

SHB 2261 - H AMD 333

By Representative Sullivan

ADOPTED AS AMENDED 03/12/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** INTENT. (1) In enacting this legislation,  
4 the legislature intends to fulfill its obligation under Article IX of  
5 the Washington state Constitution to define and fund a program of basic  
6 education for children residing in the state and attending public  
7 schools. This act defines the educational opportunities that school  
8 districts shall provide and for which the state shall allocate funding.

9 (2) The legislature also intends that the policies and allocation  
10 formulas in this act fulfill the legislature's obligation under Article  
11 IX to establish a general and uniform system of public schools. The  
12 legislature finds that in some instances providing general and uniform  
13 educational opportunity requires tailoring basic education allocations  
14 to reflect certain needs and circumstances of each school district,  
15 including district size, certain student characteristics, and regional  
16 labor market differences. It is the intent of the legislature that  
17 these allocation formulas address these differences in order to promote  
18 equity and uniformity of educational opportunity.

19 (3) Public education in Washington State has evolved since the  
20 enactment of the Washington basic education act of 1977. Student  
21 demographics, educational technology, data, and standards-based  
22 learning and assessment are only a few examples of factors affecting  
23 education that have changed in the last thirty years. Decisions by the  
24 courts have played a part in this evolution, as have studies and  
25 research about education practices and education funding. The  
26 legislature finds ample evidence of a need to redefine the program of  
27 basic education that is funded by the state and delivered by school  
28 districts to better align with the stated goals of a basic education  
29 and to improve the transparency and accountability of how the state  
30 meets its constitutional obligation under Article IX.

1 (4) For practical and educational reasons, wholesale change of the  
2 program of basic education and the funding formulas to support it  
3 cannot occur instantaneously. Financial experts must develop the  
4 details of the funding formulas. New systems of educator  
5 certification, evaluation, mentoring, and compensation must be  
6 developed and implemented. Data and accountability systems must be  
7 created. Significant increases in resources for staffing and class  
8 size reduction will have detrimental impact on student learning if  
9 school districts hire unprepared teachers and lack facilities to house  
10 them. The legislature intends to adopt a schedule for the concurrent  
11 implementation of the redefined program of basic education and the  
12 resources necessary to support it, beginning in the 2011-12 school year  
13 and phased in over a six-year time period.

14 NEW SECTION. **Sec. 2.** INTENT TO MAKE NECESSARY CORRECTIONS. It is  
15 the intent of the legislature that the policies and allocation formulas  
16 adopted under this act, including the implementation schedule for these  
17 formulas, constitute the legislature's definition of basic education  
18 under Article IX of the state Constitution. It is the further intent  
19 of the legislature that these policies, formulas, and schedules should  
20 not be revised or delayed other than for educational reasons. The  
21 legislature intends, however, to continue to review and revise the  
22 formulas and schedules and may make revisions for technical purposes  
23 and consistency in the event of mathematical or other technical errors.

24 NEW SECTION. **Sec. 3.** STEERING COMMITTEE TO OVERSEE  
25 IMPLEMENTATION. (1) The basic education steering committee is  
26 established to monitor and oversee implementation of the new definition  
27 of basic education. The steering committee shall be composed of the  
28 following members:

29 (a) Four members of the house of representatives, with two members  
30 representing each of the major caucuses and appointed by the speaker of  
31 the house of representatives;

32 (b) Four members of the senate, with two members representing each  
33 of the major caucuses and appointed by the president of the senate; and

34 (c) One representative each from the office of the governor, office  
35 of the superintendent of public instruction, state board of education,

1 professional educator standards board, and department of early  
2 learning.

3 (2) The chair or cochairs of the steering committee shall be  
4 selected by the members of the committee.

5 (3) The steering committee shall monitor and oversee the following  
6 technical working groups:

7 (a) The finance and compensation working group under section 111 of  
8 this act;

9 (b) The early learning working group under section 112 of this act;  
10 and

11 (c) The achievement gap working group under section 4 of this act.

12 (4) Each of the working groups shall submit a preliminary report to  
13 the steering committee by November 15, 2009, and a final report by  
14 September 1, 2010. The steering committee may also request updates and  
15 progress reports from the office of the superintendent of public  
16 instruction, the state board of education, the professional educator  
17 standards board, and the department of early learning on the  
18 implementation of this act. The steering committee shall also monitor  
19 and request updates and progress reports from groups or agencies  
20 developing comprehensive education data systems.

21 (5) The steering committee shall submit an initial report to the  
22 governor and the legislature by January 1, 2010, detailing its  
23 recommendations based on analysis of reports from the working groups  
24 and state agencies, including recommendations for resolving issues or  
25 decisions requiring legislative action during the 2010 legislative  
26 session, and recommendations for any funding necessary to continue  
27 development and implementation of this act. The initial report from  
28 the steering committee shall also contain a recommended schedule for  
29 the concurrent phase-in of any changes in the instructional program of  
30 basic education and the implementation of the funding formulas and  
31 allocations to support the instructional program of basic education.  
32 The objective of the schedule is to assure that increases in funding  
33 allocations occur concurrently with increases in program and  
34 instructional requirements.

