
SUBSTITUTE HOUSE BILL 1562

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Education (originally sponsored by Representatives Talcott, Quall and Keiser; by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to academic achievement and accountability system
2 recommendations; amending RCW 28A.655.030, 28A.300.040, 28A.405.210,
3 and 28A.405.230; adding new sections to chapter 28A.655 RCW; adding a
4 new section to chapter 41.56 RCW; adding a new section to chapter 41.59
5 RCW; adding a new section to chapter 28A.320 RCW; adding a new section
6 to chapter 28A.300 RCW; creating new sections; and repealing RCW
7 28A.655.035 and 28A.655.050.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that Washington's
10 educators have made significant progress in preparing students for
11 successful and productive lives in the twenty-first century.

12 The legislature further finds the need for an effective
13 accountability system to help fulfill the promise of statewide school
14 improvement efforts for all Washington students. The legislature
15 recognizes that all stakeholders in Washington's public education
16 system share in the responsibility for an effective accountability
17 system, including educators, students, parents, the community, and
18 state policymakers. An effective accountability system should inform,

1 support, and motivate, as well as require achievement of the state's
2 learning goals.

3 The legislature further finds that the goals of this accountability
4 system are to promote learning and achievement of the goals and
5 academic standards for all students as measured by the elementary,
6 middle, and high school assessments; to acknowledge the challenges
7 faced by students and teachers in achieving these goals; and to develop
8 the necessary supports to address these challenges.

9 The legislature further finds that the changes needed to fulfill
10 the challenging goals of our school improvement efforts cannot be
11 accomplished solely by individual educators. Therefore, a
12 comprehensive system of assistance must be developed and made available
13 to all schools. Components must include continuous research for
14 informed decision making, staff and administrative professional
15 development, and curriculum and instruction resources.

16 The legislature further finds that an effective accountability
17 system also must provide incentives to local schools to make needed
18 improvements, particularly those focused on helping students succeed
19 despite poverty, lack of English proficiency, mobility, disabilities,
20 and family difficulties. Further, the system must encourage educators
21 to work in schools facing these challenges. Districts and schools must
22 be measured for continuous improvement over time against their own
23 baseline, not against the performance of other schools.

24 The legislature further finds that the accountability system should
25 rely on local responsibility and leadership. The system should respect
26 and support local flexibility in the design, financing, and management
27 of schools, including their instructional programs, organization, and
28 structure. State-level responsibility should emphasize assistance,
29 technical support, and monitoring. At the same time, the legislature
30 finds that state intervention may be necessary in schools that
31 persistently fail to show adequate achievement or improvement over
32 time. In such cases, the state must have the capacity to intervene
33 effectively on behalf of students. The process for assistance and
34 intervention must consist of distinct phases including: Voluntary
35 focused assistance; nonvoluntary focused assistance; and more intensive
36 state sanctions for persistently low-performing schools.

37 **Sec. 2.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to
38 read as follows:

1 The powers and duties of the academic achievement and
2 accountability commission shall include, but are not limited to the
3 following:

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

5 (a) Adopt and revise:

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

12 (ii) Goals for dropout rates and reduction of dropout rates for
13 middle schools, junior high schools, and high schools, once common
14 definitions and a student tracking system are developed;

15 (iii) Goals designed to accelerate the achievement of students from
16 various demographic and socioeconomic backgrounds who are
17 disproportionately academically underachieving.

18 The commission shall adopt the goals by rule. However, before each
19 goal is implemented, the commission shall present the goal to the
20 education committees of the house of representatives and the senate for
21 the committees' review and comment in a time frame that will permit the
22 legislature to take statutory action on the goal if such action is
23 deemed warranted by the legislature;

24 (b) Identify the scores students must achieve in order to meet the
25 standard on the Washington assessment of student learning and determine
26 student scores that identify levels of student performance below and
27 beyond the standard. The commission shall set such performance
28 standards and levels in consultation with the superintendent of public
29 instruction and after consideration of any recommendations that may be
30 developed by any advisory committees that may be established for this
31 purpose;

