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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2622.2/01 2nd draft

ATTY/TYPIST: SCG:rmh

BRIEF DESCRIPTION:

2 **E2SSB 5625** - H AMD **ADOPTED 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

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

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

1 developed by any advisory committees that may be established for this  
2 purpose;

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

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

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

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

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

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

29 (e) Identify, based on the commission's criteria and the level of  
30 available appropriations, schools and school districts in which state  
31 ((intervention measures)) assistance will be ((needed and a range of  
32 appropriate intervention strategies, beginning no earlier than June 30,  
33 2001, and after the legislature has authorized a set of intervention  
34 strategies. Beginning no earlier than June 30, 2001, and after the  
35 legislature has authorized a set of intervention strategies, at the  
36 request of the commission, the superintendent shall intervene in the  
37 school or school district and take corrective actions. This chapter  
38 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, the academic achievement and  
4 accountability commission shall identify schools and school districts  
5 for state assistance, based on criteria adopted under RCW  
6 28A.655.030(1) (d) and (e) and availability of appropriations.

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 (iii) The plan may include voluntary and involuntary transfer of  
6 employees other than administrators from the school pursuant to a  
7 written notice of transfer given to the employee: (A) During the  
8 three-month period immediately following the adoption of the plan; or  
9 (B) during the period from April 1st to May 1st of the year following  
10 the adoption of the plan. The transfer of principals and other  
11 administrators shall be made under RCW 28A.405.230. A transfer under  
12 this subsection (1)(d)(iii) to a position for which the annual  
13 compensation is the same as the annual compensation for the position  
14 from which the employee transferred shall not be construed as a  
15 discharge or other adverse effect in contract status for purposes of  
16 this title.

17 (iv) The plan may include authority, as provided in sections 8 and  
18 9 of this act, to bargain the effect on school-specific issues of a  
19 component of the improvement plan if that component requires  
20 renegotiation of a collective bargaining agreement.

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

26 (f) If the superintendent of public instruction determines that the  
27 school district has not completed the state assistance process in a  
28 timely fashion or has failed to conduct the process in good faith, the  
29 superintendent of public instruction shall impose superintendent of  
30 public instruction intervention on the school or district.

31 (2) After a performance agreement has been in effect for one  
32 complete school year, progress in each state-assisted school shall be  
33 analyzed annually based on student performance and improvement  
34 thresholds adopted under RCW 28A.655.030. The results of the analysis  
35 shall be included in the school's annual school performance report  
36 under RCW 28A.655.110.

37 (3) The parent or guardian of a student enrolled in a school  
38 identified for state assistance, at the beginning of the school year  
39 following identification, may enroll the student in a different school

1 either in the district or in a different district under RCW 28A.225.220  
2 and 28A.225.270. In a class I school district, the parent or guardian  
3 of a student enrolled in a school identified for state assistance, at  
4 the beginning of the school year following identification, may enroll  
5 the student in a different school in the district as provided under  
6 section 6 of this act.

7 (4) If a school successfully meets academic achievement and  
8 accountability commission-adopted student performance and improvement  
9 thresholds in any two years, the school shall be released from the list  
10 of schools identified for state assistance. However, for the duration  
11 of the performance agreement, the superintendent of public instruction  
12 may continue to provide any type of assistance included in the  
13 agreement.

14 (5) If a state-assisted school does not meet academic achievement  
15 and accountability commission-adopted student performance and  
16 improvement thresholds in any year, the superintendent of public  
17 instruction may impose superintendent of public instruction  
18 intervention on the school and district.

19 (6) If a state-assisted school does not meet academic achievement  
20 and accountability commission-adopted student performance and  
21 improvement thresholds by the end of three complete school years in  
22 state assistance, the superintendent of public instruction shall impose  
23 superintendent of public instruction intervention on the school and  
24 district.

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

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

34 (2) The superintendent of public instruction shall adopt, and  
35 revise as necessary, an intervention plan for each school in  
36 superintendent of public instruction intervention. The plan, which  
37 shall include a description of the strategies that the superintendent



1 intends to use in the school and district, shall be shared with the  
2 school community.

3 (3) After a school or district has been in superintendent of public  
4 instruction intervention for one complete school year, progress in each  
5 state-assisted school shall be analyzed annually based on student  
6 performance and improvement thresholds adopted under RCW 28A.655.030.