35 (6) The steering committee shall submit subsequent reports to the  
36 governor and the legislature by November 15, 2010, and annually  
37 thereafter, ending November 15, 2016.

1 (7) Staff support for the basic education steering committee shall  
2 be provided by the state agencies with representatives on the  
3 committee, the senate committee services, and the office of program  
4 research of the house of representatives. Legislative members of the  
5 steering committee shall be reimbursed for travel expenses in  
6 accordance with RCW 44.04.120.

7 (8) This section expires June 30, 2017.

8 NEW SECTION. **Sec. 4.** ACHIEVEMENT GAP WORKING GROUP. (1) The  
9 legislature finds compelling evidence from five commissioned studies  
10 that additional progress must be made to address the achievement gap.  
11 Many students are in demographic groups that are overrepresented in  
12 measures such as school disciplinary sanctions; failure to meet state  
13 academic standards; failure to graduate; enrollment in special  
14 education and underperforming schools; enrollment in advanced placement  
15 courses, honors programs, and college preparatory classes; and  
16 enrollment in and completion of college. The studies contain specific  
17 recommendations that are data-driven and drawn from education research,  
18 as well as the personal, professional, and cultural experience of those  
19 who contributed to the studies. The legislature finds there is no  
20 better opportunity to make a strong commitment to closing the  
21 achievement gap than in legislation affirming the state's  
22 constitutional obligation to provide opportunities to learn for all  
23 students without distinction or preference on account of race,  
24 ethnicity, socioeconomic status, or gender.

25 (2) An achievement gap working group is created to synthesize the  
26 findings and recommendations from the 2008 achievement gap studies into  
27 a single implementation plan that recommends specific policies and  
28 strategies to address the academic achievement gap in at least the  
29 following areas:

30 (a) Supporting and facilitating parent and community involvement  
31 and outreach;

32 (b) Enhancing the cultural competency of current and future  
33 educators and the cultural relevance of curriculum and instruction;

34 (c) Expanding pathways and strategies to prepare and recruit  
35 diverse teachers and administrators;

36 (d) Identifying data elements and systems needed to monitor  
37 progress in closing the gap;

1 (e) Making closing the achievement gap part of the school and  
2 school district improvement process; and

3 (f) Exploring innovative school models that have shown success in  
4 closing the achievement gap.

5 (3) The achievement gap working group shall be composed of ten  
6 members appointed by the governor, with two members to represent each  
7 of the following groups: African-Americans, Asian-Americans, Pacific  
8 Islander Americans, Hispanic Americans, and Native Americans. The  
9 chair or cochairs of the working group shall be selected by the members  
10 of the group. Staff support for the working group shall be provided  
11 within available funds by the office of the superintendent of public  
12 instruction through the center for the improvement of student learning.

13 (4) The achievement gap working group shall be monitored and  
14 overseen by the basic education steering committee under section 3 of  
15 this act.

16 **PART I**

17 **PROGRAM AND FUNDING OF BASIC EDUCATION**

18 **Sec. 101.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to  
19 read as follows:

20 PROGRAM OF EDUCATION. (~~This 1977 amendatory act shall be known~~  
21 ~~and may be cited as "The Washington Basic Education Act of 1977." The~~  
22 ~~program evolving from the Basic Education Act shall include (1) the~~  
23 ~~goal of the school system as defined in RCW 28A.150.210, (2) those~~  
24 ~~program requirements enumerated in RCW 28A.150.220, and (3) the~~  
25 ~~determination and distribution of state resources as defined in RCW~~  
26 ~~28A.150.250 and 28A.150.260.~~

27 ~~The requirements of the Basic Education Act are))~~ (1) The program  
28 of basic education established under this chapter is deemed by the  
29 legislature to comply with the requirements of Article IX, section 1 of  
30 the state Constitution, which states that "It is the paramount duty of  
31 the state to make ample provision for the education of all children  
32 residing within its borders, without distinction or preference on  
33 account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant  
34 to Article IX, section 2 of the state Constitution, which states that  
35 "The legislature shall provide for a general and uniform system of  
36 public schools."

1       (2) The legislature defines the program of basic education under  
2 this chapter as:

3       (a) The instructional program of basic education the minimum  
4 components of which are described in RCW 28A.150.220;

5       (b) The program of education provided by chapter 28A.190 RCW for  
6 students in residential schools as defined by RCW 28A.190.020 and for  
7 juveniles in detention facilities as identified by RCW 28A.190.010;

8       (c) The program of education provided by chapter 28A.193 RCW for  
9 individuals under the age of eighteen who are incarcerated in adult  
10 correctional facilities; and

11       (d) Transportation and transportation services to and from school  
12 for eligible students as provided under RCW 28A.160.150 through  
13 28A.160.180.

14       NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this  
15 section apply throughout this chapter unless the context clearly  
16 requires otherwise.

17       (1) "Basic education goal" means the student learning goals and the  
18 student knowledge and skills described under RCW 28A.150.210.

