
SUBSTITUTE HOUSE BILL 3098

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Education (originally sponsored by
Representatives McDermott, Talcott and Quall)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to transferring duties of the reconstituted state
2 board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040,
3 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030,
4 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090,
5 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170,
6 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180,
7 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160,
8 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070,
9 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130,
10 28A.205.010, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140,
11 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195,
12 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085,
13 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030,
14 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140,
15 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040,
16 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020,
17 28A.600.030, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010,
18 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125,
19 28A.415.130, 28A.415.145, 28A.660.040, 28A.690.020, 28A.300.050,
20 28A.625.370, 28A.625.380, 28A.625.390, 28A.600.010, 28A.225.280,
21 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.160,

1 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and
2 28A.650.015; reenacting and amending RCW 28A.330.100 and 28A.630.400;
3 adding a new section to chapter 28A.525 RCW; adding a new section to
4 chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW;
5 adding new sections to chapter 28A.300 RCW; adding a new section to
6 chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW;
7 creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and
8 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124,
9 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134,
10 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148,
11 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158,
12 28A.525.160, and 28A.525.182; providing an effective date; and
13 providing an expiration date.

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

15 NEW SECTION. **Sec. 1.** In 2005, the legislature reconstituted the
16 state board of education to refocus its purpose; abolished the academic
17 achievement and accountability commission; and assigned policy and
18 rule-making authority for educator preparation and certification to the
19 professional educator standards board. The purpose of this act is to
20 address the remaining statutory responsibilities of the state board of
21 education held before 2005. The legislature finds that some duties
22 should be retained with the reconstituted board; many duties should be
23 transferred to other agencies or organizations, primarily but not
24 exclusively to the superintendent of public instruction; and some
25 duties should be repealed. This act also corrects statutes to
26 implement fully the transfer of responsibilities authorized in 2005.

27 **PART 1**

28 **NEW STATE BOARD OF EDUCATION**

29 **Sec. 101.** RCW 28A.305.130 and 2005 c 497 s 104 are each amended to
30 read as follows:

31 The purpose of the state board of education is to ~~((adopt statewide~~
32 ~~policies that promote achievement of the goals of RCW 28A.150.210;~~
33 ~~implement a standards based accountability system; and provide~~
34 ~~leadership in the creation of an education system that respects the~~

1 ~~diverse cultures, abilities, and learning styles of all students))~~
2 provide advocacy and strategic oversight of public education; implement
3 a standards-based accountability system to improve student academic
4 achievement; provide leadership in the creation of a system that
5 personalizes education for each student and respects diverse cultures,
6 abilities, and learning styles; and promote achievement of the goals of
7 RCW 28A.150.210. In addition to any other powers and duties as
8 provided by law, the state board of education shall:

9 (1) ~~((Until January 1, 2006, approve or disapprove the program of~~
10 ~~courses leading to teacher, school administrator, and school~~
11 ~~specialized personnel certification offered by all institutions of~~
12 ~~higher education within the state which may be accredited and whose~~
13 ~~graduates may become entitled to receive such certification.~~

14 (2) ~~Until January 1, 2006, conduct every five years a review of the~~
15 ~~program approval standards, including the minimum standards for~~
16 ~~teachers, administrators, and educational staff associates, to reflect~~
17 ~~research findings and assure continued improvement of preparation~~
18 ~~programs for teachers, administrators, and educational staff~~
19 ~~associates.~~

20 (3) ~~Until January 1, 2006, investigate the character of the work~~
21 ~~required to be performed as a condition of entrance to and graduation~~
22 ~~from any institution of higher education in this state relative to such~~
23 ~~certification as provided for in subsection (1) of this section, and~~
24 ~~prepare a list of accredited institutions of higher education of this~~
25 ~~and other states whose graduates may be awarded such certificates.~~

26 (4) ~~Until January 1, 2006:~~

27 (a) ~~Adopt rules to allow a teacher certification candidate to~~
28 ~~fulfill, in part, teacher preparation program requirements through work~~
29 ~~experience as a classified teacher's aide in a public school or private~~
30 ~~school meeting the requirements of RCW 28A.195.010. The rules shall~~
31 ~~include, but are not limited to, limitations based upon the recency of~~
32 ~~the teacher preparation candidate's teacher aide work experience, and~~
33 ~~limitations based on the amount of work experience that may apply~~
34 ~~toward teacher preparation program requirements under this chapter; and~~

35 (b) ~~Require that at the time of the individual's enrollment in a~~
36 ~~teacher preparation program, the supervising teacher and the building~~
37 ~~principal shall jointly provide to the teacher preparation program of~~
38 ~~the higher education institution at which the teacher candidate is~~

1 enrolled, a written assessment of the performance of the teacher
2 candidate. The assessment shall contain such information as determined
3 by the state board of education and shall include: Evidence that at
4 least fifty percent of the candidate's work as a classified teacher's
5 aide was involved in instructional activities with children under the
6 supervision of a certificated teacher and that the candidate worked a
7 minimum of six hundred thirty hours for one school year; the type of
8 work performed by the candidate; and a recommendation of whether the
9 candidate's work experience as a classified teacher's aide should be
10 substituted for teacher preparation program requirements. In
11 compliance with such rules as may be established by the state board of
12 education under this section, the teacher preparation programs of the
13 higher education institution where the candidate is enrolled shall make
14 the final determination as to what teacher preparation program
15 requirements may be fulfilled by teacher aide work experience.

16 ~~(5) Until January 1, 2006, supervise the issuance of such~~
17 ~~certificates as provided for in subsection (1) of this section and~~
18 ~~specify the types and kinds of certificates necessary for the several~~
19 ~~departments of the common schools by rule or regulation in accordance~~
20 ~~with RCW 28A.410.010.~~

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

25 ~~((~~7~~))~~ (2) Form committees as necessary to effectively and
26 efficiently conduct the work of the board~~((~~-~~))~~;

27 ~~((~~8~~))~~ (3) Seek advice from the public and interested parties
28 regarding the work of the board~~((~~-~~))~~;

29 ~~((~~9~~))~~ (4) For purposes of statewide accountability~~((~~-~~, the board~~
30 ~~shall))~~:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~(11) Make rules and regulations governing the establishment in any~~
19 ~~existing nonhigh school district of any secondary program or any new~~
20 ~~grades in grades nine through twelve. Before any such program or any~~
21 ~~new grades are established the district must obtain prior approval of~~
22 ~~the state board.~~

23 ~~(12) Prepare such outline of study for the common schools as the~~
24 ~~board shall deem necessary, and in conformance with legislative~~
25 ~~requirements, and prescribe such rules for the general government of~~
26 ~~the common schools, as shall seek to secure regularity of attendance,~~
27 ~~prevent truancy, secure efficiency, and promote the true interest of~~
28 ~~the common schools.~~

29 ~~(13) Continuously reevaluate courses and other requirements and~~
30 ~~adopt and enforce regulations within the common schools so as to meet~~
31 ~~the educational needs of students.~~

32 ~~(14) Evaluate course of study requirements and));~~

33 (6) Articulate with the institutions of higher education, work
34 force representatives, and early learning policymakers and providers to
35 coordinate and unify the work of the public school system((~~-~~));

36 ((~~15~~) Carry out board powers and duties relating to the
37 organization and reorganization of school districts.

38 ~~(16) Hear and decide appeals as otherwise provided by law.~~

1 ~~(17) Promulgate information and rules dealing with the prevention~~
2 ~~of child abuse for purposes of curriculum use in the common schools.~~

3 ~~(18))~~ (7) Hire an executive director and an administrative
4 assistant to reside in the office of the superintendent of public
5 instruction for administrative purposes. Any other personnel of the
6 board shall be appointed as provided by RCW 28A.300.020. The executive
7 director, administrative assistant, and all but one of the other
8 personnel of the board are exempt from civil service, together with
9 other staff as now or hereafter designated as exempt in accordance with
10 chapter 41.06 RCW~~((-))~~; and

11 ~~((19))~~ (8) Adopt a seal that shall be kept in the office of the
12 superintendent of public instruction.

13 **Sec. 102.** RCW 28A.305.035 and 2005 c 497 s 103 are each amended to
14 read as follows:

15 (1) By October 15th of each even-numbered year, the state board of
16 education and the professional educator standards board shall submit a
17 joint report to the legislative education committees, the governor, and
18 the superintendent of public instruction. The report shall address the
19 progress the boards have made and the obstacles they have encountered,
20 individually and collectively, in the work of achieving the goals in
21 RCW 28A.150.210.

22 (2) The state board of education shall include the chairs and
23 ranking minority members of the legislative education committees in
24 board communications so that the legislature can be kept apprised of
25 the discussions and proposed actions of the board.

26 **Sec. 103.** RCW 28A.300.040 and 2005 c 360 s 6 are each amended to
27 read as follows:

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

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

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

35 (3) To prepare and have printed such forms, registers, courses of
36 study, rules for the government of the common schools, and such other

1 material and books as may be necessary for the discharge of the duties
2 of teachers and officials charged with the administration of the laws
3 relating to the common schools, and to distribute the same to
4 educational service district superintendents;

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

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

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

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

31 ~~((8))~~) (7) To require annually, on or before the 15th day of
32 August, of the president, manager, or principal of every educational
33 institution in this state, a report as required by the superintendent
34 of public instruction; and it is the duty of every president, manager,
35 or principal, to complete and return such forms within such time as the
36 superintendent of public instruction shall direct;

37 ~~((9))~~) (8) To keep in the superintendent's office a record of all

1 teachers receiving certificates to teach in the common schools of this
2 state;

3 ~~((+10+))~~ (9) To issue certificates as provided by law;

4 ~~((+11+))~~ (10) To keep in the superintendent's office at the capital
5 of the state, all books and papers pertaining to the business of the
6 superintendent's office, and to keep and preserve in the
7 superintendent's office a complete record of statistics, as well as a
8 record of the meetings of the state board of education;

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

18 ~~((+13+))~~ (12) To administer oaths and affirmations in the discharge
19 of the superintendent's official duties;

20 ~~((+14+))~~ (13) To deliver to his or her successor, at the expiration
21 of the superintendent's term of office, all records, books, maps,
22 documents and papers of whatever kind belonging to the superintendent's
23 office or which may have been received by the superintendent's for the
24 use of the superintendent's office;

25 ~~((+15+))~~ (14) To administer family services and programs to promote
26 the state's policy as provided in RCW 74.14A.025;

27 ~~((+16+))~~ (15) To promote the adoption of school-based curricula and
28 policies that provide quality, daily physical education for all
29 students, and to encourage policies that provide all students with
30 opportunities for physical activity outside of formal physical
31 education classes;

32 ~~((+17+))~~ (16) To perform such other duties as may be required by
33 law.

34 **Sec. 104.** RCW 28A.305.011 and 2005 c 497 s 101 are each amended to
35 read as follows:

36 (1) The membership of the state board of education shall be

1 composed of sixteen members who are residents of the state of
2 Washington:

3 (a) Seven shall be members representing the educational system, as
4 follows:

5 (i) Five members elected by school district directors. Three of
6 the members elected by school district directors shall be residents of
7 western Washington and two members shall be residents of eastern
8 Washington;

9 (ii) One member elected at-large by the members of the boards of
10 directors of all private schools in the state meeting the requirements
11 of RCW 28A.195.010; and

12 (iii) The superintendent of public instruction;

13 (b) Seven members appointed by the governor; and

14 (c) Two students selected in a manner determined by the state board
15 of education.

16 (2) Initial appointments shall be for terms from one to four years
17 in length, with the terms expiring on the second Monday of January of
18 the applicable year. As the terms of the first appointees expire or
19 vacancies on the board occur, the governor shall appoint or reappoint
20 members of the board to complete the initial terms or to four-year
21 terms, as appropriate.

22 (a) Appointees of the governor must be individuals who have
23 demonstrated interest in public schools and are supportive of
24 educational improvement, have a positive record of service, and who
25 will devote sufficient time to the responsibilities of the board.

26 (b) In appointing board members, the governor shall consider the
27 diversity of the population of the state.

28 (c) All appointments to the board made by the governor are subject
29 to confirmation by the senate.

30 (d) No person may serve as a member of the board, except the
31 superintendent of public instruction, for more than two consecutive
32 full four-year terms.

33 (3) The governor may remove an appointed member of the board for
34 neglect of duty, misconduct, malfeasance, or misfeasance in office, or
35 for incompetent or unprofessional conduct as defined in chapter 18.130
36 RCW. In such a case, the governor shall file with the secretary of
37 state a statement of the causes for and the order of removal from

1 office, and the secretary of state shall send a certified copy of the
2 statement of causes and order of removal to the last known post office
3 address of the member.

4 (4)(a) The chair of the board shall be elected by a majority vote
5 of the members of the board. The chair of the board shall serve a term
6 of two years, and may be reelected to an additional term. A member of
7 the board may not serve as chair for more than two consecutive terms.

8 (b) Eight voting members of the board constitute a quorum for the
9 transaction of business.

10 (c) All members except the student members are voting members.

11 (5) Members of the board appointed by the governor who are not
12 public employees shall be compensated in accordance with RCW
13 (~~43.03.240~~) 43.03.250 and shall be reimbursed for travel expenses
14 incurred in carrying out the duties of the board in accordance with RCW
15 43.03.050 and 43.03.060.

16 **PART 2**

17 **BASIC EDUCATION ACT RESPONSIBILITIES**

18 **Sec. 201.** RCW 28A.150.230 and 1994 c 245 s 9 are each amended to
19 read as follows:

20 (1) It is the intent and purpose of this section to guarantee that
21 each common school district board of directors, whether or not acting
22 through its respective administrative staff, be held accountable for
23 the proper operation of their district to the local community and its
24 electorate. In accordance with the provisions of Title 28A RCW, as now
25 or hereafter amended, each common school district board of directors
26 shall be vested with the final responsibility for the setting of
27 policies ensuring quality in the content and extent of its educational
28 program and that such program provide students with the opportunity to
29 achieve those skills which are generally recognized as requisite to
30 learning.

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

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

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

3 (c) Determine the amount of instructional hours necessary for any
4 student to acquire a quality education in such district, in not less
5 than an amount otherwise required in RCW 28A.150.220, or rules (~~and~~
6 ~~regulations~~) of the state board of education;

7 (d) Determine the allocation of staff time, whether certificated or
8 classified;

9 (e) Establish final curriculum standards consistent with law and
10 rules (~~and regulations of the state board of education~~) of the
11 superintendent of public instruction, relevant to the particular needs
12 of district students or the unusual characteristics of the district,
13 and ensuring a quality education for each student in the district; and

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

18 **Sec. 202.** RCW 28A.505.140 and 1990 c 33 s 422 are each amended to
19 read as follows:

20 (1) Notwithstanding any other provision of law, the superintendent
21 of public instruction (~~is hereby directed to promulgate~~) shall adopt
22 such rules (~~and regulations~~) as will (~~insure~~) ensure proper
23 budgetary procedures and practices, including monthly financial
24 statements consistent with the provisions of RCW 43.09.200, and this
25 chapter.

26 (2) If the superintendent of public instruction determines upon a
27 review of the budget of any district that said budget does not comply
28 with the budget procedures established by this chapter or by rules
29 (~~and regulations promulgated~~) adopted by the superintendent of public
30 instruction, or the provisions of RCW 43.09.200, the superintendent
31 shall give written notice of this determination to the board of
32 directors of the local school district.

33 (3) The local school district, notwithstanding any other provision
34 of law, shall, within thirty days from the date the superintendent of
35 public instruction issues a notice pursuant to subsection (2) of this
36 section, submit a revised budget which meets the requirements of RCW
37 43.09.200, this chapter, and the rules (~~and regulations~~) of the

1 superintendent of public instruction(~~(: PROVIDED, That if the district~~
2 ~~fails or refuses to submit a revised budget which in the determination~~
3 ~~of the superintendent of public instruction meets the requirements of~~
4 ~~RCW 43.09.200, this chapter, and the rules and regulations of the~~
5 ~~superintendent of public instruction, the matter shall be submitted to~~
6 ~~the state board of education, which board shall meet and adopt a~~
7 ~~financial plan which shall be in effect until a budget can be adopted~~
8 ~~and submitted by the district in compliance with this section)).~~

9 **PART 3**

10 **SCHOOL FACILITIES AND ORGANIZATION**

11 **Sec. 301.** RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are
12 each amended to read as follows:

13 The ~~((state board of education))~~ superintendent of public
14 instruction, with recommendations from the school facilities citizen
15 advisory panel, shall have the power and ~~((it shall be its))~~ duty (1)
16 to prescribe rules ~~((and regulations))~~ governing the administration,
17 control, terms, conditions, and disbursements of allotments to school
18 districts to assist them in providing school plant facilities; (2) to
19 approve allotments to districts that apply for state assistance
20 whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing~~
21 ~~to give due consideration to the findings, reports, and recommendations~~
22 ~~of the superintendent of public instruction pertaining thereto))~~; (3)
23 to authorize the payment of approved allotments by warrant of the state
24 treasurer; and (4) in the event that the amount of state assistance
25 applied for exceeds the funds available for such assistance during any
26 biennium, to make allotments on the basis of the urgency of need for
27 school facilities in the districts that apply for assistance and/or to
28 prorate allotments among such districts in conformity with applicable
29 procedures and ~~((regulations applicable thereto which shall be~~
30 ~~established by the state board))~~ rules.

31 **Sec. 302.** RCW 28A.525.030 and 1995 c 77 s 23 are each amended to
32 read as follows:

33 Whenever funds are appropriated for modernization of existing
34 school facilities, the ~~((state board of education))~~ superintendent of
35 public instruction, with recommendations from the school facilities

1 citizen advisory panel, is authorized to approve the use of such funds
2 for modernization of existing facilities, modernization being limited
3 to major structural changes in such facilities and, as necessary to
4 bring such facilities into compliance with the barrier free access
5 requirements of section 504 of the federal rehabilitation act of 1973
6 (29 U.S.C. Sec. 706) and rules implementing the act, both major and
7 minor structural changes, and may include as incidental thereto the
8 replacement of fixtures, fittings, furnishings and service systems of
9 a building in order to bring it up to a contemporary state consistent
10 with the needs of changing educational programs. The allocation of
11 such funds shall be made upon the same basis as funds used for the
12 financing of a new school plant project utilized for a similar purpose.