32 (c) Adopt objective, systematic criteria to identify successful
33 schools and school districts and recommend to the superintendent of
34 public instruction schools and districts to be recognized for two types
35 of accomplishments, student achievement and improvements in student
36 achievement. Recognition for improvements in student achievement shall
37 include consideration of one or more of the following accomplishments:

38 (i) An increase in the percent of students meeting standards. The
39 level of achievement required for recognition may be based on the

1 achievement goals established by the legislature under RCW 28A.655.050
2 and the commission under (a) of this subsection;

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

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

9 When determining the baseline year or years for recognizing
10 individual schools, the commission may use the assessment results from
11 the initial years the assessments were administered, if doing so with
12 individual schools would be appropriate;

13 (d) Adopt objective, systematic criteria to identify schools and
14 school districts in need of assistance and those in which significant
15 numbers of students persistently fail to meet state standards,
16 including schools that may be invited or directed to accept focused
17 assistance. In its deliberations, the commission shall consider the
18 use of all statewide mandated criterion-referenced and norm-referenced
19 standardized tests;

20 (e) Identify schools and school districts in which state
21 ~~((intervention measures))~~ sanctions will be needed and a range of
22 appropriate ~~((intervention strategies))~~ sanctions, beginning no earlier
23 than June 30, ~~((2001, and after the legislature has authorized a set of~~
24 ~~intervention strategies))~~ 2004. Beginning no earlier than June 30,
25 ~~((2001, and after the legislature has authorized a set of intervention~~
26 ~~strategies))~~ 2004, at the request of the commission, the superintendent
27 shall intervene in the school or school district and ~~((take corrective~~
28 ~~actions. This chapter does not provide additional authority for the~~
29 ~~commission or the superintendent of public instruction to intervene in~~
30 ~~a school or school district))~~ implement state sanctions authorized by
31 the legislature;

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

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

1 (h) Annually report by December 1st to the legislature, the
2 governor, the superintendent of public instruction, and the state board
3 of education on the progress, findings, and recommendations of the
4 commission. The report may include recommendations of actions to help
5 improve student achievement;

6 (i) By December 1, 2000, and by December 1st annually thereafter,
7 report to the education committees of the house of representatives and
8 the senate on the progress that has been made in achieving the reading
9 goal under RCW 28A.655.050 and any additional goals adopted by the
10 commission;

11 (j) Coordinate its activities with the state board of education and
12 the office of the superintendent of public instruction;

13 (k) Seek advice from the public and all interested educational
14 organizations in the conduct of its work; ((and))

15 (l) Establish advisory committees, which may include persons who
16 are not members of the commission; and

17 (m) Develop and analyze any data or information necessary to
18 perform its accountability responsibilities;

19 (2) Holding meetings and public hearings, which may include
20 regional meetings and hearings;

21 (3) Hiring necessary staff and determining the staff's duties and
22 compensation. However, the office of the superintendent of public
23 instruction shall provide staff support to the commission until the
24 commission has hired its own staff, and shall provide most of the
25 technical assistance and logistical support needed by the commission
26 thereafter. The office of the superintendent of public instruction
27 shall be the fiscal agent for the commission. The commission may
28 direct the office of the superintendent of public instruction to enter
29 into subcontracts, within the commission's resources, with school
30 districts, teachers, higher education faculty, state agencies, business
31 organizations, and other individuals and organizations to assist the
32 commission in its deliberations; and

33 (4) Receiving per diem and travel allowances as permitted under RCW
34 43.03.050 and 43.03.060.

35 NEW SECTION. Sec. 3. A new section is added to chapter 28A.655
36 RCW to read as follows:

37 (1) The superintendent of public instruction, based on the criteria
38 established by the academic achievement and accountability commission,

1 shall annually analyze assessment results. The analysis shall include,
2 but need not be limited to, consideration of the levels of achievement
3 and levels of improvement on criterion-referenced and norm-referenced
4 assessments required to meet goals and achievement levels determined by
5 the academic achievement and accountability commission. The purposes
6 of the analysis shall be:

7 (a) To identify successful schools and school districts, based on
8 criteria adopted by the commission;

9 (b) To identify schools in need of focused assistance, based on
10 criteria adopted by the commission; and

11 (c) After June 15, 2004, to help the commission identify schools
12 and school districts in which more intensive state sanctions may be
13 needed.

