
35 noncompliance by the office of the superintendent of public
36 instruction. Written notice of the intent to withhold state funds,

1 with reasons stated for this action, shall be made to the school
2 district by the office of the superintendent of public instruction
3 before any portion of the state allocation is withheld.

4 (2) Under an intervention plan authorized under section 4 of this
5 act, the superintendent may withhold the allocation of all or a portion
6 of nonbasic education state funds from the local school district until
7 the superintendent determines that withholding the funds is no longer
8 an appropriate state intervention strategy.

9 **Sec. 13.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to
10 read as follows:

11 Except as provided by a superintendent of public instruction
12 intervention action taken under section 4 of this act, in all
13 districts:

14 (1) The board of directors shall elect a superintendent who shall
15 have such qualification as the local school board alone shall
16 determine. The superintendent shall have supervision over the several
17 departments of the schools thereof and carry out such other powers and
18 duties as prescribed by law((~~-~~));

19 (2) Notwithstanding the provisions of RCW 28A.400.300(1), the board
20 may contract with such superintendent for a term not to exceed three
21 years when deemed in the best interest of the district. The right to
22 renew a contract of employment with any school superintendent shall
23 rest solely with the discretion of the school board employing such
24 school superintendent. Regarding such renewal of contracts of school
25 superintendents the provisions of RCW 28A.405.210, 28A.405.240, and
26 28A.645.010 shall be inapplicable.

27 **Sec. 14.** RCW 28A.400.030 and 1991 c 116 s 14 are each amended to
28 read as follows:

29 In addition to such other duties as a district school board shall
30 prescribe, unless other duties are prescribed by a superintendent of
31 public instruction intervention action taken under section 4 of this
32 act, the school district superintendent shall:

33 (1) Attend all meetings of the board of directors and cause to have
34 made a record as to the proceedings thereof.

35 (2) Keep such records and reports and in such form as the district
36 board of directors require or as otherwise required by law or rule or

1 regulation of higher administrative agencies and turn the same over to
2 his or her successor.

3 (3) Keep accurate and detailed accounts of all receipts and
4 expenditures of school money. At each annual school meeting the
5 superintendent must present his or her record book of board proceedings
6 for public inspection, and shall make a statement of the financial
7 condition of the district and such record book must always be open for
8 public inspection.

9 (4) Give such notice of all annual or special elections as
10 otherwise required by law; also give notice of the regular and special
11 meetings of the board of directors.

12 (5) Sign all orders for warrants ordered to be issued by the board
13 of directors.

14 (6) Carry out all orders of the board of directors made at any
15 regular or special meeting.

16 **Sec. 15.** RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended
17 to read as follows:

18 School districts may employ public school principals and/or vice
19 principals to supervise the operation and management of the school to
20 which they are assigned. Such persons shall hold valid teacher and
21 administrative certificates. In addition to such other duties as shall
22 be prescribed by law and by the job description adopted by the board of
23 directors, unless other duties are prescribed by a superintendent of
24 public instruction intervention action taken under section 4 of this
25 act, each principal shall:

26 (1) Assume administrative authority, responsibility and
27 instructional leadership, under the supervision of the school district
28 superintendent, and in accordance with the policies of the school
29 district board of directors, for the planning, management, supervision
30 and evaluation of the educational program of the attendance area for
31 which he or she is responsible.

32 (2) Submit recommendations to the school district superintendent
33 regarding appointment, assignment, promotion, transfer and dismissal of
34 all personnel assigned to the attendance area for which he or she is
35 responsible.

36 (3) Submit recommendations to the school district superintendent
37 regarding the fiscal needs to maintain and improve the instructional
38 program of the attendance area for which he or she is responsible.

1 (4) Assume administrative authority and responsibility for the
2 supervision, counseling and discipline of pupils in the attendance area
3 for which he or she is responsible.

