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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3098

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State of Washington

59th Legislature

2006 Regular Session

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

READ FIRST TIME 02/08/06.

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

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

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

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

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

32 The (~~((state board of education,))~~) rules adopted by the  
33 superintendent of public instruction for (~~((purposes of))~~) determining  
34 eligibility for state assistance for new construction(~~((,))~~) shall  
35 (~~((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, considering  
20 policy recommendations from the school facilities citizen advisory  
21 panel, 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, considering policy recommendations from the school  
26 facilities citizen advisory panel, shall adopt rules for appropriate  
27 use of the following construction management techniques: Value  
28 engineering, constructibility review, building commissioning, and  
29 construction 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.

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

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

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

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

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

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

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

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

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

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

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

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

18       (c) Four additional citizen members appointed by the state board of  
19   education.

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

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

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

30       (1) Funds appropriated to the (~~state board of education~~)  
31   superintendent of public instruction from the common school  
32   construction fund shall be allotted by the (~~state board of education~~)  
33   superintendent of public instruction in accordance with student  
34   enrollment and the provisions of RCW 28A.525.200.

35       (2) No allotment shall be made to a school district until such  
36   district has provided matching funds equal to or greater than the

1 difference between the total approved project cost and the amount of  
2 state assistance to the district for financing the project computed  
3 pursuant to RCW 28A.525.166, with the following exceptions:

4 (a) The (~~state board~~) superintendent of public instruction may  
5 waive the matching requirement for districts which have provided funds  
6 for school building construction purposes through the authorization of  
7 bonds or through the authorization of excess tax levies or both in an  
8 amount equivalent to two and one-half percent of the value of its  
9 taxable property, as defined in RCW 39.36.015.

10 (b) No such matching funds shall be required as a condition to the  
11 allotment of funds for the purpose of making major or minor structural  
12 changes to existing school facilities in order to bring such facilities  
13 into compliance with the barrier free access requirements of section  
14 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and  
15 rules implementing the act.

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

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

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

29 (ii) The enrollment of nonhigh school districts shall be increased  
30 by the number of students residing within the district who are enrolled  
31 in a serving high school district so designated by the nonhigh school  
32 district under RCW 28A.540.110, including only students who are  
33 enrolled in grade levels not offered by the nonhigh school district;  
34 and

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

37 (b) In the case of construction or modernization of high school  
38 facilities in districts serving students from nonhigh school districts,

1 the adjusted valuation per pupil shall be computed using the combined  
2 adjusted valuations and enrollments of each district, each weighted by  
3 the percentage of the district's resident high school students served  
4 by the high school district; and

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

7 (4) The (~~state board of education~~) superintendent of public  
8 instruction, considering policy recommendations from the school  
9 facilities citizen advisory panel, shall prescribe (~~and make~~  
10 ~~effective~~) such rules as are necessary to equate insofar as possible  
11 the efforts made by school districts to provide capital funds by the  
12 means aforesaid.

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

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

20 In allotting the state funds provided by RCW (~~28A.525.160 through~~  
21 ~~28A.525.182~~) 28A.525.162 through 28A.525.180, the (~~state board of~~  
22 ~~education~~) superintendent of public instruction shall:

23 (1) Prescribe rules (~~and regulations~~) not inconsistent with RCW  
24 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180  
25 governing the administration, control, terms, conditions, and  
26 disbursement of allotments to school districts to assist them in  
27 providing school plant facilities;

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

30 (3) Authorize the payment of approved allotments by warrant of the  
31 state treasurer; and

32 (4) In the event that the amount of state assistance applied for  
33 pursuant to the provisions hereof exceeds the funds available for such  
34 assistance during any biennium, make allotments on the basis of the  
35 urgency of need for school facilities in the districts that apply for  
36 assistance or prorate allotments among such districts in conformity

1 with (~~procedures and regulations~~) applicable (~~thereto which shall be~~  
2 ~~established by the board~~) rules.

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

5 Allocations to school districts of state funds provided by RCW  
6 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180  
7 shall be made by the (~~state board of education~~) superintendent of  
8 public instruction and the amount of state assistance to a school  
9 district in financing a school plant project shall be determined in the  
10 following manner:

11 (1) The boards of directors of the districts shall determine the  
12 total cost of the proposed project, which cost may include the cost of  
13 acquiring and preparing the site, the cost of constructing the building  
14 or of acquiring a building and preparing the same for school use, the  
15 cost of necessary equipment, taxes chargeable to the project, necessary  
16 architects' fees, and a reasonable amount for contingencies and for  
17 other necessary incidental expenses: PROVIDED, That the total cost of  
18 the project shall be subject to review and approval by the (~~state~~  
19 ~~board of education~~) superintendent.

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

22 The ratio of the school district's adjusted valuation per pupil  
23 divided by the ratio of the total state adjusted valuation per pupil  
24 shall be subtracted from three, and then the result of the foregoing  
25 shall be divided by three plus (the ratio of the school district's  
26 adjusted valuation per pupil divided by the ratio of the total state  
27 adjusted valuation per pupil).

28		District adjusted	Total state	
29		3-valuation	÷ adjusted valuation	
30	Computed	per pupil	per pupil	State
31	State =	_____		= - % Assistance
32	Ratio	District adjusted	Total state	
33		3+valuation	÷ adjusted valuation	
34		per pupil	per pupil	

35 PROVIDED, That in the event the percentage of state assistance to any  
36 school district based on the above formula is less than twenty percent  
37 and such school district is otherwise eligible for state assistance  
38 under RCW (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through

1 28A.525.180, the (~~state board of education~~) superintendent may  
2 establish for such district a percentage of state assistance not in  
3 excess of twenty percent of the approved cost of the project, if the  
4 (~~state board~~) superintendent finds that such additional assistance is  
5 necessary to provide minimum facilities for housing the pupils of the  
6 district.

7 (3) In addition to the computed percent of state assistance  
8 developed in subsection (2) (~~above~~) of this section, a school  
9 district shall be entitled to additional percentage points determined  
10 by the average percentage of growth for the past three years. One  
11 percent shall be added to the computed percent of state assistance for  
12 each percent of growth, with a maximum of twenty percent.

13 (4) The approved cost of the project determined in the manner  
14 (~~herein~~) prescribed (~~times~~) in this section multiplied by the  
15 percentage of state assistance derived as provided for (~~herein~~) in  
16 this section shall be the amount of state assistance to the district  
17 for the financing of the project: PROVIDED, That need therefor has  
18 been established to the satisfaction of the (~~state board of~~  
19 ~~education~~) superintendent: PROVIDED, FURTHER, That additional state  
20 assistance may be allowed if it is found by the (~~state board of~~  
21 ~~education~~) superintendent, considering policy recommendations from the  
22 school facilities citizen advisory panel that such assistance is  
23 necessary in order to meet (a) a school housing emergency resulting  
24 from the destruction of a school building by fire, the condemnation of  
25 a school building by properly constituted authorities, a sudden  
26 excessive and clearly foreseeable future increase in school population,  
27 or other conditions similarly emergent in nature; or (b) a special  
28 school housing burden resulting from industrial projects of statewide  
29 significance or imposed by virtue of the admission of nonresident  
30 students into educational programs established, maintained and operated  
31 in conformity with the requirements of law; or (c) a deficiency in the  
32 capital funds of the district resulting from financing, subsequent to  
33 April 1, 1969, and without benefit of the state assistance provided by  
34 prior state assistance programs, the construction of a needed school  
35 building project or projects approved in conformity with the  
36 requirements of such programs, after having first applied for and been  
37 denied state assistance because of the inadequacy of state funds  
38 available for the purpose, or (d) a condition created by the fact that

1 an excessive number of students live in state owned housing, or (e) a  
2 need for the construction of a school building to provide for improved  
3 school district organization or racial balance, or (f) conditions  
4 similar to those defined under (a), (b), (c), (d), and (e)  
5 (~~hereinabove~~) of this subsection, creating a like emergency.

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

8 Whenever the voters of a school district authorize the issuance of  
9 bonds and/or the levying of excess taxes in an amount sufficient to  
10 meet the requirements of RCW 28A.525.162 respecting eligibility for  
11 state assistance in providing school facilities, the taxable valuation  
12 of the district and the percentage of state assistance in providing  
13 school facilities prevailing at the time of such authorization shall be  
14 the valuation and the percentage used for the purpose of determining  
15 the eligibility of the district for an allotment of state funds and the  
16 amount or amounts of such allotments, respectively, for all projects  
17 for which the voters authorize capital funds as aforesaid, unless a  
18 higher percentage of state assistance prevails on the date that state  
19 funds for assistance in financing a project are allotted by the (~~state~~  
20 ~~board of education~~) superintendent of public instruction in which case  
21 the percentage prevailing on the date of allotment by the (~~state~~  
22 ~~board~~) superintendent of funds for each project shall govern:  
23 PROVIDED, That if the (~~state board of education~~) superintendent of  
24 public instruction, considering policy recommendations from the school  
25 facilities citizen advisory panel, determines at any time that there  
26 has been undue or unwarranted delay on the part of school district  
27 authorities in advancing a project to the point of readiness for an  
28 allotment of state funds, the taxable valuation of the school district  
29 and the percentage of state assistance prevailing on the date that the  
30 allotment is made shall be used for the purposes aforesaid: PROVIDED,  
31 FURTHER, That the date (~~herein~~) specified in this section as  
32 applicable in determining the eligibility of an individual school  
33 district for state assistance and in determining the amount of such  
34 assistance shall be applicable also to cases where it is necessary in  
35 administering chapter 28A.540 RCW to determine eligibility for and the  
36 amount of state assistance for a group of school districts considered  
37 as a single school administrative unit.

