

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3098

59th Legislature
2006 Regular Session

Passed by the House March 7, 2006
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 7, 2006
Yeas 36 Nays 11

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3098** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3098

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

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 39.35D.020, 39.35D.040, 39.35D.060, 79.17.100, 79.17.120, 28A.305.220,
10 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010,
11 28A.205.070, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140,
12 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195,
13 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085,
14 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030,
15 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140,
16 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040,
17 29A.24.070, 84.09.037, 28A.305.160, 28A.150.300, 28A.225.160,
18 28A.300.150, 28A.600.020, 28A.600.030, 18.35.020, 18.35.195, 18.83.200,
19 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020,
20 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130,
21 28A.415.145, 28A.660.020, 28A.660.040, 28A.690.020, 28A.300.050,

1 28A.625.370, 28A.625.380, 28A.625.390, 28B.10.710, 28B.35.120,
2 28B.40.120, 43.43.832, 43.43.840, 72.40.028, 28A.600.010, 28A.225.280,
3 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.120,
4 28A.210.160, 28A.210.320, 28A.335.100, 28A.335.120, 28A.320.240,
5 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW
6 28A.330.100, 28A.630.400, and 43.43.845; adding a new section to
7 chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW;
8 adding a new section to chapter 28A.230 RCW; adding new sections to
9 chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding
10 a new section to chapter 28A.405 RCW; creating new sections;
11 recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying
12 RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128,
13 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142,
14 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152,
15 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182;
16 providing an effective date; and providing expiration dates.

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

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

30 **PART 1**

31 **NEW STATE BOARD OF EDUCATION**

32 NEW SECTION. **Sec. 101.** The legislature encourages the members of
33 the new state board of education to review the transfer of duties from
34 the state board to other entities made in this act and if any of the

1 duties that were transferred away from the state board are necessary
2 for the board to accomplish the purpose set out in this act then the
3 state board shall come back to the legislature to request those
4 necessary duties to be returned to the state board of education. The
5 state board of education is encouraged to make such a request by
6 January 15, 2007.

7 **Sec. 102.** RCW 28A.305.130 and 2005 c 497 s 104 are each amended to
8 read as follows:

9 The purpose of the state board of education is to (~~adopt statewide~~
10 ~~policies that promote achievement of the goals of RCW 28A.150.210;~~
11 ~~implement a standards based accountability system; and provide~~
12 ~~leadership in the creation of an education system that respects the~~
13 ~~diverse cultures, abilities, and learning styles of all students))
14 provide advocacy and strategic oversight of public education; implement
15 a standards-based accountability system to improve student academic
16 achievement; provide leadership in the creation of a system that
17 personalizes education for each student and respects diverse cultures,
18 abilities, and learning styles; and promote achievement of the goals of
19 RCW 28A.150.210. In addition to any other powers and duties as
20 provided by law, the state board of education shall:~~

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

26 (2) ~~Until January 1, 2006, conduct every five years a review of the~~
27 ~~program approval standards, including the minimum standards for~~
28 ~~teachers, administrators, and educational staff associates, to reflect~~
29 ~~research findings and assure continued improvement of preparation~~
30 ~~programs for teachers, administrators, and educational staff~~
31 ~~associates.~~

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

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

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

10 ~~(b) Require that at the time of the individual's enrollment in a~~
11 ~~teacher preparation program, the supervising teacher and the building~~
12 ~~principal shall jointly provide to the teacher preparation program of~~
13 ~~the higher education institution at which the teacher candidate is~~
14 ~~enrolled, a written assessment of the performance of the teacher~~
15 ~~candidate. The assessment shall contain such information as determined~~
16 ~~by the state board of education and shall include: Evidence that at~~
17 ~~least fifty percent of the candidate's work as a classified teacher's~~
18 ~~aide was involved in instructional activities with children under the~~
19 ~~supervision of a certificated teacher and that the candidate worked a~~
20 ~~minimum of six hundred thirty hours for one school year; the type of~~
21 ~~work performed by the candidate; and a recommendation of whether the~~
22 ~~candidate's work experience as a classified teacher's aide should be~~
23 ~~substituted for teacher preparation program requirements. In~~
24 ~~compliance with such rules as may be established by the state board of~~
25 ~~education under this section, the teacher preparation programs of the~~
26 ~~higher education institution where the candidate is enrolled shall make~~
27 ~~the final determination as to what teacher preparation program~~
28 ~~requirements may be fulfilled by teacher aide work experience.~~

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

34 ~~(6)) Hold regularly scheduled meetings at such time and place~~
35 ~~within the state as the board shall determine and may hold such special~~
36 ~~meetings as may be deemed necessary for the transaction of public~~
37 ~~business((-))i~~

1 ~~((7))~~ (2) Form committees as necessary to effectively and
2 efficiently conduct the work of the board~~((7))~~;

3 ~~((8))~~ (3) Seek advice from the public and interested parties
4 regarding the work of the board~~((7))~~;

5 ~~((9))~~ (4) For purposes of statewide accountability~~((7—the board
6 shall))~~:

7 (a) Adopt and revise performance improvement goals in reading,
8 writing, science, and mathematics, by subject and grade level, once
9 assessments in these subjects are required statewide; academic and
10 technical skills, as appropriate, in secondary career and technical
11 education programs; and student attendance, as the board deems
12 appropriate to improve student learning. The goals shall be consistent
13 with student privacy protection provisions of RCW 28A.655.090(7) and
14 shall not conflict with requirements contained in Title I of the
15 federal elementary and secondary education act of 1965, or the
16 requirements of the Carl D. Perkins vocational education act of 1998,
17 each as amended. The goals may be established for all students,
18 economically disadvantaged students, limited English proficient
19 students, students with disabilities, and students from
20 disproportionately academically underachieving racial and ethnic
21 backgrounds. The board may establish school and school district goals
22 addressing high school graduation rates and dropout reduction goals for
23 students in grades seven through twelve. The board shall adopt the
24 goals by rule. However, before each goal is implemented, the board
25 shall present the goal to the education committees of the house of
26 representatives and the senate for the committees' review and comment
27 in a time frame that will permit the legislature to take statutory
28 action on the goal if such action is deemed warranted by the
29 legislature;

30 (b) Identify the scores students must achieve in order to meet the
31 standard on the Washington assessment of student learning and, for high
32 school students, to obtain a certificate of academic achievement. The
33 board shall also determine student scores that identify levels of
34 student performance below and beyond the standard. The board shall
35 consider the incorporation of the standard error of measurement into
36 the decision regarding the award of the certificates. The board shall
37 set such performance standards and levels in consultation with the
38 superintendent of public instruction and after consideration of any

1 recommendations that may be developed by any advisory committees that
2 may be established for this purpose. The initial performance standards
3 and any changes recommended by the board in the performance standards
4 for the tenth grade assessment shall be presented to the education
5 committees of the house of representatives and the senate by November
6 30th of the school year in which the changes will take place to permit
7 the legislature to take statutory action before the changes are
8 implemented if such action is deemed warranted by the legislature. The
9 legislature shall be advised of the initial performance standards and
10 any changes made to the elementary level performance standards and the
11 middle school level performance standards;

12 (c) Adopt objective, systematic criteria to identify successful
13 schools and school districts and recommend to the superintendent of
14 public instruction schools and districts to be recognized for two types
15 of accomplishments, student achievement and improvements in student
16 achievement. Recognition for improvements in student achievement shall
17 include consideration of one or more of the following accomplishments:

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

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

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

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

37 (e) Identify schools and school districts in which state
38 intervention measures will be needed and a range of appropriate

1 intervention strategies after the legislature has authorized a set of
2 intervention strategies. After the legislature has authorized a set of
3 intervention strategies, at the request of the board, the
4 superintendent shall intervene in the school or school district and
5 take corrective actions. This chapter does not provide additional
6 authority for the board or the superintendent of public instruction to
7 intervene in a school or school district;

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

10 (g) Annually review the assessment reporting system to ensure
11 fairness, accuracy, timeliness, and equity of opportunity, especially
12 with regard to schools with special circumstances and unique
13 populations of students, and a recommendation to the superintendent of
14 public instruction of any improvements needed to the system; and

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

18 ~~((+10))~~ (5) Accredite, subject to such accreditation standards and
19 procedures as may be established by the state board of education, all
20 private schools that apply for accreditation, and approve, subject to
21 the provisions of RCW 28A.195.010, private schools carrying out a
22 program for any or all of the grades kindergarten through twelve:
23 PROVIDED, That no private school may be approved that operates a
24 kindergarten program only: PROVIDED FURTHER, That no ~~((public or))~~
25 private schools shall be placed upon the list of accredited schools so
26 long as secret societies are knowingly allowed to exist among its
27 students by school officials(~~(- PROVIDED FURTHER, That the state board~~
28 ~~may elect to require all or certain classifications of the public~~
29 ~~schools to conduct and participate in such preaccreditation examination~~
30 ~~and evaluation processes as may now or hereafter be established by the~~
31 ~~board.~~

32 ~~(11) Make rules and regulations governing the establishment in any~~
33 ~~existing nonhigh school district of any secondary program or any new~~
34 ~~grades in grades nine through twelve. Before any such program or any~~
35 ~~new grades are established the district must obtain prior approval of~~
36 ~~the state board.~~

37 ~~(12) Prepare such outline of study for the common schools as the~~
38 ~~board shall deem necessary, and in conformance with legislative~~

1 requirements, and prescribe such rules for the general government of
2 the common schools, as shall seek to secure regularity of attendance,
3 prevent truancy, secure efficiency, and promote the true interest of
4 the common schools.

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

8 ~~(14) Evaluate course of study requirements and))i~~

9 (6) Articulate with the institutions of higher education, work
10 force representatives, and early learning policymakers and providers to
11 coordinate and unify the work of the public school system((-))i

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

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

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

17 ~~(18))~~ (7) Hire an executive director and an administrative
18 assistant to reside in the office of the superintendent of public
19 instruction for administrative purposes. Any other personnel of the
20 board shall be appointed as provided by RCW 28A.300.020. The executive
21 director, administrative assistant, and all but one of the other
22 personnel of the board are exempt from civil service, together with
23 other staff as now or hereafter designated as exempt in accordance with
24 chapter 41.06 RCW((-))i and

25 ~~((19))~~ (8) Adopt a seal that shall be kept in the office of the
26 superintendent of public instruction.

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

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

36 (2) The state board of education shall include the chairs and

1 ranking minority members of the legislative education committees in
2 board communications so that the legislature can be kept apprised of
3 the discussions and proposed actions of the board.

4 **Sec. 104.** RCW 28A.300.040 and 2005 c 360 s 6 are each amended to
5 read as follows:

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

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

10 (2) To report to the governor and the legislature such information
11 and data as may be required for the management and improvement of the
12 schools;

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

19 (4) To travel, without neglecting his or her other official duties
20 as superintendent of public instruction, for the purpose of attending
21 educational meetings or conventions, of visiting schools, and of
22 consulting educational service district superintendents or other school
23 officials;

24 (5) To prepare and from time to time to revise a manual of the
25 Washington state common school code, copies of which shall be provided
26 in such numbers as determined by the superintendent of public
27 instruction at no cost to those public agencies within the common
28 school system and which shall be sold at approximate actual cost of
29 publication and distribution per volume to all other public and
30 nonpublic agencies or individuals, said manual to contain Titles 28A
31 and 28C RCW, rules related to the common schools, and such other matter
32 as the state superintendent or the state board of education shall
33 determine. Proceeds of the sale of such code shall be transmitted to
34 the public printer who shall credit the state superintendent's account
35 within the state printing plant revolving fund by a like amount;

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

1 ~~(7)~~) To file all papers, reports and public documents transmitted
2 to the superintendent by the school officials of the several counties
3 or districts of the state, each year separately. Copies of all papers
4 filed in the superintendent's office, and the superintendent's official
5 acts, may, or upon request, shall be certified by the superintendent
6 and attested by the superintendent's official seal, and when so
7 certified shall be evidence of the papers or acts so certified to;

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

14 ~~((9))~~ (8) To keep in the superintendent's office a record of all
15 teachers receiving certificates to teach in the common schools of this
16 state;

17 ~~((10))~~ (9) To issue certificates as provided by law;

18 ~~((11))~~ (10) To keep in the superintendent's office at the capital
19 of the state, all books and papers pertaining to the business of the
20 superintendent's office, and to keep and preserve in the
21 superintendent's office a complete record of statistics, as well as a
22 record of the meetings of the state board of education;

23 ~~((12))~~ (11) With the assistance of the office of the attorney
24 general, to decide all points of law which may be submitted to the
25 superintendent in writing by any educational service district
26 superintendent, or that may be submitted to the superintendent by any
27 other person, upon appeal from the decision of any educational service
28 district superintendent; and the superintendent shall publish his or
29 her rulings and decisions from time to time for the information of
30 school officials and teachers; and the superintendent's decision shall
31 be final unless set aside by a court of competent jurisdiction;

32 ~~((13))~~ (12) To administer oaths and affirmations in the discharge
33 of the superintendent's official duties;

34 ~~((14))~~ (13) To deliver to his or her successor, at the expiration
35 of the superintendent's term of office, all records, books, maps,
36 documents and papers of whatever kind belonging to the superintendent's
37 office or which may have been received by the superintendent's for the
38 use of the superintendent's office;

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

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

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

8 (3) The governor may remove an appointed member of the board for
9 neglect of duty, misconduct, malfeasance, or misfeasance in office, or
10 for incompetent or unprofessional conduct as defined in chapter 18.130
11 RCW. In such a case, the governor shall file with the secretary of
12 state a statement of the causes for and the order of removal from
13 office, and the secretary of state shall send a certified copy of the
14 statement of causes and order of removal to the last known post office
15 address of the member.