13 **Sec. 303.** RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are
14 each amended to read as follows:

15 All applications by school districts for state assistance in
16 providing school plant facilities shall be made to the superintendent
17 of public instruction (~~((in conformity with rules and regulations which
18 shall be prescribed by the state board of education))~~). Studies and
19 surveys shall be conducted by the (~~((aforesaid officer))~~) superintendent
20 for the purpose of securing information relating to (1) the kind and
21 extent of the school plant facilities required and the urgency of need
22 for such facilities in districts that seek state assistance, (2) the
23 ability of such districts to provide capital outlay funds by local
24 effort, (3) the need for improvement of school administrative units and
25 school attendance areas among or within such districts, and (4) any
26 other pertinent matters. Recommendations respecting action on the
27 (~~((aforesaid))~~) applications shall be submitted to the (~~((state board of
28 education by the))~~) superintendent of public instruction (~~((together with
29 such reports of the findings, studies, and surveys made by said officer
30 as may be required by the state board))~~).

31 **Sec. 304.** RCW 28A.525.055 and 1994 c 219 s 11 are each amended to
32 read as follows:

33 The (~~((state board of education,))~~) rules adopted by the
34 superintendent of public instruction for (~~((purposes of))~~) determining
35 eligibility for state assistance for new construction(~~((,))~~) shall
36 (~~((adopt rules excluding))~~) exclude from the inventory of available

1 educational space those spaces that have been constructed for
2 educational and community activities from grants received from other
3 public or private entities.

4 **Sec. 305.** RCW 28A.525.070 and 1985 c 136 s 1 are each amended to
5 read as follows:

6 The superintendent of public instruction shall furnish ~~((1))~~ to
7 school districts seeking state assistance consultatory and advisory
8 service in connection with the development of school building programs
9 and the planning of school plant facilities for such district~~((, and~~
10 ~~(2) to the state board of education such service as may be required by~~
11 ~~the board in the exercise of the powers and the performance of the~~
12 ~~duties vested in and required to be performed by the board))~~.

13 **Sec. 306.** RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are
14 each amended to read as follows:

15 Insofar as is permissible under acts of congress, funds made
16 available by the federal government for the purpose of assisting school
17 districts in providing school plant facilities shall be made available
18 to such districts in conformity with rules ~~((and regulations which))~~
19 that the ((state board of education)) superintendent, with
20 recommendations from the school facilities citizen advisory panel,
21 shall establish.

22 **Sec. 307.** RCW 28A.525.090 and 1999 c 313 s 2 are each amended to
23 read as follows:

24 (1) The ~~((state board of education))~~ superintendent of public
25 instruction, with recommendations from the school facilities citizen
26 advisory panel, shall adopt rules for appropriate use of the following
27 construction management techniques: Value engineering,
28 constructibility review, building commissioning, and construction
29 management. Rules adopted under this section shall:

- 30 (a) Define each technique as it applies to school buildings;
31 (b) Describe the scope of work for each technique;
32 (c) Define the timing for implementing each technique in the
33 construction process;
34 (d) Determine the appropriate size of projects for the use of each
35 technique; and

1 (e) Determine standards for qualification and performance for each
2 technique.

3 (2) Except as provided in rules adopted under subsection (1)(d) of
4 this section, in allocating state moneys provided under this chapter,
5 the (~~state board of education~~) superintendent of public instruction
6 shall include in funding for each project, at the state matching
7 percentage, the cost of each of the construction management techniques
8 listed in subsection (1) of this section.

9 (3) When assigning priority and allocating state funds for
10 construction of common school facilities, the (~~state board of~~
11 ~~education~~) superintendent shall consider the adequacy of the
12 construction management techniques used by a district and the
13 compliance with the rules adopted under subsection (1) of this section.

14 (4) Except as provided in rules adopted under subsection (1)(d) of
15 this section, the construction management techniques in subsection (1)
16 of this section shall be used on each project submitted for approval by
17 the (~~state board of education~~) superintendent, with recommendations
18 from the school facilities citizen advisory panel.

19 (5)(a) School districts applying for state assistance for school
20 facilities shall:

21 (i) Cause value engineering, constructibility review, and building
22 commissioning to be performed by contract with a professional firm
23 specializing in those construction management techniques; and

24 (ii) Contract or employ personnel to perform professional
25 construction management.

26 (b) All recommendations from the value engineering and
27 constructibility review construction techniques for a school project
28 shall be presented to the school district's board of directors for
29 acceptance or rejection. If the board of directors rejects a
30 recommendation it shall provide a statement explaining the reasons for
31 rejecting the recommendation and include the statement in the
32 application for state assistance to the (~~state board of education~~)
33 superintendent of public instruction.

34 (6) The office of the superintendent of public instruction shall
35 provide:

36 (a) An information and training program for school districts on the
37 use of the construction management techniques; and

1 (b) Consulting services to districts on the benefits and best uses
2 of these construction management techniques.

3 NEW SECTION. **Sec. 308.** A new section is added to chapter 28A.525
4 RCW to read as follows:

5 (1) To maintain citizen oversight on issues pertaining to school
6 facilities and funding for school construction, a school facilities
7 citizen advisory panel is hereby created. The panel shall advise and
8 make recommendations to the superintendent of public instruction
9 regarding school facilities, funding for school construction, joint
10 planning and financing of educational facilities, facility plans and
11 programs for nonhigh school districts, and determinations of remote and
12 necessary schools.

13 (2) The membership of the school facilities citizen advisory panel
14 shall be as follows:

15 (a) One member of the state board of education;

16 (b) Two school district directors representing school districts of
17 various sizes and geographic locations, who are appointed by the state
18 board of education and selected from a list of five names submitted to
19 the board by the Washington state school directors' association; and

20 (c) Four additional citizen members appointed by the state board of
21 education.

22 (3) Members of the panel shall be reimbursed for travel expenses in
23 accordance with RCW 43.03.050 and 43.03.060.

24 (4) In addition to the school facilities citizen advisory panel,
25 the superintendent of public instruction may convene a technical
26 advisory group including representatives from school business officers,
27 building and construction contracting and trade organizations,
28 architecture and engineering organizations, and other organizations
29 with expertise in school facilities. Such a technical advisory group
30 may advise both the superintendent and the school facilities citizen
31 advisory panel on school facilities issues.

32 **Sec. 309.** RCW 28A.525.162 and 1995 c 77 s 24 are each amended to
33 read as follows:

34 (1) Funds appropriated to the (~~state board of education~~)
35 superintendent of public instruction from the common school
36 construction fund shall be allotted by the (~~state board of education~~)

1 superintendent of public instruction, with recommendations from the
2 school facilities citizen advisory panel, in accordance with student
3 enrollment and the provisions of RCW 28A.525.200.

4 (2) No allotment shall be made to a school district until such
5 district has provided matching funds equal to or greater than the
6 difference between the total approved project cost and the amount of
7 state assistance to the district for financing the project computed
8 pursuant to RCW 28A.525.166, with the following exceptions:

9 (a) The (~~state board~~) superintendent of public instruction, with
10 recommendations from the school facilities citizen advisory panel, may
11 waive the matching requirement for districts which have provided funds
12 for school building construction purposes through the authorization of
13 bonds or through the authorization of excess tax levies or both in an
14 amount equivalent to two and one-half percent of the value of its
15 taxable property, as defined in RCW 39.36.015.

16 (b) No such matching funds shall be required as a condition to the
17 allotment of funds for the purpose of making major or minor structural
18 changes to existing school facilities in order to bring such facilities
19 into compliance with the barrier free access requirements of section
20 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
21 rules implementing the act.

22 (3) For the purpose of computing the state matching percentage
23 under RCW 28A.525.166 when a school district is granted authority to
24 enter into contracts, adjusted valuation per pupil shall be calculated
25 using headcount student enrollments from the most recent October
26 enrollment reports submitted by districts to the superintendent of
27 public instruction, adjusted as follows:

28 (a) In the case of projects for which local bonds were approved
29 after May 11, 1989:

30 (i) For districts which have been designated as serving high school
31 districts under RCW 28A.540.110, students residing in the nonhigh
32 district so designating shall be excluded from the enrollment count if
33 the student is enrolled in any grade level not offered by the nonhigh
34 district;

35 (ii) The enrollment of nonhigh school districts shall be increased
36 by the number of students residing within the district who are enrolled
37 in a serving high school district so designated by the nonhigh school

1 district under RCW 28A.540.110, including only students who are
2 enrolled in grade levels not offered by the nonhigh school district;
3 and

4 (iii) The number of preschool students with disabilities included
5 in the enrollment count shall be multiplied by one-half;

6 (b) In the case of construction or modernization of high school
7 facilities in districts serving students from nonhigh school districts,
8 the adjusted valuation per pupil shall be computed using the combined
9 adjusted valuations and enrollments of each district, each weighted by
10 the percentage of the district's resident high school students served
11 by the high school district; and

12 (c) The number of kindergarten students included in the enrollment
13 count shall be multiplied by one-half.

14 (4) The ~~((state board of education))~~ superintendent of public
15 instruction, with recommendations from the school facilities citizen
16 advisory panel, shall prescribe ~~((and make effective))~~ such rules as
17 are necessary to equate insofar as possible the efforts made by school
18 districts to provide capital funds by the means aforesaid.

19 (5) For the purposes of this section, "preschool students with
20 disabilities" means developmentally disabled children of preschool age
21 who are entitled to services under RCW 28A.155.010 through 28A.155.100
22 and are not included in the kindergarten enrollment count of the
23 district.

24 **Sec. 310.** RCW 28A.525.164 and 1990 c 33 s 456 are each amended to
25 read as follows:

26 In allotting the state funds provided by RCW ~~((28A.525.160 through~~
27 ~~28A.525.182))~~ 28A.525.162 through 28A.525.180, the ~~((state board of~~
28 ~~education))~~ superintendent of public instruction, with recommendations
29 from the school facilities citizen advisory panel, shall:

30 (1) Prescribe rules ~~((and regulations))~~ not inconsistent with RCW
31 ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180
32 governing the administration, control, terms, conditions, and
33 disbursement of allotments to school districts to assist them in
34 providing school plant facilities;

35 (2) Approve~~((, whenever the board deems such action advisable,))~~
36 allotments to districts that apply for state assistance;

1 (3) Authorize the payment of approved allotments by warrant of the
2 state treasurer; and

3 (4) In the event that the amount of state assistance applied for
4 pursuant to the provisions hereof exceeds the funds available for such
5 assistance during any biennium, make allotments on the basis of the
6 urgency of need for school facilities in the districts that apply for
7 assistance or prorate allotments among such districts in conformity
8 with (~~procedures and regulations~~) applicable (~~thereto which shall be~~
9 ~~established by the board~~) rules.

10 **Sec. 311.** RCW 28A.525.166 and 1997 c 369 s 9 are each amended to
11 read as follows:

12 Allocations to school districts of state funds provided by RCW
13 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
14 shall be made by the (~~state board of education~~) superintendent of
15 public instruction, with recommendations from the school facilities
16 citizen advisory panel and the amount of state assistance to a school
17 district in financing a school plant project shall be determined in the
18 following manner:

19 (1) The boards of directors of the districts shall determine the
20 total cost of the proposed project, which cost may include the cost of
21 acquiring and preparing the site, the cost of constructing the building
22 or of acquiring a building and preparing the same for school use, the
23 cost of necessary equipment, taxes chargeable to the project, necessary
24 architects' fees, and a reasonable amount for contingencies and for
25 other necessary incidental expenses: PROVIDED, That the total cost of
26 the project shall be subject to review and approval by the (~~state~~
27 ~~board of education~~) superintendent, with recommendations from the
28 school facilities citizen advisory panel.

29 (2) The state matching percentage for a school district shall be
30 computed by the following formula:

31 The ratio of the school district's adjusted valuation per pupil
32 divided by the ratio of the total state adjusted valuation per pupil
33 shall be subtracted from three, and then the result of the foregoing
34 shall be divided by three plus (the ratio of the school district's
35 adjusted valuation per pupil divided by the ratio of the total state
36 adjusted valuation per pupil).

$$\begin{array}{r}
 \text{District adjusted} \quad \text{Total state} \\
 \text{3-valuation} \quad \div \quad \text{adjusted valuation} \\
 \text{Computed} \quad \text{per pupil} \quad \text{per pupil} \quad \text{State} \\
 \text{State} = \frac{\text{District adjusted}}{\text{3+valuation}} = - \% \text{ Assistance} \\
 \text{Ratio} \quad \text{District adjusted} \quad \text{Total state} \\
 \text{3+valuation} \quad \div \quad \text{adjusted valuation} \\
 \text{per pupil} \quad \text{per pupil}
 \end{array}$$

8 PROVIDED, That in the event the percentage of state assistance to any
 9 school district based on the above formula is less than twenty percent
 10 and such school district is otherwise eligible for state assistance
 11 under RCW (~~(28A.525.160 through 28A.525.182)~~) 28A.525.162 through
 12 28A.525.180, the (~~(state board of education)~~) superintendent, with
 13 recommendations from the school facilities citizen advisory panel may
 14 establish for such district a percentage of state assistance not in
 15 excess of twenty percent of the approved cost of the project, if the
 16 (~~(state board)~~) superintendent, with recommendations from the school
 17 facilities citizen advisory panel finds that such additional assistance
 18 is necessary to provide minimum facilities for housing the pupils of
 19 the district.

20 (3) In addition to the computed percent of state assistance
 21 developed in subsection (2) ((above)) of this section, a school
 22 district shall be entitled to additional percentage points determined
 23 by the average percentage of growth for the past three years. One
 24 percent shall be added to the computed percent of state assistance for
 25 each percent of growth, with a maximum of twenty percent.

26 (4) The approved cost of the project determined in the manner
 27 (~~(herein)~~) prescribed (~~(times)~~) in this section multiplied by the
 28 percentage of state assistance derived as provided for (~~(herein)~~) in
 29 this section shall be the amount of state assistance to the district
 30 for the financing of the project: PROVIDED, That need therefor has
 31 been established to the satisfaction of the (~~(state board of~~
 32 ~~education)~~) superintendent, with recommendations from the school
 33 facilities citizen advisory panel: PROVIDED, FURTHER, That additional
 34 state assistance may be allowed if it is found by the (~~(state board of~~
 35 ~~education)~~) superintendent, with recommendations from the school
 36 facilities citizen advisory panel that such assistance is necessary in
 37 order to meet (a) a school housing emergency resulting from the
 38 destruction of a school building by fire, the condemnation of a school
 39 building by properly constituted authorities, a sudden excessive and

1 clearly foreseeable future increase in school population, or other
2 conditions similarly emergent in nature; or (b) a special school
3 housing burden resulting from industrial projects of statewide
4 significance or imposed by virtue of the admission of nonresident
5 students into educational programs established, maintained and operated
6 in conformity with the requirements of law; or (c) a deficiency in the
7 capital funds of the district resulting from financing, subsequent to
8 April 1, 1969, and without benefit of the state assistance provided by
9 prior state assistance programs, the construction of a needed school
10 building project or projects approved in conformity with the
11 requirements of such programs, after having first applied for and been
12 denied state assistance because of the inadequacy of state funds
13 available for the purpose, or (d) a condition created by the fact that
14 an excessive number of students live in state owned housing, or (e) a
15 need for the construction of a school building to provide for improved
16 school district organization or racial balance, or (f) conditions
17 similar to those defined under (a), (b), (c), (d), and (e)
18 (~~hereinabove~~) of this subsection, creating a like emergency.

19 **Sec. 312.** RCW 28A.525.168 and 1990 c 33 s 458 are each amended to
20 read as follows:

21 Whenever the voters of a school district authorize the issuance of
22 bonds and/or the levying of excess taxes in an amount sufficient to
23 meet the requirements of RCW 28A.525.162 respecting eligibility for
24 state assistance in providing school facilities, the taxable valuation
25 of the district and the percentage of state assistance in providing
26 school facilities prevailing at the time of such authorization shall be
27 the valuation and the percentage used for the purpose of determining
28 the eligibility of the district for an allotment of state funds and the
29 amount or amounts of such allotments, respectively, for all projects
30 for which the voters authorize capital funds as aforesaid, unless a
31 higher percentage of state assistance prevails on the date that state
32 funds for assistance in financing a project are allotted by the (~~state~~
33 ~~board of education~~) superintendent of public instruction in which case
34 the percentage prevailing on the date of allotment by the (~~state~~
35 ~~board~~) superintendent of funds for each project shall govern:
36 PROVIDED, That if the (~~state board of education~~) superintendent of
37 public instruction, with recommendations from the school facilities

1 citizen advisory panel, determines at any time that there has been
2 undue or unwarranted delay on the part of school district authorities
3 in advancing a project to the point of readiness for an allotment of
4 state funds, the taxable valuation of the school district and the
5 percentage of state assistance prevailing on the date that the
6 allotment is made shall be used for the purposes aforesaid: PROVIDED,
7 FURTHER, That the date (~~herein~~) specified in this section as
8 applicable in determining the eligibility of an individual school
9 district for state assistance and in determining the amount of such
10 assistance shall be applicable also to cases where it is necessary in
11 administering chapter 28A.540 RCW to determine eligibility for and the
12 amount of state assistance for a group of school districts considered
13 as a single school administrative unit.

14 **Sec. 313.** RCW 28A.525.170 and 1990 c 33 s 459 are each amended to
15 read as follows:

16 If a school district which has qualified for an allotment of state
17 funds under the provisions of RCW (~~28A.525.160 through 28A.525.182~~)
18 28A.525.162 through 28A.525.180 for school building construction is
19 found by the (~~state board of education~~) superintendent of public
20 instruction, with recommendations from the school facilities citizen
21 advisory panel, to have a school housing emergency requiring an
22 allotment of state funds in excess of the amount allocable under RCW
23 28A.525.166, an additional allotment may be made to such district:
24 PROVIDED, That the total amount allotted shall not exceed ninety
25 percent of the total cost of the approved project which may include the
26 cost of the site and equipment. At any time thereafter when the
27 (~~state board of education~~) superintendent, with recommendations from
28 the school facilities citizen advisory panel, finds that the financial
29 position of such school district has improved through an increase in
30 its taxable valuation or through retirement of bonded indebtedness or
31 through a reduction in school housing requirements, or for any
32 combination of these reasons, the amount of such additional allotment,
33 or any part of such amount as the (~~state board of education~~)
34 superintendent, with recommendations from the school facilities citizen
35 advisory panel, determines, shall be deducted, under terms and
36 conditions prescribed by the (~~board~~) superintendent, with

1 recommendations from the school facilities citizen advisory panel, from
2 any state school building construction funds which might otherwise be
3 provided to such district.