14 (2) The superintendent of public instruction shall provide the
15 commission with available data, including raw student data, and other
16 information the commission deems appropriate in pursuit of the
17 fulfillment of its responsibility to provide oversight and monitoring
18 of the state's educational accountability system.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.655
20 RCW to read as follows:

21 (1) If a school is eligible for focused assistance, each year by
22 October 1st, the superintendent of public instruction shall notify the
23 school district within which the school is located of such eligibility.
24 A school district with an eligible school may request focused
25 assistance under this section by notifying the superintendent of public
26 instruction by November 1st.

27 (2) Once a school district has notified the superintendent of
28 public instruction that the district will accept focused assistance on
29 behalf of an eligible school, the superintendent of public instruction,
30 in cooperation with the school district in which the school is located,
31 shall oversee the following process:

32 (a) The superintendent of public instruction or the
33 superintendent's designee, in cooperation with the district and with
34 the assistance of educational experts, shall convene a team to conduct
35 an academic audit of, and a needs assessment for, the school. The team
36 shall present its findings and recommendations to the superintendent of
37 public instruction and the school directors of the district. The

1 superintendent of public instruction shall share those results with the
2 academic achievement and accountability commission.

3 (b) The school directors shall hold a public hearing to inform
4 parents, teachers, staff, and the local community about the findings
5 and recommendation of the academic audit and the needs assessment. The
6 school directors shall solicit advice on how to address the issues
7 identified by the academic audit and needs assessment.

8 (c) Based on the results of the academic audit, needs assessment,
9 and community response, the district, with the assistance of the
10 superintendent of public instruction or the superintendent's designee,
11 shall develop a comprehensive school improvement plan;

12 (d) Based on the results of the school improvement plan and the
13 requirements of section 5 of this act, the superintendent of public
14 instruction or the superintendent's designee and the school district
15 shall adopt a performance agreement.

16 (3) The superintendent of public instruction and the academic
17 achievement and accountability commission shall monitor district
18 progress in the implementation of the performance agreement.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.655
20 RCW to read as follows:

21 (1) Focused assistance, as outlined in this chapter, shall be
22 available to a school district on behalf of an eligible school to
23 complete an academic audit and needs assessment, develop a
24 comprehensive school improvement plan, and implement a performance
25 agreement. Focused assistance for performance agreement implementation
26 may not be provided to a school district in a given academic year
27 unless the agreement is approved within one hundred eighty calendar
28 days of the date the district accepts the offer of focused assistance.
29 Assistance may be obtained from third parties, such as personnel from
30 colleges or universities, independent contractors, statewide education
31 organizations, and educational service districts.

32 (2) The academic audit shall include an assessment of the things
33 that are working well in the school and those which need reexamination
34 and refinement. The audit may also include, but need not be limited
35 to, an assessment of the types of philosophy, vision, skills,
36 strategies, resources, organization, evaluation, monitoring, and
37 rewards and sanctions that need attention in the school.

1 (3) The needs assessment shall analyze multiple indicators
2 including but not limited to:

3 (a) Student achievement from school, district, and statewide
4 assessments;

5 (b) Improvement in student achievement over time;

6 (c) Current allocation and use of existing resources;

7 (d) Student mobility and poverty indicators;

8 (e) Attendance rates;

9 (f) Dropout and graduation rates, if applicable and available;

10 (g) Posthigh school indicators, if applicable and available;

11 (h) Percent of students in special programs;

12 (i) School climate and safety indicators; and

13 (j) Other barriers to improvement.

14 (4) Based on results of the academic audit, the needs assessment,
15 and community input, a school improvement plan shall be developed or
16 revised by the district, with the assistance of the superintendent of
17 public instruction or the superintendent's designee. The plan, which
18 shall be developed with the involvement of the school's staff, parents,
19 and major employee organizations, shall address identified barriers to
20 improved student performance.