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

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

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

23 (5) Members of the board appointed by the governor who are not
24 public employees shall be compensated in accordance with RCW
25 (~~(43.03.240)~~) 43.03.250 and shall be reimbursed for travel expenses
26 incurred in carrying out the duties of the board in accordance with RCW
27 43.03.050 and 43.03.060.

28 PART 2

29 BASIC EDUCATION ACT RESPONSIBILITIES

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

32 (1) It is the intent and purpose of this section to guarantee that
33 each common school district board of directors, whether or not acting
34 through its respective administrative staff, be held accountable for
35 the proper operation of their district to the local community and its
36 electorate. In accordance with the provisions of Title 28A RCW, as now

1 or hereafter amended, each common school district board of directors
2 shall be vested with the final responsibility for the setting of
3 policies ensuring quality in the content and extent of its educational
4 program and that such program provide students with the opportunity to
5 achieve those skills which are generally recognized as requisite to
6 learning.

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

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

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

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

19 (d) Determine the allocation of staff time, whether certificated or
20 classified;

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

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

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

32 (1) Notwithstanding any other provision of law, the superintendent
33 of public instruction (~~is hereby directed to promulgate~~) shall adopt
34 such rules (~~and regulations~~) as will (~~insure~~) ensure proper
35 budgetary procedures and practices, including monthly financial
36 statements consistent with the provisions of RCW 43.09.200, and this
37 chapter.

1 (2) If the superintendent of public instruction determines upon a
2 review of the budget of any district that said budget does not comply
3 with the budget procedures established by this chapter or by rules
4 (~~and regulations promulgated~~) adopted by the superintendent of public
5 instruction, or the provisions of RCW 43.09.200, the superintendent
6 shall give written notice of this determination to the board of
7 directors of the local school district.

8 (3) The local school district, notwithstanding any other provision
9 of law, shall, within thirty days from the date the superintendent of
10 public instruction issues a notice pursuant to subsection (2) of this
11 section, submit a revised budget which meets the requirements of RCW
12 43.09.200, this chapter, and the rules (~~and regulations~~) of the
13 superintendent of public instruction(~~(: PROVIDED, That if the district
14 fails or refuses to submit a revised budget which in the determination
15 of the superintendent of public instruction meets the requirements of
16 RCW 43.09.200, this chapter, and the rules and regulations of the
17 superintendent of public instruction, the matter shall be submitted to
18 the state board of education, which board shall meet and adopt a
19 financial plan which shall be in effect until a budget can be adopted
20 and submitted by the district in compliance with this section))~~).

21 NEW SECTION. **Sec. 203.** (1) As the governor's steering committee
22 for the comprehensive education study created under chapter 496, Laws
23 of 2005 continues the study of the state funding of public education in
24 Washington and makes final recommendations, the legislature strongly
25 encourages the steering committee to carefully examine whether the use
26 of inputs, such as the number of instructional hours, the number of
27 instructional days, and student/teacher ratios, is the most efficient
28 and effective funding system that is oriented toward student
29 achievement and whether any changes to the current method of allocating
30 funds can be created to implement the intent of education reform that
31 all children can learn.

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

33 **PART 3**

34 **SCHOOL FACILITIES AND ORGANIZATION**

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

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

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

23 Whenever funds are appropriated for modernization of existing
24 school facilities, the ~~((state board of education))~~ superintendent of
25 public instruction is authorized to approve the use of such funds for
26 modernization of existing facilities, modernization being limited to
27 major structural changes in such facilities and, as necessary to bring
28 such facilities into compliance with the barrier free access
29 requirements of section 504 of the federal rehabilitation act of 1973
30 (29 U.S.C. Sec. 706) and rules implementing the act, both major and
31 minor structural changes, and may include as incidental thereto the
32 replacement of fixtures, fittings, furnishings and service systems of
33 a building in order to bring it up to a contemporary state consistent
34 with the needs of changing educational programs. The allocation of
35 such funds shall be made upon the same basis as funds used for the
36 financing of a new school plant project utilized for a similar purpose.

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

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

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

21 The (~~((state board of education,))~~) rules adopted by the
22 superintendent of public instruction for (~~((purposes of))~~) determining
23 eligibility for state assistance for new construction(~~((,))~~) shall
24 (~~((adopt rules excluding))~~) exclude from the inventory of available
25 educational space those spaces that have been constructed for
26 educational and community activities from grants received from other
27 public or private entities.

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

30 The superintendent of public instruction shall furnish (~~((1))~~) to
31 school districts seeking state assistance consultatory and advisory
32 service in connection with the development of school building programs
33 and the planning of school plant facilities for such district(~~((, and
34 (2) to the state board of education such service as may be required by
35 the board in the exercise of the powers and the performance of the
36 duties vested in and required to be performed by the board))~~).

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

3 Insofar as is permissible under acts of congress, funds made
4 available by the federal government for the purpose of assisting school
5 districts in providing school plant facilities shall be made available
6 to such districts in conformity with rules (~~and regulations which~~)
7 that the ((state board of education)) superintendent, considering
8 policy recommendations from the school facilities citizen advisory
9 panel, shall establish.

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

12 (1) The (~~state board of education~~) superintendent of public
13 instruction, considering policy recommendations from the school
14 facilities citizen advisory panel, shall adopt rules for appropriate
15 use of the following construction management techniques: Value
16 engineering, constructibility review, building commissioning, and
17 construction management. Rules adopted under this section shall:

- 18 (a) Define each technique as it applies to school buildings;
- 19 (b) Describe the scope of work for each technique;
- 20 (c) Define the timing for implementing each technique in the
21 construction process;
- 22 (d) Determine the appropriate size of projects for the use of each
23 technique; and
- 24 (e) Determine standards for qualification and performance for each
25 technique.

26 (2) Except as provided in rules adopted under subsection (1)(d) of
27 this section, in allocating state moneys provided under this chapter,
28 the (~~state board of education~~) superintendent of public instruction
29 shall include in funding for each project, at the state matching
30 percentage, the cost of each of the construction management techniques
31 listed in subsection (1) of this section.

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

1 (4) Except as provided in rules adopted under subsection (1)(d) of
2 this section, the construction management techniques in subsection (1)
3 of this section shall be used on each project submitted for approval by
4 the ((~~state board of education~~)) superintendent.

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

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

10 (ii) Contract or employ personnel to perform professional
11 construction management.

12 (b) All recommendations from the value engineering and
13 constructibility review construction techniques for a school project
14 shall be presented to the school district's board of directors for
15 acceptance or rejection. If the board of directors rejects a
16 recommendation it shall provide a statement explaining the reasons for
17 rejecting the recommendation and include the statement in the
18 application for state assistance to the ((~~state board of education~~))
19 superintendent of public instruction.

20 (6) The office of the superintendent of public instruction shall
21 provide:

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

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

26 NEW SECTION. Sec. 308. A new section is added to chapter 28A.525
27 RCW to read as follows:

28 (1) To maintain citizen oversight on issues pertaining to school
29 facilities and funding for school construction, a school facilities
30 citizen advisory panel shall be created by the state board of
31 education. The panel shall advise and make recommendations to the
32 superintendent of public instruction regarding school facilities,
33 funding for school construction, joint planning and financing of
34 educational facilities, facility plans and programs for nonhigh school
35 districts, and determinations of remote and necessary schools.

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

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

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

6 (c) Four additional citizen members appointed by the state board of
7 education.

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

10 (4) In addition to the school facilities citizen advisory panel,
11 the superintendent of public instruction may convene a technical
12 advisory group including representatives from school business officers,
13 building and construction contracting and trade organizations,
14 architecture and engineering organizations, and other organizations
15 with expertise in school facilities.

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

18 (1) Funds appropriated to the (~~state board of education~~)
19 superintendent of public instruction from the common school
20 construction fund shall be allotted by the (~~state board of education~~)
21 superintendent of public instruction in accordance with student
22 enrollment and the provisions of RCW 28A.525.200.

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

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

34 (b) No such matching funds shall be required as a condition to the
35 allotment of funds for the purpose of making major or minor structural
36 changes to existing school facilities in order to bring such facilities

1 into compliance with the barrier free access requirements of section
2 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
3 rules implementing the act.

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

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

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

17 (ii) The enrollment of nonhigh school districts shall be increased
18 by the number of students residing within the district who are enrolled
19 in a serving high school district so designated by the nonhigh school
20 district under RCW 28A.540.110, including only students who are
21 enrolled in grade levels not offered by the nonhigh school district;
22 and

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

25 (b) In the case of construction or modernization of high school
26 facilities in districts serving students from nonhigh school districts,
27 the adjusted valuation per pupil shall be computed using the combined
28 adjusted valuations and enrollments of each district, each weighted by
29 the percentage of the district's resident high school students served
30 by the high school district; and

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

33 (4) The (~~state board of education~~) superintendent of public
34 instruction, considering policy recommendations from the school
35 facilities citizen advisory panel, shall prescribe (~~and make~~
36 ~~effective~~) such rules as are necessary to equate insofar as possible
37 the efforts made by school districts to provide capital funds by the
38 means aforesaid.

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

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

8 In allotting the state funds provided by RCW (~~28A.525.160 through~~
9 ~~28A.525.182~~) 28A.525.162 through 28A.525.180, the (~~state board of~~
10 ~~education~~) superintendent of public instruction shall:

11 (1) Prescribe rules (~~and regulations~~) not inconsistent with RCW
12 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
13 governing the administration, control, terms, conditions, and
14 disbursement of allotments to school districts to assist them in
15 providing school plant facilities;

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

18 (3) Authorize the payment of approved allotments by warrant of the
19 state treasurer; and

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

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

29 Allocations to school districts of state funds provided by RCW
30 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
31 shall be made by the (~~state board of education~~) superintendent of
32 public instruction and the amount of state assistance to a school
33 district in financing a school plant project shall be determined in the
34 following manner:

35 (1) The boards of directors of the districts shall determine the
36 total cost of the proposed project, which cost may include the cost of

1 acquiring and preparing the site, the cost of constructing the building
 2 or of acquiring a building and preparing the same for school use, the
 3 cost of necessary equipment, taxes chargeable to the project, necessary
 4 architects' fees, and a reasonable amount for contingencies and for
 5 other necessary incidental expenses: PROVIDED, That the total cost of
 6 the project shall be subject to review and approval by the (~~state
 7 board of education~~) superintendent.

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

10 The ratio of the school district's adjusted valuation per pupil
 11 divided by the ratio of the total state adjusted valuation per pupil
 12 shall be subtracted from three, and then the result of the foregoing
 13 shall be divided by three plus (the ratio of the school district's
 14 adjusted valuation per pupil divided by the ratio of the total state
 15 adjusted valuation per pupil).

16		District adjusted	Total state	
17		3-valuation	÷ adjusted valuation	
18	Computed	per pupil	per pupil	State
19	State =	-----		= - % Assistance
20	Ratio	District adjusted	Total state	
21		3+valuation	÷ adjusted valuation	
22		per pupil	per pupil	

23 PROVIDED, That in the event the percentage of state assistance to any
 24 school district based on the above formula is less than twenty percent
 25 and such school district is otherwise eligible for state assistance
 26 under RCW (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through
 27 28A.525.180, the (~~state board of education~~) superintendent may
 28 establish for such district a percentage of state assistance not in
 29 excess of twenty percent of the approved cost of the project, if the
 30 (~~state board~~) superintendent finds that such additional assistance is
 31 necessary to provide minimum facilities for housing the pupils of the
 32 district.

33 (3) In addition to the computed percent of state assistance
 34 developed in subsection (2) (~~above~~) of this section, a school
 35 district shall be entitled to additional percentage points determined
 36 by the average percentage of growth for the past three years. One
 37 percent shall be added to the computed percent of state assistance for
 38 each percent of growth, with a maximum of twenty percent.

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

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

34 Whenever the voters of a school district authorize the issuance of
35 bonds and/or the levying of excess taxes in an amount sufficient to
36 meet the requirements of RCW 28A.525.162 respecting eligibility for
37 state assistance in providing school facilities, the taxable valuation

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

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

29 If a school district which has qualified for an allotment of state
30 funds under the provisions of RCW ((28A.525.160 through 28A.525.182))
31 28A.525.162 through 28A.525.180 for school building construction is
32 found by the ((state board of education)) superintendent of public
33 instruction, considering policy recommendations from the school
34 facilities citizen advisory panel, to have a school housing emergency
35 requiring an allotment of state funds in excess of the amount allocable
36 under RCW 28A.525.166, an additional allotment may be made to such
37 district: PROVIDED, That the total amount allotted shall not exceed

1 ninety percent of the total cost of the approved project which may
2 include the cost of the site and equipment. At any time thereafter
3 when the (~~state board of education~~) superintendent finds that the
4 financial position of such school district has improved through an
5 increase in its taxable valuation or through retirement of bonded
6 indebtedness or through a reduction in school housing requirements, or
7 for any combination of these reasons, the amount of such additional
8 allotment, or any part of such amount as the (~~state board of~~
9 ~~education~~) superintendent determines, shall be deducted, under terms
10 and conditions prescribed by the (~~board~~) superintendent, from any
11 state school building construction funds which might otherwise be
12 provided to such district.