4 **Sec. 314.** RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each
5 amended to read as follows:

6 All applications by school districts for state assistance in
7 providing school plant facilities shall be made to the superintendent
8 of public instruction in conformity with rules (~~and regulations which~~
9 ~~shall be prescribed~~) adopted by the (~~state board of education~~)
10 superintendent of public instruction, with recommendations from the
11 school facilities citizen advisory panel. Studies and surveys shall be
12 conducted by the (~~state board~~) superintendent for the purpose of
13 securing information relating to (a) the kind and extent of the school
14 plant facilities required and the urgency of need for such facilities
15 in districts that seek state assistance, (b) the ability of such
16 districts to provide capital funds by local effort, (c) the need for
17 improvement of school administrative units and school attendance areas
18 among or within such districts, and (d) any other pertinent matters.

19 **Sec. 315.** RCW 28A.525.174 and 1990 c 33 s 460 are each amended to
20 read as follows:

21 It shall be the duty of the (~~state board of education~~)
22 superintendent of public instruction, in consultation with the
23 Washington state department of social and health services, to prepare
24 a manual and/or to specify other materials for the information and
25 guidance of local school district authorities and others responsible
26 for and concerned with the designing, planning, maintenance and
27 operation of school plant facilities for the public schools. In so
28 doing due consideration shall be given to the presentation of
29 information regarding (~~(a)~~) (1) the need for cooperative state-local
30 district action in planning school plant facilities arising out of the
31 cooperative plan for financing said facilities provided for in RCW
32 (~~28A.525.160 through 28A.525.182; (b)~~) 28A.525.162 through
33 28A.525.180; (2) procedures in inaugurating and conducting a school
34 plant planning program for a school district; (~~(e)~~) (3) standards for
35 use in determining the selection and development of school sites and in
36 designing, planning, and constructing school buildings to the end that

1 the health, safety, and educational well-being and development of
2 school children will be served; ~~((d))~~ (4) the planning of readily
3 expansible and flexible school buildings to meet the requirements of an
4 increasing school population and a constantly changing educational
5 program; ~~((e))~~ (5) an acceptable school building maintenance program
6 and the necessity therefor; ~~((f))~~ (6) the relationship of an
7 efficient school building operations service to the health and
8 educational progress of pupils; and ~~((g))~~ (7) any other matters
9 regarded by the ~~((state board))~~ superintendent as pertinent or related
10 to the purposes and requirements of RCW ~~((28A.525.160 through~~
11 ~~28A.525.182))~~ 28A.525.162 through 28A.525.180.

12 **Sec. 316.** RCW 28A.525.176 and 1990 c 33 s 461 are each amended to
13 read as follows:

14 The ~~((state board of education))~~ superintendent of public
15 instruction shall furnish to school districts seeking state assistance
16 under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~
17 28A.525.162 through 28A.525.180 consultatory and advisory service in
18 connection with the development of school building programs and the
19 planning of school plant facilities.

20 **Sec. 317.** RCW 28A.525.178 and 1990 c 33 s 462 are each amended to
21 read as follows:

22 ~~((Whenever in the judgment of the state board of education))~~ When
23 economies may be ~~((effected))~~ affected without impairing the usefulness
24 and adequacy of school buildings, ~~((said board))~~ the superintendent of
25 public instruction, with recommendations from the school facilities
26 citizen advisory panel, may prescribe rules ~~((and regulations))~~ and
27 establish procedures governing the preparation and use of modifiable
28 basic or standard plans for school building construction projects for
29 which state assistance funds provided by RCW ~~((28A.525.160 through~~
30 ~~28A.525.182))~~ 28A.525.162 through 28A.525.180 are allotted.

31 **Sec. 318.** RCW 28A.525.180 and 1990 c 33 s 463 are each amended to
32 read as follows:

33 The total amount of funds appropriated under the provisions of RCW
34 ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180
35 shall be reduced by the amount of federal funds made available during

1 each biennium for school construction purposes under any applicable
2 federal law. The funds appropriated by RCW (~~28A.525.160 through~~
3 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 and available for
4 allotment by the (~~state board of education~~) superintendent of public
5 instruction, with recommendations from the school facilities citizen
6 advisory panel, shall be reduced by the amount of such federal funds
7 made available. Notwithstanding the foregoing provisions of this
8 section, the total amount of funds appropriated by RCW (~~28A.525.160~~
9 ~~through 28A.525.182~~) 28A.525.162 through 28A.525.180 shall not be
10 reduced by reason of any grants to any school district of federal
11 moneys paid under Public Law No. 815 or any other federal act
12 authorizing school building construction assistance to federally
13 affected areas.

14 **Sec. 319.** RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each
15 amended to read as follows:

16 The (~~state board of education~~) superintendent of public
17 instruction, with recommendations from the school facilities citizen
18 advisory panel shall prioritize the construction of common school
19 facilities only from funds appropriated and available in the common
20 school construction fund.

21 **Sec. 320.** RCW 28A.525.200 and 1990 c 33 s 465 are each amended to
22 read as follows:

23 Notwithstanding any other provision of RCW 28A.525.010 through
24 28A.525.222, the allocation and distribution of funds by the (~~state~~
25 ~~board of education which are now or may hereafter be appropriated~~)
26 superintendent of public instruction, with recommendations from the
27 school facilities citizen advisory panel, for the purposes of providing
28 assistance in the construction of school plant facilities shall be
29 governed by (~~RCW 28A.525.010 through 28A.525.080 and 28A.525.162~~
30 ~~through 28A.525.178~~) this chapter.

31 **Sec. 321.** RCW 28A.525.216 and 1990 c 33 s 467 are each amended to
32 read as follows:

33 The proceeds from the sale of the bonds deposited under RCW
34 28A.525.214 in the common school construction fund shall be

1 administered by the (~~state board of education~~) superintendent of
2 public instruction, with recommendations from the school facilities
3 citizen advisory panel.

4 **Sec. 322.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to
5 read as follows:

6 The basic education allocation for each annual average full time
7 equivalent student shall be determined in accordance with the following
8 procedures:

9 (1) The governor shall and the superintendent of public instruction
10 may recommend to the legislature a formula based on a ratio of students
11 to staff for the distribution of a basic education allocation for each
12 annual average full time equivalent student enrolled in a common
13 school. The distribution formula shall have the primary objective of
14 equalizing educational opportunities and shall provide appropriate
15 recognition of the following costs among the various districts within
16 the state:

17 (a) Certificated instructional staff and their related costs;

18 (b) Certificated administrative staff and their related costs;

19 (c) Classified staff and their related costs;

20 (d) Nonsalary costs;

21 (e) Extraordinary costs of remote and necessary schools as judged
22 by the superintendent of public instruction, with recommendations from
23 the school facilities citizen advisory panel under section 308 of this
24 act, and small high schools, including costs of additional certificated
25 and classified staff; and

26 (f) The attendance of students pursuant to RCW 28A.335.160 and
27 28A.225.250 who do not reside within the servicing school district.

28 (2)(a) This formula for distribution of basic education funds shall
29 be reviewed biennially by the superintendent and governor. The
30 recommended formula shall be subject to approval, amendment or
31 rejection by the legislature. The formula shall be for allocation
32 purposes only. While the legislature intends that the allocations for
33 additional instructional staff be used to increase the ratio of such
34 staff to students, nothing in this section shall require districts to
35 reduce the number of administrative staff below existing levels.

36 (b) The formula adopted by the legislature shall reflect the
37 following ratios at a minimum: (i) Forty-nine certificated

1 instructional staff to one thousand annual average full time equivalent
2 students enrolled in grades kindergarten through three; (ii) forty-six
3 certificated instructional staff to one thousand annual average full
4 time equivalent students in grades four through twelve; (iii) four
5 certificated administrative staff to one thousand annual average full
6 time equivalent students in grades kindergarten through twelve; and
7 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
8 thousand annual average full time equivalent students enrolled in
9 grades kindergarten through twelve.

10 (c) In the event the legislature rejects the distribution formula
11 recommended by the governor, without adopting a new distribution
12 formula, the distribution formula for the previous school year shall
13 remain in effect: PROVIDED, That the distribution formula developed
14 pursuant to this section shall be for state apportionment and
15 equalization purposes only and shall not be construed as mandating
16 specific operational functions of local school districts other than
17 those program requirements identified in RCW 28A.150.220 and
18 28A.150.100. The enrollment of any district shall be the annual
19 average number of full time equivalent students and part time students
20 as provided in RCW 28A.150.350, enrolled on the first school day of
21 each month and shall exclude full time equivalent students with
22 disabilities recognized for the purposes of allocation of state funds
23 for programs under RCW 28A.155.010 through 28A.155.100. The definition
24 of full time equivalent student shall be determined by rules of the
25 superintendent of public instruction: PROVIDED, That the definition
26 shall be included as part of the superintendent's biennial budget
27 request: PROVIDED, FURTHER, That any revision of the present
28 definition shall not take effect until approved by the house
29 appropriations committee and the senate ways and means committee:
30 PROVIDED, FURTHER, That the office of financial management shall make
31 a monthly review of the superintendent's reported full time equivalent
32 students in the common schools in conjunction with RCW 43.62.050.

33 (3)(a) Certificated instructional staff shall include those persons
34 employed by a school district who are nonsupervisory employees within
35 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
36 people of unusual competence but without certification may teach
37 students so long as a certificated person exercises general
38 supervision: PROVIDED, FURTHER, That the hiring of such classified

1 people shall not occur during a labor dispute and such classified
2 people shall not be hired to replace certificated employees during a
3 labor dispute.

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

8 **Sec. 323.** RCW 28A.335.160 and 1995 c 335 s 604 are each amended to
9 read as follows:

10 Any school district may cooperate with one or more school districts
11 in the joint financing, planning, construction, equipping and operating
12 of any educational facility otherwise authorized by law: PROVIDED,
13 That any cooperative financing plan involving the construction of
14 school plant facilities must be approved by the (~~state board of~~
15 ~~education~~) superintendent of public instruction, with recommendations
16 from the school facilities citizen advisory panel under section 308 of
17 this act, pursuant to such rules (~~as may now or hereafter be~~
18 ~~promulgated~~) adopted relating to state approval of school
19 construction.

20 **Sec. 324.** RCW 28A.540.050 and 1990 c 33 s 485 are each amended to
21 read as follows:

22 Subsequent to the holding of a hearing or hearings as provided in
23 RCW 28A.540.040, the regional committee on school district organization
24 shall determine the nonhigh school districts to be included in the plan
25 and the amount of capital funds to be provided by every school district
26 included therein, and shall submit the proposed plan to the (~~state~~
27 ~~board of education~~) superintendent of public instruction together with
28 such maps and other materials pertaining thereto as the (~~state board~~)
29 superintendent may require. The (~~state board~~) superintendent, with
30 recommendations from the school facilities citizen advisory panel under
31 section 308 of this act, shall review such plan, shall approve any plan
32 which in (~~its~~) his or her judgment makes adequate and satisfactory
33 provision for participation by the nonhigh school districts in
34 providing capital funds to be used for the purpose above stated, and
35 shall notify the regional committee of such action. Upon receipt by
36 the regional committee of such notification, the educational service

1 district superintendent, or his or her designee, shall notify the board
2 of directors of each school district included in the plan, supplying
3 each board with complete details of the plan and shall state the total
4 amount of funds to be provided and the amount to be provided by each
5 district.

6 If any such plan submitted by a regional committee is not approved
7 by the (~~state board~~) superintendent of public instruction, the
8 regional committee shall be so notified, which notification shall
9 contain a statement of reasons therefor and suggestions for revision.
10 Within sixty days thereafter the regional committee shall submit to the
11 (~~state board~~) superintendent a revised plan which revision shall be
12 subject to approval or disapproval by the (~~state board~~)
13 superintendent, with recommendations from the school facilities citizen
14 advisory panel, and the procedural requirements and provisions of law
15 applicable to an original plan submitted to (~~said board~~) the
16 superintendent.

17 **NEW SECTION. Sec. 325.** A new section is added to chapter 28A.545
18 RCW to read as follows:

19 The superintendent of public instruction, with recommendations from
20 the school facilities citizen advisory panel under section 308 of this
21 act, shall adopt rules governing the establishment in any existing
22 nonhigh school district of any secondary program or any new grades in
23 grades nine through twelve. Before any such program or any new grades
24 are established, the district must obtain prior approval of the
25 superintendent of public instruction.

26 **Sec. 326.** RCW 28A.150.530 and 2005 c 12 s 7 are each amended to
27 read as follows:

28 (1) In adopting implementation rules, (~~the state board of~~
29 ~~education, in consultation with~~) the superintendent of public
30 instruction (~~and~~), in consultation with the department of general
31 administration, shall review and modify the current requirement for an
32 energy conservation report review by the department of general
33 administration as provided in WAC 180-27-075.

34 (2) In adopting implementation rules, (~~the state board of~~
35 ~~education, in consultation with~~) the superintendent of public
36 instruction shall:

1 (a) Review and modify the current requirements for value
2 engineering, (~~constructability~~) constructibility review, and building
3 commissioning as provided in WAC 180-27-080;

4 (b) Review private and public utility providers' capacity and
5 financial/technical assistance programs for affected public school
6 districts to monitor and report utility consumption for purposes of
7 reporting to the superintendent of public instruction as provided in
8 RCW 39.35D.040;

9 (c) Coordinate with the department of general administration, the
10 state board of health, the department of ecology, federal agencies, and
11 other affected agencies as appropriate in their consideration of rules
12 to implement this section.

13 **Sec. 327.** RCW 28A.335.210 and 2005 c 36 s 1 are each amended to
14 read as follows:

15 The (~~state board of education and~~) superintendent of public
16 instruction shall allocate, as a nondeductible item, out of any moneys
17 appropriated for state assistance to school districts for the original
18 construction of any school plant facility the amount of one-half of one
19 percent of the appropriation to be expended by the Washington state
20 arts commission for the acquisition of works of art. The works of art
21 may be placed in accordance with Article IX, sections 2 and 3 of the
22 state Constitution on public lands, integral to or attached to a public
23 building or structure, detached within or outside a public building or
24 structure, part of a portable exhibition or collection, part of a
25 temporary exhibition, or loaned or exhibited in other public
26 facilities. The Washington state arts commission shall, in
27 consultation with the superintendent of public instruction, determine
28 the amount to be made available for the purchase of works of art under
29 this section, and payments therefor shall be made in accordance with
30 law. The designation of projects and sites, selection, contracting,
31 purchase, commissioning, reviewing of design, execution and placement,
32 acceptance, maintenance, and sale, exchange, or disposition of works of
33 art shall be the responsibility of the Washington state arts commission
34 in consultation with the superintendent of public instruction and
35 representatives of school district boards of directors. The
36 superintendent of public instruction and the school district board of

1 directors of the districts where the sites are selected shall have the
2 right to:

3 (1) Waive its use of the one-half of one percent of the
4 appropriation for the acquisition of works of art before the selection
5 process by the Washington state arts commission;

6 (2) Appoint a representative to the body established by the
7 Washington state arts commission to be part of the selection process
8 with full voting rights;

9 (3) Reject the results of the selection process;

10 (4) Reject the placement of a completed work or works of art on
11 school district premises if such works are portable.

12 Rejection at any point before or after the selection process shall
13 not cause the loss of or otherwise endanger state construction funds
14 available to the local school district. Any works of art rejected
15 under this section shall be applied to the provision of works of art
16 under this chapter, at the discretion of the Washington state arts
17 commission, notwithstanding any contract or agreement between the
18 affected school district and the artist involved. In addition to the
19 cost of the works of art the one-half of one percent of the
20 appropriation as provided (~~herein~~) in this section shall be used to
21 provide for the administration, including conservation of the state art
22 collection, by the Washington state arts commission and all costs for
23 installation of the work of art. For the purpose of this section
24 building shall not include sheds, warehouses, or other buildings of a
25 temporary nature.

26 The executive director of the arts commission, the superintendent
27 of public instruction, and the Washington state school directors
28 association shall appoint a study group to review the operations of the
29 one-half of one percent for works of art under this section.

30 **Sec. 328.** RCW 28A.335.230 and 1987 c 112 s 1 are each amended to
31 read as follows:

32 School districts shall be required to lease for a reasonable fee
33 vacant school plant facilities from a contiguous school district
34 wherever possible.

35 No school district with unhoused students may be eligible for the
36 state matching funds for the construction of school plant facilities
37 if:

1 (1) The school district contiguous to the school district applying
2 for the state matching percentage has vacant school plant facilities;

3 (2) The superintendent of public instruction (~~and the state board~~
4 ~~of education have~~)) has determined the vacant school plant facilities
5 available in the contiguous district will fulfill the needs of the
6 applicant district in housing unhoused students. In determining
7 whether the contiguous district school plant facilities meet the needs
8 of the applicant district, consideration shall be given, but not
9 limited to the geographic location of the vacant facilities as they
10 relate to the applicant district; and

11 (3) A lease of the vacant school plant facilities can be
12 negotiated.