19       (2) "Certificated administrative staff" means all those persons who  
20 are chief executive officers, chief administrative officers,  
21 confidential employees, supervisors, principals, or assistant  
22 principals within the meaning of RCW 41.59.020(4).

23       (3) "Certificated employee" as used in this chapter and RCW  
24 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,  
25 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those  
26 persons who hold certificates as authorized by rule of the Washington  
27 professional educator standards board.

28       (4) "Certificated instructional staff" means those persons employed  
29 by a school district who are nonsupervisory certificated employees  
30 within the meaning of RCW 41.59.020(8).

31       (5) "Class size" means an instructional grouping of students where,  
32 on average, the ratio of students to teacher is the number specified.

33       (6) "Classified employee" means a person who does not hold a  
34 certificate authorized by rule of the Washington professional educator  
35 standards board or is employed in a position that does not require such  
36 a certificate.

1 (7) "Classroom teacher" means a certificated instructional staff  
2 person who is employed in a position that requires certification and  
3 whose primary duty is the daily educational instruction of students.  
4 In exceptional cases, people of unusual competence but without  
5 certification may teach students so long as a certificated person  
6 exercises general supervision, but the hiring of such classified people  
7 shall not occur during a labor dispute, and such classified people  
8 shall not be hired to replace certificated employees during a labor  
9 dispute.

10 (8) "Instructional hours" means those hours students are provided  
11 the opportunity to engage in educational activity planned by and under  
12 the direction of school district staff, as directed by the  
13 administration and board of directors of the district, inclusive of  
14 intermissions for class changes, recess, and teacher/parent-guardian  
15 conferences that are planned and scheduled by the district for the  
16 purpose of discussing students' educational needs or progress, and  
17 exclusive of time actually spent for meals.

18 (9) "Instructional program of basic education" means the minimum  
19 program required to be provided by school districts and includes  
20 instructional hour requirements and other components under RCW  
21 28A.150.220.

22 (10) "Program of basic education" means the overall program under  
23 RCW 28A.150.200 and deemed by the legislature to comply with the  
24 requirements of Article IX, section 1 of the state Constitution.

25 (11) "School day" means each day of the school year on which pupils  
26 enrolled in the common schools of a school district are engaged in  
27 academic and career and technical instruction planned by and under the  
28 direction of the school.

29 (12) "School year" includes the minimum number of school days  
30 required under RCW 28A.150.220 and begins on the first day of September  
31 and ends with the last day of August, except that any school district  
32 may elect to commence the annual school term in the month of August of  
33 any calendar year and in such case the operation of a school district  
34 for such period in August shall be credited by the superintendent of  
35 public instruction to the succeeding school year for the purpose of the  
36 allocation and distribution of state funds for the support of such  
37 school district.

1 (13) "Teacher planning period" means a period of a school day as  
2 determined by the administration and board of the directors of the  
3 district that may be used by teachers for instruction-related  
4 activities including but not limited to preparing instructional  
5 materials; reviewing student performance; recording student data;  
6 consulting with other teachers, instructional assistants, mentors,  
7 instructional coaches, administrators, and parents; or participating in  
8 professional development.

9 **Sec. 103.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to  
10 read as follows:

11 INSTRUCTIONAL PROGRAM. (1) Satisfaction of the basic education  
12 (~~(program requirements)~~) goal identified in RCW 28A.150.210 shall be  
13 considered to be implemented by the following instructional program:

14 (a) Each school district shall make available to students enrolled  
15 in kindergarten at least a total instructional offering of four hundred  
16 fifty hours, which shall be increased to a minimum of one thousand  
17 hours according to the implementation schedule under RCW 28A.150.315.

18 The program shall include instruction in the essential academic  
19 learning requirements under RCW (~~(28A.630.885)~~) 28A.655.070 and such  
20 other subjects and such activities as the school district shall  
21 determine to be appropriate for the education of the school district's  
22 students enrolled in such program;

23 (b) Each school district shall make available to students enrolled  
24 in grades one through twelve, at least a district-wide annual average  
25 total instructional hour offering of one thousand hours. The state  
26 board of education may define alternatives to classroom instructional  
27 time for students in grades nine through twelve enrolled in alternative  
28 learning experiences. The state board of education shall establish  
29 rules to determine annual average instructional hours for districts  
30 including fewer than twelve grades. The program shall include the  
31 essential academic learning requirements under RCW (~~(28A.630.885)~~)  
32 28A.655.070 and such other subjects and such activities as the school  
33 district shall determine to be appropriate for the education of the  
34 school district's students enrolled in such group;

35 (c) If the essential academic learning requirements include a  
36 requirement of languages other than English, the requirement may be met



1 by students receiving instruction in one or more American Indian  
2 languages;

3 (d) Supplemental instruction and services for underachieving  
4 students through the learning assistance program under RCW 28A.165.005  
5 through 28A.165.065;

6 (e) Supplemental instruction and services for eligible and enrolled  
7 students whose primary language is other than English through the  
8 transitional bilingual instruction program under RCW 28A.180.010  
9 through 28A.180.080; and

10 (f) The opportunity for an appropriate education at public expense  
11 as defined by RCW 28A.155.020 for all eligible students with  
12 disabilities as defined in RCW 28A.155.020.