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

3           If a school district which has qualified for an allotment of state  
4 funds under the provisions of RCW (~~28A.525.160 through 28A.525.182~~)  
5 28A.525.162 through 28A.525.180 for school building construction is  
6 found by the (~~state board of education~~) superintendent of public  
7 instruction, considering policy recommendations from the school  
8 facilities citizen advisory panel, to have a school housing emergency  
9 requiring an allotment of state funds in excess of the amount allocable  
10 under RCW 28A.525.166, an additional allotment may be made to such  
11 district: PROVIDED, That the total amount allotted shall not exceed  
12 ninety percent of the total cost of the approved project which may  
13 include the cost of the site and equipment. At any time thereafter  
14 when the (~~state board of education~~) superintendent finds that the  
15 financial position of such school district has improved through an  
16 increase in its taxable valuation or through retirement of bonded  
17 indebtedness or through a reduction in school housing requirements, or  
18 for any combination of these reasons, the amount of such additional  
19 allotment, or any part of such amount as the (~~state board of~~  
20 ~~education~~) superintendent determines, shall be deducted, under terms  
21 and conditions prescribed by the (~~board~~) superintendent, from any  
22 state school building construction funds which might otherwise be  
23 provided to such district.

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

26           All applications by school districts for state assistance in  
27 providing school plant facilities shall be made to the superintendent  
28 of public instruction in conformity with rules (~~and regulations which~~  
29 ~~shall be prescribed~~) adopted by the (~~state board of education~~)  
30 superintendent of public instruction, considering policy  
31 recommendations from the school facilities citizen advisory panel.  
32 Studies and surveys shall be conducted by the (~~state board~~)  
33 superintendent for the purpose of securing information relating to (a)  
34 the kind and extent of the school plant facilities required and the  
35 urgency of need for such facilities in districts that seek state  
36 assistance, (b) the ability of such districts to provide capital funds



1 by local effort, (c) the need for improvement of school administrative  
2 units and school attendance areas among or within such districts, and  
3 (d) any other pertinent matters.

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

6 It shall be the duty of the (~~state board of education~~)  
7 superintendent of public instruction, in consultation with the  
8 Washington state department of social and health services, to prepare  
9 a manual and/or to specify other materials for the information and  
10 guidance of local school district authorities and others responsible  
11 for and concerned with the designing, planning, maintenance and  
12 operation of school plant facilities for the public schools. In so  
13 doing due consideration shall be given to the presentation of  
14 information regarding (~~(a)~~) (1) the need for cooperative state-local  
15 district action in planning school plant facilities arising out of the  
16 cooperative plan for financing said facilities provided for in RCW  
17 (~~28A.525.160 through 28A.525.182; (b)~~) 28A.525.162 through  
18 28A.525.180; (2) procedures in inaugurating and conducting a school  
19 plant planning program for a school district; (~~(c)~~) (3) standards for  
20 use in determining the selection and development of school sites and in  
21 designing, planning, and constructing school buildings to the end that  
22 the health, safety, and educational well-being and development of  
23 school children will be served; (~~(d)~~) (4) the planning of readily  
24 expansible and flexible school buildings to meet the requirements of an  
25 increasing school population and a constantly changing educational  
26 program; (~~(e)~~) (5) an acceptable school building maintenance program  
27 and the necessity therefor; (~~(f)~~) (6) the relationship of an  
28 efficient school building operations service to the health and  
29 educational progress of pupils; and (~~(g)~~) (7) any other matters  
30 regarded by the (~~state board~~) superintendent as pertinent or related  
31 to the purposes and requirements of RCW (~~28A.525.160 through~~  
32 ~~28A.525.182~~) 28A.525.162 through 28A.525.180.

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

35 The (~~state board of education~~) superintendent of public  
36 instruction shall furnish to school districts seeking state assistance

1 under the provisions of RCW (~~28A.525.160 through 28A.525.182~~)  
2 28A.525.162 through 28A.525.180 consultatory and advisory service in  
3 connection with the development of school building programs and the  
4 planning of school plant facilities.

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

7 (~~Whenever in the judgment of the state board of education~~) When  
8 economies may be (~~effected~~) affected without impairing the usefulness  
9 and adequacy of school buildings, (~~said board~~) the superintendent of  
10 public instruction, considering policy recommendations from the school  
11 facilities citizen advisory panel, may prescribe rules (~~and~~  
12 ~~regulations~~) and establish procedures governing the preparation and  
13 use of modifiable basic or standard plans for school building  
14 construction projects for which state assistance funds provided by RCW  
15 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180 are  
16 allotted.

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

19 The total amount of funds appropriated under the provisions of RCW  
20 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180  
21 shall be reduced by the amount of federal funds made available during  
22 each biennium for school construction purposes under any applicable  
23 federal law. The funds appropriated by RCW (~~28A.525.160 through~~  
24 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 and available for  
25 allotment by the (~~state board of education~~) superintendent of public  
26 instruction shall be reduced by the amount of such federal funds made  
27 available. Notwithstanding the foregoing provisions of this section,  
28 the total amount of funds appropriated by RCW (~~28A.525.160 through~~  
29 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 shall not be reduced by  
30 reason of any grants to any school district of federal moneys paid  
31 under Public Law No. 815 or any other federal act authorizing school  
32 building construction assistance to federally affected areas.

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

35 The (~~state board of education~~) superintendent of public

1 instruction, considering policy recommendations from the school  
2 facilities citizen advisory panel shall prioritize the construction of  
3 common school facilities only from funds appropriated and available in  
4 the common school construction fund.

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

7 Notwithstanding any other provision of RCW 28A.525.010 through  
8 28A.525.222, the allocation and distribution of funds by the ((state  
9 board of education which are now or may hereafter be appropriated))  
10 superintendent of public instruction, considering policy  
11 recommendations from the school facilities citizen advisory panel, for  
12 the purposes of providing assistance in the construction of school  
13 plant facilities shall be governed by ((RCW 28A.525.010 through  
14 28A.525.080 and 28A.525.162 through 28A.525.178)) this chapter.

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

17 The proceeds from the sale of the bonds deposited under RCW  
18 28A.525.214 in the common school construction fund shall be  
19 administered by the ((state board of education)) superintendent of  
20 public instruction.

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

23 The basic education allocation for each annual average full time  
24 equivalent student shall be determined in accordance with the following  
25 procedures:

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

- 34 (a) Certificated instructional staff and their related costs;
- 35 (b) Certificated administrative staff and their related costs;

1 (c) Classified staff and their related costs;

2 (d) Nonsalary costs;

3 (e) Extraordinary costs, including school facilities, of remote and  
4 necessary schools as judged by the superintendent of public  
5 instruction, with recommendations from the school facilities citizen  
6 advisory panel under section 308 of this act, and small high schools,  
7 including costs of additional certificated and classified staff; and

8 (f) The attendance of students pursuant to RCW 28A.335.160 and  
9 28A.225.250 who do not reside within the servicing school district.

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

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

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

1 as provided in RCW 28A.150.350, enrolled on the first school day of  
2 each month and shall exclude full time equivalent students with  
3 disabilities recognized for the purposes of allocation of state funds  
4 for programs under RCW 28A.155.010 through 28A.155.100. The definition  
5 of full time equivalent student shall be determined by rules of the  
6 superintendent of public instruction: PROVIDED, That the definition  
7 shall be included as part of the superintendent's biennial budget  
8 request: PROVIDED, FURTHER, That any revision of the present  
9 definition shall not take effect until approved by the house  
10 appropriations committee and the senate ways and means committee:  
11 PROVIDED, FURTHER, That the office of financial management shall make  
12 a monthly review of the superintendent's reported full time equivalent  
13 students in the common schools in conjunction with RCW 43.62.050.

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

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

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

29 Any school district may cooperate with one or more school districts  
30 in the joint financing, planning, construction, equipping and operating  
31 of any educational facility otherwise authorized by law: PROVIDED,  
32 That any cooperative financing plan involving the construction of  
33 school plant facilities must be approved by the (~~state board of~~  
34 ~~education~~) superintendent of public instruction, considering policy  
35 recommendations from the school facilities citizen advisory panel under  
36 section 308 of this act, pursuant to such rules (~~as may now or~~

1 ~~hereafter be promulgated~~) adopted relating to state approval of school  
2 construction.

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

5 Subsequent to the holding of a hearing or hearings as provided in  
6 RCW 28A.540.040, the regional committee on school district organization  
7 shall determine the nonhigh school districts to be included in the plan  
8 and the amount of capital funds to be provided by every school district  
9 included therein, and shall submit the proposed plan to the (~~state~~  
10 ~~board of education~~) superintendent of public instruction together with  
11 such maps and other materials pertaining thereto as the (~~state board~~)  
12 superintendent may require. The (~~state board~~) superintendent,  
13 considering policy recommendations from the school facilities citizen  
14 advisory panel under section 308 of this act, shall review such plan,  
15 shall approve any plan which in (~~its~~) his or her judgment makes  
16 adequate and satisfactory provision for participation by the nonhigh  
17 school districts in providing capital funds to be used for the purpose  
18 above stated, and shall notify the regional committee of such action.  
19 Upon receipt by the regional committee of such notification, the  
20 educational service district superintendent, or his or her designee,  
21 shall notify the board of directors of each school district included in  
22 the plan, supplying each board with complete details of the plan and  
23 shall state the total amount of funds to be provided and the amount to  
24 be provided by each district.

25 If any such plan submitted by a regional committee is not approved  
26 by the (~~state board~~) superintendent of public instruction, the  
27 regional committee shall be so notified, which notification shall  
28 contain a statement of reasons therefor and suggestions for revision.  
29 Within sixty days thereafter the regional committee shall submit to the  
30 (~~state board~~) superintendent a revised plan which revision shall be  
31 subject to approval or disapproval by the (~~state board~~)  
32 superintendent, considering policy recommendations from the school  
33 facilities citizen advisory panel, and the procedural requirements and  
34 provisions of law applicable to an original plan submitted to (~~said~~  
35 ~~board~~) the superintendent.