13 **Sec. 329.** RCW 28A.540.070 and 1990 c 33 s 486 are each amended to
14 read as follows:

15 In the event that a proposal or proposals for providing capital
16 funds as provided in RCW 28A.540.060 is not approved by the voters of
17 a nonhigh school district a second election thereon shall be held
18 within sixty days thereafter. If the vote of the electors of the
19 nonhigh school district is again in the negative, the high school
20 students residing therein shall not be entitled to admission to the
21 high school under the provisions of RCW 28A.225.210, following the
22 close of the school year during which the second election is held:
23 PROVIDED, That in any such case the regional committee on school
24 district organization shall determine within thirty days after the date
25 of the aforesaid election the advisability of initiating a proposal for
26 annexation of such nonhigh school district to the school district in
27 which the proposed facilities are to be located or to some other
28 district where its students can attend high school without undue
29 inconvenience: PROVIDED FURTHER, That pending such determination by
30 the regional committee and action thereon as required by law the board
31 of directors of the high school district shall continue to admit high
32 school students residing in the nonhigh school district. Any proposal
33 for annexation of a nonhigh school district initiated by a regional
34 committee shall be subject to the procedural requirements of this
35 chapter respecting a public hearing and submission to and approval by
36 the (~~state board of education~~)) superintendent of public instruction,
37 with recommendations from the school facilities citizen advisory panel

1 under section 308 of this act. Upon approval by the ((state board))
2 superintendent of public instruction of any such proposal, the
3 educational service district superintendent shall make an order,
4 establishing the annexation.

5 NEW SECTION. **Sec. 330.** The following sections are each
6 decodified:

- 7 RCW 28A.525.120
- 8 RCW 28A.525.122
- 9 RCW 28A.525.124
- 10 RCW 28A.525.126
- 11 RCW 28A.525.128
- 12 RCW 28A.525.130
- 13 RCW 28A.525.132
- 14 RCW 28A.525.134
- 15 RCW 28A.525.140
- 16 RCW 28A.525.142
- 17 RCW 28A.525.144
- 18 RCW 28A.525.146
- 19 RCW 28A.525.148
- 20 RCW 28A.525.150
- 21 RCW 28A.525.152
- 22 RCW 28A.525.154
- 23 RCW 28A.525.156
- 24 RCW 28A.525.158
- 25 RCW 28A.525.160
- 26 RCW 28A.525.182

27 **PART 4**

28 **COURSES OF STUDY AND EDUCATIONAL PROGRAMS**

29 **Sec. 401.** RCW 28A.305.220 and 2004 c 19 s 108 are each amended to
30 read as follows:

31 (1) The ((state board of education)) superintendent of public
32 instruction, in consultation with the higher education coordinating
33 board, the state board for community and technical colleges, and the
34 work force training and education coordinating board, shall develop for
35 use by all public school districts a standardized high school

1 transcript. The (~~state board of education~~) superintendent shall
2 establish clear definitions for the terms "credits" and "hours" so that
3 school programs operating on the quarter, semester, or trimester system
4 can be compared.

5 (2) The standardized high school transcript shall include the
6 following information:

7 (a) The highest scale score and level achieved in each content area
8 on the high school Washington assessment of student learning or other
9 high school measures successfully completed by the student as provided
10 by RCW 28A.655.061 and 28A.155.045;

11 (b) All scholar designations as provided by RCW 28A.655.061;

12 (c) A notation of whether the student has earned a certificate of
13 individual achievement or a certificate of academic achievement by
14 means of the Washington assessment of student learning or by an
15 alternative assessment.

16 (3) Transcripts are important documents to students who will apply
17 for admission to postsecondary institutions of higher education.
18 Transcripts are also important to students who will seek employment
19 upon or prior to graduation from high school. It is recognized that
20 student transcripts may be the only record available to employers in
21 their decision-making processes regarding prospective employees. The
22 superintendent of public instruction shall require school districts to
23 inform annually all high school students that prospective employers may
24 request to see transcripts and that the prospective employee's decision
25 to release transcripts can be an important part of the process of
26 applying for employment.

27 **Sec. 402.** RCW 28A.230.100 and 1991 c 116 s 8 are each amended to
28 read as follows:

29 The (~~state board of education~~) superintendent of public
30 instruction, in consultation with the higher education coordinating
31 board, the state board for community and technical colleges, and the
32 work force training and education coordinating board, shall adopt rules
33 pursuant to chapter 34.05 RCW, to implement the course requirements set
34 forth in RCW 28A.230.090. The rules shall include, as the (~~state~~
35 ~~board~~) superintendent deems necessary, granting equivalencies for and
36 temporary exemptions from the course requirements in RCW 28A.230.090
37 and special alterations of the course requirements in RCW 28A.230.090.

1 In developing such rules the (~~state board~~) superintendent shall
2 recognize the relevance of vocational and applied courses and allow
3 such courses to fulfill in whole or in part the courses required for
4 graduation in RCW 28A.230.090. The rules may include provisions for
5 competency testing in lieu of such courses required for graduation in
6 RCW 28A.230.090 or demonstration of specific skill proficiency or
7 understanding of concepts through work or experience.

8 **Sec. 403.** RCW 28A.230.170 and 1985 c 341 s 1 are each amended to
9 read as follows:

10 The study of the Constitution of the United States and the
11 Constitution of the state of Washington shall be a condition
12 prerequisite to graduation from the public and private high schools of
13 this state. The (~~state board of education acting upon the advice of~~
14 ~~the~~) superintendent of public instruction shall provide by rule (~~or~~
15 ~~regulation~~) for the implementation of this section.

16 NEW SECTION. **Sec. 404.** The state board of education, in
17 consultation with the state board for community and technical colleges,
18 shall examine the statutory authority, rules, and jurisdiction between
19 the K-12 and postsecondary education systems regarding the general
20 educational development test and adult education. The board shall make
21 recommendations for change or clarification to the education committees
22 of the legislature by January 15, 2007.

23 **Sec. 405.** RCW 28A.305.170 and 2002 c 291 s 3 are each amended to
24 read as follows:

25 (1) In addition to any other powers and duties as provided by law,
26 the (~~state board of education~~) superintendent of public instruction,
27 in consultation with the military department, shall adopt rules
28 governing and authorizing the acceptance of national guard high school
29 career training and the national guard youth challenge program in lieu
30 of either required high school credits or elective high school credits.

31 (2) With the exception of students enrolled in the national guard
32 youth challenge program, students enrolled in such national guard
33 programs shall be considered enrolled in the common school last
34 attended preceding enrollment in such national guard program.

1 (3) The ((board)) superintendent shall adopt rules to ensure that
2 students who successfully complete the national guard youth challenge
3 program are granted an appropriate number of high school credits, based
4 on the students' levels of academic proficiency as measured by the
5 program.

6 **Sec. 406.** RCW 28A.230.130 and 2003 c 49 s 2 are each amended to
7 read as follows:

8 (1) All public high schools of the state shall provide a program,
9 directly or in cooperation with a community college or another school
10 district, for students whose educational plans include application for
11 entrance to a baccalaureate-granting institution after being granted a
12 high school diploma. The program shall help these students to meet at
13 least the minimum entrance requirements under RCW 28B.10.050.

14 (2) All public high schools of the state shall provide a program,
15 directly or in cooperation with a community or technical college, a
16 skills center, an apprenticeship committee, or another school district,
17 for students who plan to pursue career or work opportunities other than
18 entrance to a baccalaureate-granting institution after being granted a
19 high school diploma. These programs may:

20 (a) Help students demonstrate the application of essential academic
21 learning requirements to the world of work, occupation-specific skills,
22 knowledge of more than one career in a chosen pathway, and
23 employability and leadership skills; and

24 (b) Help students demonstrate the knowledge and skill needed to
25 prepare for industry certification, and/or have the opportunity to
26 articulate to postsecondary education and training programs.

27 ~~((3) The state board of education, upon request from local school
28 districts, may grant waivers from the requirements to provide the
29 program described in subsections (1) and (2) of this section for
30 reasons relating to school district size and the availability of staff
31 authorized to teach subjects which must be provided. In considering
32 waiver requests related to programs in subsection (2) of this section,
33 the state board of education shall consider the extent to which the
34 school district has offered such programs before the 2003-04 school
35 year.))~~

1 **Sec. 407.** RCW 28A.205.010 and 2005 c 497 s 214 are each amended to
2 read as follows:

3 (1) As used in this chapter, unless the context thereof shall
4 clearly indicate to the contrary:

5 "Education center" means any private school operated on a profit or
6 nonprofit basis which does the following:

7 (a) Is devoted to the teaching of basic academic skills, including
8 specific attention to improvement of student motivation for achieving,
9 and employment orientation.

10 (b) Operates on a clinical, client centered basis. This shall
11 include, but not be limited to, performing diagnosis of individual
12 educational abilities, determination and setting of individual goals,
13 prescribing and providing individual courses of instruction therefor,
14 and evaluation of each individual client's progress in his or her
15 educational program.

16 (c) Conducts courses of instruction by professionally trained
17 personnel certificated by the Washington professional educator
18 standards board according to rules adopted for the purposes of this
19 chapter and providing, for certification purposes, that a year's
20 teaching experience in an education center shall be deemed equal to a
21 year's teaching experience in a common or private school.

22 (2) For purposes of this chapter, basic academic skills shall
23 include the study of mathematics, speech, language, reading and
24 composition, science, history, literature and political science or
25 civics; it shall not include courses of a vocational training nature
26 and shall not include courses deemed nonessential to the accrediting
27 (~~of the common schools~~) or the approval of private schools under RCW
28 28A.305.130.

29 (3) The (~~state board of education~~) superintendent of public
30 instruction shall certify an education center only upon application and
31 (a) determination that such school comes within the definition thereof
32 as set forth in subsection (1) of this section and (b) demonstration on
33 the basis of actual educational performance of such applicants'
34 students which shows after consideration of their students'
35 backgrounds, educational gains that are a direct result of the
36 applicants' educational program. Such certification may be withdrawn
37 if the (~~board~~) superintendent finds that a center fails to provide
38 adequate instruction in basic academic skills. No education center

1 certified by the (~~state board of education~~) superintendent of public
2 instruction pursuant to this section shall be deemed a common school
3 under RCW 28A.150.020 or a private school for the purposes of RCW
4 28A.195.010 through 28A.195.050.

5 **Sec. 408.** RCW 28A.215.010 and 1995 c 335 s 104 are each amended to
6 read as follows:

7 The board of directors of any school district shall have the power
8 to establish and maintain preschools and to provide before-and-after-
9 school and vacation care in connection with the common schools of said
10 district located at such points as the board shall deem most suitable
11 for the convenience of the public, for the care and instruction of
12 infants and children residing in said district. The board shall
13 establish such courses, activities, rules, and regulations governing
14 preschools and before-and-after-school care as it may deem best:
15 PROVIDED, That these courses and activities shall meet the minimum
16 standard for such preschools as established by the United States
17 department of health, education and welfare, or its successor agency,
18 and the (~~state board of education~~) superintendent of public
19 instruction. Except as otherwise provided by state or federal law, the
20 board of directors may fix a reasonable charge for the care and
21 instruction of children attending such schools. The board may, if
22 necessary, supplement such funds as are received for the superintendent
23 of public instruction or any agency of the federal government, by an
24 appropriation from the general school fund of the district.

25 **Sec. 409.** RCW 28A.215.020 and 1995 c 335 s 308 are each amended to
26 read as follows:

27 Expenditures under federal funds and/or state appropriations made
28 to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall
29 be made by warrants issued by the state treasurer upon order of the
30 superintendent of public instruction. The (~~state board of education~~)
31 superintendent of public instruction shall make necessary rules (~~and~~
32 ~~regulations~~) to carry out the purpose of RCW 28A.215.010. After being
33 notified by the office of the governor that there is an agency or
34 department responsible for early learning, the superintendent shall
35 consult with that agency when establishing relevant rules.

1 **Sec. 410.** RCW 28A.205.040 and 1999 c 348 s 4 are each amended to
2 read as follows:

3 (1)(a) From funds appropriated for that purpose, the superintendent
4 of public instruction shall pay fees to a certified center on a monthly
5 basis for each student enrolled in compliance with RCW 28A.205.020.
6 The superintendent shall set fees by rule.

7 (b) Revisions in such fees proposed by an education center shall
8 become effective after thirty days notice unless the superintendent
9 finds such a revision is unreasonable in which case the revision shall
10 not take effect. ~~((An education center may, within fifteen days after
11 such a finding by the superintendent, file notification of appeal with
12 the state board of education which shall, no later than its second
13 regularly scheduled meeting following notification of such appeal,
14 either grant or deny the proposed revision.))~~ The administration of
15 any general education development test shall not be a part of such
16 initial diagnostic procedure.

17 (c) Reimbursements shall not be made for students who are absent.

18 (d) No center shall make any charge to any student, or the
19 student's parent, guardian or custodian, for whom a fee is being
20 received under the provisions of this section.

21 (2) Payments shall be made from available funds first to those
22 centers that have in the judgment of the superintendent demonstrated
23 superior performance based upon consideration of students' educational
24 gains taking into account such students' backgrounds, and upon
25 consideration of cost effectiveness. In considering the cost
26 effectiveness of nonprofit centers the superintendent shall take into
27 account not only payments made under this section but also factors such
28 as tax exemptions, direct and indirect subsidies or any other cost to
29 taxpayers at any level of government which result from such nonprofit
30 status.

31 (3) To be eligible for such payment, every such center, without
32 prior notice, shall permit a review of its accounting records by
33 personnel of the state auditor during normal business hours.

34 (4) If total funds for this purpose approach depletion, the
35 superintendent shall notify the centers of the date after which further
36 funds for reimbursement of the centers' services will be exhausted.

1 **Sec. 411.** RCW 28A.215.140 and 1988 c 174 s 5 are each amended to
2 read as follows:

3 The department shall establish an advisory committee composed of
4 interested parents and representatives from (~~the state board of~~
5 ~~education,~~) the office of the superintendent of public instruction,
6 the division of children and family services within the department of
7 social and health services, early childhood education and development
8 staff preparation programs, the head start programs, school districts,
9 and such other community and business organizations as deemed necessary
10 by the department to assist with the establishment of the preschool
11 program and advise the department on matters regarding the on-going
12 promotion and operation of the program.

13 **Sec. 412.** RCW 28A.230.020 and 1991 c 116 s 6 are each amended to
14 read as follows:

15 All common schools shall give instruction in reading, penmanship,
16 orthography, written and mental arithmetic, geography, the history of
17 the United States, English grammar, physiology and hygiene with special
18 reference to the effects of alcohol and drug abuse on the human system,
19 science with special reference to the environment, and such other
20 studies as may be prescribed by rule (~~or regulation~~) of the (~~state~~
21 ~~board of education~~) superintendent of public instruction. All
22 teachers shall stress the importance of the cultivation of manners, the
23 fundamental principles of honesty, honor, industry and economy, the
24 minimum requisites for good health including the beneficial effect of
25 physical exercise and methods to prevent exposure to and transmission
26 of sexually transmitted diseases, and the worth of kindness to all
27 living creatures and the land. The prevention of child abuse may be
28 offered as part of the curriculum in the common schools.

29 **Sec. 413.** RCW 28A.230.040 and 1984 c 52 s 1 are each amended to
30 read as follows:

31 Every pupil attending grades one through eight of the public
32 schools shall receive instruction in physical education as prescribed
33 by rule (~~or regulation~~) of the (~~state board of education~~)
34 superintendent of public instruction: PROVIDED, That individual pupils
35 or students may be excused on account of physical disability, religious
36 belief, or participation in directed athletics.

1 **Sec. 414.** RCW 28A.230.050 and 1985 c 384 s 3 are each amended to
2 read as follows:

3 All high schools of the state shall emphasize the work of physical
4 education, and carry into effect all physical education requirements
5 established by rule (~~(or regulation)~~) of the (~~(state board of~~
6 ~~education)~~) superintendent of public instruction: PROVIDED, That
7 individual students may be excused from participating in physical
8 education otherwise required under this section on account of physical
9 disability, employment, or religious belief, or because of
10 participation in directed athletics or military science and tactics or
11 for other good cause.

12 **Sec. 415.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22
13 are each reenacted and amended to read as follows:

14 Every board of directors of a school district of the first class,
15 in addition to the general powers for directors enumerated in this
16 title, shall have the power:

17 (1) To employ for a term of not exceeding three years a
18 superintendent of schools of the district, and for cause to dismiss him
19 or her(~~(+)~~), and to fix his or her duties and compensation(~~(+)~~);

20 (2) To employ, and for cause dismiss one or more assistant
21 superintendents and to define their duties and fix their
22 compensation(~~(+)~~);

23 (3) To employ a business manager, attorneys, architects, inspectors
24 of construction, superintendents of buildings and a superintendent of
25 supplies, all of whom shall serve at the board's pleasure, and to
26 prescribe their duties and fix their compensation(~~(+)~~);

27 (4) To employ, and for cause dismiss, supervisors of instruction
28 and to define their duties and fix their compensation(~~(+)~~);

29 (5) To prescribe a course of study and a program of exercises which
30 shall be consistent with the course of study prepared by the (~~(state~~
31 ~~board of education)~~) superintendent of public instruction for the use
32 of the common schools of this state(~~(+)~~);

33 (6) To, in addition to the minimum requirements imposed by this
34 title establish and maintain such grades and departments, including
35 night, high, kindergarten, vocational training and, except as otherwise
36 provided by law, industrial schools, and schools and departments for

1 the education and training of any class or classes of youth with
2 disabilities, as in the judgment of the board, best shall promote the
3 interests of education in the district((~~-~~));i

4 (7) To determine the length of time over and above one hundred
5 eighty days that school shall be maintained: PROVIDED, That for
6 purposes of apportionment no district shall be credited with more than
7 one hundred and eighty-three days' attendance in any school year; and
8 to fix the time for annual opening and closing of schools and for the
9 daily dismissal of pupils before the regular time for closing
10 schools((~~-~~));i

11 (8) To maintain a shop and repair department, and to employ, and
12 for cause dismiss, a foreman and the necessary help for the maintenance
13 and conduct thereof((~~-~~));i

14 (9) To provide free textbooks and supplies for all children
15 attending school((~~-~~));i

16 (10) To require of the officers or employees of the district to
17 give a bond for the honest performance of their duties in such penal
18 sum as may be fixed by the board with good and sufficient surety, and
19 to cause the premium for all bonds required of all such officers or
20 employees to be paid by the district: PROVIDED, That the board may, by
21 written policy, allow that such bonds may include a deductible proviso
22 not to exceed two percent of the officer's or employee's annual
23 salary((~~-~~));i

24 (11) To prohibit all secret fraternities and sororities among the
25 students in any of the schools of the said districts((~~-~~));i and

26 (12) To appoint a practicing physician, resident of the school
27 district, who shall be known as the school district medical inspector,
28 and whose duty it shall be to decide for the board of directors all
29 questions of sanitation and health affecting the safety and welfare of
30 the public schools of the district who shall serve at the board's
31 pleasure: PROVIDED, That children shall not be required to submit to
32 vaccination against the will of their parents or guardian.