4 **Sec. 16.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
5 read as follows:

6 Every board of directors, unless otherwise specially provided by
7 law or by a superintendent of public instruction intervention action
8 taken under section 4 of this act, shall:

9 (1) Employ for not more than one year, and for sufficient cause
10 discharge, all certificated and classified employees;

11 (2) Adopt written policies granting leaves to persons under
12 contracts of employment with the school district(s) in positions
13 requiring either certification or classified qualifications, including
14 but not limited to leaves for attendance at official or private
15 institutes and conferences and sabbatical leaves for employees in
16 positions requiring certification qualification, and leaves for
17 illness, injury, bereavement and, emergencies for both certificated and
18 classified employees, and with such compensation as the board of
19 directors prescribe: PROVIDED, That the board of directors shall adopt
20 written policies granting to such persons annual leave with
21 compensation for illness, injury and emergencies as follows:

22 (a) For such persons under contract with the school district for a
23 full year, at least ten days;

24 (b) For such persons under contract with the school district as
25 part time employees, at least that portion of ten days as the total
26 number of days contracted for bears to one hundred eighty days;

27 (c) For certificated and classified employees, annual leave with
28 compensation for illness, injury, and emergencies shall be granted and
29 accrue at a rate not to exceed twelve days per year; provisions of any
30 contract in force on June 12, 1980, which conflict with requirements of
31 this subsection shall continue in effect until contract expiration;
32 after expiration, any new contract executed between the parties shall
33 be consistent with this subsection;

34 (d) Compensation for leave for illness or injury actually taken
35 shall be the same as the compensation such person would have received
36 had such person not taken the leave provided in this proviso;

37 (e) Leave provided in this proviso not taken shall accumulate from
38 year to year up to a maximum of one hundred eighty days for the

1 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up
2 to a maximum of the number of contract days agreed to in a given
3 contract, but not greater than one year. Such accumulated time may be
4 taken at any time during the school year or up to twelve days per year
5 may be used for the purpose of payments for unused sick leave.

6 (f) Sick leave heretofore accumulated under section 1, chapter 195,
7 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under
8 administrative practice of school districts prior to the effective date
9 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is
10 hereby declared valid, and shall be added to leave for illness or
11 injury accumulated under this proviso;

12 (g) Any leave for injury or illness accumulated up to a maximum of
13 forty-five days shall be creditable as service rendered for the purpose
14 of determining the time at which an employee is eligible to retire, if
15 such leave is taken it may not be compensated under the provisions of
16 RCW 28A.400.210 and 28A.310.490;

17 (h) Accumulated leave under this proviso shall be transferred to
18 and from one district to another, the office of superintendent of
19 public instruction and offices of educational service district
20 superintendents and boards, to and from such districts and such
21 offices;

22 (i) Leave accumulated by a person in a district prior to leaving
23 said district may, under rules and regulations of the board, be granted
24 to such person when the person returns to the employment of the
25 district.

26 When any certificated or classified employee leaves one school
27 district within the state and commences employment with another school
28 district within the state, the employee shall retain the same
29 seniority, leave benefits and other benefits that the employee had in
30 his or her previous position: PROVIDED, That classified employees who
31 transfer between districts after July 28, 1985, shall not retain any
32 seniority rights other than longevity when leaving one school district
33 and beginning employment with another. If the school district to which
34 the person transfers has a different system for computing seniority,
35 leave benefits, and other benefits, then the employee shall be granted
36 the same seniority, leave benefits and other benefits as a person in
37 that district who has similar occupational status and total years of
38 service.

1 **Sec. 17.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
2 read as follows:

3 (1)(a) Except as provided by a superintendent of public instruction
4 intervention action taken under section 4 of this act, no teacher,
5 principal, supervisor, superintendent, or other certificated employee,
6 holding a position as such with a school district, hereinafter referred
7 to as "employee", shall be employed:

8 (i) Except by written order of a majority of the directors of the
9 district at a regular or special meeting thereof(~~(, nor)~~); and

10 (ii) Unless he or she is the holder of an effective teacher's
11 certificate or other certificate required by law or the state board of
12 education for the position for which the employee is employed.