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

15 All applications by school districts for state assistance in
16 providing school plant facilities shall be made to the superintendent
17 of public instruction in conformity with rules (~~and regulations which~~
18 ~~shall be prescribed~~) adopted by the (~~state board of education~~)
19 superintendent of public instruction, considering policy
20 recommendations from the school facilities citizen advisory panel.
21 Studies and surveys shall be conducted by the (~~state board~~)
22 superintendent for the purpose of securing information relating to (a)
23 the kind and extent of the school plant facilities required and the
24 urgency of need for such facilities in districts that seek state
25 assistance, (b) the ability of such districts to provide capital funds
26 by local effort, (c) the need for improvement of school administrative
27 units and school attendance areas among or within such districts, and
28 (d) any other pertinent matters.

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

31 It shall be the duty of the (~~state board of education~~)
32 superintendent of public instruction, in consultation with the
33 Washington state department of (~~social and~~) health (~~services~~), to
34 prepare a manual and/or to specify other materials for the information
35 and guidance of local school district authorities and others
36 responsible for and concerned with the designing, planning, maintenance

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

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

24 The ~~((state board of education))~~ superintendent of public
25 instruction shall furnish to school districts seeking state assistance
26 under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~
27 28A.525.162 through 28A.525.180 consultatory and advisory service in
28 connection with the development of school building programs and the
29 planning of school plant facilities.

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

32 ~~((Whenever in the judgment of the state board of education))~~ When
33 economies may be ((effected)) affected without impairing the usefulness
34 and adequacy of school buildings, ~~((said board))~~ the superintendent of
35 public instruction, considering policy recommendations from the school
36 facilities citizen advisory panel, may prescribe rules ~~((and~~

1 ~~regulations~~) and establish procedures governing the preparation and
2 use of modifiable basic or standard plans for school building
3 construction projects for which state assistance funds provided by RCW
4 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180 are
5 allotted.

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

8 The total amount of funds appropriated under the provisions of RCW
9 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
10 shall be reduced by the amount of federal funds made available during
11 each biennium for school construction purposes under any applicable
12 federal law. The funds appropriated by RCW (~~28A.525.160 through~~
13 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 and available for
14 allotment by the (~~state board of education~~) superintendent of public
15 instruction shall be reduced by the amount of such federal funds made
16 available. Notwithstanding the foregoing provisions of this section,
17 the total amount of funds appropriated by RCW (~~28A.525.160 through~~
18 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 shall not be reduced by
19 reason of any grants to any school district of federal moneys paid
20 under Public Law No. 815 or any other federal act authorizing school
21 building construction assistance to federally affected areas.

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

24 The (~~state board of education~~) superintendent of public
25 instruction, considering policy recommendations from the school
26 facilities citizen advisory panel shall prioritize the construction of
27 common school facilities only from funds appropriated and available in
28 the common school construction fund.

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

31 Notwithstanding any other provision of RCW 28A.525.010 through
32 28A.525.222, the allocation and distribution of funds by the (~~state~~
33 ~~board of education which are now or may hereafter be appropriated~~)
34 superintendent of public instruction, considering policy
35 recommendations from the school facilities citizen advisory panel, for

1 the purposes of providing assistance in the construction of school
2 plant facilities shall be governed by ((RCW 28A.525.010 through
3 28A.525.080 and 28A.525.162 through 28A.525.178)) this chapter.

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

6 The proceeds from the sale of the bonds deposited under RCW
7 28A.525.214 in the common school construction fund shall be
8 administered by the ((state board of education)) superintendent of
9 public instruction.

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

12 The basic education allocation for each annual average full time
13 equivalent student shall be determined in accordance with the following
14 procedures:

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

- 23 (a) Certificated instructional staff and their related costs;
- 24 (b) Certificated administrative staff and their related costs;
- 25 (c) Classified staff and their related costs;
- 26 (d) Nonsalary costs;
- 27 (e) Extraordinary costs, including school facilities, of remote and
28 necessary schools as judged by the superintendent of public
29 instruction, with recommendations from the school facilities citizen
30 advisory panel under section 308 of this act, and small high schools,
31 including costs of additional certificated and classified staff; and
- 32 (f) The attendance of students pursuant to RCW 28A.335.160 and
33 28A.225.250 who do not reside within the servicing school district.

34 (2)(a) This formula for distribution of basic education funds shall
35 be reviewed biennially by the superintendent and governor. The
36 recommended formula shall be subject to approval, amendment or

1 rejection by the legislature. The formula shall be for allocation
2 purposes only. While the legislature intends that the allocations for
3 additional instructional staff be used to increase the ratio of such
4 staff to students, nothing in this section shall require districts to
5 reduce the number of administrative staff below existing levels.

6 (b) The formula adopted by the legislature shall reflect the
7 following ratios at a minimum: (i) Forty-nine certificated
8 instructional staff to one thousand annual average full time equivalent
9 students enrolled in grades kindergarten through three; (ii) forty-six
10 certificated instructional staff to one thousand annual average full
11 time equivalent students in grades four through twelve; (iii) four
12 certificated administrative staff to one thousand annual average full
13 time equivalent students in grades kindergarten through twelve; and
14 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
15 thousand annual average full time equivalent students enrolled in
16 grades kindergarten through twelve.

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

1 a monthly review of the superintendent's reported full time equivalent
2 students in the common schools in conjunction with RCW 43.62.050.

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

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

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

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

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

30 Subsequent to the holding of a hearing or hearings as provided in
31 RCW 28A.540.040, the regional committee on school district organization
32 shall determine the nonhigh school districts to be included in the plan
33 and the amount of capital funds to be provided by every school district
34 included therein, and shall submit the proposed plan to the (~~state~~
35 ~~board of education~~) superintendent of public instruction together with
36 such maps and other materials pertaining thereto as the (~~state board~~)

1 superintendent may require. The (~~state board~~) superintendent,
2 considering policy recommendations from the school facilities citizen
3 advisory panel under section 308 of this act, shall review such plan,
4 shall approve any plan which in (~~its~~) his or her judgment makes
5 adequate and satisfactory provision for participation by the nonhigh
6 school districts in providing capital funds to be used for the purpose
7 above stated, and shall notify the regional committee of such action.
8 Upon receipt by the regional committee of such notification, the
9 educational service district superintendent, or his or her designee,
10 shall notify the board of directors of each school district included in
11 the plan, supplying each board with complete details of the plan and
12 shall state the total amount of funds to be provided and the amount to
13 be provided by each district.

14 If any such plan submitted by a regional committee is not approved
15 by the (~~state board~~) superintendent of public instruction, the
16 regional committee shall be so notified, which notification shall
17 contain a statement of reasons therefor and suggestions for revision.
18 Within sixty days thereafter the regional committee shall submit to the
19 (~~state board~~) superintendent a revised plan which revision shall be
20 subject to approval or disapproval by the (~~state board~~)
21 superintendent, considering policy recommendations from the school
22 facilities citizen advisory panel, and the procedural requirements and
23 provisions of law applicable to an original plan submitted to (~~said~~
24 ~~board~~) the superintendent.

25 NEW SECTION. Sec. 325. A new section is added to chapter 28A.545
26 RCW to read as follows:

27 The superintendent of public instruction, with recommendations from
28 the school facilities citizen advisory panel under section 308 of this
29 act, shall adopt rules governing the establishment in any existing
30 nonhigh school district of any secondary program or any new grades in
31 grades nine through twelve. Before any such program or any new grades
32 are established, the district must obtain prior approval of the
33 superintendent of public instruction.

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

36 (1) In adopting implementation rules, (~~the state board of~~

1 ~~education, in consultation with~~) the superintendent of public
2 instruction (~~and~~), in consultation with the department of general
3 administration, shall review and modify the current requirement for an
4 energy conservation report review by the department of general
5 administration as provided in WAC 180-27-075.

6 (2) In adopting implementation rules, (~~the state board of~~
7 ~~education, in consultation with~~) the superintendent of public
8 instruction shall:

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

12 (b) Review private and public utility providers' capacity and
13 financial/technical assistance programs for affected public school
14 districts to monitor and report utility consumption for purposes of
15 reporting to the superintendent of public instruction as provided in
16 RCW 39.35D.040;

17 (c) Coordinate with the department of general administration, the
18 state board of health, the department of ecology, federal agencies, and
19 other affected agencies as appropriate in their consideration of rules
20 to implement this section.

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

23 The (~~state board of education and~~) superintendent of public
24 instruction shall allocate, as a nondeductible item, out of any moneys
25 appropriated for state assistance to school districts for the original
26 construction of any school plant facility the amount of one-half of one
27 percent of the appropriation to be expended by the Washington state
28 arts commission for the acquisition of works of art. The works of art
29 may be placed in accordance with Article IX, sections 2 and 3 of the
30 state Constitution on public lands, integral to or attached to a public
31 building or structure, detached within or outside a public building or
32 structure, part of a portable exhibition or collection, part of a
33 temporary exhibition, or loaned or exhibited in other public
34 facilities. The Washington state arts commission shall, in
35 consultation with the superintendent of public instruction, determine
36 the amount to be made available for the purchase of works of art under
37 this section, and payments therefor shall be made in accordance with

1 law. The designation of projects and sites, selection, contracting,
2 purchase, commissioning, reviewing of design, execution and placement,
3 acceptance, maintenance, and sale, exchange, or disposition of works of
4 art shall be the responsibility of the Washington state arts commission
5 in consultation with the superintendent of public instruction and
6 representatives of school district boards of directors. The
7 superintendent of public instruction and the school district board of
8 directors of the districts where the sites are selected shall have the
9 right to:

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

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

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

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

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

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

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

3 School districts shall be required to lease for a reasonable fee
4 vacant school plant facilities from a contiguous school district
5 wherever possible.

6 No school district with unhoused students may be eligible for the
7 state matching funds for the construction of school plant facilities
8 if:

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

11 (2) The superintendent of public instruction (~~(and the state board~~
12 ~~of education have)~~) has determined the vacant school plant facilities
13 available in the contiguous district will fulfill the needs of the
14 applicant district in housing unhoused students. In determining
15 whether the contiguous district school plant facilities meet the needs
16 of the applicant district, consideration shall be given, but not
17 limited to the geographic location of the vacant facilities as they
18 relate to the applicant district; and

19 (3) A lease of the vacant school plant facilities can be
20 negotiated.

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

23 In the event that a proposal or proposals for providing capital
24 funds as provided in RCW 28A.540.060 is not approved by the voters of
25 a nonhigh school district a second election thereon shall be held
26 within sixty days thereafter. If the vote of the electors of the
27 nonhigh school district is again in the negative, the high school
28 students residing therein shall not be entitled to admission to the
29 high school under the provisions of RCW 28A.225.210, following the
30 close of the school year during which the second election is held:
31 PROVIDED, That in any such case the regional committee on school
32 district organization shall determine within thirty days after the date
33 of the aforesaid election the advisability of initiating a proposal for
34 annexation of such nonhigh school district to the school district in
35 which the proposed facilities are to be located or to some other
36 district where its students can attend high school without undue
37 inconvenience: PROVIDED FURTHER, That pending such determination by

1 the regional committee and action thereon as required by law the board
2 of directors of the high school district shall continue to admit high
3 school students residing in the nonhigh school district. Any proposal
4 for annexation of a nonhigh school district initiated by a regional
5 committee shall be subject to the procedural requirements of this
6 chapter respecting a public hearing and submission to and approval by
7 the (~~state board of education~~) superintendent of public instruction,
8 considering policy recommendations from the school facilities citizen
9 advisory panel under section 308 of this act. Upon approval by the
10 (~~state board~~) superintendent of public instruction of any such
11 proposal, the educational service district superintendent shall make an
12 order, establishing the annexation.

13 **Sec. 330.** RCW 39.35D.020 and 2005 c 12 s 2 are each amended to
14 read as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Department" means the department of general administration.

18 (2) "High-performance public buildings" means high-performance
19 public buildings designed, constructed, and certified to a standard as
20 identified in this chapter.

21 (3) "Institutions of higher education" means the state
22 universities, the regional universities, The Evergreen State College,
23 the community colleges, and the technical colleges.

24 (4) "LEED silver standard" means the United States green building
25 council leadership in energy and environmental design green building
26 rating standard, referred to as silver standard.

27 (5)(a) "Major facility project" means: (i) A construction project
28 larger than five thousand gross square feet of occupied or conditioned
29 space as defined in the Washington state energy code; or (ii) a
30 building renovation project when the cost is greater than fifty percent
31 of the assessed value and the project is larger than five thousand
32 gross square feet of occupied or conditioned space as defined in the
33 Washington state energy code.

34 (b) "Major facility project" does not include: (i) Projects for
35 which the department, public school district, or other applicable
36 agency and the design team determine the LEED silver standard or the
37 Washington sustainable school design protocol to be not practicable; or

1 (ii) transmitter buildings, pumping stations, hospitals, research
2 facilities primarily used for sponsored laboratory experimentation,
3 laboratory research, or laboratory training in research methods, or
4 other similar building types as determined by the department. When the
5 LEED silver standard is determined to be not practicable for a project,
6 then it must be determined if any LEED standard is practicable for the
7 project. If LEED standards or the Washington sustainable school design
8 protocol are not followed for the project, the public school district
9 or public agency shall report these reasons to the department.

10 (6) "Public agency" means every state office, officer, board,
11 commission, committee, bureau, department, and public higher education
12 institution.

13 (7) "Public school district" means a school district eligible to
14 receive state basic education moneys pursuant to RCW 28A.150.250 and
15 28A.150.260.