33 NEW SECTION. Sec. 416. RCW 28A.305.220 is recodified as a new
34 section in chapter 28A.230 RCW.

35 NEW SECTION. Sec. 417. RCW 28A.305.170 is recodified as a new
36 section in chapter 28A.300 RCW.

1 afford those voters an opportunity to approve or reject the proposed
2 transfer. A simple majority shall determine approval or rejection.

3 (4) The (~~state board~~) superintendent of public instruction may
4 establish rules limiting the frequency of petitions that may be filed
5 pertaining to territory included in whole or in part in a previous
6 petition.

7 (5) Upon receipt of the petition, the educational service district
8 superintendent shall notify in writing the affected districts that:

9 (a) Each school district board of directors, whether or not
10 initiating a proposed transfer of territory, is required to enter into
11 negotiations with the affected district or districts;

12 (b) In the case of a citizen-initiated petition, the affected
13 districts must negotiate on the entire proposed transfer of territory;

14 (c) The districts have ninety calendar days in which to agree to
15 the proposed transfer of territory;

16 (d) The districts may request and shall be granted by the
17 educational service district superintendent one thirty-day extension to
18 try to reach agreement; and

19 (e) Any district involved in the negotiations may at any time
20 during the ninety-day period notify the educational service district
21 superintendent in writing that agreement will not be possible.

22 (6) If the negotiating school boards cannot come to agreement about
23 the proposed transfer of territory, the educational service district
24 superintendent, if requested by the affected districts, shall appoint
25 a mediator. The mediator has thirty days to work with the affected
26 school districts to see if an agreement can be reached on the proposed
27 transfer of territory.

28 (7) If the affected school districts cannot come to agreement about
29 the proposed transfer of territory, and the districts do not request
30 the services of a mediator or the mediator was unable to bring the
31 districts to agreement, either district may file with the educational
32 service district superintendent a written request for a hearing by the
33 regional committee.

34 (8) If the affected school districts cannot come to agreement about
35 the proposed transfer of territory initiated by citizen petition, and
36 the districts do not request the services of a mediator or the mediator
37 was unable to bring the districts to agreement, the district in which
38 the citizens who filed the petition reside shall file with the

1 educational service district superintendent a written request for a
2 hearing by the regional committee, unless a majority of the citizen
3 petitioners request otherwise.

4 (9) Upon receipt of a notice under subsection (7) or (8) of this
5 section, the educational service district superintendent shall notify
6 the chair of the regional committee in writing within ten days.

7 (10) Costs incurred by school districts under this section shall be
8 reimbursed by the state from such funds as are appropriated for this
9 purpose.

10 **Sec. 503.** RCW 28A.315.205 and 2003 c 413 s 1 are each amended to
11 read as follows:

12 (1) The chair of the regional committee shall schedule a hearing on
13 the proposed transfer of territory at a location in the educational
14 service district within sixty calendar days of being notified under RCW
15 28A.315.195 (7) or (8).

16 (2) Within thirty calendar days of the hearing under subsection (1)
17 of this section, or final hearing if more than one is held by the
18 committee, the committee shall issue its written findings and decision
19 to approve or disapprove the proposed transfer of territory. The
20 educational service district superintendent shall transmit a copy of
21 the committee's decision to the superintendents of the affected school
22 districts within ten calendar days.

23 (3) In carrying out the purposes of RCW 28A.315.015 and in making
24 decisions as authorized under RCW 28A.315.095(1), the regional
25 committee shall base its judgment upon whether and to the extent the
26 proposed change in school district organization complies with RCW
27 28A.315.015(2) and rules adopted by the (~~state board~~) superintendent
28 of public instruction under chapter 34.05 RCW.

29 (4) (~~State board~~) The rules under subsection (3) of this section
30 shall provide for giving consideration to all of the following:

31 (a) Student educational opportunities as measured by the percentage
32 of students performing at each level of the statewide mandated
33 assessments and data regarding student attendance, graduation, and
34 dropout rates;

35 (b) The safety and welfare of pupils. For the purposes of this
36 subsection, "safety" means freedom or protection from danger, injury,

1 or damage and "welfare" means a positive condition or influence
2 regarding health, character, and well-being;

3 (c) The history and relationship of the property affected to the
4 students and communities affected, including, for example, inclusion
5 within a single school district, for school attendance and
6 corresponding tax support purposes, of entire master planned
7 communities that were or are to be developed pursuant to an integrated
8 commercial and residential development plan with over one thousand
9 dwelling units;

10 (d) Whether or not geographic accessibility warrants a favorable
11 consideration of a recommended change in school district organization,
12 including remoteness or isolation of places of residence and time
13 required to travel to and from school; and

14 (e) All funding sources of the affected districts, equalization
15 among school districts of the tax burden for general fund and capital
16 purposes through a reduction in disparities in per pupil valuation when
17 all funding sources are considered, improvement in the economies in the
18 administration and operation of schools, and the extent the proposed
19 change would potentially reduce or increase the individual and
20 aggregate transportation costs of the affected school districts.

21 (5)(a)(i) A petitioner or school district may appeal a decision by
22 the regional committee to the ((~~state board~~)) superintendent of public
23 instruction based on the claim that the regional committee failed to
24 follow the applicable statutory and regulatory procedures or acted in
25 an arbitrary and capricious manner. Any such appeal shall be based on
26 the record and the appeal must be filed within thirty days of the final
27 decision of the regional committee. The appeal shall be heard and
28 determined by an administrative law judge in the office of
29 administrative hearings, based on the standards in (a)(ii) of this
30 subsection.

31 (ii) If the ((~~state board~~)) administrative law judge finds that all
32 applicable procedures were not followed or that the regional committee
33 acted in an arbitrary and capricious manner, ((~~it~~)) the administrative
34 law judge shall refer the matter back to the regional committee with an
35 explanation of ((~~the board's~~)) his or her findings. The regional
36 committee shall rehear the proposal.

37 (iii) If the ((~~state board~~)) administrative law judge finds that
38 all applicable procedures were followed or that the regional committee

1 did not act in an arbitrary and capricious manner, depending on the
2 appeal, the educational service district shall be notified and directed
3 to implement the changes.

4 (b) Any school district or citizen petitioner affected by a final
5 decision of the regional committee may seek judicial review of the
6 committee's decision in accordance with RCW 34.05.570.

7 **Sec. 504.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
8 read as follows:

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

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

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

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

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

16 (b) Establish methods and procedures whereby changes in the school
17 district system may be brought about by the people concerned and
18 affected.

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

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

30 (b) Responsibly serving all of the affected citizens and students
31 by contributing to logical service boundaries and recognizing a
32 changing economic pattern within the educational service districts of
33 the state;

34 (c) Enhancing the educational opportunities of pupils in the
35 territory by reducing existing disparities among the affected school
36 districts' ability to provide operating and capital funds through an

1 equitable adjustment of the assets and liabilities of the affected
2 districts;

3 (d) Promoting a wiser use of public funds through improvement in
4 the school district system of the educational service districts and the
5 state; and

6 (e) Other criteria or considerations as may be established in rule
7 by the (~~state board of education~~) superintendent of public
8 instruction.

9 (3) It is neither the intent nor purpose of this chapter to apply
10 to organizational changes and the procedure therefor relating to
11 capital fund aid by nonhigh school districts as provided for in chapter
12 28A.540 RCW.

13 **Sec. 505.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
14 read as follows:

15 As used in this chapter:

16 (1) "Change in the organization and extent of school districts"
17 means the formation and establishment of new school districts, the
18 dissolution of existing school districts, the alteration of the
19 boundaries of existing school districts, or all of them.

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

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

23 ~~(4))~~ (4) "School district" means the territory under the jurisdiction
24 of a single governing board designated and referred to as the board of
25 directors.

26 ~~((5))~~ (4) "Educational service district superintendent" means the
27 educational service district superintendent as provided for in RCW
28 28A.310.170 or his or her designee.

29 **Sec. 506.** RCW 28A.315.055 and 1999 c 315 s 203 are each amended to
30 read as follows:

31 In case the boundaries of any of the school districts are
32 conflicting or incorrectly described, the educational service district
33 board of directors, after due notice and a public hearing, shall
34 change, harmonize, and describe them and shall so certify, with a
35 complete transcript of boundaries of all districts affected, such
36 action to the (~~state board~~) superintendent of public instruction for

1 ((its)) approval or revision. Upon receipt of notification of ((state
2 board)) action by the superintendent of public instruction, the
3 educational service district superintendent shall transmit to the
4 county legislative authority of the county or counties in which the
5 affected districts are located a complete transcript of the boundaries
6 of all districts affected.

7 **Sec. 507.** RCW 28A.315.085 and 2005 c 497 s 405 are each amended to
8 read as follows:

9 (1) The superintendent of public instruction shall furnish ((to the
10 state board and)) to regional committees the services of employed
11 personnel and the materials and supplies necessary to enable them to
12 perform the duties imposed upon them by this chapter ((and)). Members
13 shall be reimbursed ((the members thereof)) for expenses necessarily
14 incurred by them in the performance of their duties((, such
15 reimbursement for regional committee members to be)) in accordance with
16 RCW 28A.315.155((, and such reimbursement for state board members to be
17 in accordance with RCW 28A.305.011)).

18 (2) Costs that may be incurred by an educational service district
19 in association with school district negotiations under RCW 28A.315.195
20 and supporting the regional committee under RCW 28A.315.205 shall be
21 reimbursed by the state from such funds as are appropriated for these
22 purposes.

23 **Sec. 508.** RCW 28A.315.125 and 1993 c 416 s 2 are each amended to
24 read as follows:

25 The members of each regional committee shall be elected in the
26 following manner:

27 (1) On or before the 25th day of September, 1994, and not later
28 than the 25th day of September of every subsequent even-numbered year,
29 each superintendent of an educational service district shall call an
30 election to be held in each educational service district within which
31 resides a member of a regional committee whose term of office expires
32 on the second Monday of January next following, and shall give written
33 notice thereof to each member of the board of directors of each school
34 district in the educational service district. Such notice shall
35 include instructions, and the rules ((and regulations)) established by
36 the ((state board of education)) superintendent of public instruction

1 for the conduct of the election. The (~~state board of education~~)
2 superintendent of public instruction is (~~hereby~~) empowered to adopt
3 rules pursuant to chapter 34.05 RCW which establish standards and
4 procedures which the (~~state board~~) superintendent deems necessary to
5 conduct elections pursuant to this section; to conduct run-off
6 elections in the event an election for a position is indecisive; and to
7 decide run-off elections which result in tie votes, in a fair and
8 orderly manner.

9 (2) Candidates for membership on a regional committee shall file a
10 declaration of candidacy with the superintendent of the educational
11 service district wherein they reside. Declarations of candidacy may be
12 filed by person or by mail not earlier than the 1st day of October, and
13 not later than the 15th day of October of each even-numbered year. The
14 superintendent may not accept any declaration of candidacy that is not
15 on file in his or her office or not postmarked before the 16th day of
16 October, or if not postmarked or the postmark is not legible, if
17 received by mail after the 20th day of October of each even-numbered
18 year.

19 (3) Each member of the regional committee shall be elected by a
20 majority of the votes cast for all candidates for the position by the
21 members of the boards of directors of school districts in the
22 educational service district. All votes shall be cast by mail ballot
23 addressed to the superintendent of the educational service district
24 wherein the school director resides. No votes shall be accepted for
25 counting if postmarked after the 16th day of November or if not
26 postmarked or the postmark is not legible, if received by mail after
27 the 21st day of November of each even-numbered year. An election board
28 comprised of three persons appointed by the board of the educational
29 service district shall count and tally the votes not later than the
30 25th day of November or the next business day if the 25th falls on a
31 Saturday, Sunday, or legal holiday of each even-numbered year. Each
32 vote cast by a school director shall be recorded as one vote. Within
33 ten days following the count of votes, the educational service district
34 superintendent shall certify to the superintendent of public
35 instruction the name or names of the person(s) elected to be members of
36 the regional committee.

37 (4) In the event of a change in the number of educational service
38 districts or in the number of educational service district board

1 members pursuant to chapter 28A.310 RCW a new regional committee shall
2 be elected for each affected educational service district at the next
3 election conducted pursuant to this section. Those persons who were
4 serving on a regional committee within an educational service district
5 affected by a change in the number of districts or board members shall
6 continue to constitute the regional committee for the educational
7 service district within which they are registered to vote until the
8 majority of a new board has been elected and certified.

9 (5) No member of a regional committee shall continue to serve
10 thereon if he or she ceases to be a registered voter of the educational
11 service district board member district or if he or she is absent from
12 three consecutive meetings of the committee without an excuse
13 acceptable to the committee.

14 **Sec. 509.** RCW 28A.315.185 and 1999 c 315 s 303 are each amended to
15 read as follows:

16 To the extent funds are appropriated, the superintendent of public
17 instruction, in cooperation with the educational service districts and
18 the Washington state school directors' association, shall conduct an
19 annual training meeting for the regional committees, (~~state board~~
20 ~~members,~~) educational service district superintendents, and local
21 school district superintendents and boards of directors. Training may
22 also be provided upon request.

23 PART 6

24 EDUCATIONAL SERVICE DISTRICTS

25 **Sec. 601.** RCW 28A.305.210 and 2005 c 518 s 913 are each amended to
26 read as follows:

27 (1) (~~The state board of education, by rule or regulation, may~~
28 ~~require the assistance of educational service district boards and/or~~
29 ~~superintendents in the performance of any duty, authority, or power~~
30 ~~imposed upon or granted to the state board of education by law, upon~~
31 ~~such terms and conditions as the state board of education shall~~
32 ~~establish. Such authority to assist the state board of education shall~~
33 ~~be limited to the service function of information collection and~~
34 ~~dissemination and the attestment to the accuracy and completeness of~~
35 ~~submitted information.~~

1 ~~(2)~~) During the 2005-2007 biennium, educational service districts
2 may, at the request of the state board of education, receive and screen
3 applications for school accreditation, conduct school accreditation
4 site visits pursuant to state board of education rules, and submit to
5 the state board of education postsite visit recommendations for school
6 accreditation. The educational service districts may assess a
7 cooperative service fee to recover actual plus reasonable indirect
8 costs for the purposes of this subsection.

9 (2) This section expires July 1, 2007.

10 **Sec. 602.** RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each
11 amended to read as follows:

12 ~~((On or before the twenty-fifth day of August, 1978, and))~~ Not
13 later than the twenty-fifth day of August of every ~~((subsequent))~~ even-
14 numbered year, the ~~((secretary to the state board of education))~~
15 superintendent of public instruction shall call an election to be held
16 in each educational service district within which resides a member of
17 the board of the educational service district whose term of office
18 expires on the second Monday of January next following, and shall give
19 written notice thereof to each member of the board of directors of each
20 school district in such educational service district. Such notice
21 shall include instructions~~((,))~~ and rules~~((, and regulations))~~
22 established by the ~~((state board of education))~~ superintendent of
23 public instruction for the conduct of the election.

24 **Sec. 603.** RCW 28A.310.030 and 1990 c 33 s 271 are each amended to
25 read as follows:

26 Except as otherwise provided in this chapter, in each educational
27 service district there shall be an educational service district board
28 consisting of seven members elected by the school directors of the
29 educational service district, one from each of seven educational
30 service district board-member districts. Board-member districts in
31 districts reorganized under RCW 28A.310.020, or as provided for in RCW
32 28A.310.120 and under this section, shall be initially determined by
33 the state board of education. If a reorganization pursuant to RCW
34 28A.310.020 places the residence of a board member into another or
35 newly created educational service district, such member shall serve on
36 the board of the educational service district of residence and at the

1 next election called by the (~~secretary to the state board of~~
2 ~~education~~) superintendent of public instruction pursuant to RCW
3 28A.310.080 a new seven member board shall be elected. If the
4 redrawing of board-member district boundaries pursuant to this chapter
5 shall cause the resident board-member district of two or more board
6 members to coincide, such board members shall continue to serve on the
7 board and at the next election called by the (~~secretary to the state~~
8 ~~board of education~~) superintendent of public instruction a new board
9 shall be elected. The board-member districts shall be arranged so far
10 as practicable on a basis of equal population, with consideration being
11 given existing board members of existing educational service district
12 boards. Each educational service district board member shall be
13 elected by the school directors of each school district within the
14 educational service district. Beginning in 1971 and every ten years
15 thereafter, educational service district boards shall review and, if
16 necessary, shall change the boundaries of board-member districts so as
17 to provide so far as practicable equal representation according to
18 population of such board-member districts and to conform to school
19 district boundary changes: PROVIDED, That all board-member district
20 boundaries, to the extent necessary to conform with this chapter, shall
21 be immediately redrawn for the purposes of the next election called by
22 the (~~secretary to the state board of education~~) superintendent of
23 public instruction following any reorganization pursuant to this
24 chapter. Such district board, if failing to make the necessary changes
25 prior to June 1st of the appropriate year, shall refer for settlement
26 questions on board-member district boundaries to the (~~state board of~~
27 ~~education~~) office of the superintendent of public instruction, which,
28 after a public hearing, shall decide such questions.

29 **Sec. 604.** RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each
30 amended to read as follows:

31 Any educational service district board may elect by resolution of
32 the board to increase the board member size to nine board members. In
33 such case positions number eight and nine shall be filled at the next
34 election called by the (~~secretary to the state board of education~~)
35 superintendent of public instruction, position numbered eight to be for
36 a term of two years, position numbered nine to be for a term of four

1 years. Thereafter the terms for such positions shall be for four
2 years.