13 (2) Nothing contained in subsection (1) of this section shall be  
14 construed to require individual students to attend school for any  
15 particular number of hours per day or to take any particular courses.

16 (3) Each school district's kindergarten through twelfth grade basic  
17 educational program shall be accessible to all students who are five  
18 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
19 years of age and shall consist of a minimum of one hundred eighty  
20 school days per school year in such grades as are conducted by a school  
21 district, and one hundred eighty half-days of instruction, or  
22 equivalent, in kindergarten(~~(:—PROVIDED, That))~~), to be increased to a  
23 minimum of one hundred eighty school days per school year according to  
24 the implementation schedule under RCW 28A.150.315. However, effective  
25 May 1, 1979, a school district may schedule the last five school days  
26 of the one hundred and eighty day school year for noninstructional  
27 purposes in the case of students who are graduating from high school,  
28 including, but not limited to, the observance of graduation and early  
29 release from school upon the request of a student, and all such  
30 students may be claimed as a full time equivalent student to the extent  
31 they could otherwise have been so claimed for the purposes of RCW  
32 28A.150.250 and 28A.150.260.

33 (4) The state board of education shall adopt rules to implement and  
34 ensure compliance with the program requirements imposed by this  
35 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental  
36 program approval requirements as the state board may establish.

1           **Sec. 104.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to  
2 read as follows:

3           FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From  
4 those funds made available by the legislature for the current use of  
5 the common schools, the superintendent of public instruction shall  
6 distribute annually as provided in RCW 28A.510.250 to each school  
7 district of the state operating a basic education instructional program  
8 approved by the state board of education an ~~((amount which, when~~  
9 ~~combined with an appropriate portion of such locally available~~  
10 ~~revenues, other than)) allocation based on the formulas provided in RCW~~  
11 ~~28A.150.260, 28A.150.390, and section 107 of this act. The basic~~  
12 ~~education instructional allocation shall be net of receipts from~~  
13 ~~federal forest revenues distributed to school districts pursuant to RCW~~  
14 ~~28A.520.010 and 28A.520.020((, as the superintendent of public~~  
15 ~~instruction may deem appropriate for consideration in computing state~~  
16 ~~equalization support, excluding excess property tax levies, will~~  
17 ~~constitute a basic education allocation in dollars for each annual~~  
18 ~~average full time equivalent student enrolled, based upon one full~~  
19 ~~school year of one hundred eighty days, except that for kindergartens~~  
20 ~~one full school year shall be one hundred eighty half days of~~  
21 ~~instruction, or the equivalent as provided in RCW 28A.150.220)).~~

22           (2) The instructional program of basic education shall be  
23 considered to be fully funded by those amounts of dollars appropriated  
24 by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260,  
25 28A.150.390, and section 107 of this act to fund those program  
26 requirements identified in RCW 28A.150.220 in accordance with the  
27 formula and ratios provided in RCW 28A.150.260 and those amounts of  
28 dollars appropriated by the legislature to fund the salary requirements  
29 of RCW ((28A.150.100 and)) 28A.150.410.

30           ~~((Operation of a program approved by the state board of education,~~  
31 ~~for the purposes of this section, shall include a finding that the~~  
32 ~~ratio of students per classroom teacher in grades kindergarten through~~  
33 ~~three is not greater than the ratio of students per classroom teacher~~  
34 ~~in grades four and above for such district: PROVIDED, That for the~~  
35 ~~purposes of this section, "classroom teacher" shall be defined as an~~  
36 ~~instructional employee possessing at least a provisional certificate,~~  
37 ~~but not necessarily employed as a certificated employee, whose primary~~  
38 ~~duty is the daily educational instruction of students: PROVIDED~~

1 ~~FURTHER, That the state board of education shall adopt rules and~~  
2 ~~regulations to insure compliance with the student/teacher ratio~~  
3 ~~provisions of this section, and such rules and regulations shall allow~~  
4 ~~for exemptions for those special programs and/or school districts which~~  
5 ~~may be deemed unable to practicably meet the student/teacher ratio~~  
6 ~~requirements of this section by virtue of a small number of students.))~~

7 (3) If a school district's basic education program fails to meet  
8 the basic education requirements enumerated in RCW ((28A.150.250,))  
9 28A.150.260((7)) and 28A.150.220, the state board of education shall  
10 require the superintendent of public instruction to withhold state  
11 funds in whole or in part for the basic education allocation until  
12 program compliance is assured((~~PROVIDED, That~~)). However, the state  
13 board of education may waive this requirement in the event of  
14 substantial lack of classroom space.