16 (8) "Washington sustainable school design protocol" means the
17 school design protocol and related information developed by the (~~state~~
18 ~~board of education and the~~) office of the superintendent of public
19 instruction, in conjunction with school districts and the school
20 facilities advisory board.

21 **Sec. 331.** RCW 39.35D.040 and 2005 c 12 s 4 are each amended to
22 read as follows:

23 (1) All major facility projects of public school districts
24 receiving any funding in a state capital budget must be designed and
25 constructed to at least the LEED silver standard or the Washington
26 sustainable school design protocol. To the extent appropriate LEED
27 silver or Washington sustainable school design protocol standards exist
28 for the type of building or facility, this subsection applies to major
29 facility projects that have not received project approval from the
30 superintendent of public instruction prior to: (a) July 1, 2006, for
31 volunteering school districts; (b) July 1, 2007, for class one school
32 districts; and (c) July 1, 2008, for class two school districts.

33 (2) Public school districts under this section shall: (a) Monitor
34 and document appropriate operating benefits and savings resulting from
35 major facility projects designed and constructed as required under this
36 section for a minimum of five years following local board acceptance of
37 a project receiving state funding; and (b) report annually to the

1 superintendent of public instruction. The form and content of each
2 report must be mutually developed by the office of the superintendent
3 of public instruction in consultation with school districts.

4 (3) The superintendent of public instruction shall consolidate the
5 reports required in subsection (2) of this section into one report and
6 report to the governor and legislature by September 1st of each even-
7 numbered year beginning in 2006 and ending in 2016. In its report, the
8 superintendent of public instruction shall also report on the
9 implementation of this chapter, including reasons why the LEED standard
10 or Washington sustainable school design protocol was not used as
11 required by RCW 39.35D.020(5)(b). The superintendent of public
12 instruction shall make recommendations regarding the ongoing
13 implementation of this chapter, including a discussion of incentives
14 and disincentives related to implementing this chapter.

15 (4) The ~~((state board of education, in consultation with the))~~
16 superintendent of public instruction~~((7))~~ shall develop and issue
17 guidelines for administering this chapter for public school districts.
18 The purpose of the guidelines is to define a procedure and method for
19 employing and verifying compliance with the LEED silver standard or the
20 Washington sustainable school design protocol.

21 (5) The superintendent of public instruction shall utilize the
22 school facilities advisory board as a high-performance buildings
23 advisory committee comprised of affected public schools, ~~((the state
24 board of education,7))~~ the superintendent of public instruction, the
25 department, and others at the superintendent of public instruction's
26 discretion to provide advice on implementing this chapter. Among other
27 duties, the advisory committee shall make recommendations regarding an
28 education and training process and an ongoing evaluation or feedback
29 process to help the superintendent of public instruction ~~((and the
30 state board of education))~~ implement this chapter.

31 **Sec. 332.** RCW 39.35D.060 and 2005 c 12 s 6 are each amended to
32 read as follows:

33 (1)(a) The department, in consultation with affected public
34 agencies, shall develop and issue guidelines for administering this
35 chapter for public agencies. The purpose of the guidelines is to
36 define a procedure and method for employing and verifying activities

1 necessary for certification to at least the LEED silver standard for
2 major facility projects.

3 (b) The department and the office of the superintendent of public
4 instruction shall amend their fee schedules for architectural and
5 engineering services to accommodate the requirements in the design of
6 major facility projects under this chapter.

7 (c) The department and the office of the superintendent of public
8 instruction shall procure architecture and engineering services
9 consistent with chapter 39.80 RCW.

10 (d) Major facility projects designed to meet standards identified
11 in this chapter must include building commissioning as a critical cost-
12 saving part of the construction process. This process includes input
13 from the project design and construction teams and the project
14 ownership representatives.

15 (e) As provided in the request for proposals for construction
16 services, the operating agency shall hold a preproposal conference for
17 prospective bidders to discuss compliance with and achievement of
18 standards identified in this chapter for prospective respondents.

19 (2) The department shall create a high-performance buildings
20 advisory committee comprised of representatives from the design and
21 construction industry involved in public works contracting, personnel
22 from the affected public agencies responsible for overseeing public
23 works projects, (~~the state board of education,~~) the office of the
24 superintendent of public instruction, and others at the department's
25 discretion to provide advice on implementing this chapter. Among other
26 duties, the advisory committee shall make recommendations regarding an
27 education and training process and an ongoing evaluation or feedback
28 process to help the department implement this chapter.

29 (3) The department and the (~~state board of education~~) office of
30 the superintendent of public instruction shall adopt rules to implement
31 this section.

32 **Sec. 333.** RCW 79.17.100 and 2003 c 334 s 322 are each amended to
33 read as follows:

34 Except as otherwise provided in RCW 79.17.110, upon the application
35 of a school district or any institution of higher education for the
36 purchase or lease of lands granted to the state by the United States,
37 the department may offer such land for sale or lease to such school

1 district or institution of higher education in such acreage as it may
2 determine, consideration being given upon application of a school
3 district to school site criteria established by the (~~state board of~~
4 ~~education~~) superintendent of public instruction. However, in the
5 event the department thereafter proposes to offer such land for sale or
6 lease at public auction, such school district or institution of higher
7 education shall have a preference right for six months from notice of
8 such proposal to purchase or lease such land at the appraised value
9 determined by the board.

10 **Sec. 334.** RCW 79.17.120 and 2003 c 334 s 438 are each amended to
11 read as follows:

12 The purchases authorized under RCW 79.17.110 shall be classified as
13 for the construction of common school plant facilities under RCW
14 28A.525.010 through 28A.525.222 and shall be payable out of the common
15 school construction fund as otherwise provided for in RCW 28A.515.320
16 if the school district involved was under emergency school construction
17 classification as established by the (~~state board of education~~)
18 superintendent of public instruction at any time during the period of
19 its lease of state lands.

20 NEW SECTION. **Sec. 335.** The following sections are each
21 decodified:

- 22 RCW 28A.525.120
- 23 RCW 28A.525.122
- 24 RCW 28A.525.124
- 25 RCW 28A.525.126
- 26 RCW 28A.525.128
- 27 RCW 28A.525.130
- 28 RCW 28A.525.132
- 29 RCW 28A.525.134
- 30 RCW 28A.525.140
- 31 RCW 28A.525.142
- 32 RCW 28A.525.144
- 33 RCW 28A.525.146
- 34 RCW 28A.525.148
- 35 RCW 28A.525.150
- 36 RCW 28A.525.152

1 RCW 28A.525.154
2 RCW 28A.525.156
3 RCW 28A.525.158
4 RCW 28A.525.160
5 RCW 28A.525.182

6 **PART 4**

7 **COURSES OF STUDY AND EDUCATIONAL PROGRAMS**

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

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

19 (2) The standardized high school transcript shall include the
20 following information:

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

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

26 (c) A notation of whether the student has earned a certificate of
27 individual achievement or a certificate of academic achievement by
28 means of the Washington assessment of student learning or by an
29 alternative assessment.

30 (3) Transcripts are important documents to students who will apply
31 for admission to postsecondary institutions of higher education.
32 Transcripts are also important to students who will seek employment
33 upon or prior to graduation from high school. It is recognized that
34 student transcripts may be the only record available to employers in
35 their decision-making processes regarding prospective employees. The
36 superintendent of public instruction shall require school districts to

1 inform annually all high school students that prospective employers may
2 request to see transcripts and that the prospective employee's decision
3 to release transcripts can be an important part of the process of
4 applying for employment.

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

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

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

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

31 NEW SECTION. **Sec. 404.** The state board of education, in
32 consultation with the state board for community and technical colleges,
33 shall examine the statutory authority, rules, and jurisdiction between
34 the K-12 and postsecondary education systems regarding the general

1 educational development test and adult education. The board shall make
2 recommendations for change or clarification to the education committees
3 of the legislature by January 15, 2007.

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

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

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

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

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

34 (2) With the exception of students enrolled in the national guard
35 youth challenge program, students enrolled in such national guard

1 programs shall be considered enrolled in the common school last
2 attended preceding enrollment in such national guard program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **Sec. 409.** RCW 28A.205.070 and 1993 c 211 s 6 are each amended to
6 read as follows:

7 In allocating funds appropriated for education centers, the
8 superintendent of public instruction shall:

9 (1) Place priority upon stability and adequacy of funding for
10 education centers that have demonstrated superior performance as
11 defined in RCW 28A.205.040(2).

12 (2) Initiate and maintain a competitive review process to select
13 new or expanded center programs in unserved or underserved areas. The
14 criteria for review of competitive proposals for new or expanded
15 education center services shall include but not be limited to:

16 (a) The proposing organization shall have obtained certification
17 from the (~~state board of education~~) superintendent of public
18 instruction as provided in RCW 28A.205.010;

19 (b) The cost-effectiveness of the proposal; and

20 (c) The availability of committed nonstate funds to support,
21 enrich, or otherwise enhance the basic program.

22 (3) In selecting areas for new or expanded education center
23 programs, the superintendent of public instruction shall consider
24 factors including but not limited to:

25 (a) The proportion and total number of dropouts unserved by
26 existing center programs, if any;

27 (b) The availability within the geographic area of programs other
28 than education centers which address the basic educational needs of
29 dropouts; and

30 (c) Waiting lists or other evidence of demand for expanded
31 education center programs.

32 (4) In the event of any curtailment of services resulting from
33 lowered legislative appropriations, the superintendent of public
34 instruction shall issue pro rata reductions to all centers funded at
35 the time of the lowered appropriation. Individual centers may be
36 exempted from such pro rata reductions if the superintendent finds that
37 such reductions would impair the center's ability to operate at

1 minimally acceptable levels of service. In the event of such
2 exceptions, the superintendent shall determine an appropriate rate for
3 reduction to permit the center to continue operation.

4 (5) In the event that an additional center or centers become
5 certified and apply to the superintendent for funds to be allocated
6 from a legislative appropriation which does not increase from the
7 immediately preceding biennium, or does not increase sufficiently to
8 allow such additional center or centers to operate at minimally
9 acceptable levels of service without reducing the funds available to
10 previously funded centers, the superintendent shall not provide funding
11 for such additional center or centers from such appropriation.

12 **Sec. 410.** RCW 28A.215.010 and 1995 c 335 s 104 are each amended to
13 read as follows:

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

32 **Sec. 411.** RCW 28A.215.020 and 1995 c 335 s 308 are each amended to
33 read as follows:

34 Expenditures under federal funds and/or state appropriations made
35 to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall
36 be made by warrants issued by the state treasurer upon order of the

1 superintendent of public instruction. The (~~state board of education~~)
2 superintendent of public instruction shall make necessary rules (~~and~~
3 ~~regulations~~) to carry out the purpose of RCW 28A.215.010. After being
4 notified by the office of the governor that there is an agency or
5 department responsible for early learning, the superintendent shall
6 consult with that agency when establishing relevant rules.

7 **Sec. 412.** RCW 28A.205.040 and 1999 c 348 s 4 are each amended to
8 read as follows:

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

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

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

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

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

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

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

7 **Sec. 413.** RCW 28A.215.140 and 1988 c 174 s 5 are each amended to
8 read as follows:

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

19 **Sec. 414.** RCW 28A.230.020 and 1991 c 116 s 6 are each amended to
20 read as follows:

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

1 **Sec. 415.** RCW 28A.230.040 and 1984 c 52 s 1 are each amended to
2 read as follows:

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

9 **Sec. 416.** RCW 28A.230.050 and 1985 c 384 s 3 are each amended to
10 read as follows:

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

20 **Sec. 417.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22
21 are each reenacted and amended to read as follows:

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

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

28 (2) To employ, and for cause dismiss one or more assistant
29 superintendents and to define their duties and fix their
30 compensation(~~-~~);

31 (3) To employ a business manager, attorneys, architects, inspectors
32 of construction, superintendents of buildings and a superintendent of
33 supplies, all of whom shall serve at the board's pleasure, and to
34 prescribe their duties and fix their compensation(~~-~~);

35 (4) To employ, and for cause dismiss, supervisors of instruction
36 and to define their duties and fix their compensation(~~-~~);

1 (5) To prescribe a course of study and a program of exercises which
2 shall be consistent with the course of study prepared by the (~~state~~
3 ~~board of education~~) superintendent of public instruction for the use
4 of the common schools of this state((~~-~~));i

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

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

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

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

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

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

34 (12) To appoint a practicing physician, resident of the school
35 district, who shall be known as the school district medical inspector,
36 and whose duty it shall be to decide for the board of directors all
37 questions of sanitation and health affecting the safety and welfare of

1 the public schools of the district who shall serve at the board's
2 pleasure: PROVIDED, That children shall not be required to submit to
3 vaccination against the will of their parents or guardian.

4 NEW SECTION. **Sec. 418.** RCW 28A.305.220 is recodified as a new
5 section in chapter 28A.230 RCW.

6 NEW SECTION. **Sec. 419.** RCW 28A.305.170 is recodified as a new
7 section in chapter 28A.300 RCW.

8 **PART 5**
9 **SCHOOL DISTRICT BOUNDARIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (7) If the affected school districts cannot come to agreement about
2 the proposed transfer of territory, and the districts do not request
3 the services of a mediator or the mediator was unable to bring the
4 districts to agreement, either district may file with the educational
5 service district superintendent a written request for a hearing by the
6 regional committee.

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

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

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

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

23 (1) The chair of the regional committee shall schedule a hearing on
24 the proposed transfer of territory at a location in the educational
25 service district within sixty calendar days of being notified under RCW
26 28A.315.195 (7) or (8).