3 **Sec. 605.** RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each
4 amended to read as follows:

5 The term of every educational service district board member shall
6 begin on the second Monday in January next following the election at
7 which he or she was elected: PROVIDED, That a person elected to less
8 than a full term pursuant to this section shall take office as soon as
9 the election returns have been certified and he or she has qualified.
10 In the event of a vacancy in the board from any cause, such vacancy
11 shall be filled by appointment of a person from the same board-member
12 district by the educational service district board. In the event that
13 there are more than three vacancies in a seven-member board or four
14 vacancies in a nine-member board, the (~~state board of education~~)
15 superintendent of public instruction shall fill by appointment
16 sufficient vacancies so that there shall be a quorum of the board
17 serving. Each appointed board member shall serve until his or her
18 successor has been elected at the next election called by the
19 (~~secretary to the state board of education~~) superintendent of public
20 instruction and has qualified.

21 **Sec. 606.** RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each
22 amended to read as follows:

23 Candidates for membership on an educational service district board
24 shall file declarations of candidacy with the (~~secretary to the state~~
25 ~~board of education~~) superintendent of public instruction on forms
26 prepared by the (~~secretary~~) superintendent. Declarations of
27 candidacy may be filed by person or by mail not earlier than the first
28 day of September, nor later than the sixteenth day of September. The
29 (~~secretary to the state board of education~~) superintendent may not
30 accept any declaration of candidacy that is not on file in his or her
31 office or is not postmarked before the seventeenth day of September.

32 **Sec. 607.** RCW 28A.310.100 and 1980 c 179 s 7 are each amended to
33 read as follows:

34 Each member of an educational service district board shall be
35 elected by a majority of the votes cast at the election for all

1 candidates for the position. All votes shall be cast by mail addressed
2 to the (~~secretary to the state board of education~~) superintendent of
3 public instruction and no votes shall be accepted for counting if
4 postmarked after the sixteenth day of October or if not postmarked or
5 the postmark is not legible, if received by mail after the twenty-first
6 day of October following the call of the election. The (~~secretary to~~
7 ~~the state board of education~~) superintendent of public instruction and
8 an election board comprised of three persons appointed by the (~~state~~
9 ~~board of education~~) superintendent shall count and tally the votes not
10 later than the twenty-fifth day of October in the following manner:
11 Each vote cast by a school director shall be accorded as one vote. If
12 no candidate receives a majority of the votes cast, then, not later
13 than the first day of November, the (~~secretary to the state board of~~
14 ~~education~~) superintendent of public instruction shall call a second
15 election to be conducted in the same manner and at which the candidates
16 shall be the two candidates receiving the highest number of votes cast.
17 No vote cast at such second election shall be received for counting if
18 postmarked after the sixteenth day of November or if not postmarked or
19 the postmark is not legible, if received by mail after the twenty-first
20 day of November and the votes shall be counted as hereinabove provided
21 on the twenty-fifth day of November. The candidate receiving a
22 majority of votes at any such second election shall be declared
23 elected. In the event of a tie in such second election, the candidate
24 elected shall be determined by a chance drawing of a nature established
25 by the (~~secretary to the state board of education~~) superintendent of
26 public instruction. Within ten days following the count of votes in an
27 election at which a member of an educational service district board is
28 elected, the (~~secretary to the state board of education~~)
29 superintendent of public instruction shall certify to the county
30 auditor of the headquarters county of the educational service district
31 the name or names of the persons elected to be members of the
32 educational service district board.

33 **Sec. 608.** RCW 28A.310.140 and 1990 c 33 s 274 are each amended to
34 read as follows:

35 Every school district must be included entirely within a single
36 educational service district. If the boundaries of any school district
37 within an educational service district are changed in any manner so as

1 to extend the school district beyond the boundaries of that educational
2 service district, the (~~state board~~) superintendent of public
3 instruction shall change the boundaries of the educational service
4 districts so affected in a manner consistent with the purposes of RCW
5 28A.310.010 and this section.

6 **Sec. 609.** RCW 28A.310.150 and 1990 c 33 s 275 are each amended to
7 read as follows:

8 Every candidate for membership on a educational service district
9 board shall be a registered voter and a resident of the board-member
10 district for which such candidate files. On or before the date for
11 taking office, every member shall make an oath or affirmation to
12 support the Constitution of the United States and the state of
13 Washington and to faithfully discharge the duties of the office
14 according to the best of such member's ability. The members of the
15 board shall not be required to give bond unless so directed by the
16 (~~state board of education~~) superintendent of public instruction. At
17 the first meeting of newly elected members and after the qualification
18 for office of the newly elected members, each educational service
19 district board shall reorganize by electing a chair and a vice chair.
20 A majority of all of the members of the board shall constitute a
21 quorum.

22 **Sec. 610.** RCW 28A.310.200 and 2001 c 143 s 1 are each amended to
23 read as follows:

24 In addition to other powers and duties as provided by law, every
25 educational service district board shall:

26 (1) Approve the budgets of the educational service district in
27 accordance with the procedures provided for in this chapter(~~-~~);i

28 (2) Meet regularly according to the schedule adopted at the
29 organization meeting and in special session upon the call of the chair
30 or a majority of the board(~~-~~);i

31 (3) Approve the selection of educational service district personnel
32 and clerical staff as provided in RCW 28A.310.230(~~-~~);i

33 (4) Fix the amount of and approve the bonds for those educational
34 service district employees designated by the board as being in need of
35 bonding(~~-~~);i

1 (5) Keep in the educational service district office a full and
2 correct transcript of the boundaries of each school district within the
3 educational service district((~~-~~));

4 (6) Acquire by borrowing funds or by purchase, lease, devise,
5 bequest, and gift and otherwise contract for real and personal property
6 necessary for the operation of the educational service district and to
7 the execution of the duties of the board and superintendent thereof and
8 sell, lease, or otherwise dispose of that property not necessary for
9 district purposes. No real property shall be acquired or alienated
10 without the prior approval of the ((~~state board of education~~))
11 superintendent of public instruction and the acquisition or alienation
12 of all such property shall be subject to such provisions as the
13 ((~~board~~)) superintendent may establish. When borrowing funds for the
14 purpose of acquiring property, the educational service district board
15 shall pledge as collateral the property to be acquired. Borrowing
16 shall be evidenced by a note or other instrument between the district
17 and the lender((~~-~~));

18 (7) Under RCW 28A.310.010, upon the written request of the board of
19 directors of a local school district or districts served by the
20 educational service district, the educational service district board of
21 directors may provide cooperative and informational services not in
22 conflict with other law that provide for the development and
23 implementation of programs, activities, services, or practices that
24 support the education of preschool through twelfth grade students in
25 the public schools or that support the effective, efficient, or safe
26 management and operation of the school district or districts served by
27 the educational service district((~~-~~));

28 (8) Adopt such bylaws and rules ((~~and regulations~~)) for its own
29 operation as it deems necessary or appropriate((~~-~~)); and

30 (9) Enter into contracts, including contracts with common and
31 educational service districts and the school for the deaf and the
32 school for the blind for the joint financing of cooperative service
33 programs conducted pursuant to RCW 28A.310.180(3), and employ
34 consultants and legal counsel relating to any of the duties, functions,
35 and powers of the educational service districts.

36 **Sec. 611.** RCW 28A.310.310 and 1990 c 33 s 284 are each amended to
37 read as follows:

1 The educational service district board shall designate the
2 headquarters office of the educational service district. Educational
3 service districts shall provide for their own office space, heating,
4 contents insurance, electricity, and custodial services, which may be
5 obtained through contracting with any board of county commissioners.
6 Official records of the educational service district board and
7 superintendent, including each of the county superintendents abolished
8 by chapter 176, Laws of 1969 ex. sess., shall be kept by the
9 educational service district superintendent. Whenever the boundaries
10 of any of the educational service districts are reorganized pursuant to
11 RCW 28A.310.020, the (~~state board of education~~) superintendent of
12 public instruction shall supervise the transferral of such records so
13 that each educational service district superintendent shall receive
14 those records relating to school districts within the appropriate
15 educational service district.

16 **Sec. 612.** RCW 28A.323.020 and 1985 c 385 s 25 are each amended to
17 read as follows:

18 The duties in this chapter imposed upon and required to be
19 performed by a regional committee and by an educational service
20 district superintendent in connection with a change in the organization
21 and extent of school districts and/or with the adjustment of the assets
22 and liabilities of school districts and with all matters related to
23 such change or adjustment whenever territory lying in a single
24 educational service district is involved shall be performed jointly by
25 the regional committees and by the superintendents of the several
26 educational service districts as required whenever territory lying in
27 more than one educational service district is involved in a proposed
28 change in the organization and extent of school districts: PROVIDED,
29 That a regional committee may designate three of its members, or two of
30 its members and the educational service district superintendent, as a
31 subcommittee to serve in lieu of the whole committee, but action by a
32 subcommittee shall not be binding unless approved by a majority of the
33 regional committee. Proposals for changes in the organization and
34 extent of school districts and proposed terms of adjustment of assets
35 and liabilities thus prepared and approved shall be submitted to the
36 (~~state board~~) superintendent of public instruction by the regional

1 committee of the educational service district in which is located the
2 part of the proposed or enlarged district having the largest number of
3 common school pupils residing therein.

4 **Sec. 613.** RCW 28A.323.040 and 1973 c 47 s 3 are each amended to
5 read as follows:

6 For all purposes essential to the maintenance, operation, and
7 administration of the schools of a district, including the
8 apportionment of current state and county school funds, the county in
9 which a joint school district shall be considered as belonging shall be
10 as designated by the (~~state board of education~~) superintendent of
11 public instruction. Prior to making such designation, the (~~state~~
12 ~~board of education~~) superintendent of public instruction shall hold at
13 least one public hearing on the matter, at which time the
14 recommendation of the joint school district shall be presented and, in
15 addition to such recommendation, the (~~state board~~) superintendent
16 shall consider the following prior to its designation:

- 17 (1) Service needs of such district;
- 18 (2) Availability of services;
- 19 (3) Geographic location of district and servicing agencies; and
- 20 (4) Relationship to contiguous school districts.

21 **PART 7**
22 **STUDENTS**

23 **Sec. 701.** RCW 28A.305.160 and 1996 c 321 s 2 are each amended to
24 read as follows:

25 (1) The (~~state board of education~~) superintendent of public
26 instruction shall adopt and distribute to all school districts lawful
27 and reasonable rules prescribing the substantive and procedural due
28 process guarantees of pupils in the common schools. Such rules shall
29 authorize a school district to use informal due process procedures in
30 connection with the short-term suspension of students to the extent
31 constitutionally permissible: PROVIDED, That the (~~state board~~)
32 superintendent of public instruction deems the interest of students to
33 be adequately protected. When a student suspension or expulsion is
34 appealed, the rules shall authorize a school district to impose the
35 suspension or expulsion temporarily after an initial hearing for no

1 more than ten consecutive school days or until the appeal is decided,
2 whichever is earlier. Any days that the student is temporarily
3 suspended or expelled before the appeal is decided shall be applied to
4 the term of the student suspension or expulsion and shall not limit or
5 extend the term of the student suspension or expulsion.

6 (2) Short-term suspension procedures may be used for suspensions of
7 students up to and including, ten consecutive school days.

8 **Sec. 702.** RCW 28A.150.300 and 1993 c 68 s 1 are each amended to
9 read as follows:

10 The use of corporal punishment in the common schools is prohibited.
11 The ~~((state board of education, in consultation with the))~~
12 superintendent of public instruction~~((r))~~ shall develop and adopt a
13 policy prohibiting the use of corporal punishment in the common
14 schools. The policy shall be adopted ~~((by the state board of education~~
15 ~~no later than February 1, 1994,))~~ and ~~((shall take effect))~~ implemented
16 in all school districts ~~((September 1, 1994))~~.

17 **Sec. 703.** RCW 28A.225.160 and 1999 c 348 s 5 are each amended to
18 read as follows:

19 Except as otherwise provided by law, it is the general policy of
20 the state that the common schools shall be open to the admission of all
21 persons who are five years of age and less than twenty-one years
22 residing in that school district. Except as otherwise provided by law
23 or rules adopted by the ~~((state board of education))~~ superintendent of
24 public instruction, districts may establish uniform entry
25 qualifications, including but not limited to birth date requirements,
26 for admission to kindergarten and first grade programs of the common
27 schools. Such rules may provide for exceptions based upon the ability,
28 or the need, or both, of an individual student. For the purpose of
29 complying with any rule adopted by the ~~((state board of education~~
30 ~~which))~~ superintendent of public instruction that authorizes a
31 preadmission screening process as a prerequisite to granting exceptions
32 to the uniform entry qualifications, a school district may collect fees
33 to cover expenses incurred in the administration of any preadmission
34 screening process: PROVIDED, That in so establishing such fee or fees,
35 the district shall adopt regulations for waiving and reducing such fees

1 in the cases of those persons whose families, by reason of their low
2 income, would have difficulty in paying the entire amount of such fees.

3 NEW SECTION. **Sec. 704.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 The superintendent of public instruction shall adopt rules relating
6 to pupil tests and records.

7 **Sec. 705.** RCW 28A.300.150 and 1994 c 245 s 8 are each amended to
8 read as follows:

9 The superintendent of public instruction shall collect and
10 disseminate to school districts information on child abuse and neglect
11 prevention curriculum and shall adopt rules dealing with the prevention
12 of child abuse for purposes of curriculum use in the common schools.
13 The superintendent of public instruction and the departments of social
14 and health services and community, trade, and economic development
15 shall share relevant information.

16 **Sec. 706.** RCW 28A.600.020 and 1997 c 266 s 11 are each amended to
17 read as follows:

18 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
19 interpreted to (~~insure~~) ensure that the optimum learning atmosphere
20 of the classroom is maintained, and that the highest consideration is
21 given to the judgment of qualified certificated educators regarding
22 conditions necessary to maintain the optimum learning atmosphere.

23 (2) Any student who creates a disruption of the educational process
24 in violation of the building disciplinary standards while under a
25 teacher's immediate supervision may be excluded by the teacher from his
26 or her individual classroom and instructional or activity area for all
27 or any portion of the balance of the school day, or up to the following
28 two days, or until the principal or designee and teacher have
29 conferred, whichever occurs first. Except in emergency circumstances,
30 the teacher first must attempt one or more alternative forms of
31 corrective action. In no event without the consent of the teacher may
32 an excluded student return to the class during the balance of that
33 class or activity period or up to the following two days, or until the
34 principal or his or her designee and the teacher have conferred.

1 (3) In order to preserve a beneficial learning environment for all
2 students and to maintain good order and discipline in each classroom,
3 every school district board of directors shall provide that written
4 procedures are developed for administering discipline at each school
5 within the district. Such procedures shall be developed with the
6 participation of parents and the community, and shall provide that the
7 teacher, principal or designee, and other authorities designated by the
8 board of directors, make every reasonable attempt to involve the parent
9 or guardian and the student in the resolution of student discipline
10 problems. Such procedures shall provide that students may be excluded
11 from their individual classes or activities for periods of time in
12 excess of that provided in subsection (2) of this section if such
13 students have repeatedly disrupted the learning of other students. The
14 procedures must be consistent with the rules of the (~~state board of~~
15 ~~education~~) superintendent of public instruction and must provide for
16 early involvement of parents in attempts to improve the student's
17 behavior.

18 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
19 all staff work cooperatively toward consistent enforcement of proper
20 student behavior throughout each school as well as within each
21 classroom.

22 (5) A principal shall consider imposing long-term suspension or
23 expulsion as a sanction when deciding the appropriate disciplinary
24 action for a student who, after July 27, 1997:

25 (a) Engages in two or more violations within a three-year period of
26 RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020,
27 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

28 (b) Engages in one or more of the offenses listed in RCW 13.04.155.

29 The principal shall communicate the disciplinary action taken by
30 the principal to the school personnel who referred the student to the
31 principal for disciplinary action.

32 **Sec. 707.** RCW 28A.600.030 and 1990 c 33 s 498 are each amended to
33 read as follows:

34 Each school district board of directors may establish student
35 grading policies which permit teachers to consider a student's
36 attendance in determining the student's overall grade or deciding
37 whether the student should be granted or denied credit. Such policies

1 shall take into consideration the circumstances pertaining to the
2 student's inability to attend school. However, no policy shall be
3 adopted whereby a grade shall be reduced or credit shall be denied for
4 disciplinary reasons only, rather than for academic reasons, unless due
5 process of law is provided as set forth by the (~~state board of~~
6 ~~education~~) superintendent of public instruction under RCW 28A.305.160
7 (as recodified by this act).

8 NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new
9 section in chapter 28A.600 RCW.

10 **PART 8**

11 **TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES**

12 **Sec. 801.** RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each
13 amended to read as follows:

14 (1) The (~~state board of education~~) professional educator
15 standards board shall establish an annual award program for excellence
16 in teacher preparation to recognize higher education teacher educators
17 for their leadership, contributions, and commitment to education.

18 (2) The program shall recognize annually one teacher preparation
19 faculty member from one of the teacher preparation programs approved by
20 the (~~state board of education~~) professional educator standards board.

21 **Sec. 802.** RCW 28A.225.330 and 1999 c 198 s 3 are each amended to
22 read as follows:

23 (1) When enrolling a student who has attended school in another
24 school district, the school enrolling the student may request the
25 parent and the student to briefly indicate in writing whether or not
26 the student has:

- 27 (a) Any history of placement in special educational programs;
- 28 (b) Any past, current, or pending disciplinary action;
- 29 (c) Any history of violent behavior, or behavior listed in RCW
30 13.04.155;
- 31 (d) Any unpaid fines or fees imposed by other schools; and
- 32 (e) Any health conditions affecting the student's educational
33 needs.

1 (2) The school enrolling the student shall request the school the
2 student previously attended to send the student's permanent record
3 including records of disciplinary action, history of violent behavior
4 or behavior listed in RCW 13.04.155, attendance, immunization records,
5 and academic performance. If the student has not paid a fine or fee
6 under RCW 28A.635.060, or tuition, fees, or fines at approved private
7 schools the school may withhold the student's official transcript, but
8 shall transmit information about the student's academic performance,
9 special placement, immunization records, records of disciplinary
10 action, and history of violent behavior or behavior listed in RCW
11 13.04.155. If the official transcript is not sent due to unpaid
12 tuition, fees, or fines, the enrolling school shall notify both the
13 student and parent or guardian that the official transcript will not be
14 sent until the obligation is met, and failure to have an official
15 transcript may result in exclusion from extracurricular activities or
16 failure to graduate.