15 **Sec. 105.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to  
16 read as follows:

17 ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ((The  
18 ~~basic education allocation for each annual average full time equivalent~~  
19 ~~student shall be determined in accordance with the following~~  
20 ~~procedures)) The purpose of this section is to provide for the  
21 allocation of state funding that the legislature deems necessary to  
22 support school districts in offering the minimum instructional program  
23 of basic education under RCW 28A.150.220. The allocation shall be  
24 determined as follows:~~

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

- 33 (a) ~~Certificated instructional staff and their related costs;~~  
34 (b) ~~Certificated administrative staff and their related costs;~~  
35 (c) ~~Classified staff and their related costs;~~  
36 (d) ~~Nonsalary costs;~~

1       ~~(e) Extraordinary costs, including school facilities, of remote and~~  
2 ~~necessary schools as judged by the superintendent of public~~  
3 ~~instruction, with recommendations from the school facilities citizen~~  
4 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~  
5 ~~costs of additional certificated and classified staff; and~~

6       ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~  
7 ~~28A.225.250 who do not reside within the servicing school district.)~~

8       (2)((+a)) The distribution formula under this section shall be for  
9 allocation purposes only. Except as may be required under chapter  
10 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations,  
11 nothing in this section requires school districts to use basic  
12 education instructional funds to implement a particular instructional  
13 approach or service. Nothing in this section requires school districts  
14 to maintain a particular classroom teacher-to-student ratio or other  
15 staff-to-student ratio or to use allocated funds to pay for particular  
16 types or classifications of staff. Nothing in this section entitles an  
17 individual teacher to a particular teacher planning period.

18       (3)(a) The distribution formula for the basic education  
19 instructional allocation shall be based on minimum staffing and  
20 nonstaff costs the legislature deems necessary to support instruction  
21 and operations in prototypical schools serving high, middle, and  
22 elementary school students as provided in this section. The use of  
23 prototypical schools for the distribution formula does not constitute  
24 legislative intent that schools should be operated or structured in a  
25 similar fashion as the prototypes. Prototypical schools illustrate the  
26 level of resources needed to operate a school of a particular size with  
27 particular types and grade levels of students using commonly understood  
28 terms and inputs, such as class size, hours of instruction, and various  
29 categories of school staff. Funding allocations to school districts  
30 shall be adjusted from the school prototypes based on the actual number  
31 of annual average full-time equivalent students in each grade level at  
32 each school in the district and not based on the grade-level  
33 configuration of the school. The allocations shall be further adjusted  
34 from the school prototypes with minimum allocations for small schools  
35 and to reflect other factors identified in the omnibus appropriations  
36 act.

37       (b) For the purposes of this section, prototypical schools are  
38 defined as follows:

1 (i) A prototypical high school has six hundred average annual full-  
2 time equivalent students in grades nine through twelve;

3 (ii) A prototypical middle school has four hundred thirty-two  
4 average annual full-time equivalent students in grades seven and eight;  
5 and

6 (iii) A prototypical elementary school has four hundred average  
7 annual full-time equivalent students in grades kindergarten through  
8 six.

9 (c) The minimum allocation for each level of prototypical school  
10 shall be based on the number of full-time equivalent classroom teachers  
11 needed to provide instruction over the minimum required annual  
12 instructional hours under RCW 28A.150.220 and provide at least one  
13 teacher planning period per school day, and based on an average class  
14 size as specified in the omnibus appropriations act. The omnibus  
15 appropriations act shall specify:

16 (i) Basic average class size;

17 (ii) Basic average class size in schools where more than fifty  
18 percent of the students are eligible for free and reduced-price meals;

19 (iii) Average class size for exploratory and preparatory career and  
20 technical education, laboratory science, advanced placement, and  
21 international baccalaureate courses; and

22 (iv) Average class size in grades kindergarten through three.

23 (d) The minimum allocation for each level of prototypical school  
24 shall include allocations for the following types of staff in addition  
25 to classroom teachers:

26 (i) Principals, including assistant principals and other  
27 certificated building-level administrators;

28 (ii) Teacher librarians, a function that includes information  
29 literacy, technology, and media to support school library media  
30 programs;

31 (iii) Student health services, a function that includes school  
32 nurses and social workers;

33 (iv) Guidance counselors, a function that includes parent outreach  
34 and graduation advisor;

35 (v) Professional development coaches;

36 (vi) Office support and other staff providing noninstructional  
37 support services;

38 (vii) Custodians and other maintenance; and

1 (viii) Classified staff providing student and staff safety.

2 (4)(a) The minimum allocation for each school district shall  
3 include allocations per annual average full-time equivalent student for  
4 the following materials, supplies, and operating costs: Student  
5 technology; utilities; curriculum, textbooks, library materials, and  
6 instructional supplies; instructional professional development; other  
7 building-level costs including maintenance, custodial, and security;  
8 and central office administration.

9 (b) The annual average full-time equivalent student amounts in (a)  
10 of this subsection shall be enhanced based on full-time equivalent  
11 student enrollment in exploratory career and technical education  
12 courses for students in grades seven through twelve; laboratory science  
13 courses for students in grades nine through twelve; preparatory career  
14 and technical education courses for students in grades nine through  
15 twelve offered in a high school; and preparatory career and technical  
16 education courses for students in grades eleven and twelve offered  
17 through a skill center.