7 (4) If a school in superintendent of public instruction  
8 intervention successfully meets academic achievement and accountability  
9 commission-adopted student performance and improvement thresholds in  
10 two consecutive years, the school shall be released from superintendent  
11 of public instruction intervention.

12 (5) The range of intervention strategies available to the  
13 superintendent of public instruction shall include, but need not be  
14 limited to:

15 (a) The use of incentives, including school-based supplemental  
16 contracts, to recruit and retain employees and the use of severance  
17 pay, to the extent that funds are available for these purposes;

18 (b) The revision of school district personnel assignments;

19 (c) The restructuring of the management, budget, organization,  
20 calendar, and instructional or programmatic approaches used in the  
21 school;

22 (d) The reduction, redirection, deferral, or withholding of  
23 nonbasic education state funds from the school district until the  
24 superintendent of public instruction determines such strategies are no  
25 longer an appropriate state intervention strategy;

26 (e) The redirection from school district to the school of any or  
27 all state, federal, and local funds generated by or available for the  
28 students in the school;

29 (f) The removal of a school from the district jurisdiction or the  
30 appointment of a proxy of the superintendent of public instruction to  
31 assume jurisdiction of the school;

32 (g) The adoption of either an intensive peer review or  
33 collaborative principal-peer review process for certificated employees;

34 (h) The voluntary and involuntary transfer of employees other than  
35 administrators from the school pursuant to a written notice of transfer  
36 given to the employee: (i) During the three-month period immediately  
37 following the adoption of an intervention plan; or (ii) during the  
38 period from April 1st to May 1st of the year following the adoption of  
39 an intervention plan. The transfer of principals and other

1 administrators shall be made under RCW 28A.405.230. A transfer under  
2 this subsection (5)(h) to a position for which the annual compensation  
3 is the same as the annual compensation for the position from which the  
4 employee transferred shall not be construed as a discharge or other  
5 adverse effect in contract status for purposes of this title;

6 (i) The request for and use of waivers from any law, rule, or  
7 district policy that conflicts with the implementation of the  
8 superintendent's intervention plan;

9 (j) The authority, as provided in sections 8 and 9 of this act, to  
10 bargain, on behalf of the school district, the effect on school-  
11 specific issues of a component of the intervention plan if that  
12 component requires renegotiation of a collective bargaining agreement;

13 (k) Closing and redesigning the school; and

14 (l) Any other action authorized by law that the superintendent of  
15 public instruction deems necessary to improve student learning.

16 (6) The parent or guardian of a student enrolled in a school  
17 identified for superintendent of public instruction intervention, at  
18 the beginning of the school year following identification, may enroll  
19 the student in a different school either in the district or in a  
20 different district under the provisions of RCW 28A.225.220 and  
21 28A.225.270. In a class I school district, the parent or guardian of  
22 a student enrolled in a school identified for superintendent of public  
23 instruction intervention, at the beginning of the school year following  
24 identification, may enroll the student in a different school in the  
25 district as provided under section 6 of this act.

26 (7) The school directors of a district with a school in  
27 superintendent of public instruction intervention shall, at the request  
28 of the superintendent of public instruction and pursuant to an  
29 intervention plan:

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

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

35 (c) Waive district policies; and

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

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

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

13        STUDENT AND PARENT TRANSFER OPTIONS.    Each class I school district  
14 shall adopt a policy allowing the automatic intradistrict release and  
15 acceptance of students from schools that are in state assistance or  
16 superintendent of public instruction intervention under chapter 28A.655  
17 RCW.

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

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

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

27        COLLECTIVE BARGAINING.    A component of a school improvement plan or  
28 performance agreement under section 3 of this act or an intervention  
29 plan under section 4 of this act shall be considered an educational  
30 policy decision.    However, if the district superintendent under section  
31 3 of this act, or the superintendent of public instruction under  
32 section 4 of this act, as applicable, determines that such a component  
33 requires renegotiation of a collective bargaining agreement, the  
34 employer, or the proxy designated to act on behalf of the employer when  
35 the superintendent of public instruction has elected to exercise the  
36 bargaining authority provided in section 4 of this act, and the

1 exclusive bargaining representative that is a party to the agreement  
2 shall, subject to procedures in this chapter, enter into bargaining on  
3 the effect of the component on school-specific issues for inclusion in  
4 an addendum to the collective bargaining agreement. If an agreement is  
5 not reached after a reasonable period of negotiations, either party may  
6 request the commission to provide mediation services.