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

3        The superintendent of public instruction, with recommendations from  
4    the school facilities citizen advisory panel under section 308 of this  
5    act, shall adopt rules governing the establishment in any existing  
6    nonhigh school district of any secondary program or any new grades in  
7    grades nine through twelve. Before any such program or any new grades  
8    are established, the district must obtain prior approval of the  
9    superintendent of public instruction.

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

12        (1) In adopting implementation rules, (~~the state board of~~  
13    ~~education, in consultation with~~) the superintendent of public  
14    instruction (~~and~~), in consultation with the department of general  
15    administration, shall review and modify the current requirement for an  
16    energy conservation report review by the department of general  
17    administration as provided in WAC 180-27-075.

18        (2) In adopting implementation rules, (~~the state board of~~  
19    ~~education, in consultation with~~) the superintendent of public  
20    instruction shall:

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

24        (b) Review private and public utility providers' capacity and  
25    financial/technical assistance programs for affected public school  
26    districts to monitor and report utility consumption for purposes of  
27    reporting to the superintendent of public instruction as provided in  
28    RCW 39.35D.040;

29        (c) Coordinate with the department of general administration, the  
30    state board of health, the department of ecology, federal agencies, and  
31    other affected agencies as appropriate in their consideration of rules  
32    to implement this section.

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

35        The (~~state board of education and~~) superintendent of public  
36    instruction shall allocate, as a nondeductible item, out of any moneys

1 appropriated for state assistance to school districts for the original  
2 construction of any school plant facility the amount of one-half of one  
3 percent of the appropriation to be expended by the Washington state  
4 arts commission for the acquisition of works of art. The works of art  
5 may be placed in accordance with Article IX, sections 2 and 3 of the  
6 state Constitution on public lands, integral to or attached to a public  
7 building or structure, detached within or outside a public building or  
8 structure, part of a portable exhibition or collection, part of a  
9 temporary exhibition, or loaned or exhibited in other public  
10 facilities. The Washington state arts commission shall, in  
11 consultation with the superintendent of public instruction, determine  
12 the amount to be made available for the purchase of works of art under  
13 this section, and payments therefor shall be made in accordance with  
14 law. The designation of projects and sites, selection, contracting,  
15 purchase, commissioning, reviewing of design, execution and placement,  
16 acceptance, maintenance, and sale, exchange, or disposition of works of  
17 art shall be the responsibility of the Washington state arts commission  
18 in consultation with the superintendent of public instruction and  
19 representatives of school district boards of directors. The  
20 superintendent of public instruction and the school district board of  
21 directors of the districts where the sites are selected shall have the  
22 right to:

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

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

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

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

32 Rejection at any point before or after the selection process shall  
33 not cause the loss of or otherwise endanger state construction funds  
34 available to the local school district. Any works of art rejected  
35 under this section shall be applied to the provision of works of art  
36 under this chapter, at the discretion of the Washington state arts  
37 commission, notwithstanding any contract or agreement between the  
38 affected school district and the artist involved. In addition to the



1 cost of the works of art the one-half of one percent of the  
2 appropriation as provided (~~herein~~) in this section shall be used to  
3 provide for the administration, including conservation of the state art  
4 collection, by the Washington state arts commission and all costs for  
5 installation of the work of art. For the purpose of this section  
6 building shall not include sheds, warehouses, or other buildings of a  
7 temporary nature.

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

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

14 School districts shall be required to lease for a reasonable fee  
15 vacant school plant facilities from a contiguous school district  
16 wherever possible.

17 No school district with unhoused students may be eligible for the  
18 state matching funds for the construction of school plant facilities  
19 if:

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

22 (2) The superintendent of public instruction (~~and the state board~~  
23 ~~of education have~~) has determined the vacant school plant facilities  
24 available in the contiguous district will fulfill the needs of the  
25 applicant district in housing unhoused students. In determining  
26 whether the contiguous district school plant facilities meet the needs  
27 of the applicant district, consideration shall be given, but not  
28 limited to the geographic location of the vacant facilities as they  
29 relate to the applicant district; and

30 (3) A lease of the vacant school plant facilities can be  
31 negotiated.

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

34 In the event that a proposal or proposals for providing capital  
35 funds as provided in RCW 28A.540.060 is not approved by the voters of  
36 a nonhigh school district a second election thereon shall be held

1 within sixty days thereafter. If the vote of the electors of the  
2 nonhigh school district is again in the negative, the high school  
3 students residing therein shall not be entitled to admission to the  
4 high school under the provisions of RCW 28A.225.210, following the  
5 close of the school year during which the second election is held:  
6 PROVIDED, That in any such case the regional committee on school  
7 district organization shall determine within thirty days after the date  
8 of the aforesaid election the advisability of initiating a proposal for  
9 annexation of such nonhigh school district to the school district in  
10 which the proposed facilities are to be located or to some other  
11 district where its students can attend high school without undue  
12 inconvenience: PROVIDED FURTHER, That pending such determination by  
13 the regional committee and action thereon as required by law the board  
14 of directors of the high school district shall continue to admit high  
15 school students residing in the nonhigh school district. Any proposal  
16 for annexation of a nonhigh school district initiated by a regional  
17 committee shall be subject to the procedural requirements of this  
18 chapter respecting a public hearing and submission to and approval by  
19 the (~~state board of education~~) superintendent of public instruction,  
20 considering policy recommendations from the school facilities citizen  
21 advisory panel under section 308 of this act. Upon approval by the  
22 (~~state board~~) superintendent of public instruction of any such  
23 proposal, the educational service district superintendent shall make an  
24 order, establishing the annexation.

25 NEW SECTION. **Sec. 330.** The following sections are each  
26 decodified:

27 RCW 28A.525.120

28 RCW 28A.525.122

29 RCW 28A.525.124

30 RCW 28A.525.126

31 RCW 28A.525.128

32 RCW 28A.525.130

33 RCW 28A.525.132

34 RCW 28A.525.134

35 RCW 28A.525.140

36 RCW 28A.525.142

37 RCW 28A.525.144

1 RCW 28A.525.146  
2 RCW 28A.525.148  
3 RCW 28A.525.150  
4 RCW 28A.525.152  
5 RCW 28A.525.154  
6 RCW 28A.525.156  
7 RCW 28A.525.158  
8 RCW 28A.525.160  
9 RCW 28A.525.182

10 **PART 4**

11 **COURSES OF STUDY AND EDUCATIONAL PROGRAMS**

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

14 (1) The (~~state board of education~~) superintendent of public  
15 instruction, in consultation with the higher education coordinating  
16 board, the state board for community and technical colleges, and the  
17 work force training and education coordinating board, shall develop for  
18 use by all public school districts a standardized high school  
19 transcript. The (~~state board of education~~) superintendent shall  
20 establish clear definitions for the terms "credits" and "hours" so that  
21 school programs operating on the quarter, semester, or trimester system  
22 can be compared.

23 (2) The standardized high school transcript shall include the  
24 following information:

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

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

30 (c) A notation of whether the student has earned a certificate of  
31 individual achievement or a certificate of academic achievement by  
32 means of the Washington assessment of student learning or by an  
33 alternative assessment.

34 (3) Transcripts are important documents to students who will apply  
35 for admission to postsecondary institutions of higher education.  
36 Transcripts are also important to students who will seek employment

1 upon or prior to graduation from high school. It is recognized that  
2 student transcripts may be the only record available to employers in  
3 their decision-making processes regarding prospective employees. The  
4 superintendent of public instruction shall require school districts to  
5 inform annually all high school students that prospective employers may  
6 request to see transcripts and that the prospective employee's decision  
7 to release transcripts can be an important part of the process of  
8 applying for employment.

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

11 The (~~state board of education~~) superintendent of public  
12 instruction, in consultation with the higher education coordinating  
13 board, the state board for community and technical colleges, and the  
14 work force training and education coordinating board, shall adopt rules  
15 pursuant to chapter 34.05 RCW, to implement the course requirements set  
16 forth in RCW 28A.230.090. The rules shall include, as the (~~state~~  
17 ~~board~~) superintendent deems necessary, granting equivalencies for and  
18 temporary exemptions from the course requirements in RCW 28A.230.090  
19 and special alterations of the course requirements in RCW 28A.230.090.  
20 In developing such rules the (~~state board~~) superintendent shall  
21 recognize the relevance of vocational and applied courses and allow  
22 such courses to fulfill in whole or in part the courses required for  
23 graduation in RCW 28A.230.090. The rules may include provisions for  
24 competency testing in lieu of such courses required for graduation in  
25 RCW 28A.230.090 or demonstration of specific skill proficiency or  
26 understanding of concepts through work or experience.

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

29 The study of the Constitution of the United States and the  
30 Constitution of the state of Washington shall be a condition  
31 prerequisite to graduation from the public and private high schools of  
32 this state. The (~~state board of education acting upon the advice of~~  
33 ~~the~~) superintendent of public instruction shall provide by rule (~~or~~  
34 ~~regulation~~) for the implementation of this section.

1        NEW SECTION.    **Sec. 404.**    The state board of education, in  
2        consultation with the state board for community and technical colleges,  
3        shall examine the statutory authority, rules, and jurisdiction between  
4        the K-12 and postsecondary education systems regarding the general  
5        educational development test and adult education. The board shall make  
6        recommendations for change or clarification to the education committees  
7        of the legislature by January 15, 2007.

8        NEW SECTION.    **Sec. 405.**    (1) The state board of education shall  
9        develop and propose a revised definition of the purpose and  
10        expectations for high school diplomas issued by public schools in  
11        Washington state.    The revised definition shall address whether  
12        attainment of a high school diploma is intended to signify that a  
13        student is ready for success in college, ready for successful and  
14        gainful employment in the workplace, or some combination of these and  
15        other objectives. The revised definition shall focus on the knowledge,  
16        skills, and abilities that students are expected to demonstrate to  
17        receive a high school diploma, as well as the various methods to be  
18        used to measure student performance, rather than focusing on courses,  
19        credits, seat time, and test scores.