18 (5) The allocations provided under subsections (3) and (4) of this  
19 section shall be enhanced as follows to provide additional allocations  
20 for classroom teachers and maintenance, supplies, and operating costs:

21 (a) To provide supplemental instruction and services for  
22 underachieving students through the learning assistance program under  
23 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
24 percent of students in each school who are eligible for free and  
25 reduced-price meals. The minimum allocation for the learning  
26 assistance program shall provide an extended school day and extended  
27 school year for each level of prototypical school and a per student  
28 allocation for maintenance, supplies, and operating costs.

29 (b) To provide supplemental instruction and services for students  
30 whose primary language is other than English, allocations shall be  
31 based on the number of students in each school who are eligible for and  
32 enrolled in the transitional bilingual instruction program under RCW  
33 28A.180.010 through 28A.180.080. The minimum allocation for each level  
34 of prototypical school shall provide for supplemental instruction based  
35 on percent of the school day a student is assumed to receive  
36 supplemental instruction and a per student allocation for maintenance,  
37 supplies, and operating costs.

1 (6) The allocations under subsections (3) through (5) of this  
2 section shall be enhanced as provided under RCW 28A.150.390 on an  
3 excess cost basis to provide supplemental instructional resources for  
4 students with disabilities.

5 (7) The distribution formula shall include allocations to school  
6 districts to support certificated and classified staffing of central  
7 office administration. The minimum allocation shall be calculated as  
8 a percentage, identified in the omnibus appropriations act, of the  
9 total allocations for staff under subsection (3) of this section for  
10 all schools in the district.

11 (8)(a) For the purposes of allocations for prototypical high  
12 schools and middle schools under subsections (3) and (5) of this  
13 section that are based on the percent of students in the school who are  
14 eligible for free and reduced-price meals, the actual percent of such  
15 students in a school shall be adjusted by a factor identified in the  
16 omnibus appropriations act to reflect underreporting of free and  
17 reduced-price meal eligibility among middle and high school students.

18 (b) Allocations or enhancements provided under subsections (3) and  
19 (4) of this section for exploratory and preparatory career and  
20 technical education courses shall be provided only for courses approved  
21 by the office of the superintendent of public instruction under chapter  
22 28A.700 RCW.

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

31 (b) The formula adopted by the legislature shall reflect the  
32 following ratios at a minimum: (i) Forty nine certificated  
33 instructional staff to one thousand annual average full time equivalent  
34 students enrolled in grades kindergarten through three; (ii) forty six  
35 certificated instructional staff to one thousand annual average full  
36 time equivalent students in grades four through twelve; (iii) four  
37 certificated administrative staff to one thousand annual average full  
38 time equivalent students in grades kindergarten through twelve; and

1 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~  
2 ~~thousand annual average full time equivalent students enrolled in~~  
3 ~~grades kindergarten through twelve.~~

4 ~~(e)) (b) In the event the legislature rejects the distribution~~  
5 ~~formula recommended by the governor, without adopting a new~~  
6 ~~distribution formula, the distribution formula for the previous school~~  
7 ~~year shall remain in effect( (:—PROVIDED, That the distribution formula~~  
8 ~~developed pursuant to this section shall be for state apportionment and~~  
9 ~~equalization purposes only and shall not be construed as mandating~~  
10 ~~specific operational functions of local school districts other than~~  
11 ~~those program requirements identified in RCW 28A.150.220 and~~  
12 ~~28A.150.100)).~~

13 ~~(c) The enrollment of any district shall be the annual average~~  
14 ~~number of full\_time equivalent students and part\_time students as~~  
15 ~~provided in RCW 28A.150.350, enrolled on the first school day of each~~  
16 ~~month ((and shall exclude full time equivalent students with~~  
17 ~~disabilities recognized for the purposes of allocation of state funds~~  
18 ~~for programs under RCW 28A.155.010 through 28A.155.100)), including~~  
19 ~~students who are in attendance pursuant to RCW 28A.335.160 and~~  
20 ~~28A.225.250 who do not reside within the servicing school district.~~  
21 ~~The definition of full\_time equivalent student shall be determined by~~  
22 ~~rules of the superintendent of public instruction( (:—PROVIDED, That~~  
23 ~~the definition)) and shall be included as part of the superintendent's~~  
24 ~~biennial budget request( (:—PROVIDED, FURTHER, That)). The definition~~  
25 ~~shall be based on the minimum instructional hour offerings required~~  
26 ~~under RCW 28A.150.220. Any revision of the present definition shall~~  
27 ~~not take effect until approved by the house appropriations committee~~  
28 ~~and the senate ways and means committee( (:—PROVIDED, FURTHER, That)).~~

29 ~~(d) The office of financial management shall make a monthly review~~  
30 ~~of the superintendent's reported full\_time equivalent students in the~~  
31 ~~common schools in conjunction with RCW 43.62.050.~~

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



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

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

8 **Sec. 106.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to  
9 read as follows:

10 SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent  
11 of public instruction shall submit to each regular session of the  
12 legislature during an odd-numbered year a programmed budget request for  
13 special education programs for students with disabilities. Funding for  
14 programs operated by local school districts shall be on an excess cost  
15 basis from appropriations provided by the legislature for special  
16 education programs for students with disabilities and shall take  
17 account of state funds accruing through RCW ~~((28A.150.250,))~~  
18 28A.150.260~~((7))~~ (3) through (5) and federal medical assistance and  
19 private funds accruing under RCW 74.09.5249 through 74.09.5253 and  
20 74.09.5254 through 74.09.5256~~((, and other state and local funds,~~  
21 ~~excluding special excess levies))~~.