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

34 (3) In carrying out the purposes of RCW 28A.315.015 and in making
35 decisions as authorized under RCW 28A.315.095(1), the regional
36 committee shall base its judgment upon whether and to the extent the

1 proposed change in school district organization complies with RCW
2 28A.315.015(2) and rules adopted by the (~~state board~~) superintendent
3 of public instruction under chapter 34.05 RCW.

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

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

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

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

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

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

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

1 determined by an administrative law judge in the office of
2 administrative hearings, based on the standards in (a)(ii) of this
3 subsection.

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

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

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

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

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

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

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

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

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

27 (b) Establish methods and procedures whereby changes in the school
28 district system may be brought about by the people concerned and
29 affected.

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

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

5 (b) Responsibly serving all of the affected citizens and students
6 by contributing to logical service boundaries and recognizing a
7 changing economic pattern within the educational service districts of
8 the state;

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

14 (d) Promoting a wiser use of public funds through improvement in
15 the school district system of the educational service districts and the
16 state; and

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

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

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

26 As used in this chapter:

27 (1) "Change in the organization and extent of school districts"
28 means the formation and establishment of new school districts, the
29 dissolution of existing school districts, the alteration of the
30 boundaries of existing school districts, or all of them.

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

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

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

1 ~~((5))~~ (4) "Educational service district superintendent" means the
2 educational service district superintendent as provided for in RCW
3 28A.310.170 or his or her designee.

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

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

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

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

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

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

1 The members of each regional committee shall be elected in the
2 following manner:

3 (1) On or before the 25th day of September, 1994, and not later
4 than the 25th day of September of every subsequent even-numbered year,
5 each superintendent of an educational service district shall call an
6 election to be held in each educational service district within which
7 resides a member of a regional committee whose term of office expires
8 on the second Monday of January next following, and shall give written
9 notice thereof to each member of the board of directors of each school
10 district in the educational service district. Such notice shall
11 include instructions, and the rules (~~and regulations~~) established by
12 the (~~state board of education~~) superintendent of public instruction
13 for the conduct of the election. The (~~state board of education~~)
14 superintendent of public instruction is (~~hereby~~) empowered to adopt
15 rules pursuant to chapter 34.05 RCW which establish standards and
16 procedures which the (~~state board~~) superintendent deems necessary to
17 conduct elections pursuant to this section; to conduct run-off
18 elections in the event an election for a position is indecisive; and to
19 decide run-off elections which result in tie votes, in a fair and
20 orderly manner.

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

31 (3) Each member of the regional committee shall be elected by a
32 majority of the votes cast for all candidates for the position by the
33 members of the boards of directors of school districts in the
34 educational service district. All votes shall be cast by mail ballot
35 addressed to the superintendent of the educational service district
36 wherein the school director resides. No votes shall be accepted for
37 counting if postmarked after the 16th day of November or if not
38 postmarked or the postmark is not legible, if received by mail after

1 the 21st day of November of each even-numbered year. An election board
2 comprised of three persons appointed by the board of the educational
3 service district shall count and tally the votes not later than the
4 25th day of November or the next business day if the 25th falls on a
5 Saturday, Sunday, or legal holiday of each even-numbered year. Each
6 vote cast by a school director shall be recorded as one vote. Within
7 ten days following the count of votes, the educational service district
8 superintendent shall certify to the superintendent of public
9 instruction the name or names of the person(s) elected to be members of
10 the regional committee.

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

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

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

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

35 **PART 6**

1 **EDUCATIONAL SERVICE DISTRICTS**

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

4 ~~(1) ((The state board of education, by rule or regulation, may~~
5 ~~require the assistance of educational service district boards and/or~~
6 ~~superintendents in the performance of any duty, authority, or power~~
7 ~~imposed upon or granted to the state board of education by law, upon~~
8 ~~such terms and conditions as the state board of education shall~~
9 ~~establish. Such authority to assist the state board of education shall~~
10 ~~be limited to the service function of information collection and~~
11 ~~dissemination and the attestment to the accuracy and completeness of~~
12 ~~submitted information.~~

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

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

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

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

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

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

1 questions on board-member district boundaries to the (~~state board of~~
2 ~~education~~) office of the superintendent of public instruction, which,
3 after a public hearing, shall decide such questions.

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

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

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

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

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

34 Candidates for membership on an educational service district board
35 shall file declarations of candidacy with the (~~secretary to the state~~

1 ~~board of education~~) superintendent of public instruction on forms
2 prepared by the (~~secretary~~) superintendent. Declarations of
3 candidacy may be filed by person or by mail not earlier than the first
4 day of September, nor later than the sixteenth day of September. The
5 (~~secretary to the state board of education~~) superintendent may not
6 accept any declaration of candidacy that is not on file in his or her
7 office or is not postmarked before the seventeenth day of September.

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

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

1 election at which a member of an educational service district board is
2 elected, the (~~secretary to the state board of education~~)
3 superintendent of public instruction shall certify to the county
4 auditor of the headquarters county of the educational service district
5 the name or names of the persons elected to be members of the
6 educational service district board.

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

9 Every school district must be included entirely within a single
10 educational service district. If the boundaries of any school district
11 within an educational service district are changed in any manner so as
12 to extend the school district beyond the boundaries of that educational
13 service district, the (~~state board~~) superintendent of public
14 instruction shall change the boundaries of the educational service
15 districts so affected in a manner consistent with the purposes of RCW
16 28A.310.010 and this section.

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

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

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

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

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

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

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

10 (4) Fix the amount of and approve the bonds for those educational
11 service district employees designated by the board as being in need of
12 bonding((~~-~~));

13 (5) Keep in the educational service district office a full and
14 correct transcript of the boundaries of each school district within the
15 educational service district((~~-~~));

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

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

1 management and operation of the school district or districts served by
2 the educational service district(~~(-)~~);

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

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

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

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

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

30 The duties in this chapter imposed upon and required to be
31 performed by a regional committee and by an educational service
32 district superintendent in connection with a change in the organization
33 and extent of school districts and/or with the adjustment of the assets
34 and liabilities of school districts and with all matters related to
35 such change or adjustment whenever territory lying in a single
36 educational service district is involved shall be performed jointly by

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

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

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

- 29 (1) Service needs of such district;
30 (2) Availability of services;
31 (3) Geographic location of district and servicing agencies; and
32 (4) Relationship to contiguous school districts.

33 **Sec. 614.** RCW 29A.24.070 and 2005 c 221 s 1 are each amended to
34 read as follows:

35 Declarations of candidacy shall be filed with the following filing
36 officers:

1 (1) The secretary of state for declarations of candidacy for
2 statewide offices, United States senate, and United States house of
3 representatives;

4 (2) The secretary of state for declarations of candidacy for the
5 state legislature, the court of appeals, and the superior court when
6 the candidate is seeking office in a district comprised of voters from
7 two or more counties. The secretary of state and the county auditor
8 may accept declarations of candidacy for candidates for the state
9 legislature, the court of appeals, and the superior court when the
10 candidate is seeking office in a district comprised of voters from one
11 county;

12 (3) The county auditor for all other offices. For any nonpartisan
13 office, other than judicial offices and school director in joint
14 districts, where voters from a district comprising more than one county
15 vote upon the candidates, a declaration of candidacy shall be filed
16 with the county auditor of the county in which a majority of the
17 registered voters of the district reside. For school directors in
18 joint school districts, the declaration of candidacy shall be filed
19 with the county auditor of the county designated by the (~~state board~~
20 ~~of education~~) superintendent of public instruction as the county to
21 which the joint school district is considered as belonging under RCW
22 28A.323.040;

23 (4) For all other purposes of this title, a declaration of
24 candidacy for the state legislature, the court of appeals, and the
25 superior court filed with the secretary of state shall be deemed to
26 have been filed with the county auditor when the candidate is seeking
27 office in a district composed of voters from one county.

28 Each official with whom declarations of candidacy are filed under
29 this section, within one business day following the closing of the
30 applicable filing period, shall transmit to the public disclosure
31 commission the information required in RCW 29A.24.031 (1) through (4)
32 for each declaration of candidacy filed in his or her office during
33 such filing period or a list containing the name of each candidate who
34 files such a declaration in his or her office during such filing period
35 together with a precise identification of the position sought by each
36 such candidate and the date on which each such declaration was filed.
37 Such official, within three days following his or her receipt of any

1 letter withdrawing a person's name as a candidate, shall also forward
2 a copy of such withdrawal letter to the public disclosure commission.

3 **Sec. 615.** RCW 84.09.037 and 1990 c 33 s 597 are each amended to
4 read as follows:

5 Each school district affected by a transfer of territory from one
6 school district to another school district under chapter 28A.315 RCW
7 shall retain its preexisting boundaries for the purpose of the
8 collection of excess tax levies authorized under RCW 84.52.053 before
9 the effective date of the transfer, for such tax collection years and
10 for such excess tax levies as the (~~state board of education~~)
11 superintendent of public instruction may approve and order that the
12 transferred territory shall either be subject to or relieved of such
13 excess levies, as the case may be. For the purpose of all other excess
14 tax levies previously authorized under chapter 84.52 RCW and all excess
15 tax levies authorized under RCW 84.52.053 subsequent to the effective
16 date of a transfer of territory, the boundaries of the affected school
17 districts shall be modified to recognize the transfer of territory
18 subject to RCW 84.09.030.

19 **PART 7**
20 **STUDENTS**

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

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

1 suspended or expelled before the appeal is decided shall be applied to
2 the term of the student suspension or expulsion and shall not limit or
3 extend the term of the student suspension or expulsion.

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

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

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

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

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

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

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

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

21 (a) Engages in two or more violations within a three-year period of
22 RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020,
23 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

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

25 The principal shall communicate the disciplinary action taken by
26 the principal to the school personnel who referred the student to the
27 principal for disciplinary action.

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

30 Each school district board of directors may establish student
31 grading policies which permit teachers to consider a student's
32 attendance in determining the student's overall grade or deciding
33 whether the student should be granted or denied credit. Such policies
34 shall take into consideration the circumstances pertaining to the
35 student's inability to attend school. However, no policy shall be
36 adopted whereby a grade shall be reduced or credit shall be denied for
37 disciplinary reasons only, rather than for academic reasons, unless due

1 process of law is provided as set forth by the (~~state board of~~
2 ~~education~~) superintendent of public instruction under RCW 28A.305.160
3 (as recodified by this act).

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

6 **PART 8**

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

8 **Sec. 801.** RCW 18.35.020 and 2005 c 45 s 2 are each amended to read
9 as follows:

10 (1) No person shall engage in the fitting and dispensing of hearing
11 instruments or imply or represent that he or she is engaged in the
12 fitting and dispensing of hearing instruments unless he or she is a
13 licensed hearing instrument fitter/dispenser or a licensed audiologist
14 or holds an interim permit issued by the department as provided in this
15 chapter and is an owner or employee of an establishment that is bonded
16 as provided by RCW 18.35.240. The owner or manager of an establishment
17 that dispenses hearing instruments is responsible under this chapter
18 for all transactions made in the establishment name or conducted on its
19 premises by agents or persons employed by the establishment engaged in
20 fitting and dispensing of hearing instruments. Every establishment
21 that fits and dispenses shall have in its employ at least one licensed
22 hearing instrument fitter/dispenser or licensed audiologist at all
23 times, and shall annually submit proof that all testing equipment at
24 that establishment that is required by the board to be calibrated has
25 been properly calibrated.

26 (2) Effective January 1, 2003, no person shall engage in the
27 practice of audiology or imply or represent that he or she is engaged
28 in the practice of audiology unless he or she is a licensed audiologist
29 or holds an audiology interim permit issued by the department as
30 provided in this chapter. Audiologists who are certified as
31 educational staff associates by the (~~state board of education~~)
32 Washington professional educator standards board are excluded unless
33 they elect to become licensed under this chapter. However, a person
34 certified by the state board of education as an educational staff

1 associate who practices outside the school setting must be a licensed
2 audiologist.

3 (3) Effective January 1, 2003, no person shall engage in the
4 practice of speech-language pathology or imply or represent that he or
5 she is engaged in the practice of speech-language pathology unless he
6 or she is a licensed speech-language pathologist or holds a speech-
7 language pathology interim permit issued by the department as provided
8 in this chapter. Speech-language pathologists who are certified as
9 educational staff associates by the state board of education are
10 excluded unless they elect to become licensed under this chapter.
11 However, a person certified by the state board of education as an
12 educational staff associate who practices outside the school setting
13 must be a licensed speech-language pathologist.

14 **Sec. 802.** RCW 18.35.195 and 2005 c 45 s 4 are each amended to read
15 as follows:

16 (1) This chapter shall not apply to military or federal government
17 employees.

18 (2) This chapter does not prohibit or regulate:

19 (a) Fitting or dispensing by students enrolled in a board-approved
20 program who are directly supervised by a licensed hearing instrument
21 fitter/dispenser, a licensed audiologist under the provisions of this
22 chapter, or an instructor at a two-year hearing instrument
23 fitter/dispenser degree program that is approved by the board;

24 (b) Hearing instrument fitter/dispensers, speech-language
25 pathologists, or audiologists of other states, territories, or
26 countries, or the District of Columbia while appearing as clinicians of
27 bona fide educational seminars sponsored by speech-language pathology,
28 audiology, hearing instrument fitter/dispenser, medical, or other
29 healing art professional associations so long as such activities do not
30 go beyond the scope of practice defined by this chapter; and

31 (c) The practice of audiology or speech-language pathology by
32 persons certified by the (~~state board of education~~) Washington
33 professional educator standards board as educational staff associates,
34 except for those persons electing to be licensed under this chapter.
35 However, a person certified by the (~~state~~) board (~~of education~~) as
36 an educational staff associate who practices outside the school setting
37 must be a licensed audiologist or licensed speech-language pathologist.