21 (5) Third parties may provide assistance in the development of the
22 improvement plan. The improvement plan shall include, but need not be
23 limited to a description of:

24 (a) Student performance goals and expectations;

25 (b) How existing funds will be used more effectively;

26 (c) The most significant barriers to improvement and how those
27 barriers will be addressed;

28 (d) What actions are needed to assist the school;

29 (e) Who is responsible for implementing the specific actions in the
30 plan;

31 (f) Whether students attending the school should have the choice of
32 transferring to other public schools in the district, and whether this
33 choice includes free bus transportation; and

34 (g) Whether waivers of state laws or local policies and agreements
35 are needed. Waiver provisions in existence before January 1, 2001, are
36 to be used to obtain the waivers, under an expedited decision-making
37 process if necessary.

38 (6) The superintendent of public instruction, or the
39 superintendent's designee, and the school district shall jointly

1 negotiate and adopt the terms of a performance agreement to implement
2 the school improvement plan. The agreement shall be developed in
3 consultation with the school's staff, parents, and major employee
4 organizations. The duration of a performance agreement shall be two
5 school years for schools that have voluntarily accepted focused
6 assistance and one school year for school districts that have been
7 directed to accept focused assistance. The agreement may be renewed
8 with the approval of the academic achievement and accountability
9 commission. The performance agreements shall include, but not be
10 limited to a description of:

11 (a) Student performance goals and expectations;

12 (b) How existing funds will be used more effectively;

13 (c) How additional focused assistance resources, if any, will be
14 used;

15 (d) How the most significant barriers to improvement will be
16 addressed;

17 (e) What actions the district and state will take to assist the
18 school;

19 (f) Whether students attending the school have the choice of
20 transferring to other public schools in the district, and whether this
21 choice includes free bus transportation;

22 (g) Which specific waivers, if any, of state laws or local policies
23 and agreements are needed. Waiver provisions in existence before
24 January 1, 2001, are to be used to obtain the waivers, under an
25 expedited decision-making process if necessary;

26 (h) Who is responsible for implementing the specific actions in the
27 agreement; and

28 (i) Measurable benchmarks for actions in the performance agreement
29 with a timeline for completion against which the district, school, and
30 the state are required to show progress.

31 (7) Before final adoption, the performance agreement shall be
32 submitted to the academic achievement and accountability commission for
33 the commission's review and comment.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.655
35 RCW to read as follows:

36 After June 15, 2002, annually the superintendent of public
37 instruction and the academic achievement and accountability commission
38 shall jointly analyze assessment results of any schools that were

1 notified of their eligibility but did not receive focused assistance in
2 the previous year due to the school district's decision to decline the
3 assistance. Based on the analysis conducted under this section, if the
4 academic achievement and accountability commission determines the
5 students in a school are not making sufficient progress toward improved
6 achievement, the superintendent of public instruction shall direct the
7 school district to accept focused assistance on behalf of the eligible
8 school under sections 4 and 5 of this act. The superintendent of
9 public instruction or the superintendent's designee and the school
10 district shall jointly negotiate and adopt a performance agreement.
11 However, if the district or school fails to conduct this process in
12 good faith, the superintendent of public instruction shall recommend to
13 the commission that state sanctions be imposed.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.655
15 RCW to read as follows:

16 (1) The superintendent of public instruction, or the
17 superintendent's designee shall analyze the implementation of a
18 performance agreement after the agreement has been in effect for one
19 year. Upon completion, the superintendent shall provide the analysis
20 to the academic achievement and accountability commission. The focus
21 of the analysis shall be the degree to which implementation benchmarks
22 and timelines in the agreement have been met.

23 (2) Two years after a performance agreement is approved for a
24 school district that has accepted voluntary assistance, and one year
25 after a performance agreement has been approved for a school district
26 that has received involuntary assistance, the superintendent of public
27 instruction and the academic achievement and accountability commission
28 shall jointly evaluate progress on the performance agreement
29 implementation benchmarks and the degree to which students in the
30 school have met or exceeded the student performance expectations
31 described in the agreement. The evaluation shall use multiple sources
32 of information that may include, but are not limited to, the
33 information included in the academic audit and the needs assessment
34 required in section 4 of this act.