13 (b) No employee may be employed at a school in superintendent of
14 public instruction intervention unless his or her employment with the
15 school district is consistent with determinations made by the
16 superintendent of public instruction under section 4 of this act.

17 (c) The board shall make with each employee employed by it a
18 written contract, which shall be in conformity with the laws of this
19 state, and except as otherwise provided by law or by a superintendent
20 of public instruction intervention action taken under section 4 of this
21 act, limited to a term of not more than one year. Every such contract
22 shall be made in duplicate, one copy to be retained by the school
23 district superintendent or secretary and one copy to be delivered to
24 the employee. No contract shall be offered by any board for the
25 employment of any employee who has previously signed an employment
26 contract for that same term in another school district of the state of
27 Washington unless such employee shall have been released from his or
28 her obligations under such previous contract by the board of directors
29 of the school district to which he or she was obligated.

30 (d) Any contract signed in violation of this (~~provision shall be~~)
31 subsection (1) is void.

32 (2) In the event it is determined that there is probable cause or
33 causes that the employment contract of an employee should not be
34 renewed by the district for the next ensuing term such employee shall
35 be notified in writing on or before May 15th preceding the commencement
36 of such term of that determination, or if the omnibus appropriations
37 act has not passed the legislature by May 15th, then notification shall
38 be no later than June 1st, which notification shall specify the cause
39 or causes for nonrenewal of contract. Such determination of probable

1 cause for certificated employees, other than the superintendent, shall
2 be made by the superintendent, or with respect to employment at a
3 school in superintendent of public instruction intervention, as
4 provided by the superintendent of public instruction intervention
5 action taken under section 4 of this act. Such notice shall be served
6 upon the employee personally, or by certified or registered mail, or by
7 leaving a copy of the notice at the house of his or her usual abode
8 with some person of suitable age and discretion then resident therein.
9 Every such employee so notified, except those employees subject to
10 subsection (3) of this section, at his or her request made in writing
11 and filed with the president, chair, or secretary of the board of
12 directors of the district within ten days after receiving such notice,
13 shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to
14 determine whether there is sufficient cause or causes for nonrenewal of
15 contract: PROVIDED, That any employee receiving notice of nonrenewal
16 of contract due to an enrollment decline or loss of revenue may, in his
17 or her request for a hearing, stipulate that initiation of the
18 arrangements for a hearing officer as provided for by RCW
19 28A.405.310(4) shall occur within ten days following July 15 rather
20 than the day that the employee submits the request for a hearing. If
21 any such notification or opportunity for hearing is not timely given,
22 the employee entitled thereto shall be conclusively presumed to have
23 been reemployed by the district for the next ensuing term upon
24 contractual terms identical with those which would have prevailed if
25 his or her employment had actually been renewed by the board of
26 directors for such ensuing term.

27 (3) An employee at a school in superintendent of public instruction
28 intervention who is notified under this section, at his or her request
29 made in writing and filed with the district superintendent within ten
30 days after receiving the notice, shall be given the opportunity to meet
31 informally with the district superintendent for the purpose of
32 requesting the district superintendent to recommend that the nonrenewal
33 decision be reconsidered. Such meeting shall be held no later than ten
34 days following the receipt of such request, and the employee shall be
35 given at least three days' written notice of the date, time, and place
36 of the meeting. At such meeting the employee shall be given the
37 opportunity to refute any facts upon which the determination was based
38 and to make any argument in support of his or her request for
39 reconsideration. Within ten days following the meeting with the

1 employee, the district superintendent shall submit a written
2 recommendation to the superintendent of public instruction stating the
3 reasons for the recommendation. A copy of the recommendation shall be
4 delivered to the employee. In taking action on the recommendation of
5 the district superintendent, the superintendent of public instruction
6 shall consider any evaluations conducted under RCW 28A.405.100 and may
7 consider any written communication that the employee may file with the
8 secretary of the board before meeting with the district superintendent.
9 The board shall notify the employee in writing of the final decision
10 within ten days after receiving the final decision of the
11 superintendent of public instruction. The decision to nonrenew an
12 employee's contract pursuant to a superintendent of public instruction
13 intervention action taken under section 4 of this act is final and not
14 subject to appeal.