20        (2) In developing the revised definition of the high school  
21        diploma, the state board of education shall consult with educators,  
22        parents, institutions of higher education, employers, and community  
23        leaders. The board shall also work with the state board for community  
24        and technical colleges, the higher education coordinating board, and  
25        the work force training and education coordinating board.

26        (3) The state board of education shall submit the proposed revised  
27        definition of the high school diploma, along with any necessary  
28        revisions to state statutes and rules, to the education committees of  
29        the legislature by December 1, 2007.

30        **Sec. 406.**    RCW 28A.305.170 and 2002 c 291 s 3 are each amended to  
31        read as follows:

32        (1) In addition to any other powers and duties as provided by law,  
33        the (~~state board of education~~) superintendent of public instruction,  
34        in consultation with the military department, shall adopt rules  
35        governing and authorizing the acceptance of national guard high school

1 career training and the national guard youth challenge program in lieu  
2 of either required high school credits or elective high school credits.

3 (2) With the exception of students enrolled in the national guard  
4 youth challenge program, students enrolled in such national guard  
5 programs shall be considered enrolled in the common school last  
6 attended preceding enrollment in such national guard program.

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

12 **Sec. 407.** RCW 28A.230.130 and 2003 c 49 s 2 are each amended to  
13 read as follows:

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

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

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

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

33 ~~((3) The state board of education, upon request from local school  
34 districts, may grant waivers from the requirements to provide the  
35 program described in subsections (1) and (2) of this section for  
36 reasons relating to school district size and the availability of staff  
37 authorized to teach subjects which must be provided. In considering~~

1 ~~waiver requests related to programs in subsection (2) of this section,~~  
2 ~~the state board of education shall consider the extent to which the~~  
3 ~~school district has offered such programs before the 2003-04 school~~  
4 ~~year.))~~

5 **Sec. 408.** RCW 28A.205.010 and 2005 c 497 s 214 are each amended to  
6 read as follows:

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

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

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

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

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

26 (2) For purposes of this chapter, basic academic skills shall  
27 include the study of mathematics, speech, language, reading and  
28 composition, science, history, literature and political science or  
29 civics; it shall not include courses of a vocational training nature  
30 and shall not include courses deemed nonessential to the accrediting  
31 ~~((of the common schools))~~ or the approval of private schools under RCW  
32 28A.305.130.

33 (3) The ~~((state board of education))~~ superintendent of public  
34 instruction shall certify an education center only upon application and

35 (a) determination that such school comes within the definition thereof  
36 as set forth in subsection (1) of this section and (b) demonstration on  
37 the basis of actual educational performance of such applicants'

1 students which shows after consideration of their students'  
2 backgrounds, educational gains that are a direct result of the  
3 applicants' educational program. Such certification may be withdrawn  
4 if the (~~board~~) superintendent finds that a center fails to provide  
5 adequate instruction in basic academic skills. No education center  
6 certified by the (~~state board of education~~) superintendent of public  
7 instruction pursuant to this section shall be deemed a common school  
8 under RCW 28A.150.020 or a private school for the purposes of RCW  
9 28A.195.010 through 28A.195.050.

10 **Sec. 409.** RCW 28A.215.010 and 1995 c 335 s 104 are each amended to  
11 read as follows:

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

30 **Sec. 410.** RCW 28A.215.020 and 1995 c 335 s 308 are each amended to  
31 read as follows:

32 Expenditures under federal funds and/or state appropriations made  
33 to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall  
34 be made by warrants issued by the state treasurer upon order of the  
35 superintendent of public instruction. The (~~state board of education~~)  
36 superintendent of public instruction shall make necessary rules (~~and~~



1 regulations)) to carry out the purpose of RCW 28A.215.010. After being  
2 notified by the office of the governor that there is an agency or  
3 department responsible for early learning, the superintendent shall  
4 consult with that agency when establishing relevant rules.

5 **Sec. 411.** RCW 28A.205.040 and 1999 c 348 s 4 are each amended to  
6 read as follows:

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

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

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

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

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

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

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

4 **Sec. 412.** RCW 28A.215.140 and 1988 c 174 s 5 are each amended to  
5 read as follows:

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

16 **Sec. 413.** RCW 28A.230.020 and 1991 c 116 s 6 are each amended to  
17 read as follows:

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

32 **Sec. 414.** RCW 28A.230.040 and 1984 c 52 s 1 are each amended to  
33 read as follows:

34 Every pupil attending grades one through eight of the public  
35 schools shall receive instruction in physical education as prescribed

1 by rule (~~or regulation~~) of the (~~state board of education~~)  
2 superintendent of public instruction: PROVIDED, That individual pupils  
3 or students may be excused on account of physical disability, religious  
4 belief, or participation in directed athletics.

5 **Sec. 415.** RCW 28A.230.050 and 1985 c 384 s 3 are each amended to  
6 read as follows:

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

16 **Sec. 416.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22  
17 are each reenacted and amended to read as follows:

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

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

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

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

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

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

1 (6) To, in addition to the minimum requirements imposed by this  
2 title establish and maintain such grades and departments, including  
3 night, high, kindergarten, vocational training and, except as otherwise  
4 provided by law, industrial schools, and schools and departments for  
5 the education and training of any class or classes of youth with  
6 disabilities, as in the judgment of the board, best shall promote the  
7 interests of education in the district((-));i

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

15 (8) To maintain a shop and repair department, and to employ, and  
16 for cause dismiss, a foreman and the necessary help for the maintenance  
17 and conduct thereof((-));i

18 (9) To provide free textbooks and supplies for all children  
19 attending school((-));i

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

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

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

1 NEW SECTION. **Sec. 417.** RCW 28A.305.220 is recodified as a new  
2 section in chapter 28A.230 RCW.

3 NEW SECTION. **Sec. 418.** RCW 28A.305.170 is recodified as a new  
4 section in chapter 28A.300 RCW.

5 **PART 5**

6 **SCHOOL DISTRICT BOUNDARIES**

7 **Sec. 501.** RCW 28A.315.175 and 1999 c 315 s 302 are each amended to  
8 read as follows:

9 ~~((The powers and duties of the state board with respect to this~~  
10 ~~chapter shall be))~~ The superintendent of public instruction shall:

11 (1) ~~((To))~~ Aid regional committees in the performance of their  
12 duties by furnishing them with plans of procedure, standards, data,  
13 maps, forms, and other necessary materials and services essential to a  
14 study and understanding of the problems of school district organization  
15 in their respective educational service districts(~~(-)~~); and

16 (2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out  
17 powers and duties of the superintendent of public instruction relating  
18 to the organization and reorganization of school districts.

19 **Sec. 502.** RCW 28A.315.195 and 2003 c 413 s 2 are each amended to  
20 read as follows:

21 (1) A proposed change in school district organization by transfer  
22 of territory from one school district to another may be initiated by a  
23 petition in writing presented to the educational service district  
24 superintendent:

25 (a) Signed by at least fifty percent plus one of the active  
26 registered voters residing in the territory proposed to be transferred;  
27 or

28 (b) Signed by a majority of the members of the board of directors  
29 of one of the districts affected by a proposed transfer of territory.

30 (2) The petition shall state the name and number of each district  
31 affected, describe the boundaries of the territory proposed to be  
32 transferred, and state the reasons for desiring the change and the  
33 number of children of school age, if any, residing in the territory.

1 (3) The educational service district superintendent shall not  
2 complete any transfer of territory under this section that involves ten  
3 percent or more of the common school student population of the entire  
4 district from which the transfer is proposed, unless the educational  
5 service district superintendent has first called and held a special  
6 election of the voters of the entire school district from which the  
7 transfer of territory is proposed. The purpose of the election is to  
8 afford those voters an opportunity to approve or reject the proposed  
9 transfer. A simple majority shall determine approval or rejection.

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

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

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

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

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

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

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

29 (6) If the negotiating school boards cannot come to agreement about  
30 the proposed transfer of territory, the educational service district  
31 superintendent, if requested by the affected districts, shall appoint  
32 a mediator. The mediator has thirty days to work with the affected  
33 school districts to see if an agreement can be reached on the proposed  
34 transfer of territory.

35 (7) If the affected school districts cannot come to agreement about  
36 the proposed transfer of territory, and the districts do not request  
37 the services of a mediator or the mediator was unable to bring the

1 districts to agreement, either district may file with the educational  
2 service district superintendent a written request for a hearing by the  
3 regional committee.

4 (8) If the affected school districts cannot come to agreement about  
5 the proposed transfer of territory initiated by citizen petition, and  
6 the districts do not request the services of a mediator or the mediator  
7 was unable to bring the districts to agreement, the district in which  
8 the citizens who filed the petition reside shall file with the  
9 educational service district superintendent a written request for a  
10 hearing by the regional committee, unless a majority of the citizen  
11 petitioners request otherwise.

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

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

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

20 (1) The chair of the regional committee shall schedule a hearing on  
21 the proposed transfer of territory at a location in the educational  
22 service district within sixty calendar days of being notified under RCW  
23 28A.315.195 (7) or (8).

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

31 (3) In carrying out the purposes of RCW 28A.315.015 and in making  
32 decisions as authorized under RCW 28A.315.095(1), the regional  
33 committee shall base its judgment upon whether and to the extent the  
34 proposed change in school district organization complies with RCW  
35 28A.315.015(2) and rules adopted by the (~~state board~~) superintendent  
36 of public instruction under chapter 34.05 RCW.