35 (3) Based on the results of the evaluation, the superintendent of
36 public instruction shall recommend to the commission that the
37 performance agreement be:

38 (a) Terminated because the agreement was successfully completed;

1 (b) Extended with existing or newly negotiated conditions; or
2 (c) Replaced with state sanctions. The superintendent of public
3 instruction shall recommend the implementation of state sanctions if
4 the superintendent finds that the school district and school are making
5 insufficient progress in improving student learning or insufficient
6 progress in implementation of the performance agreement.

7 (4) The superintendent of public instruction shall notify the
8 district of the results of the evaluation and the superintendent's
9 recommendations to the commission.

10 NEW SECTION. **Sec. 8.** (1) The academic achievement and
11 accountability commission shall analyze the intervention strategies
12 used by other states and nations and the success of those strategies in
13 improving student achievement. Based on this analysis, the commission
14 shall recommend a process and specific strategies for the
15 implementation of state sanctions in schools and school districts that
16 are making insufficient progress in improving student achievement and
17 implementing performance agreements. The process shall include
18 increasingly intensive sanction strategies and appropriate notice and
19 due process provisions.

20 (2) The strategies shall include a required renegotiation of
21 collective bargaining agreements, an automatic waiver of the state
22 continuing contract law for certificated employees, and automatic
23 interdistrict and intradistrict enrollment options for students
24 assigned to the identified school.

25 (3) The commission shall report its recommendations to the governor
26 and the legislative education and fiscal committees by November 30,
27 2002.

28 **Sec. 9.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
29 read as follows:

30 In addition to any other powers and duties as provided by law, the
31 powers and duties of the superintendent of public instruction shall be:

32 (1) To have supervision over all matters pertaining to the public
33 schools of the state;

34 (2) To report to the governor and the legislature such information
35 and data as may be required for the management and improvement of the
36 schools;

1 (3) To prepare and have printed such forms, registers, courses of
2 study, rules for the government of the common schools, and such other
3 material and books as may be necessary for the discharge of the duties
4 of teachers and officials charged with the administration of the laws
5 relating to the common schools, and to distribute the same to
6 educational service district superintendents;

7 (4) To travel, without neglecting his or her other official duties
8 as superintendent of public instruction, for the purpose of attending
9 educational meetings or conventions, of visiting schools, of consulting
10 educational service district superintendents or other school officials;

11 (5) To prepare and from time to time to revise a manual of the
12 Washington state common school code, copies of which shall be provided
13 in such numbers as determined by the superintendent of public
14 instruction at no cost to those public agencies within the common
15 school system and which shall be sold at approximate actual cost of
16 publication and distribution per volume to all other public and
17 nonpublic agencies or individuals, said manual to contain Titles 28A
18 and 28C RCW, rules related to the common schools, and such other matter
19 as the state superintendent or the state board of education shall
20 determine. Proceeds of the sale of such code shall be transmitted to
21 the public printer who shall credit the state superintendent's account
22 within the state printing plant revolving fund by a like amount;

23 (6) To act as ex officio member and the chief executive officer of
24 the state board of education;

25 (7) To file all papers, reports and public documents transmitted to
26 the superintendent by the school officials of the several counties or
27 districts of the state, each year separately. Copies of all papers
28 filed in the superintendent's office, and the superintendent's official
29 acts, may, or upon request, shall be certified by the superintendent
30 and attested by the superintendent's official seal, and when so
31 certified shall be evidence of the papers or acts so certified to;

32 (8) To require annually, on or before the 15th day of August, of
33 the president, manager, or principal of every educational institution
34 in this state, a report as required by the superintendent of public
35 instruction; and it is the duty of every president, manager or
36 principal, to complete and return such forms within such time as the
37 superintendent of public instruction shall direct;