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

9 COLLECTIVE BARGAINING. A component of a school improvement plan or  
10 performance agreement under section 3 of this act or an intervention  
11 plan under section 4 of this act shall be considered an educational  
12 policy decision. However, if the district superintendent under section  
13 3 of this act, or the superintendent of public instruction under  
14 section 4 of this act, as applicable, determines that such a component  
15 requires renegotiation of a collective bargaining agreement, the  
16 employer, or the proxy designated to act on behalf of the employer when  
17 the superintendent of public instruction has elected to exercise the  
18 bargaining authority provided in section 4 of this act, and the  
19 exclusive bargaining representative that is a party to the agreement  
20 shall, subject to procedures in this chapter, enter into bargaining on  
21 the effect of the component on school-specific issues for inclusion in  
22 an addendum to the collective bargaining agreement. If an agreement is  
23 not reached after a reasonable period of negotiations, either party may  
24 request the commission to provide mediation services.

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

27 The provisions of this chapter are intended to be additional to  
28 other remedies and shall be liberally construed to accomplish their  
29 purpose. Except as provided in RCW 53.18.015, if any provision of this  
30 chapter conflicts with any other statute, ordinance, rule or regulation  
31 of any public employer, the provisions of this chapter shall control.  
32 However, if a conflict exists between this chapter and section 3 or 4  
33 of this act, section 3 or 4 of this act, as applicable, supersedes this  
34 chapter.

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

1 This chapter shall supersede existing statutes not expressly  
2 repealed to the extent that there is a conflict between a provision of  
3 this chapter and those other statutes. However, if a conflict exists  
4 between this chapter and section 3 or 4 of this act, section 3 or 4 of  
5 this act, as applicable, supersedes this chapter. Except as otherwise  
6 expressly provided herein, nothing in this chapter shall be construed  
7 to annul, modify or preclude the renewal or continuation of any lawful  
8 agreement entered into prior to January 1, 1976 between an employer and  
9 an employee organization covering wages, hours, and terms and  
10 conditions of employment. Where there is a conflict between any  
11 collective bargaining agreement and any resolution, rule, policy or  
12 regulation of the employer or its agents, the terms of the collective  
13 bargaining agreement shall prevail.

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

16 (1) If a local school district fails to comply with any binding  
17 restrictions issued by the superintendent of public instruction, the  
18 allocation of state funds for support of the local school district may  
19 be withheld, pending an investigation of the reason for such  
20 noncompliance by the office of the superintendent of public  
21 instruction. Written notice of the intent to withhold state funds,  
22 with reasons stated for this action, shall be made to the school  
23 district by the office of the superintendent of public instruction  
24 before any portion of the state allocation is withheld.

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

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

32 Except as provided by a superintendent of public instruction  
33 intervention action taken under section 4 of this act, in all  
34 districts:

35 (1) The board of directors shall elect a superintendent who shall  
36 have such qualification as the local school board alone shall  
37 determine. The superintendent shall have supervision over the several

1 departments of the schools thereof and carry out such other powers and  
2 duties as prescribed by law((~~-~~));

3 (2) Notwithstanding the provisions of RCW 28A.400.300(1), the board  
4 may contract with such superintendent for a term not to exceed three  
5 years when deemed in the best interest of the district. The right to  
6 renew a contract of employment with any school superintendent shall  
7 rest solely with the discretion of the school board employing such  
8 school superintendent. Regarding such renewal of contracts of school  
9 superintendents the provisions of RCW 28A.405.210, 28A.405.240, and  
10 28A.645.010 shall be inapplicable.

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

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

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

19 (2) Keep such records and reports and in such form as the district  
20 board of directors require or as otherwise required by law or rule or  
21 regulation of higher administrative agencies and turn the same over to  
22 his or her successor.

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

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

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

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

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

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

9 (1) Assume administrative authority, responsibility and  
10 instructional leadership, under the supervision of the school district  
11 superintendent, and in accordance with the policies of the school  
12 district board of directors, for the planning, management, supervision  
13 and evaluation of the educational program of the attendance area for  
14 which he or she is responsible.