15 (4) This section shall not be applicable to "provisional employees"
16 as so designated in RCW 28A.405.220; transfer to a subordinate
17 certificated position as that procedure is set forth in RCW 28A.405.230
18 shall not be construed as a nonrenewal of contract for the purposes of
19 this section.

20 **Sec. 18.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to
21 read as follows:

22 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
23 employed by a school district in a teaching or other nonsupervisory
24 certificated position shall be subject to nonrenewal of employment
25 contract as provided in this section during the first two years of
26 employment by such district, unless the employee has previously
27 completed at least two years of certificated employment in another
28 school district in the state of Washington, in which case the employee
29 shall be subject to nonrenewal of employment contract pursuant to this
30 section during the first year of employment with the new district.
31 Employees as defined in this section shall hereinafter be referred to
32 as "provisional employees".

33 (2)(a) In the event the superintendent of the school district, or
34 the superintendent of public instruction under a superintendent of
35 public instruction intervention action taken under section 4 of this
36 act, determines that the employment contract of any provisional
37 employee should not be renewed by the district for the next ensuing
38 term such provisional employee shall be notified thereof by the

1 superintendent of the school district in writing on or before May 15th
2 preceding the commencement of such school term, or if the omnibus
3 appropriations act has not passed the legislature by May 15th, then
4 notification shall be no later than June 1st, which notification shall
5 state the reason or reasons for such determination. Such notice shall
6 be served upon the provisional employee personally, or by certified or
7 registered mail, or by leaving a copy of the notice at the place of his
8 or her usual abode with some person of suitable age and discretion then
9 resident therein. ((The)) A determination ((of)) by the superintendent
10 of the school district shall be subject to the evaluation requirements
11 of RCW 28A.405.100. A determination by the superintendent of public
12 instruction shall be made pursuant to a superintendent of public
13 instruction action taken under section 4 of this act.

14 (b) Every such provisional employee so notified, at his or her
15 request made in writing and filed with the superintendent of the
16 district within ten days after receiving such notice, shall be given
17 the opportunity to meet informally with the superintendent for the
18 purpose of requesting the superintendent to reconsider his or her
19 decision or, if the determination was made pursuant to a superintendent
20 of public instruction intervention action taken under section 4 of this
21 act, to consider recommending to the superintendent of public
22 instruction reinstatement of the provisional employee. Such meeting
23 shall be held no later than ten days following the receipt of such
24 request, and the provisional employee shall be given written notice of
25 the date, time and place of meeting at least three days prior thereto.
26 At such meeting the provisional employee shall be given the opportunity
27 to refute any facts upon which the ((superintendent's)) determination
28 was based and to make any argument in support of his or her request for
29 reconsideration.

30 (c)(i) Except as provided in (c)(ii) of this subsection, within ten
31 days following the meeting with the provisional employee, the
32 superintendent shall either reinstate the provisional employee or shall
33 submit to the school district board of directors for consideration at
34 its next regular meeting a written report recommending that the
35 employment contract of the provisional employee be nonrenewed and
36 stating the reason or reasons therefor. A copy of such report shall be
37 delivered to the provisional employee at least three days prior to the
38 scheduled meeting of the board of directors. In taking action upon the
39 recommendation of the superintendent, the board of directors shall

1 consider any written communication which the provisional employee may
2 file with the secretary of the board at any time prior to that meeting.

3 (ii) If the provisional employee is employed at a school in
4 superintendent of public instruction intervention, within ten days
5 following the meeting with the employee, the superintendent shall
6 submit a written recommendation to the superintendent of public
7 instruction stating the reasons for the recommendation. A copy of the
8 recommendation shall be delivered to the employee.

9 (d) The board of directors shall notify the provisional employee in
10 writing of ((its)) the final decision within ten days following the
11 meeting at which the superintendent's recommendation was considered or
12 within ten days after receiving the final decision of the
13 superintendent of public instruction, as applicable. The decision ((of
14 the board of directors)) to nonrenew the contract of a provisional
15 employee under this section shall be final and not subject to appeal.