38 (9) To keep in the superintendent's office a record of all teachers
39 receiving certificates to teach in the common schools of this state;

1 (10) To issue certificates as provided by law;

2 (11) To keep in the superintendent's office at the capital of the
3 state, all books and papers pertaining to the business of the
4 superintendent's office, and to keep and preserve in the
5 superintendent's office a complete record of statistics, as well as a
6 record of the meetings of the state board of education;

7 (12) With the assistance of the office of the attorney general, to
8 decide all points of law which may be submitted to the superintendent
9 in writing by any educational service district superintendent, or that
10 may be submitted to the superintendent by any other person, upon appeal
11 from the decision of any educational service district superintendent;
12 and the superintendent shall publish his or her rulings and decisions
13 from time to time for the information of school officials and teachers;
14 and the superintendent's decision shall be final unless set aside by a
15 court of competent jurisdiction;

16 (13) To administer oaths and affirmations in the discharge of the
17 superintendent's official duties;

18 (14) To deliver to his or her successor, at the expiration of the
19 superintendent's term of office, all records, books, maps, documents
20 and papers of whatever kind belonging to the superintendent's office or
21 which may have been received by the superintendent's for the use of the
22 superintendent's office;

23 (15) To administer family services and programs to promote the
24 state's policy as provided in RCW 74.14A.025;

25 (16) To adopt contracts with school districts for the
26 implementation of performance agreements pursuant to chapter 28A.655
27 RCW and, after June 30, 2004, to implement any state sanctions
28 authorized under chapter 28A.655 RCW; and

29 (17) To perform such other duties as may be required by law.

30 **Sec. 10.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
31 read as follows:

32 No teacher, principal, supervisor, superintendent, or other
33 certificated employee, holding a position as such with a school
34 district, hereinafter referred to as "employee", shall be employed
35 except by written order of a majority of the directors of the district
36 at a regular or special meeting thereof, nor unless he or she is the
37 holder of an effective teacher's certificate or other certificate

1 required by law or the state board of education for the position for
2 which the employee is employed.

3 The board shall make with each employee employed by it a written
4 contract, which shall be in conformity with the laws of this state, and
5 except as otherwise provided by law, limited to a term of not more than
6 one year. Every such contract shall be made in duplicate, one copy to
7 be retained by the school district superintendent or secretary and one
8 copy to be delivered to the employee. No contract shall be offered by
9 any board for the employment of any employee who has previously signed
10 an employment contract for that same term in another school district of
11 the state of Washington unless such employee shall have been released
12 from his or her obligations under such previous contract by the board
13 of directors of the school district to which he or she was obligated.
14 Any contract signed in violation of this provision shall be void.

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

1 the employee entitled thereto shall be conclusively presumed to have
2 been reemployed by the district for the next ensuing term upon
3 contractual terms identical with those which would have prevailed if
4 his or her employment had actually been renewed by the board of
5 directors for such ensuing term.

6 This section shall not be applicable to "provisional employees" as
7 so designated in RCW 28A.405.220; transfer to a subordinate
8 certificated position as that procedure is set forth in RCW 28A.405.230
9 shall not be construed as a nonrenewal of contract for the purposes of
10 this section.

11 No earlier than July 1, 2004, the requirements of this section
12 shall be waived in a school in which state sanctions have been imposed
13 under chapter 28A.655 RCW.

14 **Sec. 11.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to
15 read as follows:

16 Any certificated employee of a school district employed as an
17 assistant superintendent, director, principal, assistant principal,
18 coordinator, or in any other supervisory or administrative position,
19 hereinafter in this section referred to as "administrator", shall be
20 subject to transfer, at the expiration of the term of his or her
21 employment contract, to any subordinate certificated position within
22 the school district. "Subordinate certificated position" as used in
23 this section, shall mean any administrative or nonadministrative
24 certificated position for which the annual compensation is less than
25 the position currently held by the administrator.