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

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

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

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

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

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

32 (2) Adopt written policies granting leaves to persons under  
33 contracts of employment with the school district(s) in positions  
34 requiring either certification or classified qualifications, including  
35 but not limited to leaves for attendance at official or private  
36 institutes and conferences and sabbatical leaves for employees in  
37 positions requiring certification qualification, and leaves for  
38 illness, injury, bereavement and, emergencies for both certificated and

1 classified employees, and with such compensation as the board of  
2 directors prescribe: PROVIDED, That the board of directors shall adopt  
3 written policies granting to such persons annual leave with  
4 compensation for illness, injury and emergencies as follows:

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

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

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

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

20 (e) Leave provided in this proviso not taken shall accumulate from  
21 year to year up to a maximum of one hundred eighty days for the  
22 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up  
23 to a maximum of the number of contract days agreed to in a given  
24 contract, but not greater than one year. Such accumulated time may be  
25 taken at any time during the school year or up to twelve days per year  
26 may be used for the purpose of payments for unused sick leave.

27 (f) Sick leave heretofore accumulated under section 1, chapter 195,  
28 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under  
29 administrative practice of school districts prior to the effective date  
30 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is  
31 hereby declared valid, and shall be added to leave for illness or  
32 injury accumulated under this proviso;

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

38 (h) Accumulated leave under this proviso shall be transferred to  
39 and from one district to another, the office of superintendent of



1 public instruction and offices of educational service district  
2 superintendents and boards, to and from such districts and such  
3 offices;

4 (i) Leave accumulated by a person in a district prior to leaving  
5 said district may, under rules and regulations of the board, be granted  
6 to such person when the person returns to the employment of the  
7 district.

8 When any certificated or classified employee leaves one school  
9 district within the state and commences employment with another school  
10 district within the state, the employee shall retain the same  
11 seniority, leave benefits and other benefits that the employee had in  
12 his or her previous position: PROVIDED, That classified employees who  
13 transfer between districts after July 28, 1985, shall not retain any  
14 seniority rights other than longevity when leaving one school district  
15 and beginning employment with another. If the school district to which  
16 the person transfers has a different system for computing seniority,  
17 leave benefits, and other benefits, then the employee shall be granted  
18 the same seniority, leave benefits and other benefits as a person in  
19 that district who has similar occupational status and total years of  
20 service.

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

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

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

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

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

37 (c) The board shall make with each employee employed by it a  
38 written contract, which shall be in conformity with the laws of this

1 state, and except as otherwise provided by law or by a superintendent  
2 of public instruction intervention action taken under section 4 of this  
3 act, limited to a term of not more than one year. Every such contract  
4 shall be made in duplicate, one copy to be retained by the school  
5 district superintendent or secretary and one copy to be delivered to  
6 the employee. No contract shall be offered by any board for the  
7 employment of any employee who has previously signed an employment  
8 contract for that same term in another school district of the state of  
9 Washington unless such employee shall have been released from his or  
10 her obligations under such previous contract by the board of directors  
11 of the school district to which he or she was obligated.

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

14 (2) In the event it is determined that there is probable cause or  
15 causes that the employment contract of an employee should not be  
16 renewed by the district for the next ensuing term such employee shall  
17 be notified in writing on or before May 15th preceding the commencement  
18 of such term of that determination, or if the omnibus appropriations  
19 act has not passed the legislature by May 15th, then notification shall  
20 be no later than June 1st, which notification shall specify the cause  
21 or causes for nonrenewal of contract. Such determination of probable  
22 cause for certificated employees, other than the superintendent, shall  
23 be made by the superintendent, or with respect to employment at a  
24 school in superintendent of public instruction intervention, as  
25 provided by the superintendent of public instruction intervention  
26 action taken under section 4 of this act. Such notice shall be served  
27 upon the employee personally, or by certified or registered mail, or by  
28 leaving a copy of the notice at the house of his or her usual abode  
29 with some person of suitable age and discretion then resident therein.  
30 Every such employee so notified, except those employees subject to  
31 subsection (3) of this section, at his or her request made in writing  
32 and filed with the president, chair, or secretary of the board of  
33 directors of the district within ten days after receiving such notice,  
34 shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to  
35 determine whether there is sufficient cause or causes for nonrenewal of  
36 contract: PROVIDED, That any employee receiving notice of nonrenewal  
37 of contract due to an enrollment decline or loss of revenue may, in his  
38 or her request for a hearing, stipulate that initiation of the  
39 arrangements for a hearing officer as provided for by RCW

1 28A.405.310(4) shall occur within ten days following July 15 rather  
2 than the day that the employee submits the request for a hearing. If  
3 any such notification or opportunity for hearing is not timely given,  
4 the employee entitled thereto shall be conclusively presumed to have  
5 been reemployed by the district for the next ensuing term upon  
6 contractual terms identical with those which would have prevailed if  
7 his or her employment had actually been renewed by the board of  
8 directors for such ensuing term.