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

3 (a) Student educational opportunities as measured by the percentage  
4 of students performing at each level of the statewide mandated  
5 assessments and data regarding student attendance, graduation, and  
6 dropout rates;

7 (b) The safety and welfare of pupils. For the purposes of this  
8 subsection, "safety" means freedom or protection from danger, injury,  
9 or damage and "welfare" means a positive condition or influence  
10 regarding health, character, and well-being;

11 (c) The history and relationship of the property affected to the  
12 students and communities affected, including, for example, inclusion  
13 within a single school district, for school attendance and  
14 corresponding tax support purposes, of entire master planned  
15 communities that were or are to be developed pursuant to an integrated  
16 commercial and residential development plan with over one thousand  
17 dwelling units;

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

22 (e) All funding sources of the affected districts, equalization  
23 among school districts of the tax burden for general fund and capital  
24 purposes through a reduction in disparities in per pupil valuation when  
25 all funding sources are considered, improvement in the economies in the  
26 administration and operation of schools, and the extent the proposed  
27 change would potentially reduce or increase the individual and  
28 aggregate transportation costs of the affected school districts.

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



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

7 (iii) If the (~~state board~~) administrative law judge finds that  
8 all applicable procedures were followed or that the regional committee  
9 did not act in an arbitrary and capricious manner, depending on the  
10 appeal, the educational service district shall be notified and directed  
11 to implement the changes.

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

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

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

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

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

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

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

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

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

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

1 (b) Responsibly serving all of the affected citizens and students  
2 by contributing to logical service boundaries and recognizing a  
3 changing economic pattern within the educational service districts of  
4 the state;

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

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

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

16 (3) It is neither the intent nor purpose of this chapter to apply  
17 to organizational changes and the procedure therefor relating to  
18 capital fund aid by nonhigh school districts as provided for in chapter  
19 28A.540 RCW.

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

22 As used in this chapter:

23 (1) "Change in the organization and extent of school districts"  
24 means the formation and establishment of new school districts, the  
25 dissolution of existing school districts, the alteration of the  
26 boundaries of existing school districts, or all of them.

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

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

30 ~~(4))~~ (4) "School district" means the territory under the jurisdiction  
31 of a single governing board designated and referred to as the board of  
32 directors.

33 (~~(5))~~ (4) "Educational service district superintendent" means the  
34 educational service district superintendent as provided for in RCW  
35 28A.310.170 or his or her designee.

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

3       In case the boundaries of any of the school districts are  
4 conflicting or incorrectly described, the educational service district  
5 board of directors, after due notice and a public hearing, shall  
6 change, harmonize, and describe them and shall so certify, with a  
7 complete transcript of boundaries of all districts affected, such  
8 action to the ~~((state board))~~ superintendent of public instruction for  
9 ~~((its))~~ approval or revision. Upon receipt of notification of ~~((state~~  
10 ~~board))~~ action by the superintendent of public instruction, the  
11 educational service district superintendent shall transmit to the  
12 county legislative authority of the county or counties in which the  
13 affected districts are located a complete transcript of the boundaries  
14 of all districts affected.

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

17       (1) The superintendent of public instruction shall furnish ~~((to the~~  
18 ~~state board and))~~ to regional committees the services of employed  
19 personnel and the materials and supplies necessary to enable them to  
20 perform the duties imposed upon them by this chapter ~~((and))~~. Members  
21 shall be reimbursed ~~((the members thereof))~~ for expenses necessarily  
22 incurred by them in the performance of their duties ~~((, such~~  
23 ~~reimbursement for regional committee members to be))~~ in accordance with  
24 RCW 28A.315.155 ~~((, and such reimbursement for state board members to be~~  
25 ~~in accordance with RCW 28A.305.011))~~.

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

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

33       The members of each regional committee shall be elected in the  
34 following manner:

35       (1) On or before the 25th day of September, 1994, and not later  
36 than the 25th day of September of every subsequent even-numbered year,

1 each superintendent of an educational service district shall call an  
2 election to be held in each educational service district within which  
3 resides a member of a regional committee whose term of office expires  
4 on the second Monday of January next following, and shall give written  
5 notice thereof to each member of the board of directors of each school  
6 district in the educational service district. Such notice shall  
7 include instructions, and the rules (~~and regulations~~) established by  
8 the (~~state board of education~~) superintendent of public instruction  
9 for the conduct of the election. The (~~state board of education~~)  
10 superintendent of public instruction is (~~hereby~~) empowered to adopt  
11 rules pursuant to chapter 34.05 RCW which establish standards and  
12 procedures which the (~~state board~~) superintendent deems necessary to  
13 conduct elections pursuant to this section; to conduct run-off  
14 elections in the event an election for a position is indecisive; and to  
15 decide run-off elections which result in tie votes, in a fair and  
16 orderly manner.

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

27 (3) Each member of the regional committee shall be elected by a  
28 majority of the votes cast for all candidates for the position by the  
29 members of the boards of directors of school districts in the  
30 educational service district. All votes shall be cast by mail ballot  
31 addressed to the superintendent of the educational service district  
32 wherein the school director resides. No votes shall be accepted for  
33 counting if postmarked after the 16th day of November or if not  
34 postmarked or the postmark is not legible, if received by mail after  
35 the 21st day of November of each even-numbered year. An election board  
36 comprised of three persons appointed by the board of the educational  
37 service district shall count and tally the votes not later than the  
38 25th day of November or the next business day if the 25th falls on a

1 Saturday, Sunday, or legal holiday of each even-numbered year. Each  
2 vote cast by a school director shall be recorded as one vote. Within  
3 ten days following the count of votes, the educational service district  
4 superintendent shall certify to the superintendent of public  
5 instruction the name or names of the person(s) elected to be members of  
6 the regional committee.

7 (4) In the event of a change in the number of educational service  
8 districts or in the number of educational service district board  
9 members pursuant to chapter 28A.310 RCW a new regional committee shall  
10 be elected for each affected educational service district at the next  
11 election conducted pursuant to this section. Those persons who were  
12 serving on a regional committee within an educational service district  
13 affected by a change in the number of districts or board members shall  
14 continue to constitute the regional committee for the educational  
15 service district within which they are registered to vote until the  
16 majority of a new board has been elected and certified.

17 (5) No member of a regional committee shall continue to serve  
18 thereon if he or she ceases to be a registered voter of the educational  
19 service district board member district or if he or she is absent from  
20 three consecutive meetings of the committee without an excuse  
21 acceptable to the committee.

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

24 To the extent funds are appropriated, the superintendent of public  
25 instruction, in cooperation with the educational service districts and  
26 the Washington state school directors' association, shall conduct an  
27 annual training meeting for the regional committees, (~~state board~~  
28 ~~members,~~) educational service district superintendents, and local  
29 school district superintendents and boards of directors. Training may  
30 also be provided upon request.

31 **PART 6**

32 **EDUCATIONAL SERVICE DISTRICTS**

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

35 (1) (~~The state board of education, by rule or regulation, may~~

1 ~~require the assistance of educational service district boards and/or~~  
2 ~~superintendents in the performance of any duty, authority, or power~~  
3 ~~imposed upon or granted to the state board of education by law, upon~~  
4 ~~such terms and conditions as the state board of education shall~~  
5 ~~establish. Such authority to assist the state board of education shall~~  
6 ~~be limited to the service function of information collection and~~  
7 ~~dissemination and the attestation to the accuracy and completeness of~~  
8 ~~submitted information.~~

9 (2)) During the 2005-2007 biennium, educational service districts  
10 may, at the request of the state board of education, receive and screen  
11 applications for school accreditation, conduct school accreditation  
12 site visits pursuant to state board of education rules, and submit to  
13 the state board of education postsite visit recommendations for school  
14 accreditation. The educational service districts may assess a  
15 cooperative service fee to recover actual plus reasonable indirect  
16 costs for the purposes of this subsection.

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

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

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

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

34 Except as otherwise provided in this chapter, in each educational  
35 service district there shall be an educational service district board  
36 consisting of seven members elected by the school directors of the

1 educational service district, one from each of seven educational  
2 service district board-member districts. Board-member districts in  
3 districts reorganized under RCW 28A.310.020, or as provided for in RCW  
4 28A.310.120 and under this section, shall be initially determined by  
5 the state board of education. If a reorganization pursuant to RCW  
6 28A.310.020 places the residence of a board member into another or  
7 newly created educational service district, such member shall serve on  
8 the board of the educational service district of residence and at the  
9 next election called by the (~~secretary to the state board of~~  
10 ~~education~~) superintendent of public instruction pursuant to RCW  
11 28A.310.080 a new seven member board shall be elected. If the  
12 redrawing of board-member district boundaries pursuant to this chapter  
13 shall cause the resident board-member district of two or more board  
14 members to coincide, such board members shall continue to serve on the  
15 board and at the next election called by the (~~secretary to the state~~  
16 ~~board of education~~) superintendent of public instruction a new board  
17 shall be elected. The board-member districts shall be arranged so far  
18 as practicable on a basis of equal population, with consideration being  
19 given existing board members of existing educational service district  
20 boards. Each educational service district board member shall be  
21 elected by the school directors of each school district within the  
22 educational service district. Beginning in 1971 and every ten years  
23 thereafter, educational service district boards shall review and, if  
24 necessary, shall change the boundaries of board-member districts so as  
25 to provide so far as practicable equal representation according to  
26 population of such board-member districts and to conform to school  
27 district boundary changes: PROVIDED, That all board-member district  
28 boundaries, to the extent necessary to conform with this chapter, shall  
29 be immediately redrawn for the purposes of the next election called by  
30 the (~~secretary to the state board of education~~) superintendent of  
31 public instruction following any reorganization pursuant to this  
32 chapter. Such district board, if failing to make the necessary changes  
33 prior to June 1<sup>st</sup> of the appropriate year, shall refer for settlement  
34 questions on board-member district boundaries to the (~~state board of~~  
35 ~~education~~) office of the superintendent of public instruction, which,  
36 after a public hearing, shall decide such questions.

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

3           Any educational service district board may elect by resolution of  
4 the board to increase the board member size to nine board members. In  
5 such case positions number eight and nine shall be filled at the next  
6 election called by the (~~secretary to the state board of education~~)  
7 superintendent of public instruction, position numbered eight to be for  
8 a term of two years, position numbered nine to be for a term of four  
9 years. Thereafter the terms for such positions shall be for four  
10 years.