1 **Sec. 803.** RCW 18.83.200 and 1986 c 27 s 10 are each amended to
2 read as follows:

3 This chapter shall not apply to:

4 (1) Any person teaching, lecturing, consulting, or engaging in
5 research in psychology but only insofar as such activities are
6 performed as a part of or are dependent upon a position in a college or
7 university in the state of Washington.

8 (2) Any person who holds a valid school psychologist credential
9 from the Washington (~~(state board of education)~~) professional educator
10 standards board but only when such a person is practicing psychology in
11 the course of his or her employment.

12 (3) Any person employed by a local, state, or federal government
13 agency whose psychologists must qualify for employment under federal or
14 state certification or civil service regulations; but only at those
15 times when that person is carrying out the functions of his or her
16 employment.

17 (4) Any person who must qualify under the employment requirements
18 of a business or industry and who is employed by a business or industry
19 which is not engaged in offering psychological services to the public,
20 but only when such person is carrying out the functions of his or her
21 employment: PROVIDED, That no person exempt from licensing under this
22 subsection shall engage in the clinical practice of psychology.

23 (5) Any person who is a student of psychology, psychological
24 intern, or resident in psychology preparing for the profession of
25 psychology under supervision in a training institution or facilities
26 and who is designated by the title such as "psychological trainee,"
27 "psychology student," which thereby indicates his or her training
28 status.

29 (6) Any person who has received a doctoral degree from an
30 accredited institution of higher learning with an adequate major in
31 sociology or social psychology as determined by the board and who has
32 passed comprehensive examinations in the field of social psychology as
33 part of the requirements for the doctoral degree. Such persons may use
34 the title "social psychologist" provided that they file a statement of
35 their education with the board.

36 **Sec. 804.** RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each
37 amended to read as follows:

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

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

8 **Sec. 805.** RCW 28A.225.330 and 1999 c 198 s 3 are each amended to
9 read as follows:

10 (1) When enrolling a student who has attended school in another
11 school district, the school enrolling the student may request the
12 parent and the student to briefly indicate in writing whether or not
13 the student has:

14 (a) Any history of placement in special educational programs;

15 (b) Any past, current, or pending disciplinary action;

16 (c) Any history of violent behavior, or behavior listed in RCW
17 13.04.155;

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

19 (e) Any health conditions affecting the student's educational
20 needs.

21 (2) The school enrolling the student shall request the school the
22 student previously attended to send the student's permanent record
23 including records of disciplinary action, history of violent behavior
24 or behavior listed in RCW 13.04.155, attendance, immunization records,
25 and academic performance. If the student has not paid a fine or fee
26 under RCW 28A.635.060, or tuition, fees, or fines at approved private
27 schools the school may withhold the student's official transcript, but
28 shall transmit information about the student's academic performance,
29 special placement, immunization records, records of disciplinary
30 action, and history of violent behavior or behavior listed in RCW
31 13.04.155. If the official transcript is not sent due to unpaid
32 tuition, fees, or fines, the enrolling school shall notify both the
33 student and parent or guardian that the official transcript will not be
34 sent until the obligation is met, and failure to have an official
35 transcript may result in exclusion from extracurricular activities or
36 failure to graduate.

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

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

17 (5) When a school receives information under this section or RCW
18 13.40.215 that a student has a history of disciplinary actions,
19 criminal or violent behavior, or other behavior that indicates the
20 student could be a threat to the safety of educational staff or other
21 students, the school shall provide this information to the student's
22 teachers and security personnel.

23 **Sec. 806.** RCW 28A.405.110 and 1985 c 420 s 1 are each amended to
24 read as follows:

25 The legislature recognizes the importance of teachers in the
26 educational system. Teachers are the fundamental element in assuring
27 a quality education for the state's and the nation's children.
28 Teachers, through their direct contact with children, have a great
29 impact on the development of the child. The legislature finds that
30 this important role of the teacher requires an assurance that teachers
31 are as successful as possible in attaining the goal of a well-educated
32 society. The legislature finds, therefore, that the evaluation of
33 those persons seeking to enter the teaching profession is no less
34 important than the evaluation of those persons currently teaching. The
35 evaluation of persons seeking teaching credentials should be strenuous
36 while making accommodations uniquely appropriate to the applicants.
37 Strenuous teacher training and preparation should be complemented by

1 examinations of prospective teachers prior to candidates being granted
2 official certification by the (~~state board of education~~) professional
3 educator standards board. Teacher preparation program entrance
4 evaluations, teacher training, teacher preparation program exit
5 examinations, official certification, in-service training, and ongoing
6 evaluations of individual progress and professional growth are all part
7 of developing and maintaining a strong precertification and
8 postcertification professional education system.

9 The legislature further finds that an evaluation system for
10 teachers has the following elements, goals, and objectives: (1) An
11 evaluation system must be meaningful, helpful, and objective; (2) an
12 evaluation system must encourage improvements in teaching skills,
13 techniques, and abilities by identifying areas needing improvement; (3)
14 an evaluation system must provide a mechanism to make meaningful
15 distinctions among teachers and to acknowledge, recognize, and
16 encourage superior teaching performance; and (4) an evaluation system
17 must encourage respect in the evaluation process by the persons
18 conducting the evaluations and the persons subject to the evaluations
19 through recognizing the importance of objective standards and
20 minimizing subjectivity.

21 **Sec. 807.** RCW 28A.415.010 and 1991 c 285 s 1 are each amended to
22 read as follows:

23 It shall be the responsibility of each educational service district
24 board to establish a center for the improvement of teaching. The
25 center shall administer, coordinate, and act as fiscal agent for such
26 programs related to the recruitment and training of certificated and
27 classified K-12 education personnel as may be delegated to the center
28 by the superintendent of public instruction under RCW 28A.310.470(~~or~~
29 ~~the state board of education under RCW 28A.310.480~~). To assist in
30 these activities, each educational service district board shall
31 establish an improvement of teaching coordinating council to include,
32 at a minimum, representatives as specified in RCW 28A.415.040. An
33 existing in-service training task force, established pursuant to RCW
34 28A.415.040, may serve as the improvement of teaching coordinating
35 council. The educational service district board shall ensure
36 coordination of programs established pursuant to RCW 28A.415.030,
37 28A.410.060, and 28A.415.250.

1 The educational service district board may arrange each year for
2 the holding of one or more teachers' institutes and/or workshops for
3 professional staff preparation and in-service training in such manner
4 and at such time as the board believes will be of benefit to the
5 teachers and other professional staff of school districts within the
6 educational service district and shall comply with rules ~~((and~~
7 ~~regulations of the state board of education))~~ of the professional
8 educator standards board pursuant to RCW 28A.410.060 or the
9 superintendent of public instruction ~~((or state board of education))~~
10 pursuant to RCW 28A.415.250. The board may provide such additional
11 means of teacher and other professional staff preparation and in-
12 service training as it may deem necessary or appropriate and there
13 shall be a proper charge against the educational service district
14 general expense fund when approved by the educational service district
15 board.

16 Educational service district boards of contiguous educational
17 service districts, by mutual arrangements, may hold joint institutes
18 and/or workshops, the expenses to be shared in proportion to the
19 numbers of certificated personnel as shown by the last annual reports
20 of the educational service districts holding such joint institutes or
21 workshops.

22 In local school districts employing more than one hundred teachers
23 and other professional staff, the school district superintendent may
24 hold a teachers' institute of one or more days in such district, said
25 institute when so held by the school district superintendent to be in
26 all respects governed by the provisions of this title and ~~((state board~~
27 ~~of education))~~ rules ~~((and regulations))~~ relating to teachers'
28 institutes held by educational service district superintendents.

29 **Sec. 808.** RCW 28A.415.020 and 1995 c 284 s 2 are each amended to
30 read as follows:

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

35 (2) Certificated personnel shall receive for each ten clock hours
36 of approved continuing education earned, as continuing education is
37 defined by rule adopted by the ~~((state board of education))~~

1 professional educator standards board, the equivalent of a one credit
2 college quarter course on the salary schedule developed by the
3 legislative evaluation and accountability program committee.

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

11 (4) An approved in-service training program shall be a program
12 approved by a school district board of directors, which meet standards
13 adopted by the (~~state board of education~~) professional educator
14 standards board, and the development of said program has been
15 participated in by an in-service training task force whose membership
16 is the same as provided under RCW 28A.415.040, or a program offered by
17 an education agency approved to provide in-service for the purposes of
18 continuing education as provided for under rules adopted by the (~~state~~
19 ~~board of education~~) professional educator standards board, or both.

20 (5) Clock hours eligible for application to the salary schedule
21 developed by the legislative evaluation and accountability program
22 committee as described in subsections (1) and (2) of this section,
23 shall be those hours acquired after August 31, 1987. Clock hours
24 eligible for application to the salary schedule as described in
25 subsection (3) of this section shall be those hours acquired after
26 December 31, 1995.

27 **Sec. 809.** RCW 28A.415.024 and 2005 c 461 s 1 are each amended to
28 read as follows:

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

35 (2) The office of the superintendent of public instruction shall
36 verify for school districts the accreditation status of educational

1 institutions granting degrees that are used by certificated staff to
2 increase earnings on the salary schedule consistent with RCW
3 28A.415.023.

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

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

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

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

24 **Sec. 810.** RCW 28A.415.025 and 1995 c 284 s 3 are each amended to
25 read as follows:

26 The (~~state board of education~~) professional educator standards
27 board shall establish rules for awarding clock hours for participation
28 of certificated personnel in internships with business, industry, or
29 government. To receive clock hours for an internship, the individual
30 must demonstrate that the internship will provide beneficial skills and
31 knowledge in an area directly related to his or her current assignment,
32 or to his or her assignment for the following school year. An
33 individual may not receive more than the equivalent of two college
34 quarter credits for internships during a calendar-year period. The
35 total number of credits for internships that an individual may earn to
36 advance on the salary schedule developed by the legislative evaluation

1 and accountability program committee or its successor agency is limited
2 to the equivalent of fifteen college quarter credits.

3 **Sec. 811.** RCW 28A.415.105 and 1995 c 335 s 403 are each amended to
4 read as follows:

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

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

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

13 (3) "Field experience" means opportunities for observation,
14 tutoring, microteaching, extended practicums, and clinical and
15 laboratory experiences which do not fall within the meaning of student
16 teaching.

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

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

24 (6) "Student teaching" means the full quarter or semester in a
25 school setting during which the student teacher observes the
26 cooperating teacher, participates in instructional activities, and
27 assumes both part-time and full-time teaching responsibilities under
28 the supervision of the cooperating teacher.

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

33 (8) "Supervisor or university supervisor" means the regular or
34 adjunct faculty member, or college or university-approved designee, who
35 assists and supervises the work of cooperating teachers and student
36 teachers.

1 **Sec. 812.** RCW 28A.415.125 and 1991 c 258 s 6 are each amended to
2 read as follows:

3 The (~~state board of education~~) professional educator standards
4 board, from appropriated funds, shall establish a network of student
5 teaching centers to support the continuing development of the field-
6 based component of teacher preparation programs. The purpose of the
7 training centers is to:

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

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

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

16 (4) Expand access to each other and opportunities for collaboration
17 in teacher education between colleges and universities and school
18 districts.

19 **Sec. 813.** RCW 28A.415.130 and 1991 c 258 s 7 are each amended to
20 read as follows:

21 Funds for the student teaching centers shall be allocated by the
22 superintendent of public instruction among the educational service
23 district regions on the basis of student teaching placements. The
24 fiscal agent for each center shall be either an educational service
25 district or a state institution of higher education. Prospective
26 fiscal agents shall document to the (~~state board of education~~)
27 professional educator standards board the following information:

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

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

33 (3) Assurance that the training center program provides appropriate
34 and necessary training in observation, supervision, and assistance
35 skills and techniques for:

36 (a) Cooperating teachers;

37 (b) Other school building personnel; and

1 (c) School district employees.

2 **Sec. 814.** RCW 28A.415.145 and 1991 c 258 s 10 are each amended to
3 read as follows:

4 The (~~state board of education~~) professional educator standards
5 board and the superintendent of public instruction shall adopt rules as
6 necessary under chapter 34.05 RCW to carry out the purposes of RCW
7 28A.415.100 through 28A.415.140.

8 **Sec. 815.** RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27
9 are each reenacted and amended to read as follows:

10 (1) The (~~state board of education~~) professional educator
11 standards board and the state board for community and technical
12 colleges, in consultation with the superintendent of public
13 instruction, the higher education coordinating board, the state
14 apprenticeship training council, and community colleges, shall adopt
15 rules as necessary under chapter 34.05 RCW to implement the
16 paraeducator associate of arts degree.

17 (2) As used in this section, a "paraeducator" is an individual who
18 has completed an associate of arts degree for a paraeducator. The
19 paraeducator may be hired by a school district to assist certificated
20 instructional staff in the direct instruction of children in small and
21 large groups, individualized instruction, testing of children,
22 recordkeeping, and preparation of materials. The paraeducator shall
23 work under the direction of instructional certificated staff.

24 (3) The training program for a paraeducator associate of arts
25 degree shall include, but is not limited to, the general requirements
26 for receipt of an associate of arts degree and training in the areas of
27 introduction to childhood education, orientation to children with
28 disabilities, fundamentals of childhood education, creative activities
29 for children, instructional materials for children, fine art
30 experiences for children, the psychology of learning, introduction to
31 education, child health and safety, child development and guidance,
32 first aid, and a practicum in a school setting.