9 (3) An employee at a school in superintendent of public instruction  
10 intervention who is notified under this section, at his or her request  
11 made in writing and filed with the district superintendent within ten  
12 days after receiving the notice, shall be given the opportunity to meet  
13 informally with the district superintendent for the purpose of  
14 requesting the district superintendent to recommend that the nonrenewal  
15 decision be reconsidered. Such meeting shall be held no later than ten  
16 days following the receipt of such request, and the employee shall be  
17 given at least three days' written notice of the date, time, and place  
18 of the meeting. At such meeting the employee shall be given the  
19 opportunity to refute any facts upon which the determination was based  
20 and to make any argument in support of his or her request for  
21 reconsideration. Within ten days following the meeting with the  
22 employee, the district superintendent shall submit a written  
23 recommendation to the superintendent of public instruction stating the  
24 reasons for the recommendation. A copy of the recommendation shall be  
25 delivered to the employee. In taking action on the recommendation of  
26 the district superintendent, the superintendent of public instruction  
27 shall consider any evaluations conducted under RCW 28A.405.100 and may  
28 consider any written communication that the employee may file with the  
29 secretary of the board before meeting with the district superintendent.  
30 The board shall notify the employee in writing of the final decision  
31 within ten days after receiving the final decision of the  
32 superintendent of public instruction. The decision to nonrenew an  
33 employee's contract pursuant to a superintendent of public instruction  
34 intervention action taken under section 4 of this act is final and not  
35 subject to appeal.

36 (4) This section shall not be applicable to "provisional employees"  
37 as so designated in RCW 28A.405.220; transfer to a subordinate  
38 certificated position as that procedure is set forth in RCW 28A.405.230

1 shall not be construed as a nonrenewal of contract for the purposes of  
2 this section.

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

5 (1) Notwithstanding the provisions of RCW 28A.405.210, every person  
6 employed by a school district in a teaching or other nonsupervisory  
7 certificated position shall be subject to nonrenewal of employment  
8 contract as provided in this section during the first two years of  
9 employment by such district, unless the employee has previously  
10 completed at least two years of certificated employment in another  
11 school district in the state of Washington, in which case the employee  
12 shall be subject to nonrenewal of employment contract pursuant to this  
13 section during the first year of employment with the new district.  
14 Employees as defined in this section shall hereinafter be referred to  
15 as "provisional employees".

16 (2)(a) In the event the superintendent of the school district, or  
17 the superintendent of public instruction under a superintendent of  
18 public instruction intervention action taken under section 4 of this  
19 act, determines that the employment contract of any provisional  
20 employee should not be renewed by the district for the next ensuing  
21 term such provisional employee shall be notified thereof by the  
22 superintendent of the school district in writing on or before May 15th  
23 preceding the commencement of such school term, or if the omnibus  
24 appropriations act has not passed the legislature by May 15th, then  
25 notification shall be no later than June 1st, which notification shall  
26 state the reason or reasons for such determination. Such notice shall  
27 be served upon the provisional employee personally, or by certified or  
28 registered mail, or by leaving a copy of the notice at the place of his  
29 or her usual abode with some person of suitable age and discretion then  
30 resident therein. ((The)) A determination ((of)) by the superintendent  
31 of the school district shall be subject to the evaluation requirements  
32 of RCW 28A.405.100. A determination by the superintendent of public  
33 instruction shall be made pursuant to a superintendent of public  
34 instruction action taken under section 4 of this act.