22 (2) The excess cost allocation to school districts shall be based  
23 on the following:

24 (a) A district's annual average headcount enrollment of students  
25 ages birth through four and those five year olds not yet enrolled in  
26 kindergarten who are eligible for and enrolled in special education,  
27 multiplied by the district's base allocation per full-time equivalent  
28 student, multiplied by 1.15; and

29 (b) A district's annual average full-time equivalent basic  
30 education enrollment, multiplied by the district's funded enrollment  
31 percent, multiplied by the district's base allocation per full-time  
32 equivalent student, multiplied by 0.9309.

33 (3) As used in this section:

34 (a) "Base allocation" means the total state allocation to all  
35 schools in the district generated by the distribution formula under RCW  
36 28A.150.260 (3) through (5), to be divided by the district's full-time  
37 equivalent enrollment.

1       (b) "Basic education enrollment" means enrollment of resident  
2 students including nonresident students enrolled under RCW 28A.225.225  
3 and students from nonhigh districts enrolled under RCW 28A.225.210 and  
4 excluding students residing in another district enrolled as part of an  
5 interdistrict cooperative program under RCW 28A.225.250.

6       (c) "Enrollment percent" means the district's resident special  
7 education annual average enrollment, excluding students ages birth  
8 through four and those five year olds not yet enrolled in kindergarten,  
9 as a percent of the district's annual average full-time equivalent  
10 basic education enrollment.

11       (d) "Funded enrollment percent" means the lesser of the district's  
12 actual enrollment percent or twelve and seven-tenths percent.

13       NEW SECTION. Sec. 107. SPECIAL EDUCATION SAFETY NET. (1) To the  
14 extent necessary, funds shall be made available for safety net awards  
15 for districts with demonstrated needs for special education funding  
16 beyond the amounts provided through the special education funding  
17 formula under RCW 28A.150.390. If the federal safety net awards based  
18 on the federal eligibility threshold exceed the federal appropriation  
19 in any fiscal year, then the superintendent shall expend all available  
20 federal discretionary funds necessary to meet this need. Safety net  
21 funds shall be awarded by the state safety net oversight committee  
22 subject to the following conditions and limitations:

23       (a) The committee shall consider additional funds for districts  
24 that can convincingly demonstrate that all legitimate expenditures for  
25 special education exceed all available revenues from state funding  
26 formulas. In the determination of need, the committee shall also  
27 consider additional available revenues from federal sources.  
28 Differences in program costs attributable to district philosophy,  
29 service delivery choice, or accounting practices are not a legitimate  
30 basis for safety net awards. In the determination of need, the  
31 committee shall require that districts demonstrate that they are  
32 maximizing their eligibility for all state and federal revenues related  
33 to services for special education students and federal impact aid.

34       (b) The committee shall then consider the extraordinary high cost  
35 needs of one or more individual special education students.  
36 Differences in costs attributable to district philosophy, service

1 delivery choice, or accounting practices are not a legitimate basis for  
2 safety net awards.

3 (c) Using criteria developed by the committee, the committee shall  
4 then consider extraordinary costs associated with communities that draw  
5 a larger number of families with children in need of special education  
6 services, which may include consideration of proximity to group homes,  
7 military bases, and regional hospitals. Safety net awards under this  
8 subsection (1)(c) shall be adjusted to reflect amounts awarded under  
9 (b) of this subsection.

10 (d) The maximum allowable indirect cost for calculating safety net  
11 eligibility may not exceed the federal restricted indirect cost rate  
12 for the district plus one percent.

13 (e) Safety net awards shall be adjusted based on the percent of  
14 potential medicaid eligible students billed as calculated by the  
15 superintendent of public instruction in accordance with chapter 318,  
16 Laws of 1999.

17 (f) Safety net awards must be adjusted for any audit findings or  
18 exceptions related to special education funding.

19 (2) The superintendent of public instruction may adopt such rules  
20 and procedures as are necessary to administer the special education  
21 funding and safety net award process. Before revising any standards,  
22 procedures, or rules, the superintendent shall consult with the office  
23 of financial management and the fiscal committees of the legislature.  
24 In adopting and revising the rules, the superintendent shall ensure the  
25 application process to access safety net funding is streamlined,  
26 timelines for submission are not in conflict, feedback to school  
27 districts is timely and provides sufficient information to allow school  
28 districts to understand how to correct any deficiencies in a safety net  
29 application, and that there is consistency between awards approved by  
30 school district and by application period. The office of the  
31 superintendent of public instruction shall also provide technical  
32 assistance to school districts in preparing and submitting special  
33 education safety net applications.