33 (4) Consideration shall be given to transferability of credit
34 earned in this program to teacher preparation programs at colleges and
35 universities.

1 **Sec. 816.** RCW 28A.660.020 and 2004 c 23 s 2 are each amended to
2 read as follows:

3 (1) Each district or consortia of school districts applying for the
4 alternative route certification program shall submit a proposal to the
5 Washington professional educator standards board specifying:

6 (a) The route or routes the partnership program intends to offer
7 and a detailed description of how the routes will be structured and
8 operated by the partnership;

9 (b) The number of candidates that will be enrolled per route;

10 (c) An identification, indication of commitment, and description of
11 the role of approved teacher preparation programs that are partnering
12 with the district or consortia of districts;

13 (d) An assurance of district provision of adequate training for
14 mentor teachers either through participation in a state mentor training
15 academy or district-provided training that meets state-established
16 mentor-training standards specific to the mentoring of alternative
17 route candidates;

18 (e) An assurance that significant time will be provided for mentor
19 teachers to spend with the alternative route teacher candidates
20 throughout the internship. Partnerships must provide each candidate
21 with intensive classroom mentoring until such time as the candidate
22 demonstrates the competency necessary to manage the classroom with less
23 intensive supervision and guidance from a mentor;

24 (f) A description of the rigorous screening process for applicants
25 to alternative route programs, including entry requirements specific to
26 each route, as provided in RCW 28A.660.040; and

27 (g) The design and use of a teacher development plan for each
28 candidate. The plan shall specify the alternative route coursework and
29 training required of each candidate and shall be developed by comparing
30 the candidate's prior experience and coursework with the state's new
31 performance-based standards for residency certification and adjusting
32 any requirements accordingly. The plan may include the following
33 components:

34 (i) A minimum of one-half of a school year, and an additional
35 significant amount of time if necessary, of intensive mentorship,
36 starting with full-time mentoring and progressing to increasingly less
37 intensive monitoring and assistance as the intern demonstrates the
38 skills necessary to take over the classroom with less intensive

1 support. For route one and two candidates, before the supervision is
2 diminished, the mentor of the teacher candidate at the school and the
3 supervisor of the teacher candidate from the higher education teacher
4 preparation program must both agree that the teacher candidate is ready
5 to manage the classroom with less intensive supervision. For route
6 three and four candidates, the mentor of the teacher candidate shall
7 make the decision;

8 (ii) Identification of performance indicators based on the
9 knowledge and skills standards required for residency certification by
10 the ((state board of education)) Washington professional educator
11 standards board;

12 (iii) Identification of benchmarks that will indicate when the
13 standard is met for all performance indicators;

14 (iv) A description of strategies for assessing candidate
15 performance on the benchmarks;

16 (v) Identification of one or more tools to be used to assess a
17 candidate's performance once the candidate has been in the classroom
18 for about one-half of a school year; and

19 (vi) A description of the criteria that would result in residency
20 certification after about one-half of a school year but before the end
21 of the program.

22 (2) To the extent funds are appropriated for this purpose,
23 districts may apply for program funds to pay stipends to trained mentor
24 teachers of interns during the mentored internship. The per intern
25 amount of mentor stipend shall not exceed five hundred dollars.

26 **Sec. 817.** RCW 28A.660.040 and 2004 c 23 s 4 are each amended to
27 read as follows:

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

1 (1) Partnership grant programs seeking funds to operate route one
2 programs shall enroll currently employed classified instructional
3 employees with transferable associate degrees seeking residency teacher
4 certification with endorsements in special education, bilingual
5 education, or English as a second language. It is anticipated that
6 candidates enrolled in this route will complete both their
7 baccalaureate degree and requirements for residency certification in
8 two years or less, including a mentored internship to be completed in
9 the final year. In addition, partnership programs shall uphold entry
10 requirements for candidates that include:

11 (a) District or building validation of qualifications, including
12 three years of successful student interaction and leadership as a
13 classified instructional employee;

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

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

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

29 (a) District or building validation of qualifications, including
30 three years of successful student interaction and leadership as
31 classified staff;

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

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

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

1 (e) Successful passage of the statewide basic skills exam, when
2 available.

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

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

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

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

26 (d) External validation of qualifications, including demonstrated
27 successful experience with students or children, such as (~~references~~
28 ~~[reference]~~) reference letters and letters of support from previous
29 employers;

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

32 (f) Successful passage of statewide basic skills exams, when
33 available.

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

1 teaching academy, followed by a full year employed by a district in a
2 mentored internship. In addition, partnership programs shall uphold
3 entry requirements for candidates that include:

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

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

8 (c) Successful completion of the content test, once the state
9 content test is available;

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

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

15 (f) Successful passage of statewide basic skills exams, when
16 available.

17 **Sec. 818.** RCW 28A.690.020 and 1990 c 33 s 546 are each amended to
18 read as follows:

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

27 **Sec. 819.** RCW 28A.300.050 and 1990 c 33 s 252 are each amended to
28 read as follows:

29 The superintendent of public instruction shall provide technical
30 assistance to the (~~state board of education~~) professional educator
31 standards board in the conduct of the activities described in
32 (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and
33 28A.410.050.

34 **Sec. 820.** RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each
35 amended to read as follows:

1 The award for the teacher educator shall include:

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

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

10 **Sec. 821.** RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each
11 amended to read as follows:

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

25 **Sec. 822.** RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each
26 amended to read as follows:

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

1 **Sec. 823.** RCW 28B.10.710 and 1993 c 77 s 1 are each amended to
2 read as follows:

3 There shall be a one quarter or semester course in either
4 Washington state history and government, or Pacific Northwest history
5 and government in the curriculum of all teachers' colleges and
6 teachers' courses in all institutions of higher education. No person
7 shall be graduated from any of said schools without completing said
8 course of study, unless otherwise determined by the (~~state board of~~
9 ~~education~~) Washington professional educator standards board. Any
10 course in Washington state or Pacific Northwest history and government
11 used to fulfill this requirement shall include information on the
12 culture, history, and government of the American Indian peoples who
13 were the first human inhabitants of the state and the region.

14 **Sec. 824.** RCW 28B.35.120 and 2004 c 275 s 54 are each amended to
15 read as follows:

16 In addition to any other powers and duties prescribed by law, each
17 board of trustees of the respective regional universities:

18 (1) Shall have full control of the regional university and its
19 property of various kinds, except as otherwise provided by law.

20 (2) Shall employ the president of the regional university, his
21 assistants, members of the faculty, and other employees of the
22 institution, who, except as otherwise provided by law, shall hold their
23 positions, until discharged therefrom by the board for good and lawful
24 reason.

25 (3) With the assistance of the faculty of the regional university,
26 shall prescribe the course of study in the various schools and
27 departments thereof and publish such catalogues thereof as the board
28 deems necessary: PROVIDED, That the (~~state~~) Washington professional
29 educator standards board (~~of education~~) shall determine the
30 requisites for and give program approval of all courses leading to
31 teacher certification by such board.

32 (4) Establish such divisions, schools or departments necessary to
33 carry out the purposes of the regional university and not otherwise
34 proscribed by law.

35 (5) Except as otherwise provided by law, may establish and erect
36 such new facilities as determined by the board to be necessary for the
37 regional university.

1 (6) May acquire real and other property as provided in RCW
2 28B.10.020, as now or hereafter amended.

3 (7) Except as otherwise provided by law, may purchase all supplies
4 and purchase or lease equipment and other personal property needed for
5 the operation or maintenance of the regional university.

6 (8) May establish, lease, operate, equip and maintain self-
7 supporting facilities in the manner provided in RCW 28B.10.300 through
8 28B.10.330, as now or hereafter amended.

9 (9) Except as otherwise provided by law, to enter into such
10 contracts as the trustees deem essential to regional university
11 purposes.

12 (10) May receive such gifts, grants, conveyances, devises and
13 bequests of real or personal property from whatsoever source, as may be
14 made from time to time, in trust or otherwise, whenever the terms and
15 conditions thereof will aid in carrying out the regional university
16 programs; sell, lease or exchange, invest or expend the same or the
17 proceeds, rents, profits and income thereof except as limited by the
18 terms and conditions thereof; and adopt regulations to govern the
19 receipt and expenditure of the proceeds, rents, profits and income
20 thereof.

21 (11) Subject to the approval of the higher education coordinating
22 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-
23 campus programs, participate in consortia or centers, contract for off-
24 campus educational programs, and purchase or lease major off-campus
25 facilities.

26 (12) May promulgate such rules and regulations, and perform all
27 other acts not forbidden by law, as the board of trustees may in its
28 discretion deem necessary or appropriate to the administration of the
29 regional university.

30 **Sec. 825.** RCW 28B.40.120 and 2004 c 275 s 56 are each amended to
31 read as follows:

32 In addition to any other powers and duties prescribed by law, the
33 board of trustees of The Evergreen State College:

34 (1) Shall have full control of the state college and its property
35 of various kinds, except as otherwise provided by law.

36 (2) Shall employ the president of the state college, his
37 assistants, members of the faculty, and other employees of the

1 institution, who, except as otherwise provided by law, shall hold their
2 positions, until discharged therefrom by the board for good and lawful
3 reason.

4 (3) With the assistance of the faculty of the state college, shall
5 prescribe the course of study in the various schools and departments
6 thereof and publish such catalogues thereof as the board deems
7 necessary: PROVIDED, That the (~~state board of education~~) Washington
8 professional educator standards board shall determine the requisites
9 for and give program approval of all courses leading to teacher
10 certification by such board.

11 (4) Establish such divisions, schools or departments necessary to
12 carry out the purposes of the college and not otherwise proscribed by
13 law.

14 (5) Except as otherwise provided by law, may establish and erect
15 such new facilities as determined by the board to be necessary for the
16 college.

17 (6) May acquire real and other property as provided in RCW
18 28B.10.020, as now or hereafter amended.

19 (7) Except as otherwise provided by law, may purchase all supplies
20 and purchase or lease equipment and other personal property needed for
21 the operation or maintenance of the college.

22 (8) May establish, lease, operate, equip and maintain self-
23 supporting facilities in the manner provided in RCW 28B.10.300 through
24 28B.10.330, as now or hereafter amended.

25 (9) Except as otherwise provided by law, to enter into such
26 contracts as the trustees deem essential to college purposes.

27 (10) May receive such gifts, grants, conveyances, devises and
28 bequests of real or personal property from whatsoever source, as may be
29 made from time to time, in trust or otherwise, whenever the terms and
30 conditions thereof will aid in carrying out the college programs; sell,
31 lease or exchange, invest or expend the same or the proceeds, rents,
32 profits and income thereof except as limited by the terms and
33 conditions thereof; and adopt regulations to govern the receipt and
34 expenditure of the proceeds, rents, profits and income thereof.

35 (11) Subject to the approval of the higher education coordinating
36 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-
37 campus programs, participate in consortia or centers, contract for off-

1 campus educational programs, and purchase or lease major off-campus
2 facilities.

3 (12) May promulgate such rules and regulations, and perform all
4 other acts not forbidden by law, as the board of trustees may in its
5 discretion deem necessary or appropriate to the administration of the
6 college.

7 **Sec. 826.** RCW 43.43.832 and 2005 c 421 s 2 are each amended to
8 read as follows:

9 (1) The legislature finds that businesses and organizations
10 providing services to children, developmentally disabled persons, and
11 vulnerable adults need adequate information to determine which
12 employees or licensees to hire or engage. The legislature further
13 finds that many developmentally disabled individuals and vulnerable
14 adults desire to hire their own employees directly and also need
15 adequate information to determine which employees or licensees to hire
16 or engage. Therefore, the Washington state patrol identification and
17 criminal history section shall disclose, upon the request of a business
18 or organization as defined in RCW 43.43.830, a developmentally disabled
19 person, or a vulnerable adult as defined in RCW 43.43.830 or his or her
20 guardian, an applicant's record for convictions as defined in chapter
21 10.97 RCW.

22 (2) The legislature also finds that the (~~state board of~~
23 ~~education~~) Washington professional educator standards board may
24 request of the Washington state patrol criminal identification system
25 information regarding a certificate applicant's record for convictions
26 under subsection (1) of this section.

27 (3) The legislature also finds that law enforcement agencies, the
28 office of the attorney general, prosecuting authorities, and the
29 department of social and health services may request this same
30 information to aid in the investigation and prosecution of child,
31 developmentally disabled person, and vulnerable adult abuse cases and
32 to protect children and adults from further incidents of abuse.

33 (4) The legislature further finds that the secretary of the
34 department of social and health services must establish rules and set
35 standards to require specific action when considering the information
36 listed in subsection (1) of this section, and when considering

1 additional information including but not limited to civil adjudication
2 proceedings as defined in RCW 43.43.830 and any out-of-state
3 equivalent, in the following circumstances:

4 (a) When considering persons for state employment in positions
5 directly responsible for the supervision, care, or treatment of
6 children, vulnerable adults, or individuals with mental illness or
7 developmental disabilities;

8 (b) When considering persons for state positions involving
9 unsupervised access to vulnerable adults to conduct comprehensive
10 assessments, financial eligibility determinations, licensing and
11 certification activities, investigations, surveys, or case management;
12 or for state positions otherwise required by federal law to meet
13 employment standards;

14 (c) When licensing agencies or facilities with individuals in
15 positions directly responsible for the care, supervision, or treatment
16 of children, developmentally disabled persons, or vulnerable adults,
17 including but not limited to agencies or facilities licensed under
18 chapter 74.15 or 18.51 RCW;

19 (d) When contracting with individuals or businesses or
20 organizations for the care, supervision, case management, or treatment
21 of children, developmentally disabled persons, or vulnerable adults,
22 including but not limited to services contracted for under chapter
23 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

24 (e) When individual providers are paid by the state or providers
25 are paid by home care agencies to provide in-home services involving
26 unsupervised access to persons with physical, mental, or developmental
27 disabilities or mental illness, or to vulnerable adults as defined in
28 chapter 74.34 RCW, including but not limited to services provided under
29 chapter 74.39 or 74.39A RCW.