35 (b) Every such provisional employee so notified, at his or her  
36 request made in writing and filed with the superintendent of the  
37 district within ten days after receiving such notice, shall be given  
38 the opportunity to meet informally with the superintendent for the

1 purpose of requesting the superintendent to reconsider his or her  
2 decision or, if the determination was made pursuant to a superintendent  
3 of public instruction intervention action taken under section 4 of this  
4 act, to consider recommending to the superintendent of public  
5 instruction reinstatement of the provisional employee. Such meeting  
6 shall be held no later than ten days following the receipt of such  
7 request, and the provisional employee shall be given written notice of  
8 the date, time and place of meeting at least three days prior thereto.  
9 At such meeting the provisional employee shall be given the opportunity  
10 to refute any facts upon which the ((~~superintendent's~~)) determination  
11 was based and to make any argument in support of his or her request for  
12 reconsideration.

13 (c)(i) Except as provided in (c)(ii) of this subsection, within ten  
14 days following the meeting with the provisional employee, the  
15 superintendent shall either reinstate the provisional employee or shall  
16 submit to the school district board of directors for consideration at  
17 its next regular meeting a written report recommending that the  
18 employment contract of the provisional employee be nonrenewed and  
19 stating the reason or reasons therefor. A copy of such report shall be  
20 delivered to the provisional employee at least three days prior to the  
21 scheduled meeting of the board of directors. In taking action upon the  
22 recommendation of the superintendent, the board of directors shall  
23 consider any written communication which the provisional employee may  
24 file with the secretary of the board at any time prior to that meeting.

25 (ii) If the provisional employee is employed at a school in  
26 superintendent of public instruction intervention, within ten days  
27 following the meeting with the employee, the superintendent shall  
28 submit a written recommendation to the superintendent of public  
29 instruction stating the reasons for the recommendation. A copy of the  
30 recommendation shall be delivered to the employee.

31 (d) The board of directors shall notify the provisional employee in  
32 writing of ((~~its~~)) the final decision within ten days following the  
33 meeting at which the superintendent's recommendation was considered or  
34 within ten days after receiving the final decision of the  
35 superintendent of public instruction, as applicable. The decision ((~~of~~  
36 the board of directors)) to nonrenew the contract of a provisional  
37 employee under this section shall be final and not subject to appeal.

38 (3) This section applies to any person employed by a school  
39 district in a teaching or other nonsupervisory certificated position

1 after June 25, 1976. This section provides the exclusive means for  
2 nonrenewing the employment contract of a provisional employee and no  
3 other provision of law shall be applicable thereto, including, without  
4 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

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

7 (1) Any certificated employee of a school district employed as an  
8 assistant superintendent, director, principal, assistant principal,  
9 coordinator, or in any other supervisory or administrative position,  
10 hereinafter in this section referred to as "administrator", shall be  
11 subject to transfer, at the expiration of the term of his or her  
12 employment contract or at any time pursuant to a superintendent of  
13 public instruction intervention action taken under section 4 of this  
14 act or an action taken as part of a school improvement plan under  
15 section 3 of this act, if the contract took effect after September 1,  
16 2001, to any subordinate certificated position within the school  
17 district. "Subordinate certificated position" as used in this section,  
18 shall mean any administrative or nonadministrative certificated  
19 position for which the annual compensation is less than the position  
20 currently held by the administrator.

21 (2)(a) Every school district superintendent determining that the  
22 best interests of the school district would be served by transferring  
23 any administrator to a subordinate certificated position shall notify  
24 that administrator in writing on or before May 15th preceding the  
25 commencement of such school term of that determination, or if the  
26 omnibus appropriations act has not passed the legislature by May 15th,  
27 then notification shall be no later than June 1st(~~(, which)~~). Notice  
28 given pursuant to a superintendent of public instruction intervention  
29 action taken under section 4 of this act or a school improvement plan  
30 under section 3 of this act may be given at any time. Notification  
31 given under this subsection shall state the reason or reasons for the  
32 transfer, and shall identify the subordinate certificated position to  
33 which the administrator will be transferred. Such notice shall be  
34 served upon the administrator personally, or by certified or registered  
35 mail, or by leaving a copy of the notice at the place of his or her  
36 usual abode with some person of suitable age and discretion then  
37 resident therein.