16 (3) This section applies to any person employed by a school
17 district in a teaching or other nonsupervisory certificated position
18 after June 25, 1976. This section provides the exclusive means for
19 nonrenewing the employment contract of a provisional employee and no
20 other provision of law shall be applicable thereto, including, without
21 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

22 **Sec. 19.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to
23 read as follows:

24 (1) Any certificated employee of a school district employed as an
25 assistant superintendent, director, principal, assistant principal,
26 coordinator, or in any other supervisory or administrative position,
27 hereinafter in this section referred to as "administrator", shall be
28 subject to transfer, at the expiration of the term of his or her
29 employment contract or at any time pursuant to a superintendent of
30 public instruction intervention action taken under section 4 of this
31 act, if the contract took effect after September 1, 2001, to any
32 subordinate certificated position within the school district.
33 "Subordinate certificated position" as used in this section, shall mean
34 any administrative or nonadministrative certificated position for which
35 the annual compensation is less than the position currently held by the
36 administrator.

37 (2)(a) Every school district superintendent determining that the
38 best interests of the school district would be served by transferring

1 any administrator to a subordinate certificated position shall notify
2 that administrator in writing on or before May 15th preceding the
3 commencement of such school term of that determination, or if the
4 omnibus appropriations act has not passed the legislature by May 15th,
5 then notification shall be no later than June 1st(~~(, which)~~). Notice
6 given pursuant to a superintendent of public instruction intervention
7 action taken under section 4 of this act may be given at any time.
8 Notification given under this subsection shall state the reason or
9 reasons for the transfer, and shall identify the subordinate
10 certificated position to which the administrator will be transferred.
11 Such notice shall be served upon the administrator personally, or by
12 certified or registered mail, or by leaving a copy of the notice at the
13 place of his or her usual abode with some person of suitable age and
14 discretion then resident therein.

15 (b) Every such administrator so notified, at his or her request
16 made in writing and filed with the president or chair, or secretary of
17 the board of directors of the district within ten days after receiving
18 such notice, shall be given the opportunity to meet informally with the
19 board of directors in an executive session thereof or with the
20 superintendent of public instruction, if notice is given pursuant to a
21 superintendent of public instruction intervention action taken under
22 section 4 of this act, for the purpose of requesting ((the board to
23 reconsider)) reconsideration of the decision ((of the superintendent.
24 Such board,)). Upon receipt of such request, the board of directors
25 shall schedule the meeting for no later than the next regularly
26 scheduled meeting of the board((, and shall notify the administrator))
27 or, if applicable, the superintendent of public instruction shall
28 schedule a meeting as soon as practicable and the administrator shall
29 be notified in writing of the date, time, and place of the meeting at
30 least three days prior thereto. At such meeting the administrator
31 shall be given the opportunity to refute any facts upon which the
32 determination was based and to make any argument in support of his or
33 her request for reconsideration. The administrator and the board or
34 the superintendent of public instruction, as applicable, may invite
35 their respective legal counsel to be present and to participate at the
36 meeting. The board shall notify the administrator in writing of
37 ((its)) the final decision within ten days following ((its)) the
38 meeting with the administrator. No appeal to the courts shall lie from
39 the final decision ((of the board of directors)) under this section to

1 transfer an administrator to a subordinate certificated position(~~(+~~
2 ~~PROVIDED, That~~)). However, in the case of principals not employed in
3 a school subject to superintendent of public instruction intervention,
4 such transfer shall be made at the expiration of the contract year and
5 only during the first three consecutive school years of employment as
6 a principal by a school district; except that if any such principal not
7 employed in a school subject to superintendent of public instruction
8 intervention has been previously employed as a principal by another
9 school district in the state of Washington for three or more
10 consecutive school years the provisions of this section shall apply
11 only to the first full school year of such employment. If a principal
12 employed at a school in superintendent of public instruction
13 intervention is transferred pursuant to a superintendent of public
14 instruction intervention action taken under section 4 of this act, the
15 transfer may occur at any time during the contract year of any year the
16 principal is employed as a principal.