30 (5) Whenever a state conviction record check is required by state
31 law, persons may be employed or engaged as volunteers or independent
32 contractors on a conditional basis pending completion of the state
33 background investigation. Whenever a national criminal record check
34 through the federal bureau of investigation is required by state law,
35 a person may be employed or engaged as a volunteer or independent
36 contractor on a conditional basis pending completion of the national
37 check. The Washington personnel resources board shall adopt rules to

1 accomplish the purposes of this subsection as it applies to state
2 employees.

3 (6)(a) For purposes of facilitating timely access to criminal
4 background information and to reasonably minimize the number of
5 requests made under this section, recognizing that certain health care
6 providers change employment frequently, health care facilities may,
7 upon request from another health care facility, share copies of
8 completed criminal background inquiry information.

9 (b) Completed criminal background inquiry information may be shared
10 by a willing health care facility only if the following conditions are
11 satisfied: The licensed health care facility sharing the criminal
12 background inquiry information is reasonably known to be the person's
13 most recent employer, no more than twelve months has elapsed from the
14 date the person was last employed at a licensed health care facility to
15 the date of their current employment application, and the criminal
16 background information is no more than two years old.

17 (c) If criminal background inquiry information is shared, the
18 health care facility employing the subject of the inquiry must require
19 the applicant to sign a disclosure statement indicating that there has
20 been no conviction or finding as described in RCW 43.43.842 since the
21 completion date of the most recent criminal background inquiry.

22 (d) Any health care facility that knows or has reason to believe
23 that an applicant has or may have a disqualifying conviction or finding
24 as described in RCW 43.43.842, subsequent to the completion date of
25 their most recent criminal background inquiry, shall be prohibited from
26 relying on the applicant's previous employer's criminal background
27 inquiry information. A new criminal background inquiry shall be
28 requested pursuant to RCW 43.43.830 through 43.43.842.

29 (e) Health care facilities that share criminal background inquiry
30 information shall be immune from any claim of defamation, invasion of
31 privacy, negligence, or any other claim in connection with any
32 dissemination of this information in accordance with this subsection.

33 (f) Health care facilities shall transmit and receive the criminal
34 background inquiry information in a manner that reasonably protects the
35 subject's rights to privacy and confidentiality.

36 (g) For the purposes of this subsection, "health care facility"
37 means a nursing home licensed under chapter 18.51 RCW, a boarding home

1 licensed under chapter 18.20 RCW, or an adult family home licensed
2 under chapter 70.128 RCW.

3 (7) If a federal bureau of investigation check is required in
4 addition to the state background check by the department of social and
5 health services, an applicant who is not disqualified based on the
6 results of the state background check shall be eligible for a one
7 hundred twenty day provisional approval to hire, pending the outcome of
8 the federal bureau of investigation check. The department may extend
9 the provisional approval until receipt of the federal bureau of
10 investigation check. If the federal bureau of investigation check
11 disqualifies an applicant, the department shall notify the requestor
12 that the provisional approval to hire is withdrawn and the applicant
13 may be terminated.

14 **Sec. 827.** RCW 43.43.840 and 2005 c 421 s 6 are each amended to
15 read as follows:

16 When a business or an organization terminates, fires, dismisses,
17 fails to renew the contract, or permits the resignation of an employee
18 because of crimes against children or other persons or because of
19 crimes relating to the financial exploitation of a vulnerable adult,
20 and if that employee is employed in a position requiring a certificate
21 or license issued by a licensing agency such as the (~~state board of~~
22 ~~education~~) Washington professional educator standards board, the
23 business or organization shall notify the licensing agency of such
24 termination of employment.

25 **Sec. 828.** RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are
26 each reenacted and amended to read as follows:

27 (1) Upon a guilty plea or conviction of a person of any felony
28 crime involving the physical neglect of a child under chapter 9A.42
29 RCW, the physical injury or death of a child under chapter 9A.32 or
30 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW),
31 sexual exploitation of a child under chapter 9.68A RCW, sexual offenses
32 under chapter 9A.44 RCW, promoting prostitution of a minor under
33 chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW
34 9A.64.030, the prosecuting attorney shall notify the state patrol of
35 such guilty pleas or convictions.

1 (2) When the state patrol receives information that a person has
2 pled guilty to or been convicted of one of the felony crimes under
3 subsection (1) of this section, the state patrol shall transmit that
4 information to the superintendent of public instruction. It shall be
5 the duty of the superintendent of public instruction to identify
6 whether the person holds a certificate or permit issued under chapters
7 28A.405 and 28A.410 RCW or is employed by a school district, and
8 provide this information to the (~~state board of education~~) Washington
9 professional educator standards board and the school district employing
10 the individual who pled guilty or was convicted of the crimes
11 identified in subsection (1) of this section.

12 **Sec. 829.** RCW 72.40.028 and 1985 c 378 s 18 are each amended to
13 read as follows:

14 All teachers at the state school for the deaf and the state school
15 for the blind shall meet all certification requirements and the
16 programs shall meet all accreditation requirements and conform to the
17 standards defined by law or by rule of the (~~state board of education~~)
18 Washington professional educator standards board or the office of the
19 state superintendent of public instruction. The superintendents, by
20 rule, may adopt additional educational standards for their respective
21 schools. Salaries of all certificated employees shall be set so as to
22 conform to and be contemporary with salaries paid to other certificated
23 employees of similar background and experience in the school district
24 in which the program or facility is located. The superintendents may
25 provide for provisional certification for teachers in their respective
26 schools including certification for emergency, temporary, substitute,
27 or provisional duty.

28 **PART 9**
29 **OTHER DUTIES**

30 **Sec. 901.** RCW 28A.600.010 and 1997 c 265 s 4 are each amended to
31 read as follows:

32 Every board of directors, unless otherwise specifically provided by
33 law, shall:

34 (1) Enforce the rules prescribed by the superintendent of public

1 instruction (~~and the state board of education~~) for the government of
2 schools, pupils, and certificated employees.

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

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

24 (3) Suspend, expel, or discipline pupils in accordance with RCW
25 28A.305.160 (as recodified by this act).

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

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

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

1 Eligibility of transfer students under RCW 28A.225.220 and
2 28A.225.225 for participation in extracurricular activities shall be
3 subject to rules adopted by the Washington interscholastic activities
4 association (~~(as authorized by the state board of education)~~).

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

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

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

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

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

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

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

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

15 **Sec. 908.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to
16 read as follows:

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

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

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

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

33 (4) "School" shall mean and include each building, facility, and
34 location at or within which any or all portions of a preschool,
35 kindergarten and grades one through twelve program of education and
36 related activities are conducted for two or more children by or in
37 behalf of any public school district and by or in behalf of any private

1 school or private institution subject to approval by the state board of
2 education pursuant to RCW 28A.305.130(~~(+6)~~), 28A.195.010 through
3 28A.195.050, and 28A.410.120.

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

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

9 **Sec. 909.** RCW 28A.210.120 and 1990 c 33 s 196 are each amended to
10 read as follows:

11 It shall be the duty of the chief administrator of every public and
12 private school and day care center to prohibit the further presence at
13 the school or day care center for any and all purposes of each child
14 for whom proof of immunization, certification of exemption, or proof of
15 compliance with an approved schedule of immunization has not been
16 provided in accordance with RCW 28A.210.080 and to continue to prohibit
17 the child's presence until such proof of immunization, certification of
18 exemption, or approved schedule has been provided. The exclusion of a
19 child from a school shall be accomplished in accordance with rules of
20 the office of the superintendent, in consultation with the state board
21 of (~~education~~) health. The exclusion of a child from a day care
22 center shall be accomplished in accordance with rules of the department
23 of social and health services. Prior to the exclusion of a child, each
24 school or day care center shall provide written notice to the parent(s)
25 or legal guardian(s) of each child or to the adult(s) in loco parentis
26 to each child, who is not in compliance with the requirements of RCW
27 28A.210.080. The notice shall fully inform such person(s) of the
28 following: (1) The requirements established by and pursuant to RCW
29 28A.210.060 through 28A.210.170; (2) the fact that the child will be
30 prohibited from further attendance at the school unless RCW 28A.210.080
31 is complied with; (3) such procedural due process rights as are
32 hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170,
33 as appropriate; and (4) the immunization services that are available
34 from or through the local health department and other public agencies.

35 **Sec. 910.** RCW 28A.210.160 and 1990 c 33 s 199 are each amended to
36 read as follows:

1 The superintendent of public instruction with regard to public
2 schools and the state board of education with regard to private
3 schools, in consultation with the state board of ((education)) health,
4 shall ~~((and is hereby empowered to))~~ each adopt rules pursuant to
5 chapter 34.05 RCW ~~((which))~~ that establish the procedural and
6 substantive due process requirements governing the exclusion of
7 children from ~~((public and private))~~ schools pursuant to RCW
8 28A.210.120.

9 **Sec. 911.** RCW 28A.210.320 and 2002 c 101 s 1 are each amended to
10 read as follows:

11 (1) The attendance of every child at every public school in the
12 state shall be conditioned upon the presentation before or on each
13 child's first day of attendance at a particular school of a medication
14 or treatment order addressing any life-threatening health condition
15 that the child has that may require medical services to be performed at
16 the school. Once such an order has been presented, the child shall be
17 allowed to attend school.

18 (2) The chief administrator of every public school shall prohibit
19 the further presence at the school for any and all purposes of each
20 child for whom a medication or treatment order has not been provided in
21 accordance with this section if the child has a life-threatening health
22 condition that may require medical services to be performed at the
23 school and shall continue to prohibit the child's presence until such
24 order has been provided. The exclusion of a child from a school shall
25 be accomplished in accordance with rules of the state board of
26 education. Before excluding a child, each school shall provide written
27 notice to the parents or legal guardians of each child or to the adults
28 in loco parentis to each child, who is not in compliance with the
29 requirements of this section. The notice shall include, but not be
30 limited to, the following: (a) The requirements established by this
31 section; (b) the fact that the child will be prohibited from further
32 attendance at the school unless this section is complied with; and (c)
33 such procedural due process rights as are established pursuant to this
34 section.

35 (3) The ~~((state board of education))~~ superintendent of public
36 instruction in consultation with the state board of health shall adopt
37 rules under chapter 34.05 RCW that establish the procedural and

1 substantive due process requirements governing the exclusion of
2 children from public schools under this section. The rules shall
3 include any requirements under applicable federal laws.

4 (4) As used in this section, "life-threatening condition" means a
5 health condition that will put the child in danger of death during the
6 school day if a medication or treatment order and a nursing plan are
7 not in place.

8 (5) As used in this section, "medication or treatment order" means
9 the authority a registered nurse obtains under RCW 18.79.260(2).

10 **Sec. 912.** RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each
11 amended to read as follows:

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

27 **Sec. 913.** RCW 28A.335.120 and 2001 c 183 s 2 are each amended to
28 read as follows:

29 (1) The board of directors of any school district of this state
30 may:

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

34 (b) Purchase real property for the purpose of locating thereon and
35 affixing thereto any house or houses and appurtenant buildings removed

1 from school sites owned by the district and sell for cash, at public or
2 private sale, and convey by deed all interest of the district in or to
3 such acquired and improved real property.

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

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

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

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

34 (6) If in the judgment of the board of directors of any district
35 the sale of real property of the district not needed for school
36 purposes would be facilitated and greater value realized through use of
37 the services of licensed real estate brokers, a contract for such
38 services may be negotiated and concluded: PROVIDED, That the use of a

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

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

20 **Sec. 914.** RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are
21 each amended to read as follows:

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

27 (2) Every board of directors shall provide for the operation and
28 stocking of such libraries as the board deems necessary for the proper
29 education of the district's students or as otherwise required by law or
30 rule (~~or regulation~~) of the superintendent of public instruction (~~or~~
31 the state board of education)).

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

35 (4) "School-library media program" means a school-based program
36 that is staffed by a certificated teacher-librarian and provides a

1 variety of resources that support student mastery of the essential
2 academic learning requirements in all subject areas and the
3 implementation of the district's school improvement plan.

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

9 **Sec. 915.** RCW 28A.155.060 and 1995 c 77 s 12 are each amended to
10 read as follows:

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

19 **Sec. 916.** RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each
20 amended to read as follows:

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

33 **Sec. 917.** RCW 28A.650.015 and 1995 c 335 s 507 are each amended to
34 read as follows:

35 (1) The superintendent of public instruction, to the extent funds

1 are appropriated, shall develop and implement a Washington state K-12
2 education technology plan. The technology plan shall be updated on at
3 least a biennial basis, shall be developed to coordinate and expand the
4 use of education technology in the common schools of the state. The
5 plan shall be consistent with applicable provisions of chapter 43.105
6 RCW. The plan, at a minimum, shall address:

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

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

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

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

26 **PART 10**
27 **MISCELLANEOUS**

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

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

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