17 (3) If information is requested under subsection (2) of this
18 section, the information shall be transmitted within two school days
19 after receiving the request and the records shall be sent as soon as
20 possible. Any school district or district employee who releases the
21 information in compliance with this section is immune from civil
22 liability for damages unless it is shown that the school district
23 employee acted with gross negligence or in bad faith. The ((state
24 board of education)) professional educator standards board shall
25 provide by rule for the discipline under chapter 28A.410 RCW of a
26 school principal or other chief administrator of a public school
27 building who fails to make a good faith effort to assure compliance
28 with this subsection.

29 (4) Any school district or district employee who releases the
30 information in compliance with federal and state law is immune from
31 civil liability for damages unless it is shown that the school district
32 or district employee acted with gross negligence or in bad faith.

33 (5) When a school receives information under this section or RCW
34 13.40.215 that a student has a history of disciplinary actions,
35 criminal or violent behavior, or other behavior that indicates the
36 student could be a threat to the safety of educational staff or other
37 students, the school shall provide this information to the student's
38 teachers and security personnel.

1 **Sec. 803.** RCW 28A.405.110 and 1985 c 420 s 1 are each amended to
2 read as follows:

3 The legislature recognizes the importance of teachers in the
4 educational system. Teachers are the fundamental element in assuring
5 a quality education for the state's and the nation's children.
6 Teachers, through their direct contact with children, have a great
7 impact on the development of the child. The legislature finds that
8 this important role of the teacher requires an assurance that teachers
9 are as successful as possible in attaining the goal of a well-educated
10 society. The legislature finds, therefore, that the evaluation of
11 those persons seeking to enter the teaching profession is no less
12 important than the evaluation of those persons currently teaching. The
13 evaluation of persons seeking teaching credentials should be strenuous
14 while making accommodations uniquely appropriate to the applicants.
15 Strenuous teacher training and preparation should be complemented by
16 examinations of prospective teachers prior to candidates being granted
17 official certification by the (~~state board of education~~) professional
18 educator standards board. Teacher preparation program entrance
19 evaluations, teacher training, teacher preparation program exit
20 examinations, official certification, in-service training, and ongoing
21 evaluations of individual progress and professional growth are all part
22 of developing and maintaining a strong precertification and
23 postcertification professional education system.

24 The legislature further finds that an evaluation system for
25 teachers has the following elements, goals, and objectives: (1) An
26 evaluation system must be meaningful, helpful, and objective; (2) an
27 evaluation system must encourage improvements in teaching skills,
28 techniques, and abilities by identifying areas needing improvement; (3)
29 an evaluation system must provide a mechanism to make meaningful
30 distinctions among teachers and to acknowledge, recognize, and
31 encourage superior teaching performance; and (4) an evaluation system
32 must encourage respect in the evaluation process by the persons
33 conducting the evaluations and the persons subject to the evaluations
34 through recognizing the importance of objective standards and
35 minimizing subjectivity.

36 **Sec. 804.** RCW 28A.415.010 and 1991 c 285 s 1 are each amended to
37 read as follows:

1 It shall be the responsibility of each educational service district
2 board to establish a center for the improvement of teaching. The
3 center shall administer, coordinate, and act as fiscal agent for such
4 programs related to the recruitment and training of certificated and
5 classified K-12 education personnel as may be delegated to the center
6 by the superintendent of public instruction under RCW 28A.310.470(~~or~~
7 ~~the state board of education under RCW 28A.310.480~~). To assist in
8 these activities, each educational service district board shall
9 establish an improvement of teaching coordinating council to include,
10 at a minimum, representatives as specified in RCW 28A.415.040. An
11 existing in-service training task force, established pursuant to RCW
12 28A.415.040, may serve as the improvement of teaching coordinating
13 council. The educational service district board shall ensure
14 coordination of programs established pursuant to RCW 28A.415.030,
15 28A.410.060, and 28A.415.250.

16 The educational service district board may arrange each year for
17 the holding of one or more teachers' institutes and/or workshops for
18 professional staff preparation and in-service training in such manner
19 and at such time as the board believes will be of benefit to the
20 teachers and other professional staff of school districts within the
21 educational service district and shall comply with rules (~~and~~
22 ~~regulations of the state board of education~~) of the professional
23 educator standards board pursuant to RCW 28A.410.060 or the
24 superintendent of public instruction (~~or state board of education~~)
25 pursuant to RCW 28A.415.250. The board may provide such additional
26 means of teacher and other professional staff preparation and in-
27 service training as it may deem necessary or appropriate and there
28 shall be a proper charge against the educational service district
29 general expense fund when approved by the educational service district
30 board.

31 Educational service district boards of contiguous educational
32 service districts, by mutual arrangements, may hold joint institutes
33 and/or workshops, the expenses to be shared in proportion to the
34 numbers of certificated personnel as shown by the last annual reports
35 of the educational service districts holding such joint institutes or
36 workshops.

37 In local school districts employing more than one hundred teachers
38 and other professional staff, the school district superintendent may

1 hold a teachers' institute of one or more days in such district, said
2 institute when so held by the school district superintendent to be in
3 all respects governed by the provisions of this title and (~~state board~~
4 ~~of education~~) rules (~~and regulations~~) relating to teachers'
5 institutes held by educational service district superintendents.

6 **Sec. 805.** RCW 28A.415.020 and 1995 c 284 s 2 are each amended to
7 read as follows:

8 (1) Certificated personnel shall receive for each ten clock hours
9 of approved in-service training attended the equivalent of a one credit
10 college quarter course on the salary schedule developed by the
11 legislative evaluation and accountability program committee.

12 (2) Certificated personnel shall receive for each ten clock hours
13 of approved continuing education earned, as continuing education is
14 defined by rule adopted by the (~~state board of education~~)
15 professional educator standards board, the equivalent of a one credit
16 college quarter course on the salary schedule developed by the
17 legislative evaluation and accountability program committee.

18 (3) Certificated personnel shall receive for each forty clock hours
19 of participation in an approved internship with a business, an
20 industry, or government, as an internship is defined by rule of the
21 (~~state board of education~~) professional educator standards board in
22 accordance with RCW 28A.415.025, the equivalent of a one credit college
23 quarter course on the salary schedule developed by the legislative
24 evaluation and accountability program committee.

25 (4) An approved in-service training program shall be a program
26 approved by a school district board of directors, which meet standards
27 adopted by the (~~state board of education~~) professional educator
28 standards board, and the development of said program has been
29 participated in by an in-service training task force whose membership
30 is the same as provided under RCW 28A.415.040, or a program offered by
31 an education agency approved to provide in-service for the purposes of
32 continuing education as provided for under rules adopted by the (~~state~~
33 ~~board of education~~) professional educator standards board, or both.

34 (5) Clock hours eligible for application to the salary schedule
35 developed by the legislative evaluation and accountability program
36 committee as described in subsections (1) and (2) of this section,
37 shall be those hours acquired after August 31, 1987. Clock hours

1 eligible for application to the salary schedule as described in
2 subsection (3) of this section shall be those hours acquired after
3 December 31, 1995.

4 **Sec. 806.** RCW 28A.415.024 and 2005 c 461 s 1 are each amended to
5 read as follows:

6 (1) All credits earned in furtherance of degrees earned by
7 certificated staff, that are used to increase earnings on the salary
8 schedule consistent with RCW 28A.415.023, must be obtained from an
9 educational institution accredited by an accrediting association
10 recognized by rule of the (~~state board of education~~) professional
11 educator standards board.

12 (2) The office of the superintendent of public instruction shall
13 verify for school districts the accreditation status of educational
14 institutions granting degrees that are used by certificated staff to
15 increase earnings on the salary schedule consistent with RCW
16 28A.415.023.

17 (3) The office of the superintendent of public instruction shall
18 provide school districts with training and additional resources to
19 ensure they can verify that degrees earned by certificated staff, that
20 are used to increase earnings on the salary schedule consistent with
21 RCW 28A.415.023, are obtained from an educational institution
22 accredited by an accrediting association recognized by rule of the
23 (~~state board of education~~) professional educator standards board.

24 (4)(a) No school district may submit degree information before
25 there has been verification of accreditation under subsection (3) of
26 this section.

27 (b) Certificated staff who submit degrees received from an
28 unaccredited educational institution for the purposes of receiving a
29 salary increase shall be fined three hundred dollars. The fine shall
30 be paid to the office of the superintendent of public instruction and
31 used for costs of administering this section.

32 (c) In addition to the fine in (b) of this subsection, certificated
33 staff who receive salary increases based upon degrees earned from
34 educational institutions that have been verified to be unaccredited
35 must reimburse the district for any compensation received based on
36 these degrees.

1 **Sec. 807.** RCW 28A.415.025 and 1995 c 284 s 3 are each amended to
2 read as follows:

3 The (~~state board of education~~) professional educator standards
4 board shall establish rules for awarding clock hours for participation
5 of certificated personnel in internships with business, industry, or
6 government. To receive clock hours for an internship, the individual
7 must demonstrate that the internship will provide beneficial skills and
8 knowledge in an area directly related to his or her current assignment,
9 or to his or her assignment for the following school year. An
10 individual may not receive more than the equivalent of two college
11 quarter credits for internships during a calendar-year period. The
12 total number of credits for internships that an individual may earn to
13 advance on the salary schedule developed by the legislative evaluation
14 and accountability program committee or its successor agency is limited
15 to the equivalent of fifteen college quarter credits.

16 **Sec. 808.** RCW 28A.415.105 and 1995 c 335 s 403 are each amended to
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout RCW 28A.415.125 through 28A.415.140.

20 (1) "Cooperating organizations" means that at least one school
21 district, one college or university, and one educational service
22 district are involved jointly with the development of a student
23 teaching center.

24 (2) "Cooperating teacher" means a teacher who holds a continuing
25 certificate and supervises and coaches a student teacher.

26 (3) "Field experience" means opportunities for observation,
27 tutoring, microteaching, extended practicums, and clinical and
28 laboratory experiences which do not fall within the meaning of student
29 teaching.

30 (4) "School setting" means a classroom in a public, common school
31 in the state of Washington.

32 (5) "Student teacher" means a candidate for initial teacher
33 certification who is in a (~~state board of education approved~~)
34 professional educator standards board-approved, or regionally or
35 nationally accredited teacher preparation program in a school setting
36 as part of the field-based component of their preparation program.

1 (6) "Student teaching" means the full quarter or semester in a
2 school setting during which the student teacher observes the
3 cooperating teacher, participates in instructional activities, and
4 assumes both part-time and full-time teaching responsibilities under
5 the supervision of the cooperating teacher.

6 (7) "Student teaching center" means the program established to
7 provide student teachers in a geographic region of the state with
8 special support and training as part of their teacher preparation
9 program.

10 (8) "Supervisor or university supervisor" means the regular or
11 adjunct faculty member, or college or university-approved designee, who
12 assists and supervises the work of cooperating teachers and student
13 teachers.

14 **Sec. 809.** RCW 28A.415.125 and 1991 c 258 s 6 are each amended to
15 read as follows:

16 The (~~state board of education~~) professional educator standards
17 board, from appropriated funds, shall establish a network of student
18 teaching centers to support the continuing development of the field-
19 based component of teacher preparation programs. The purpose of the
20 training centers is to:

21 (1) Expand opportunities for student teacher placements in school
22 districts statewide, with an emphasis on those populations and
23 locations that are unserved or underserved;

24 (2) Provide cooperating teachers for all student teachers during
25 their student internship for up to two academic quarters;

26 (3) Enhance the student teaching component of teacher preparation
27 programs, including a placement of student teachers in special
28 education and multi-ethnic school settings; and

29 (4) Expand access to each other and opportunities for collaboration
30 in teacher education between colleges and universities and school
31 districts.

32 **Sec. 810.** RCW 28A.415.130 and 1991 c 258 s 7 are each amended to
33 read as follows:

34 Funds for the student teaching centers shall be allocated by the
35 superintendent of public instruction among the educational service
36 district regions on the basis of student teaching placements. The

1 fiscal agent for each center shall be either an educational service
2 district or a state institution of higher education. Prospective
3 fiscal agents shall document to the (~~state board of education~~)
4 professional educator standards board the following information:

5 (1) The existing or proposed center was developed jointly through
6 a process including participation by at least one school district, one
7 college or university, and one educational service district;

8 (2) Primary administration for each center shall be the
9 responsibility of one or more of the cooperating organizations;

10 (3) Assurance that the training center program provides appropriate
11 and necessary training in observation, supervision, and assistance
12 skills and techniques for:

- 13 (a) Cooperating teachers;
- 14 (b) Other school building personnel; and
- 15 (c) School district employees.

16 **Sec. 811.** RCW 28A.415.145 and 1991 c 258 s 10 are each amended to
17 read as follows:

18 The (~~state board of education~~) professional educator standards
19 board and the superintendent of public instruction shall adopt rules as
20 necessary under chapter 34.05 RCW to carry out the purposes of RCW
21 28A.415.100 through 28A.415.140.

22 **Sec. 812.** RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27
23 are each reenacted and amended to read as follows:

24 (1) The (~~state board of education~~) professional educator
25 standards board and the state board for community and technical
26 colleges, in consultation with the superintendent of public
27 instruction, the higher education coordinating board, the state
28 apprenticeship training council, and community colleges, shall adopt
29 rules as necessary under chapter 34.05 RCW to implement the
30 paraeducator associate of arts degree.

31 (2) As used in this section, a "paraeducator" is an individual who
32 has completed an associate of arts degree for a paraeducator. The
33 paraeducator may be hired by a school district to assist certificated
34 instructional staff in the direct instruction of children in small and
35 large groups, individualized instruction, testing of children,

1 recordkeeping, and preparation of materials. The paraeducator shall
2 work under the direction of instructional certificated staff.

3 (3) The training program for a paraeducator associate of arts
4 degree shall include, but is not limited to, the general requirements
5 for receipt of an associate of arts degree and training in the areas of
6 introduction to childhood education, orientation to children with
7 disabilities, fundamentals of childhood education, creative activities
8 for children, instructional materials for children, fine art
9 experiences for children, the psychology of learning, introduction to
10 education, child health and safety, child development and guidance,
11 first aid, and a practicum in a school setting.

12 (4) Consideration shall be given to transferability of credit
13 earned in this program to teacher preparation programs at colleges and
14 universities.

15 **Sec. 813.** RCW 28A.660.040 and 2004 c 23 s 4 are each amended to
16 read as follows:

17 Partnership grants funded under this chapter shall operate one to
18 four specific route programs. Successful completion of the program
19 shall make a candidate eligible for residency teacher certification.
20 For route one and two candidates, the mentor of the teacher candidate
21 at the school and the supervisor of the teacher candidate from the
22 higher education teacher preparation program must both agree that the
23 teacher candidate has successfully completed the program. For route
24 three and four candidates, the mentor of the teacher candidate shall
25 make the determination that the candidate has successfully completed
26 the program.

27 (1) Partnership grant programs seeking funds to operate route one
28 programs shall enroll currently employed classified instructional
29 employees with transferable associate degrees seeking residency teacher
30 certification with endorsements in special education, bilingual
31 education, or English as a second language. It is anticipated that
32 candidates enrolled in this route will complete both their
33 baccalaureate degree and requirements for residency certification in
34 two years or less, including a mentored internship to be completed in
35 the final year. In addition, partnership programs shall uphold entry
36 requirements for candidates that include:

1 (a) District or building validation of qualifications, including
2 three years of successful student interaction and leadership as a
3 classified instructional employee;

4 (b) Successful passage of the statewide basic skills exam, when
5 available; and

6 (c) Meeting the age, good moral character, and personal fitness
7 requirements adopted by rule for teachers.

8 (2) Partnership grant programs seeking funds to operate route two
9 programs shall enroll currently employed classified staff with
10 baccalaureate degrees seeking residency teacher certification in
11 subject matter shortage areas and areas with shortages due to
12 geographic location. Candidates enrolled in this route must complete
13 a mentored internship complemented by flexibly scheduled training and
14 coursework offered at a local site, such as a school or educational
15 service district, or online or via video-conference over the K-20
16 network, in collaboration with the partnership program's higher
17 education partner. In addition, partnership grant programs shall
18 uphold entry requirements for candidates that include:

19 (a) District or building validation of qualifications, including
20 three years of successful student interaction and leadership as
21 classified staff;

22 (b) A baccalaureate degree from a regionally accredited institution
23 of higher education. The individual's college or university grade
24 point average may be considered as a selection factor;

25 (c) Successful completion of the content test, once the state
26 content test is available;

27 (d) Meeting the age, good moral character, and personal fitness
28 requirements adopted by rule for teachers; and

29 (e) Successful passage of the statewide basic skills exam, when
30 available.

31 (3) Partnership grant programs seeking funds to operate route three
32 programs shall enroll individuals with baccalaureate degrees, who are
33 not employed in the district at the time of application. When
34 selecting candidates for certification through route three, districts
35 shall give priority to individuals who are seeking residency teacher
36 certification in subject matter shortage areas or shortages due to
37 geographic locations. For route three only, the districts may include
38 additional candidates in nonshortage subject areas if the candidates

1 are seeking endorsements with a secondary grade level designation as
2 defined by rule by the (~~state board of education~~) professional
3 educator standards board. The districts shall disclose to candidates
4 in nonshortage subject areas available information on the demand in
5 those subject areas. Cohorts of candidates for this route shall attend
6 an intensive summer teaching academy, followed by a full year employed
7 by a district in a mentored internship, followed, if necessary, by a
8 second summer teaching academy. In addition, partnership programs
9 shall uphold entry requirements for candidates that include:

10 (a) Five years' experience in the work force;

11 (b) A baccalaureate degree from a regionally accredited institution
12 of higher education. The individual's grade point average may be
13 considered as a selection factor;

14 (c) Successful completion of the content test, once the state
15 content test is available;

16 (d) External validation of qualifications, including demonstrated
17 successful experience with students or children, such as (~~references~~
18 ~~{reference}~~) reference letters and letters of support from previous
19 employers;

20 (e) Meeting the age, good moral character, and personal fitness
21 requirements adopted by rule for teachers; and

22 (f) Successful passage of statewide basic skills exams, when
23 available.