17 (3) This section applies to any person employed as an administrator
18 by a school district on June 25, 1976 and to all persons so employed at
19 any time thereafter. This section provides the exclusive means for
20 transferring an administrator to a subordinate certificated position
21 (~~(at the expiration of the term of his or her employment contract)~~).

22 **Sec. 20.** RCW 28A.150.020 and 1969 ex.s. c 223 s 28A.01.060 are
23 each amended to read as follows:

24 "Common schools" means schools maintained at public expense in each
25 school district, or under alternative arrangements for public
26 governance or administration under a superintendent of public
27 instruction intervention action under section 4 of this act, and
28 carrying on a program from kindergarten through the twelfth grade or
29 any part thereof including vocational educational courses otherwise
30 permitted by law.

31 **Sec. 21.** RCW 28A.320.010 and 1969 ex.s. c 223 s 28A.58.010 are
32 each amended to read as follows:

33 A school district shall constitute a body corporate and, except as
34 provided by a superintendent of public instruction intervention action
35 under section 4 of this act, shall possess all the usual powers of a
36 public corporation, and in that name and style may sue and be sued and
37 transact all business necessary for maintaining school and protecting

1 the rights of the district, and enter into such obligations as are
2 authorized therefor by law.

3 **Sec. 22.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to
4 read as follows:

5 (1) Except as provided by a superintendent of public instruction
6 intervention action taken under section 4 of this act, the board of
7 directors of each school district may exercise the following:

8 (a) The broad discretionary power to determine and adopt written
9 policies not in conflict with other law that provide for the
10 development and implementation of programs, activities, services, or
11 practices that the board determines will:

12 (i) Promote the education of kindergarten through twelfth grade
13 students in the public schools; or

14 (ii) Promote the effective, efficient, or safe management and
15 operation of the school district;

16 (b) Such powers as are expressly authorized by law; and

17 (c) Such powers as are necessarily or fairly implied in the powers
18 expressly authorized by law.

19 (2) Before adopting a policy under subsection (1)(a) of this
20 section, the school district board of directors shall comply with the
21 notice requirements of the open public meetings act, chapter 42.30 RCW,
22 and shall in addition include in that notice a statement that sets
23 forth or reasonably describes the proposed policy. The board of
24 directors shall provide a reasonable opportunity for public written and
25 oral comment and consideration of the comment by the board of
26 directors.

27 **Sec. 23.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to
28 read as follows:

29 (1) The board of directors of a school district may contract with
30 other school districts, educational service districts, public or
31 private organizations, agencies, schools, or individuals to implement
32 the board's powers and duties, however the contracts must be consistent
33 with a superintendent of public instruction intervention action taken
34 under section 4 of this act. The board of directors of a school
35 district may contract for goods and services, including but not limited
36 to contracts for goods and services as specifically authorized in
37 statute or rule, as well as other educational, instructional, and

1 specialized services. When a school district board of directors
2 contracts for educational, instructional, or specialized services, the
3 purpose of the contract must be to improve student learning or
4 achievement.

5 (2) A contract under subsection (1) of this section may not be made
6 with a religious or sectarian organization or school where the contract
7 would violate the state or federal Constitution.

8 **Sec. 24.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to
9 read as follows:

10 (1) Under the constitutional framework and the laws of the state of
11 Washington, the governance structure for the state's public common
12 school system is comprised of the following bodies: The legislature,
13 the governor, the superintendent of public instruction, the state board
14 of education, the academic achievement and accountability commission,
15 the educational service district boards of directors, and local school
16 district boards of directors. The respective policy and administrative
17 roles of each body are determined by the state Constitution and
18 statutes.

19 (2) Local school districts are political subdivisions of the state
20 and the organization of such districts, including the powers, duties,
21 and boundaries thereof, may be altered or abolished by laws of the
22 state of Washington.