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

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

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

31           Candidates for membership on an educational service district board  
32 shall file declarations of candidacy with the (~~secretary to the state~~  
33 ~~board of education~~) superintendent of public instruction on forms  
34 prepared by the (~~secretary~~) superintendent. Declarations of  
35 candidacy may be filed by person or by mail not earlier than the first  
36 day of September, nor later than the sixteenth day of September. The



1 (~~secretary to the state board of education~~) superintendent may not  
2 accept any declaration of candidacy that is not on file in his or her  
3 office or is not postmarked before the seventeenth day of September.

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

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

1 auditor of the headquarters county of the educational service district  
2 the name or names of the persons elected to be members of the  
3 educational service district board.

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

6 Every school district must be included entirely within a single  
7 educational service district. If the boundaries of any school district  
8 within an educational service district are changed in any manner so as  
9 to extend the school district beyond the boundaries of that educational  
10 service district, the (~~state board~~) superintendent of public  
11 instruction shall change the boundaries of the educational service  
12 districts so affected in a manner consistent with the purposes of RCW  
13 28A.310.010 and this section.

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

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

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

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

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

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

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

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

9 (5) Keep in the educational service district office a full and  
10 correct transcript of the boundaries of each school district within the  
11 educational service district((~~-~~));i

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

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

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

1 (9) Enter into contracts, including contracts with common and  
2 educational service districts and the school for the deaf and the  
3 school for the blind for the joint financing of cooperative service  
4 programs conducted pursuant to RCW 28A.310.180(3), and employ  
5 consultants and legal counsel relating to any of the duties, functions,  
6 and powers of the educational service districts.

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

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

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

26 The duties in this chapter imposed upon and required to be  
27 performed by a regional committee and by an educational service  
28 district superintendent in connection with a change in the organization  
29 and extent of school districts and/or with the adjustment of the assets  
30 and liabilities of school districts and with all matters related to  
31 such change or adjustment whenever territory lying in a single  
32 educational service district is involved shall be performed jointly by  
33 the regional committees and by the superintendents of the several  
34 educational service districts as required whenever territory lying in  
35 more than one educational service district is involved in a proposed  
36 change in the organization and extent of school districts: PROVIDED,

1 That a regional committee may designate three of its members, or two of  
2 its members and the educational service district superintendent, as a  
3 subcommittee to serve in lieu of the whole committee, but action by a  
4 subcommittee shall not be binding unless approved by a majority of the  
5 regional committee. Proposals for changes in the organization and  
6 extent of school districts and proposed terms of adjustment of assets  
7 and liabilities thus prepared and approved shall be submitted to the  
8 ((~~state board~~)) superintendent of public instruction by the regional  
9 committee of the educational service district in which is located the  
10 part of the proposed or enlarged district having the largest number of  
11 common school pupils residing therein.

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

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

- 25 (1) Service needs of such district;
- 26 (2) Availability of services;
- 27 (3) Geographic location of district and servicing agencies; and
- 28 (4) Relationship to contiguous school districts.

29 **PART 7**  
30 **STUDENTS**

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

- 33 (1) The ((~~state board of education~~)) superintendent of public  
34 instruction shall adopt and distribute to all school districts lawful  
35 and reasonable rules prescribing the substantive and procedural due

1 process guarantees of pupils in the common schools. Such rules shall  
2 authorize a school district to use informal due process procedures in  
3 connection with the short-term suspension of students to the extent  
4 constitutionally permissible: PROVIDED, That the (~~state board~~)  
5 superintendent of public instruction deems the interest of students to  
6 be adequately protected. When a student suspension or expulsion is  
7 appealed, the rules shall authorize a school district to impose the  
8 suspension or expulsion temporarily after an initial hearing for no  
9 more than ten consecutive school days or until the appeal is decided,  
10 whichever is earlier. Any days that the student is temporarily  
11 suspended or expelled before the appeal is decided shall be applied to  
12 the term of the student suspension or expulsion and shall not limit or  
13 extend the term of the student suspension or expulsion.

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

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

18 The use of corporal punishment in the common schools is prohibited.  
19 The (~~state board of education, in consultation with the~~)  
20 superintendent of public instruction(~~(7)~~) shall develop and adopt a  
21 policy prohibiting the use of corporal punishment in the common  
22 schools. The policy shall be adopted (~~by the state board of education~~  
23 ~~no later than February 1, 1994,~~) and (~~shall take effect~~) implemented  
24 in all school districts (~~September 1, 1994~~).

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

27 Except as otherwise provided by law, it is the general policy of  
28 the state that the common schools shall be open to the admission of all  
29 persons who are five years of age and less than twenty-one years  
30 residing in that school district. Except as otherwise provided by law  
31 or rules adopted by the (~~state board of education~~) superintendent of  
32 public instruction, districts may establish uniform entry  
33 qualifications, including but not limited to birth date requirements,  
34 for admission to kindergarten and first grade programs of the common  
35 schools. Such rules may provide for exceptions based upon the ability,  
36 or the need, or both, of an individual student. For the purpose of

1 complying with any rule adopted by the (~~state board of education~~  
2 ~~which~~) superintendent of public instruction that authorizes a  
3 preadmission screening process as a prerequisite to granting exceptions  
4 to the uniform entry qualifications, a school district may collect fees  
5 to cover expenses incurred in the administration of any preadmission  
6 screening process: PROVIDED, That in so establishing such fee or fees,  
7 the district shall adopt regulations for waiving and reducing such fees  
8 in the cases of those persons whose families, by reason of their low  
9 income, would have difficulty in paying the entire amount of such fees.

10 NEW SECTION. Sec. 704. A new section is added to chapter 28A.300  
11 RCW to read as follows:

12 The superintendent of public instruction shall adopt rules relating  
13 to pupil tests and records.

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

16 The superintendent of public instruction shall collect and  
17 disseminate to school districts information on child abuse and neglect  
18 prevention curriculum and shall adopt rules dealing with the prevention  
19 of child abuse for purposes of curriculum use in the common schools.  
20 The superintendent of public instruction and the departments of social  
21 and health services and community, trade, and economic development  
22 shall share relevant information.

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

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

30 (2) Any student who creates a disruption of the educational process  
31 in violation of the building disciplinary standards while under a  
32 teacher's immediate supervision may be excluded by the teacher from his  
33 or her individual classroom and instructional or activity area for all  
34 or any portion of the balance of the school day, or up to the following  
35 two days, or until the principal or designee and teacher have

1 conferred, whichever occurs first. Except in emergency circumstances,  
2 the teacher first must attempt one or more alternative forms of  
3 corrective action. In no event without the consent of the teacher may  
4 an excluded student return to the class during the balance of that  
5 class or activity period or up to the following two days, or until the  
6 principal or his or her designee and the teacher have conferred.

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

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

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

31 (a) Engages in two or more violations within a three-year period of  
32 RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020,  
33 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

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

35 The principal shall communicate the disciplinary action taken by  
36 the principal to the school personnel who referred the student to the  
37 principal for disciplinary action.





1 (c) Any history of violent behavior, or behavior listed in RCW  
2 13.04.155;

3 (d) Any unpaid fines or fees imposed by other schools; and

4 (e) Any health conditions affecting the student's educational  
5 needs.

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

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

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

1 (5) When a school receives information under this section or RCW  
2 13.40.215 that a student has a history of disciplinary actions,  
3 criminal or violent behavior, or other behavior that indicates the  
4 student could be a threat to the safety of educational staff or other  
5 students, the school shall provide this information to the student's  
6 teachers and security personnel.

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

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

30 The legislature further finds that an evaluation system for  
31 teachers has the following elements, goals, and objectives: (1) An  
32 evaluation system must be meaningful, helpful, and objective; (2) an  
33 evaluation system must encourage improvements in teaching skills,  
34 techniques, and abilities by identifying areas needing improvement; (3)  
35 an evaluation system must provide a mechanism to make meaningful  
36 distinctions among teachers and to acknowledge, recognize, and  
37 encourage superior teaching performance; and (4) an evaluation system

1 must encourage respect in the evaluation process by the persons  
2 conducting the evaluations and the persons subject to the evaluations  
3 through recognizing the importance of objective standards and  
4 minimizing subjectivity.

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

7 It shall be the responsibility of each educational service district  
8 board to establish a center for the improvement of teaching. The  
9 center shall administer, coordinate, and act as fiscal agent for such  
10 programs related to the recruitment and training of certificated and  
11 classified K-12 education personnel as may be delegated to the center  
12 by the superintendent of public instruction under RCW 28A.310.470(~~(or~~  
13 ~~the state board of education under RCW 28A.310.480)~~). To assist in  
14 these activities, each educational service district board shall  
15 establish an improvement of teaching coordinating council to include,  
16 at a minimum, representatives as specified in RCW 28A.415.040. An  
17 existing in-service training task force, established pursuant to RCW  
18 28A.415.040, may serve as the improvement of teaching coordinating  
19 council. The educational service district board shall ensure  
20 coordination of programs established pursuant to RCW 28A.415.030,  
21 28A.410.060, and 28A.415.250.

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

1 Educational service district boards of contiguous educational  
2 service districts, by mutual arrangements, may hold joint institutes  
3 and/or workshops, the expenses to be shared in proportion to the  
4 numbers of certificated personnel as shown by the last annual reports  
5 of the educational service districts holding such joint institutes or  
6 workshops.

7 In local school districts employing more than one hundred teachers  
8 and other professional staff, the school district superintendent may  
9 hold a teachers' institute of one or more days in such district, said  
10 institute when so held by the school district superintendent to be in  
11 all respects governed by the provisions of this title and (~~state board~~  
12 ~~of education~~) rules (~~and regulations~~) relating to teachers'  
13 institutes held by educational service district superintendents.