24 (4) Partnership grant programs seeking funds to operate route four
25 programs shall enroll individuals with baccalaureate degrees, who are
26 employed in the district at the time of application, or who hold
27 conditional teaching certificates or emergency substitute certificates.
28 Cohorts of candidates for this route shall attend an intensive summer
29 teaching academy, followed by a full year employed by a district in a
30 mentored internship. In addition, partnership programs shall uphold
31 entry requirements for candidates that include:

32 (a) Five years' experience in the work force;

33 (b) A baccalaureate degree from a regionally accredited institution
34 of higher education. The individual's grade point average may be
35 considered as a selection factor;

36 (c) Successful completion of the content test, once the state
37 content test is available;

1 (d) External validation of qualifications, including demonstrated
2 successful experience with students or children, such as reference
3 letters and letters of support from previous employers;

4 (e) Meeting the age, good moral character, and personal fitness
5 requirements adopted by rule for teachers; and

6 (f) Successful passage of statewide basic skills exams, when
7 available.

8 **Sec. 814.** RCW 28A.690.020 and 1990 c 33 s 546 are each amended to
9 read as follows:

10 The "designated state official" for this state under Article II of
11 RCW 28A.690.010 shall be the superintendent of public instruction, who
12 shall be the compact administrator and who shall have power to
13 (~~promulgate~~) adopt rules to carry out the terms of this compact. The
14 superintendent of public instruction shall enter into contracts
15 pursuant to Article III of the Agreement only with the approval of the
16 specific text thereof by the (~~state board of education~~) professional
17 educator standards board.

18 **Sec. 815.** RCW 28A.300.050 and 1990 c 33 s 252 are each amended to
19 read as follows:

20 The superintendent of public instruction shall provide technical
21 assistance to the (~~state board of education~~) professional educator
22 standards board in the conduct of the activities described in
23 (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and
24 28A.410.050.

25 **Sec. 816.** RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each
26 amended to read as follows:

27 The award for the teacher educator shall include:

28 (1) A certificate presented to the teacher educator by the
29 governor, the (~~president of the state board of education~~) chair of
30 the professional educator standards board, and the superintendent of
31 public instruction at a public ceremony; and

32 (2) A grant to the professional education advisory board of the
33 institution from which the teacher educator is selected, which grant
34 shall not exceed two thousand five hundred dollars and which grant
35 shall be awarded under RCW 28A.625.390.

1 (2) Adopt and make available to each pupil, teacher and parent in
2 the district reasonable written rules regarding pupil conduct,
3 discipline, and rights, including but not limited to short-term
4 suspensions as referred to in RCW 28A.305.160 (as recodified by this
5 act) and suspensions in excess of ten consecutive days. Such rules
6 shall not be inconsistent with any of the following: Federal statutes
7 and regulations, state statutes, common law, and the rules of the
8 superintendent of public instruction(~~(, and the state board of~~
9 ~~education)~~). The board's rules shall include such substantive and
10 procedural due process guarantees as prescribed by the (~~state board of~~
11 ~~education)~~ superintendent of public instruction under RCW 28A.305.160
12 (as recodified by this act). (~~Commencing with the 1976-77 school~~
13 ~~year,~~) When such rules are made available to each pupil, teacher, and
14 parent, they shall be accompanied by a detailed description of rights,
15 responsibilities, and authority of teachers and principals with respect
16 to the discipline of pupils as prescribed by state statutory law, the
17 superintendent of public instruction, (~~and state board of education~~
18 ~~rules)~~) and the rules (~~and regulations)~~) of the school district.

19 For the purposes of this subsection, computation of days included
20 in "short-term" and "long-term" suspensions shall be determined on the
21 basis of consecutive school days.

22 (3) Suspend, expel, or discipline pupils in accordance with RCW
23 28A.305.160 (as recodified by this act).

24 NEW SECTION. Sec. 902. A new section is added to chapter 28A.405
25 RCW to read as follows:

26 Each school district board of directors shall adopt a policy
27 regarding the presence at their respective schools of teachers and
28 other certificated personnel before the opening of school in the
29 morning and after the closing of school in the afternoon or evening.
30 The board of directors shall make the policy available to parents and
31 the public through the school district report card and other means of
32 communication.

33 Sec. 903. RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each
34 amended to read as follows:

35 Eligibility of transfer students under RCW 28A.225.220 and

1 28A.225.225 for participation in extracurricular activities shall be
2 subject to rules adopted by the Washington interscholastic activities
3 association (~~(as authorized by the state board of education)~~).

4 **Sec. 904.** RCW 28A.600.200 and 1990 c 33 s 502 are each amended to
5 read as follows:

6 Each school district board of directors is hereby granted and shall
7 exercise the authority to control, supervise and regulate the conduct
8 of interschool athletic activities and other interschool
9 extracurricular activities of an athletic, cultural, social or
10 recreational nature for students of the district. A board of directors
11 may delegate control, supervision and regulation of any such activity
12 to the Washington interscholastic activities association or any other
13 voluntary nonprofit entity and compensate such entity for services
14 provided, subject to the following conditions:

15 ~~(1) ((The voluntary nonprofit entity shall submit an annual report~~
16 ~~to the state board of education of student appeal determinations,~~
17 ~~assets, and financial receipts and disbursements at such time and in~~
18 ~~such detail as the state board shall establish by rule;~~

19 ~~(2))~~ The voluntary nonprofit entity shall not discriminate in
20 connection with employment or membership upon its governing board, or
21 otherwise in connection with any function it performs, on the basis of
22 race, creed, national origin, sex or marital status;

23 ~~((3))~~ (2) Any rules and policies applied by the voluntary
24 nonprofit entity which govern student participation in any interschool
25 activity shall be written ~~((and subject to the annual review and~~
26 ~~approval of the state board of education at such time as it shall~~
27 ~~establish;~~

28 ~~(4) All amendments and repeals of such rules and policies shall be~~
29 ~~subject to the review and approval of the state board)); and~~

30 ~~((5))~~ (3) Such rules and policies shall provide for notice of the
31 reasons and a fair opportunity to contest such reasons prior to a final
32 determination to reject a student's request to participate in or to
33 continue in an interschool activity. Any such decision shall be
34 considered a decision of the school district conducting the activity in
35 which the student seeks to participate or was participating and may be
36 appealed pursuant to RCW 28A.645.010 through 28A.645.030.

1 **Sec. 905.** RCW 28A.160.210 and 1989 c 178 s 20 are each amended to
2 read as follows:

3 In addition to other powers and duties, the (~~state board of~~
4 ~~education~~) superintendent of public instruction shall adopt rules
5 (~~and regulations~~) governing the training and qualifications of school
6 bus drivers. Such rules (~~and regulations~~) shall be designed to
7 insure that persons will not be employed to operate school buses unless
8 they possess such physical health and driving skills as are necessary
9 to safely operate school buses: PROVIDED, That such rules (~~and~~
10 ~~regulations~~) shall insure that school bus drivers are provided a due
11 process hearing before any certification required by such rules (~~and~~
12 ~~regulations~~) is cancelled: PROVIDED FURTHER, That such rules (~~and~~
13 ~~regulations~~) shall not conflict with the authority of the department
14 of licensing to license school bus drivers in accordance with chapter
15 46.25 RCW. The (~~state board of education~~) superintendent of public
16 instruction may obtain a copy of the driving record, as maintained by
17 the department of licensing, for consideration when evaluating a school
18 bus driver's driving skills.

19 **Sec. 906.** RCW 28A.160.100 and 1990 c 33 s 138 are each amended to
20 read as follows:

21 In addition to the authority otherwise provided in RCW 28A.160.010
22 through 28A.160.120 to school districts for the transportation of
23 persons, whether school children, school personnel, or otherwise, any
24 school district authorized to use school buses and drivers hired by the
25 district for the transportation of school children to and from a school
26 activity, along with such school employees as necessary for their
27 supervision, shall, if such school activity be an interscholastic
28 activity, be authorized to transport members of the general public to
29 such event and utilize the school district's buses, transportation
30 equipment and facilities, and employees therefor: PROVIDED, That
31 provision shall be made for the reimbursement and payment to the school
32 district by such members of the general public of not less than the
33 district's actual costs and the reasonable value of the use of the
34 district's buses and facilities provided in connection with such
35 transportation: PROVIDED FURTHER, That wherever private transportation
36 certified or licensed by the utilities and transportation commission or

1 public transportation is reasonably available (~~as determined by rule~~
2 ~~and regulation of the state board of education~~)), this section shall
3 not apply.

4 **Sec. 907.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to
5 read as follows:

6 As used in RCW 28A.210.060 through 28A.210.170:

7 (1) "Chief administrator" shall mean the person with the authority
8 and responsibility for the immediate supervision of the operation of a
9 school or day care center as defined in this section or, in the
10 alternative, such other person as may hereafter be designated in
11 writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the
12 statutory or corporate board of directors of the school district,
13 school, or day care center or, if none, such other persons or person
14 with the authority and responsibility for the general supervision of
15 the operation of the school district, school or day care center.

16 (2) "Full immunization" shall mean immunization against certain
17 vaccine-preventable diseases in accordance with schedules and with
18 immunizing agents approved by the state board of health.

19 (3) "Local health department" shall mean the city, town, county,
20 district or combined city-county health department, board of health, or
21 health officer which provides public health services.

22 (4) "School" shall mean and include each building, facility, and
23 location at or within which any or all portions of a preschool,
24 kindergarten and grades one through twelve program of education and
25 related activities are conducted for two or more children by or in
26 behalf of any public school district and by or in behalf of any private
27 school or private institution subject to approval by the state board of
28 education pursuant to RCW 28A.305.130(~~(+6)~~), 28A.195.010 through
29 28A.195.050, and 28A.410.120.

30 (5) "Day care center" shall mean an agency which regularly provides
31 care for a group of thirteen or more children for periods of less than
32 twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

33 (6) "Child" shall mean any person, regardless of age, in attendance
34 at a public or private school or a licensed day care center.

35 **Sec. 908.** RCW 28A.210.160 and 1990 c 33 s 199 are each amended to
36 read as follows:

1 The state board of ((education)) health shall and is hereby
2 empowered to adopt rules pursuant to chapter 34.05 RCW which establish
3 the procedural and substantive due process requirements governing the
4 exclusion of children from public and private schools pursuant to RCW
5 28A.210.120.

6 **Sec. 909.** RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each
7 amended to read as follows:

8 Any association established by school districts pursuant to the
9 interlocal cooperation act, chapter 39.34 RCW for the purpose of
10 jointly and cooperatively purchasing school supplies, materials and
11 equipment, if otherwise authorized for school district purposes to
12 purchase personal or real property, is ((hereby)) authorized(~~(, subject~~
13 ~~to rules and regulations of the state board of education,~~) to
14 mortgage, or convey a purchase money security interest in real or
15 personal property of such association of every kind, character or
16 description whatsoever, or any interest in such personal or real
17 property: PROVIDED, That any such association shall be prohibited from
18 causing any creditor of the association to acquire any rights against
19 the property, properties or assets of any of its constituent school
20 districts and any creditor of such association shall be entitled to
21 look for payment of any obligation incurred by such association solely
22 to the assets and properties of such association.

23 **Sec. 910.** RCW 28A.335.120 and 2001 c 183 s 2 are each amended to
24 read as follows:

25 (1) The board of directors of any school district of this state
26 may:

27 (a) Sell for cash, at public or private sale, and convey by deed
28 all interest of the district in or to any of the real property of the
29 district which is no longer required for school purposes; and

30 (b) Purchase real property for the purpose of locating thereon and
31 affixing thereto any house or houses and appurtenant buildings removed
32 from school sites owned by the district and sell for cash, at public or
33 private sale, and convey by deed all interest of the district in or to
34 such acquired and improved real property.

35 (2) When the board of directors of any school district proposes a
36 sale of school district real property pursuant to this section and the

1 value of the property exceeds seventy thousand dollars, the board shall
2 publish a notice of its intention to sell the property. The notice
3 shall be published at least once each week during two consecutive weeks
4 in a legal newspaper with a general circulation in the area in which
5 the school district is located. The notice shall describe the property
6 to be sold and designate the place where and the day and hour when a
7 hearing will be held. The board shall hold a public hearing upon the
8 proposal to dispose of the school district property at the place and
9 the day and hour fixed in the notice and admit evidence offered for and
10 against the propriety and advisability of the proposed sale.

11 (3) The board of directors of any school district desiring to sell
12 surplus real property shall publish a notice in a newspaper of general
13 circulation in the school district. School districts shall not sell
14 the property for at least forty-five days following the publication of
15 the newspaper notice.

16 (4) Private schools shall have the same rights as any other person
17 or entity to submit bids for the purchase of surplus real property and
18 to have such bids considered along with all other bids.

19 (5) Any sale of school district real property authorized pursuant
20 to this section shall be preceded by a market value appraisal by a
21 professionally designated real estate appraiser as defined in RCW
22 74.46.020 or a general real estate appraiser certified under chapter
23 18.140 RCW selected by the board of directors and no sale shall take
24 place if the sale price would be less than ninety percent of the
25 appraisal made by the real estate appraiser: PROVIDED, That if the
26 property has been on the market for one year or more the property may
27 be reappraised and sold for not less than seventy-five percent of the
28 reappraised value with the unanimous consent of the board.

29 (6) If in the judgment of the board of directors of any district
30 the sale of real property of the district not needed for school
31 purposes would be facilitated and greater value realized through use of
32 the services of licensed real estate brokers, a contract for such
33 services may be negotiated and concluded: PROVIDED, That the use of a
34 licensed real estate broker will not eliminate the obligation of the
35 board of directors to provide the notice described in this section:
36 PROVIDED FURTHER, That the fee or commissions charged for any broker
37 services shall not exceed seven percent of the resulting sale value for
38 a single parcel: PROVIDED FURTHER, That any professionally designated

1 real estate appraiser as defined in RCW 74.46.020 or a general real
2 estate appraiser certified under chapter 18.140 RCW selected by the
3 board to appraise the market value of a parcel of property to be sold
4 may not be a party to any contract with the school district to sell
5 such parcel of property for a period of three years after the
6 appraisal.

7 (7) If in the judgment of the board of directors of any district
8 the sale of real property of the district not needed for school
9 purposes would be facilitated and greater value realized through sale
10 on contract terms, a real estate sales contract may be executed between
11 the district and buyer(~~(: PROVIDED, That the terms and conditions of~~
12 ~~any such sales contract must comply with rules and regulations of the~~
13 ~~state board of education, herein authorized, governing school district~~
14 ~~real property contract sales))).~~

15 **Sec. 911.** RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are
16 each amended to read as follows:

17 (1) The purpose of this section is to identify quality criteria for
18 school library media programs that support the student learning goals
19 under RCW 28A.150.210, the essential academic learning requirements
20 under RCW 28A.655.070, and high school graduation requirements adopted
21 under RCW 28A.230.090.

22 (2) Every board of directors shall provide for the operation and
23 stocking of such libraries as the board deems necessary for the proper
24 education of the district's students or as otherwise required by law or
25 rule (~~(or regulation)) of the superintendent of public instruction (~~(or~~~~
26 the state board of education))).

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

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

35 (5) The teacher-librarian, through the school-library media
36 program, shall collaborate as an instructional partner to help all

1 students meet the content goals in all subject areas, and assist high
2 school students completing the culminating project and high school and
3 beyond plans required for graduation.

4 **Sec. 912.** RCW 28A.155.060 and 1995 c 77 s 12 are each amended to
5 read as follows:

6 For the purpose of carrying out the provisions of RCW 28A.155.020
7 through 28A.155.050, the board of directors of every school district
8 shall be authorized to contract with agencies approved by the ((state
9 board of education)) superintendent of public instruction for operating
10 special education programs for students with disabilities. Approval
11 standards for such agencies shall conform substantially with those
12 promulgated for approval of special education aid programs in the
13 common schools.

14 **Sec. 913.** RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each
15 amended to read as follows:

16 The higher education coordinating board shall establish a planning
17 committee to develop criteria for screening and selection of the
18 Washington scholars each year in accordance with RCW 28A.600.110(1).
19 It is the intent that these criteria shall emphasize scholastic
20 achievement but not exclude such criteria as leadership ability and
21 community contribution in final selection procedures. The Washington
22 scholars planning committee shall have members from selected state
23 agencies and private organizations having an interest and
24 responsibility in education, including but not limited to, the ((state
25 board of education, the)) office of superintendent of public
26 instruction, the council of presidents, the state board for community
27 and technical colleges, and the Washington friends of higher education.

28 **Sec. 914.** RCW 28A.650.015 and 1995 c 335 s 507 are each amended to
29 read as follows:

30 (1) The superintendent of public instruction, to the extent funds
31 are appropriated, shall develop and implement a Washington state K-12
32 education technology plan. The technology plan shall be updated on at
33 least a biennial basis, shall be developed to coordinate and expand the
34 use of education technology in the common schools of the state. The

1 plan shall be consistent with applicable provisions of chapter 43.105
2 RCW. The plan, at a minimum, shall address:

3 (a) The provision of technical assistance to schools and school
4 districts for the planning, implementation, and training of staff in
5 the use of technology in curricular and administrative functions;

6 (b) The continued development of a network to connect school
7 districts, institutions of higher learning, and other sources of on-
8 line information; and

9 (c) Methods to equitably increase the use of education technology
10 by students and school personnel throughout the state.

11 (2) The superintendent of public instruction shall appoint an
12 educational technology advisory committee to assist in the development
13 and implementation of the technology plan in subsection (1) of this
14 section. The committee shall include, but is not limited to, persons
15 representing: ~~The ((state board of education, the commission on~~
16 ~~student learning, the))~~ department of information services, educational
17 service districts, school directors, school administrators, school
18 principals, teachers, classified staff, higher education faculty,
19 parents, students, business, labor, scientists and mathematicians, the
20 higher education coordinating board, the work force training and
21 education coordinating board, and the state library.

22 **PART 10**
23 **MISCELLANEOUS**

24 NEW SECTION. **Sec. 1001.** Part headings used in this act are not
25 any part of the law.

26 NEW SECTION. **Sec. 1002.** Section 406 of this act takes effect
27 September 1, 2009.

--- END ---