23 **Sec. 25.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
24 read as follows:

25 (1) It is the purpose of this chapter to:

26 (a) Incorporate into a single, comprehensive, school district
27 organization law all essential provisions governing:

28 (i) The formation and establishment of new school districts;

29 (ii) The alteration of the boundaries of existing districts; and

30 (iii) The adjustment of the assets and liabilities of school
31 districts when changes are made under this chapter; and

32 (b) Establish methods and procedures whereby changes in the school
33 district system may be brought about by the people concerned and
34 affected.

35 (2) It is the state's policy that decisions on proposed changes in
36 school district organization should be made, whenever possible, by
37 negotiated agreement between the affected school districts. If the

1 districts cannot agree, the decision shall be made by the regional
2 committees on school district organization, based on the committees'
3 best judgment, taking into consideration the following factors and
4 factors under RCW 28A.315.205:

5 (a) A balance of local petition requests and the needs of the
6 statewide community at large in a manner that advances the best
7 interest of public education in the affected school districts and
8 communities, the educational service district, and the state;

9 (b) Responsibly serving all of the affected citizens and students
10 by contributing to logical service boundaries and recognizing a
11 changing economic pattern within the educational service districts of
12 the state;

13 (c) Enhancing the educational opportunities of pupils in the
14 territory by reducing existing disparities among the affected school
15 districts' ability to provide operating and capital funds through an
16 equitable adjustment of the assets and liabilities of the affected
17 districts;

18 (d) Promoting a wiser use of public funds through improvement in
19 the school district system of the educational service districts and the
20 state; and

21 (e) Other criteria or considerations as may be established in rule
22 by the state board of education.

23 (3) It is neither the intent nor purpose of this chapter to apply
24 to organizational changes and the procedure therefor relating to
25 capital fund aid by nonhigh school districts as provided for in chapter
26 28A.540 RCW.

27 (4) This chapter is not intended to apply a superintendent of
28 public instruction intervention action taken under section 4 of this
29 act.

30 **Sec. 26.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
31 read as follows:

32 As used in this chapter:

33 (1) "Change in the organization and extent of school districts"
34 means the formation and establishment of new school districts, the
35 dissolution of existing school districts, the alteration of the
36 boundaries of existing school districts, or all of them. "Change" does
37 not include any change made pursuant to a superintendent of public
38 instruction intervention action taken under section 4 of this act.

1 (2) "Regional committee" means the regional committee on school
2 district organization created by this chapter.

3 (3) "State board" means the state board of education.

4 (4) "School district" means the territory under the jurisdiction of
5 a single governing board designated and referred to as the board of
6 directors.

7 (5) "Educational service district superintendent" means the
8 educational service district superintendent as provided for in RCW
9 28A.310.170 or his or her designee.

10 **Sec. 27.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
11 read as follows:

12 Every school district shall admit on a tuition free basis all
13 persons of school age who reside within this state, and do not reside
14 within another school district carrying the grades for which they are
15 eligible to enroll: PROVIDED, That nothing in this section shall be
16 construed as affecting RCW 28A.225.220 (~~(or)~~), 28A.225.250, or section
17 4 of this act.

18 **Sec. 28.** RCW 28A.400.200 and 1997 c 141 s 2 are each amended to
19 read as follows:

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

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

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

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

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

17 (c) Salary and benefits for certificated instructional staff in
18 programs other than basic education and special education shall be
19 consistent with the salary and benefits paid to certificated
20 instructional staff in the basic education and special education
21 programs.

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

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

1 NEW SECTION. **Sec. 29.** RCW 28A.655.035 (Accountability policies--
2 Recommendations) and 1999 c 388 s 103 are each repealed.

3 NEW SECTION. **Sec. 30.** RCW 28A.655.050 (Reading goals--Mathematics
4 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

5 NEW SECTION. **Sec. 31.** CAPTIONS NOT LAW. Captions used in this
6 act are not any part of the law.

7 NEW SECTION. **Sec. 32.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 33.** Sections 2 through 4 of this act are each
12 added to chapter 28A.655 RCW."

13 Correct the title.

--- END ---