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

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

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

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

33 (4) An approved in-service training program shall be a program  
34 approved by a school district board of directors, which meet standards  
35 adopted by the (~~state board of education~~) professional educator  
36 standards board, and the development of said program has been  
37 participated in by an in-service training task force whose membership

1 is the same as provided under RCW 28A.415.040, or a program offered by  
2 an education agency approved to provide in-service for the purposes of  
3 continuing education as provided for under rules adopted by the ((state  
4 ~~board of education~~)) professional educator standards board, or both.

5 (5) Clock hours eligible for application to the salary schedule  
6 developed by the legislative evaluation and accountability program  
7 committee as described in subsections (1) and (2) of this section,  
8 shall be those hours acquired after August 31, 1987. Clock hours  
9 eligible for application to the salary schedule as described in  
10 subsection (3) of this section shall be those hours acquired after  
11 December 31, 1995.

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

14 (1) All credits earned in furtherance of degrees earned by  
15 certificated staff, that are used to increase earnings on the salary  
16 schedule consistent with RCW 28A.415.023, must be obtained from an  
17 educational institution accredited by an accrediting association  
18 recognized by rule of the ((state board of education)) professional  
19 educator standards board.

20 (2) The office of the superintendent of public instruction shall  
21 verify for school districts the accreditation status of educational  
22 institutions granting degrees that are used by certificated staff to  
23 increase earnings on the salary schedule consistent with RCW  
24 28A.415.023.

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

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

35 (b) Certificated staff who submit degrees received from an  
36 unaccredited educational institution for the purposes of receiving a

1 salary increase shall be fined three hundred dollars. The fine shall  
2 be paid to the office of the superintendent of public instruction and  
3 used for costs of administering this section.

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

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

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

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

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

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

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

34 (3) "Field experience" means opportunities for observation,  
35 tutoring, microteaching, extended practicums, and clinical and

1 laboratory experiences which do not fall within the meaning of student  
2 teaching.

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

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

10 (6) "Student teaching" means the full quarter or semester in a  
11 school setting during which the student teacher observes the  
12 cooperating teacher, participates in instructional activities, and  
13 assumes both part-time and full-time teaching responsibilities under  
14 the supervision of the cooperating teacher.

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

19 (8) "Supervisor or university supervisor" means the regular or  
20 adjunct faculty member, or college or university-approved designee, who  
21 assists and supervises the work of cooperating teachers and student  
22 teachers.

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

25 The (~~state board of education~~) professional educator standards  
26 board, from appropriated funds, shall establish a network of student  
27 teaching centers to support the continuing development of the field-  
28 based component of teacher preparation programs. The purpose of the  
29 training centers is to:

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

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

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



1 (4) Expand access to each other and opportunities for collaboration  
2 in teacher education between colleges and universities and school  
3 districts.

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

6 Funds for the student teaching centers shall be allocated by the  
7 superintendent of public instruction among the educational service  
8 district regions on the basis of student teaching placements. The  
9 fiscal agent for each center shall be either an educational service  
10 district or a state institution of higher education. Prospective  
11 fiscal agents shall document to the (~~state board of education~~)  
12 professional educator standards board the following information:

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

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

18 (3) Assurance that the training center program provides appropriate  
19 and necessary training in observation, supervision, and assistance  
20 skills and techniques for:

- 21 (a) Cooperating teachers;
- 22 (b) Other school building personnel; and
- 23 (c) School district employees.

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

26 The (~~state board of education~~) professional educator standards  
27 board and the superintendent of public instruction shall adopt rules as  
28 necessary under chapter 34.05 RCW to carry out the purposes of RCW  
29 28A.415.100 through 28A.415.140.

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

32 (1) The (~~state board of education~~) professional educator  
33 standards board and the state board for community and technical  
34 colleges, in consultation with the superintendent of public  
35 instruction, the higher education coordinating board, the state

1 apprenticeship training council, and community colleges, shall adopt  
2 rules as necessary under chapter 34.05 RCW to implement the  
3 paraeducator associate of arts degree.

4 (2) As used in this section, a "paraeducator" is an individual who  
5 has completed an associate of arts degree for a paraeducator. The  
6 paraeducator may be hired by a school district to assist certificated  
7 instructional staff in the direct instruction of children in small and  
8 large groups, individualized instruction, testing of children,  
9 recordkeeping, and preparation of materials. The paraeducator shall  
10 work under the direction of instructional certificated staff.

11 (3) The training program for a paraeducator associate of arts  
12 degree shall include, but is not limited to, the general requirements  
13 for receipt of an associate of arts degree and training in the areas of  
14 introduction to childhood education, orientation to children with  
15 disabilities, fundamentals of childhood education, creative activities  
16 for children, instructional materials for children, fine art  
17 experiences for children, the psychology of learning, introduction to  
18 education, child health and safety, child development and guidance,  
19 first aid, and a practicum in a school setting.

20 (4) Consideration shall be given to transferability of credit  
21 earned in this program to teacher preparation programs at colleges and  
22 universities.

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

25 Partnership grants funded under this chapter shall operate one to  
26 four specific route programs. Successful completion of the program  
27 shall make a candidate eligible for residency teacher certification.  
28 For route one and two candidates, the mentor of the teacher candidate  
29 at the school and the supervisor of the teacher candidate from the  
30 higher education teacher preparation program must both agree that the  
31 teacher candidate has successfully completed the program. For route  
32 three and four candidates, the mentor of the teacher candidate shall  
33 make the determination that the candidate has successfully completed  
34 the program.

35 (1) Partnership grant programs seeking funds to operate route one  
36 programs shall enroll currently employed classified instructional  
37 employees with transferable associate degrees seeking residency teacher

1 certification with endorsements in special education, bilingual  
2 education, or English as a second language. It is anticipated that  
3 candidates enrolled in this route will complete both their  
4 baccalaureate degree and requirements for residency certification in  
5 two years or less, including a mentored internship to be completed in  
6 the final year. In addition, partnership programs shall uphold entry  
7 requirements for candidates that include:

8 (a) District or building validation of qualifications, including  
9 three years of successful student interaction and leadership as a  
10 classified instructional employee;

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

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

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

26 (a) District or building validation of qualifications, including  
27 three years of successful student interaction and leadership as  
28 classified staff;

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

32 (c) Successful completion of the content test, once the state  
33 content test is available;

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

36 (e) Successful passage of the statewide basic skills exam, when  
37 available.

1 (3) Partnership grant programs seeking funds to operate route three  
2 programs shall enroll individuals with baccalaureate degrees, who are  
3 not employed in the district at the time of application. When  
4 selecting candidates for certification through route three, districts  
5 shall give priority to individuals who are seeking residency teacher  
6 certification in subject matter shortage areas or shortages due to  
7 geographic locations. For route three only, the districts may include  
8 additional candidates in nonshortage subject areas if the candidates  
9 are seeking endorsements with a secondary grade level designation as  
10 defined by rule by the (~~state board of education~~) professional  
11 educator standards board. The districts shall disclose to candidates  
12 in nonshortage subject areas available information on the demand in  
13 those subject areas. Cohorts of candidates for this route shall attend  
14 an intensive summer teaching academy, followed by a full year employed  
15 by a district in a mentored internship, followed, if necessary, by a  
16 second summer teaching academy. In addition, partnership programs  
17 shall uphold entry requirements for candidates that include:

- 18 (a) Five years' experience in the work force;
- 19 (b) A baccalaureate degree from a regionally accredited institution  
20 of higher education. The individual's grade point average may be  
21 considered as a selection factor;
- 22 (c) Successful completion of the content test, once the state  
23 content test is available;
- 24 (d) External validation of qualifications, including demonstrated  
25 successful experience with students or children, such as (~~references~~  
26 ~~[reference]~~) reference letters and letters of support from previous  
27 employers;
- 28 (e) Meeting the age, good moral character, and personal fitness  
29 requirements adopted by rule for teachers; and
- 30 (f) Successful passage of statewide basic skills exams, when  
31 available.

32 (4) Partnership grant programs seeking funds to operate route four  
33 programs shall enroll individuals with baccalaureate degrees, who are  
34 employed in the district at the time of application, or who hold  
35 conditional teaching certificates or emergency substitute certificates.  
36 Cohorts of candidates for this route shall attend an intensive summer  
37 teaching academy, followed by a full year employed by a district in a

1 mentored internship. In addition, partnership programs shall uphold  
2 entry requirements for candidates that include:

- 3 (a) Five years' experience in the work force;
- 4 (b) A baccalaureate degree from a regionally accredited institution  
5 of higher education. The individual's grade point average may be  
6 considered as a selection factor;
- 7 (c) Successful completion of the content test, once the state  
8 content test is available;
- 9 (d) External validation of qualifications, including demonstrated  
10 successful experience with students or children, such as reference  
11 letters and letters of support from previous employers;
- 12 (e) Meeting the age, good moral character, and personal fitness  
13 requirements adopted by rule for teachers; and
- 14 (f) Successful passage of statewide basic skills exams, when  
15 available.

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

18 The "designated state official" for this state under Article II of  
19 RCW 28A.690.010 shall be the superintendent of public instruction, who  
20 shall be the compact administrator and who shall have power to  
21 (~~promulgate~~) adopt rules to carry out the terms of this compact. The  
22 superintendent of public instruction shall enter into contracts  
23 pursuant to Article III of the Agreement only with the approval of the  
24 specific text thereof by the (~~state board of education~~) professional  
25 educator standards board.

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

28 The superintendent of public instruction shall provide technical  
29 assistance to the (~~state board of education~~) professional educator  
30 standards board in the conduct of the activities described in  
31 (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and  
32 28A.410.050.