1       **(b)** Every such administrator so notified, at his or her request  
2 made in writing and filed with the president or chair, or secretary of  
3 the board of directors of the district within ten days after receiving  
4 such notice, shall be given the opportunity to meet informally with the  
5 board of directors in an executive session thereof or with the  
6 superintendent of public instruction, if notice is given pursuant to a  
7 superintendent of public instruction intervention action taken under  
8 section 4 of this act, for the purpose of requesting ((the board to  
9 reconsider)) reconsideration of the decision ((of the superintendent.  
10 Such board,)). Upon receipt of such request, the board of directors  
11 shall schedule the meeting for no later than the next regularly  
12 scheduled meeting of the board(~~(, and shall notify the administrator)~~)  
13 or, if applicable, the superintendent of public instruction shall  
14 schedule a meeting as soon as practicable and the administrator shall  
15 be notified in writing of the date, time, and place of the meeting at  
16 least three days prior thereto. At such meeting the administrator  
17 shall be given the opportunity to refute any facts upon which the  
18 determination was based and to make any argument in support of his or  
19 her request for reconsideration. The administrator and the board or  
20 the superintendent of public instruction, as applicable, may invite  
21 their respective legal counsel to be present and to participate at the  
22 meeting. The board shall notify the administrator in writing of  
23 ~~((its))~~ the final decision within ten days following ~~((its))~~ the  
24 meeting with the administrator. No appeal to the courts shall lie from  
25 the final decision ~~((of the board of directors))~~ under this section to  
26 transfer an administrator to a subordinate certificated position(~~(+~~  
27 ~~PROVIDED, That)~~). However, in the case of principals not employed in  
28 a school subject to superintendent of public instruction intervention  
29 under section 4 of this act or state assistance under section 3 of this  
30 act, such transfer shall be made at the expiration of the contract year  
31 and only during the first three consecutive school years of employment  
32 as a principal by a school district; except that if any such principal  
33 not employed in a school subject to superintendent of public  
34 instruction intervention or state assistance under chapter 28A.655 RCW  
35 has been previously employed as a principal by another school district  
36 in the state of Washington for three or more consecutive school years  
37 the provisions of this section shall apply only to the first full  
38 school year of such employment. If a principal who is employed at a  
39 school receiving superintendent of public instruction intervention or

1 state assistance under chapter 28A.655 RCW is transferred pursuant to  
2 a superintendent of public instruction intervention action taken under  
3 section 4 of this act or an action taken under a school improvement  
4 plan under section 3 of this act, the transfer may occur at any time  
5 during the contract year of any year the principal is employed as a  
6 principal.

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

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

14 "Common schools" means schools maintained at public expense in each  
15 school district, or under alternative arrangements for public  
16 governance or administration under a superintendent of public  
17 instruction intervention action under section 4 of this act, and  
18 carrying on a program from kindergarten through the twelfth grade or  
19 any part thereof including vocational educational courses otherwise  
20 permitted by law.

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

23 A school district shall constitute a body corporate and, except as  
24 provided by a superintendent of public instruction intervention action  
25 under section 4 of this act, shall possess all the usual powers of a  
26 public corporation, and in that name and style may sue and be sued and  
27 transact all business necessary for maintaining school and protecting  
28 the rights of the district, and enter into such obligations as are  
29 authorized therefor by law.

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

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

35 (a) The broad discretionary power to determine and adopt written  
36 policies not in conflict with other law that provide for the



1 development and implementation of programs, activities, services, or  
2 practices that the board determines will:

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

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

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

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

10 (2) Before adopting a policy under subsection (1)(a) of this  
11 section, the school district board of directors shall comply with the  
12 notice requirements of the open public meetings act, chapter 42.30 RCW,  
13 and shall in addition include in that notice a statement that sets  
14 forth or reasonably describes the proposed policy. The board of  
15 directors shall provide a reasonable opportunity for public written and  
16 oral comment and consideration of the comment by the board of  
17 directors.

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

20 (1) The board of directors of a school district may contract with  
21 other school districts, educational service districts, public or  
22 private organizations, agencies, schools, or individuals to implement  
23 the board's powers and duties, however the contracts must be consistent  
24 with a superintendent of public instruction intervention action taken  
25 under section 4 of this act. The board of directors of a school  
26 district may contract for goods and services, including but not limited  
27 to contracts for goods and services as specifically authorized in  
28 statute or rule, as well as other educational, instructional, and  
29 specialized services. When a school district board of directors  
30 contracts for educational, instructional, or specialized services, the  
31 purpose of the contract must be to improve student learning or  
32 achievement.