26 Every superintendent determining that the best interests of the
27 school district would be served by transferring any administrator to a
28 subordinate certificated position shall notify that administrator in
29 writing on or before May 15th preceding the commencement of such school
30 term of that determination, or if the omnibus appropriations act has
31 not passed the legislature by May 15th, then notification shall be no
32 later than June 1st, which notification shall state the reason or
33 reasons for the transfer, and shall identify the subordinate
34 certificated position to which the administrator will be transferred.
35 Such notice shall be served upon the administrator personally, or by
36 certified or registered mail, or by leaving a copy of the notice at the
37 place of his or her usual abode with some person of suitable age and
38 discretion then resident therein.

1 Every such administrator so notified, at his or her request made in
2 writing and filed with the president or chair, or secretary of the
3 board of directors of the district within ten days after receiving such
4 notice, shall be given the opportunity to meet informally with the
5 board of directors in an executive session thereof for the purpose of
6 requesting the board to reconsider the decision of the superintendent.
7 Such board, upon receipt of such request, shall schedule the meeting
8 for no later than the next regularly scheduled meeting of the board,
9 and shall notify the administrator in writing of the date, time and
10 place of the meeting at least three days prior thereto. At such
11 meeting the administrator shall be given the opportunity to refute any
12 facts upon which the determination was based and to make any argument
13 in support of his or her request for reconsideration. The
14 administrator and the board may invite their respective legal counsel
15 to be present and to participate at the meeting. The board shall
16 notify the administrator in writing of its final decision within ten
17 days following its meeting with the administrator. No appeal to the
18 courts shall lie from the final decision of the board of directors to
19 transfer an administrator to a subordinate certificated position:
20 PROVIDED, That in the case of principals such transfer shall be made at
21 the expiration of the contract year and only during the first three
22 consecutive school years of employment as a principal by a school
23 district; except that if any such principal has been previously
24 employed as a principal by another school district in the state of
25 Washington for three or more consecutive school years the provisions of
26 this section shall apply only to the first full school year of such
27 employment.

28 This section applies to any person employed as an administrator by
29 a school district on June 25, 1976 and to all persons so employed at
30 any time thereafter. This section provides the exclusive means for
31 transferring an administrator to a subordinate certificated position at
32 the expiration of the term of his or her employment contract.

33 No earlier than July 1, 2004, the requirements of this section
34 shall be waived in a school in which state sanctions have been imposed
35 under chapter 28A.655 RCW.

36 NEW SECTION. Sec. 12. A new section is added to chapter 41.56 RCW
37 to read as follows:

1 After June 30, 2004, if a collective bargaining agreement entered
2 into under this chapter after the effective date of this section
3 conflicts with or prevents implementation of a sanction adopted, or a
4 decision or action required under such a sanction by the superintendent
5 of public instruction under chapter 28A.655 RCW, the parties to the
6 agreement must immediately enter into collective bargaining for a
7 mutually agreed upon modification of the agreement.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 41.59 RCW
9 to read as follows:

10 After June 30, 2004, if a collective bargaining agreement entered
11 into under this chapter after the effective date of this section
12 conflicts with or prevents implementation of a sanction adopted, or a
13 decision or action required under such a sanction by the superintendent
14 of public instruction under chapter 28A.655 RCW, the parties to the
15 agreement must immediately enter into collective bargaining for a
16 mutually agreed upon modification of the agreement.

17 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.320
18 RCW to read as follows:

19 Each school district shall adopt a policy allowing the automatic
20 intradistrict and interdistrict transfer and acceptance of students
21 from schools that are the subject of state sanctions under chapter
22 28A.655 RCW after June 30, 2004.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.300
24 RCW to read as follows:

25 The superintendent of public instruction shall recognize and honor
26 each school that has met or exceeded the state minimum fourth grade
27 reading goal for the school, as defined in RCW 28A.655.050, on the 2001
28 Washington assessment of student learning.

29 NEW SECTION. **Sec. 16.** RCW 28A.655.035 (Accountability policies--
30 Recommendations) and 1999 c 388 s 103 are each repealed.

31 NEW SECTION. **Sec. 17.** RCW 28A.655.050 (Reading goals--Mathematics
32 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

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