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

35 The award for the teacher educator shall include:

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

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

9 **Sec. 817.** RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each  
10 amended to read as follows:

11 The (~~state board of education~~) professional educator standards  
12 board shall adopt rules under chapter 34.05 RCW to carry out the  
13 purposes of RCW 28A.625.360 through 28A.625.390. These rules shall  
14 include establishing the selection criteria for the Washington award  
15 for excellence in teacher preparation. The (~~state~~) board (~~of~~  
16 ~~education~~) is encouraged to consult with teacher educators, deans, and  
17 professional education advisory board members in developing the  
18 selection criteria. The criteria shall include any role performed by  
19 nominees relative to implementing innovative developments by the  
20 nominee's teacher preparation program and efforts the nominee has made  
21 to assist in communicating with legislators, common school teachers and  
22 administrators, and others about the nominee's teacher preparation  
23 program.

24 **Sec. 818.** RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each  
25 amended to read as follows:

26 The professional education advisory board for the institution from  
27 which the teacher educator has been selected to receive an award shall  
28 be eligible to apply for an educational grant as provided under RCW  
29 28A.625.370. The (~~state board of education~~) professional educator  
30 standards board shall award the grant after the (~~state~~) board has  
31 approved the grant application as long as the written grant application  
32 is submitted to the (~~state~~) board within one year after the award is  
33 received by the teacher educator. The grant application shall identify  
34 the educational purpose toward which the grant shall be used.



1 morning and after the closing of school in the afternoon or evening.  
2 The board of directors shall make the policy available to parents and  
3 the public through the school district report card and other means of  
4 communication.

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

7 Eligibility of transfer students under RCW 28A.225.220 and  
8 28A.225.225 for participation in extracurricular activities shall be  
9 subject to rules adopted by the Washington interscholastic activities  
10 association (~~((as authorized by the state board of education))~~).

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

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

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

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

30 ((~~(3)~~)) (2) Any rules and policies applied by the voluntary  
31 nonprofit entity which govern student participation in any interschool  
32 activity shall be written (~~((and subject to the annual review and  
33 approval of the state board of education at such time as it shall  
34 establish;~~

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



1        ~~((5))~~ (3) Such rules and policies shall provide for notice of the  
2 reasons and a fair opportunity to contest such reasons prior to a final  
3 determination to reject a student's request to participate in or to  
4 continue in an interschool activity. Any such decision shall be  
5 considered a decision of the school district conducting the activity in  
6 which the student seeks to participate or was participating and may be  
7 appealed pursuant to RCW 28A.645.010 through 28A.645.030.

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

10        In addition to other powers and duties, the ~~((state board of  
11 education))~~ superintendent of public instruction shall adopt rules  
12 ~~((and regulations))~~ governing the training and qualifications of school  
13 bus drivers. Such rules ~~((and regulations))~~ shall be designed to  
14 insure that persons will not be employed to operate school buses unless  
15 they possess such physical health and driving skills as are necessary  
16 to safely operate school buses: PROVIDED, That such rules ~~((and  
17 regulations))~~ shall insure that school bus drivers are provided a due  
18 process hearing before any certification required by such rules ~~((and  
19 regulations))~~ is cancelled: PROVIDED FURTHER, That such rules ~~((and  
20 regulations))~~ shall not conflict with the authority of the department  
21 of licensing to license school bus drivers in accordance with chapter  
22 46.25 RCW. The ~~((state board of education))~~ superintendent of public  
23 instruction may obtain a copy of the driving record, as maintained by  
24 the department of licensing, for consideration when evaluating a school  
25 bus driver's driving skills.

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

28        In addition to the authority otherwise provided in RCW 28A.160.010  
29 through 28A.160.120 to school districts for the transportation of  
30 persons, whether school children, school personnel, or otherwise, any  
31 school district authorized to use school buses and drivers hired by the  
32 district for the transportation of school children to and from a school  
33 activity, along with such school employees as necessary for their  
34 supervision, shall, if such school activity be an interscholastic  
35 activity, be authorized to transport members of the general public to  
36 such event and utilize the school district's buses, transportation

1 equipment and facilities, and employees therefor: PROVIDED, That  
2 provision shall be made for the reimbursement and payment to the school  
3 district by such members of the general public of not less than the  
4 district's actual costs and the reasonable value of the use of the  
5 district's buses and facilities provided in connection with such  
6 transportation: PROVIDED FURTHER, That wherever private transportation  
7 certified or licensed by the utilities and transportation commission or  
8 public transportation is reasonably available (~~(as determined by rule  
9 and regulation of the state board of education)~~), this section shall  
10 not apply.

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

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

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

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

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

29 (4) "School" shall mean and include each building, facility, and  
30 location at or within which any or all portions of a preschool,  
31 kindergarten and grades one through twelve program of education and  
32 related activities are conducted for two or more children by or in  
33 behalf of any public school district and by or in behalf of any private  
34 school or private institution subject to approval by the state board of  
35 education pursuant to RCW 28A.305.130(~~(+6)~~), 28A.195.010 through  
36 28A.195.050, and 28A.410.120.

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

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

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

8 The state board of (~~education~~) health shall and is hereby  
9 empowered to adopt rules pursuant to chapter 34.05 RCW which establish  
10 the procedural and substantive due process requirements governing the  
11 exclusion of children from public and private schools pursuant to RCW  
12 28A.210.120.

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

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

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

32 (1) The board of directors of any school district of this state  
33 may:

34 (a) Sell for cash, at public or private sale, and convey by deed

1 all interest of the district in or to any of the real property of the  
2 district which is no longer required for school purposes; and

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

8 (2) When the board of directors of any school district proposes a  
9 sale of school district real property pursuant to this section and the  
10 value of the property exceeds seventy thousand dollars, the board shall  
11 publish a notice of its intention to sell the property. The notice  
12 shall be published at least once each week during two consecutive weeks  
13 in a legal newspaper with a general circulation in the area in which  
14 the school district is located. The notice shall describe the property  
15 to be sold and designate the place where and the day and hour when a  
16 hearing will be held. The board shall hold a public hearing upon the  
17 proposal to dispose of the school district property at the place and  
18 the day and hour fixed in the notice and admit evidence offered for and  
19 against the propriety and advisability of the proposed sale.

20 (3) The board of directors of any school district desiring to sell  
21 surplus real property shall publish a notice in a newspaper of general  
22 circulation in the school district. School districts shall not sell  
23 the property for at least forty-five days following the publication of  
24 the newspaper notice.

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

28 (5) Any sale of school district real property authorized pursuant  
29 to this section shall be preceded by a market value appraisal by a  
30 professionally designated real estate appraiser as defined in RCW  
31 74.46.020 or a general real estate appraiser certified under chapter  
32 18.140 RCW selected by the board of directors and no sale shall take  
33 place if the sale price would be less than ninety percent of the  
34 appraisal made by the real estate appraiser: PROVIDED, That if the  
35 property has been on the market for one year or more the property may  
36 be reappraised and sold for not less than seventy-five percent of the  
37 reappraised value with the unanimous consent of the board.

1 (6) If in the judgment of the board of directors of any district  
2 the sale of real property of the district not needed for school  
3 purposes would be facilitated and greater value realized through use of  
4 the services of licensed real estate brokers, a contract for such  
5 services may be negotiated and concluded: PROVIDED, That the use of a  
6 licensed real estate broker will not eliminate the obligation of the  
7 board of directors to provide the notice described in this section:  
8 PROVIDED FURTHER, That the fee or commissions charged for any broker  
9 services shall not exceed seven percent of the resulting sale value for  
10 a single parcel: PROVIDED FURTHER, That any professionally designated  
11 real estate appraiser as defined in RCW 74.46.020 or a general real  
12 estate appraiser certified under chapter 18.140 RCW selected by the  
13 board to appraise the market value of a parcel of property to be sold  
14 may not be a party to any contract with the school district to sell  
15 such parcel of property for a period of three years after the  
16 appraisal.

17 (7) If in the judgment of the board of directors of any district  
18 the sale of real property of the district not needed for school  
19 purposes would be facilitated and greater value realized through sale  
20 on contract terms, a real estate sales contract may be executed between  
21 the district and buyer(~~(: PROVIDED, That the terms and conditions of~~  
22 ~~any such sales contract must comply with rules and regulations of the~~  
23 ~~state board of education, herein authorized, governing school district~~  
24 ~~real property contract sales))).~~

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

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

32 (2) Every board of directors shall provide for the operation and  
33 stocking of such libraries as the board deems necessary for the proper  
34 education of the district's students or as otherwise required by law or  
35 rule ((~~or regulation~~)) of the superintendent of public instruction ((~~or~~  
36 the state board of education)).

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

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

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

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

16       For the purpose of carrying out the provisions of RCW 28A.155.020  
17 through 28A.155.050, the board of directors of every school district  
18 shall be authorized to contract with agencies approved by the ((state  
19 board of education)) superintendent of public instruction for operating  
20 special education programs for students with disabilities. Approval  
21 standards for such agencies shall conform substantially with those  
22 promulgated for approval of special education aid programs in the  
23 common schools.

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

26       The higher education coordinating board shall establish a planning  
27 committee to develop criteria for screening and selection of the  
28 Washington scholars each year in accordance with RCW 28A.600.110(1).  
29 It is the intent that these criteria shall emphasize scholastic  
30 achievement but not exclude such criteria as leadership ability and  
31 community contribution in final selection procedures. The Washington  
32 scholars planning committee shall have members from selected state  
33 agencies and private organizations having an interest and  
34 responsibility in education, including but not limited to, the ((state  
35 board of education, the)) office of superintendent of public

1 instruction, the council of presidents, the state board for community  
2 and technical colleges, and the Washington friends of higher education.

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

5 (1) The superintendent of public instruction, to the extent funds  
6 are appropriated, shall develop and implement a Washington state K-12  
7 education technology plan. The technology plan shall be updated on at  
8 least a biennial basis, shall be developed to coordinate and expand the  
9 use of education technology in the common schools of the state. The  
10 plan shall be consistent with applicable provisions of chapter 43.105  
11 RCW. The plan, at a minimum, shall address:

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

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

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

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

31 **PART 10**  
32 **MISCELLANEOUS**

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

1        NEW SECTION.   **Sec. 1002.**   Section 407 of this act takes effect  
2   September 1, 2009.

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