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

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

1 (1) Under the constitutional framework and the laws of the state of  
2 Washington, the governance structure for the state's public common  
3 school system is comprised of the following bodies: The legislature,  
4 the governor, the superintendent of public instruction, the state board  
5 of education, the academic achievement and accountability commission,  
6 the educational service district boards of directors, and local school  
7 district boards of directors. The respective policy and administrative  
8 roles of each body are determined by the state Constitution and  
9 statutes.

10 (2) Local school districts are political subdivisions of the state  
11 and the organization of such districts, including the powers, duties,  
12 and boundaries thereof, may be altered or abolished by laws of the  
13 state of Washington.

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

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

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

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

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

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

23 (b) Establish methods and procedures whereby changes in the school  
24 district system may be brought about by the people concerned and  
25 affected.

26 (2) It is the state's policy that decisions on proposed changes in  
27 school district organization should be made, whenever possible, by  
28 negotiated agreement between the affected school districts. If the  
29 districts cannot agree, the decision shall be made by the regional  
30 committees on school district organization, based on the committees'  
31 best judgment, taking into consideration the following factors and  
32 factors under RCW 28A.315.205:

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

37 (b) Responsibly serving all of the affected citizens and students  
38 by contributing to logical service boundaries and recognizing a

1 changing economic pattern within the educational service districts of  
2 the state;

3 (c) Enhancing the educational opportunities of pupils in the  
4 territory by reducing existing disparities among the affected school  
5 districts' ability to provide operating and capital funds through an  
6 equitable adjustment of the assets and liabilities of the affected  
7 districts;

8 (d) Promoting a wiser use of public funds through improvement in  
9 the school district system of the educational service districts and the  
10 state; and

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

13 (3) It is neither the intent nor purpose of this chapter to apply  
14 to organizational changes and the procedure therefor relating to  
15 capital fund aid by nonhigh school districts as provided for in chapter  
16 28A.540 RCW.

17 (4) This chapter is not intended to apply a superintendent of  
18 public instruction intervention action taken under section 4 of this  
19 act.

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

22 As used in this chapter:

23 (1) "Change in the organization and extent of school districts"  
24 means the formation and establishment of new school districts, the  
25 dissolution of existing school districts, the alteration of the  
26 boundaries of existing school districts, or all of them. "Change" does  
27 not include any change made pursuant to a superintendent of public  
28 instruction intervention action taken under section 4 of this act.

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

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

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

35 (5) "Educational service district superintendent" means the  
36 educational service district superintendent as provided for in RCW  
37 28A.310.170 or his or her designee.

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

3       Every school district shall admit on a tuition free basis all  
4 persons of school age who reside within this state, and do not reside  
5 within another school district carrying the grades for which they are  
6 eligible to enroll: PROVIDED, That nothing in this section shall be  
7 construed as affecting RCW 28A.225.220 (~~(or)~~), 28A.225.250, or section  
8 4 of this act.

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

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

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

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

22       (3)(a) The actual average salary paid to basic education and  
23 special education certificated instructional staff shall not exceed the  
24 district's average basic education and special education program  
25 certificated instructional staff salary used for the state basic  
26 education allocations for that school year as determined pursuant to  
27 RCW 28A.150.410.

28       (b) Fringe benefit contributions for basic education and special  
29 education certificated instructional staff shall be included as salary  
30 under (a) of this subsection only to the extent that the district's  
31 actual average benefit contribution exceeds the amount of the insurance  
32 benefits allocation provided per certificated instructional staff unit  
33 in the state operating appropriations act in effect at the time the  
34 compensation is payable. For purposes of this section, fringe benefits  
35 shall not include payment for unused leave for illness or injury under  
36 RCW 28A.400.210; employer contributions for old age survivors  
37 insurance, workers' compensation, unemployment compensation, and  
38 retirement benefits under the Washington state retirement system; or

1 employer contributions for health benefits in excess of the insurance  
2 benefits allocation provided per certificated instructional staff unit  
3 in the state operating appropriations act in effect at the time the  
4 compensation is payable. A school district may not use state funds to  
5 provide employer contributions for such excess health benefits.

6 (c) Salary and benefits for certificated instructional staff in  
7 programs other than basic education and special education shall be  
8 consistent with the salary and benefits paid to certificated  
9 instructional staff in the basic education and special education  
10 programs.

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

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

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

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

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

34 NEW SECTION. Sec. 32. If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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

5 Correct the title.

--- END ---