34 (3) On an annual basis, the superintendent shall survey districts  
35 regarding their satisfaction with the safety net process and consider  
36 feedback from districts to improve the safety net process. Each year  
37 by December 1st, the superintendent shall prepare and submit a report  
38 to the office of financial management and the appropriate policy and

1 fiscal committees of the legislature that summarizes the survey results  
2 and those changes made to the safety net process as a result of the  
3 school district feedback.

4 (4) The safety net oversight committee appointed by the  
5 superintendent of public instruction shall consist of:

6 (a) One staff member from the office of the superintendent of  
7 public instruction;

8 (b) Staff of the office of the state auditor who shall be nonvoting  
9 members of the committee; and

10 (c) One or more representatives from school districts or  
11 educational service districts knowledgeable of special education  
12 programs and funding.

13 **Sec. 108.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to  
14 read as follows:

15 LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall,  
16 at each regular session in an odd-numbered year, appropriate ((~~from the~~  
17 ~~state general fund~~)) for the current use of the common schools such  
18 amounts as needed for state support to ((~~the common schools~~)) school  
19 districts during the ensuing biennium ((~~as provided in this chapter,~~  
20 ~~RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010~~)) for  
21 the program of basic education under RCW 28A.150.200.

22 (2) In addition to those state funds provided to school districts  
23 for basic education, the legislature may appropriate funds to be  
24 distributed to school districts for other factors and for other special  
25 programs to enhance or enrich the program of basic education.

26 (3) The state legislature shall also, at each regular session in an  
27 odd-numbered year, appropriate from the student achievement fund and  
28 education construction fund solely for the purposes of and in  
29 accordance with the provisions of the student achievement act during  
30 the ensuing biennium.

31 **Sec. 109.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to  
32 read as follows:

33 PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08  
34 school year, funding for voluntary all-day kindergarten programs shall  
35 be phased-in beginning with schools with the highest poverty levels,  
36 defined as those schools with the highest percentages of students

1 qualifying for free and reduced-price lunch support in the prior school  
2 year. Once a school receives funding for the all-day kindergarten  
3 program, that school shall remain eligible for funding in subsequent  
4 school years regardless of changes in the school's percentage of  
5 students eligible for free and reduced-price lunches as long as other  
6 program requirements are fulfilled. Additionally, schools receiving  
7 all-day kindergarten program support shall agree to the following  
8 conditions:

9 (a) Provide at least a one thousand-hour instructional program;

10 (b) Provide a curriculum that offers a rich, varied set of  
11 experiences that assist students in:

12 (i) Developing initial skills in the academic areas of reading,  
13 mathematics, and writing;

14 (ii) Developing a variety of communication skills;

15 (iii) Providing experiences in science, social studies, arts,  
16 health and physical education, and a world language other than English;

17 (iv) Acquiring large and small motor skills;

18 (v) Acquiring social and emotional skills including successful  
19 participation in learning activities as an individual and as part of a  
20 group; and

21 (vi) Learning through hands-on experiences;

22 (c) Establish learning environments that are developmentally  
23 appropriate and promote creativity;

24 (d) Demonstrate strong connections and communication with early  
25 learning community providers; and

26 (e) Participate in kindergarten program readiness activities with  
27 early learning providers and parents.

28 (2) Subject to funds appropriated for this purpose, the  
29 superintendent of public instruction shall designate one or more school  
30 districts to serve as resources and examples of best practices in  
31 designing and operating a high-quality all-day kindergarten program.  
32 Designated school districts shall serve as lighthouse programs and  
33 provide technical assistance to other school districts in the initial  
34 stages of implementing an all-day kindergarten program. Examples of  
35 topics addressed by the technical assistance include strategic  
36 planning, developing the instructional program and curriculum, working  
37 with early learning providers to identify students and communicate with  
38 parents, and developing kindergarten program readiness activities.

1       (~~(3) Any funds allocated to support all-day kindergarten programs~~  
2 ~~under this section shall not be considered as basic education~~  
3 ~~funding.))~~)

4       **Sec. 110.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to  
5 read as follows:

6       GRADUATION REQUIREMENTS. (1) The state board of education shall  
7 establish high school graduation requirements or equivalencies for  
8 students, except those equivalencies established by local high schools  
9 or school districts under RCW 28A.230.097.

10       (a) Any course in Washington state history and government used to  
11 fulfill high school graduation requirements shall consider including  
12 information on the culture, history, and government of the American  
13 Indian peoples who were the first inhabitants of the state.

14       (b) The certificate of academic achievement requirements under RCW  
15 28A.655.061 or the certificate of individual achievement requirements  
16 under RCW 28A.155.045 are required for graduation from a public high  
17 school but are not the only requirements for graduation.

18       (c) Any decision on whether a student has met the state board's  
19 high school graduation requirements for a high school and beyond plan  
20 shall remain at the local level.

21       (2)(a) In recognition of the statutory authority of the state board  
22 of education to establish and enforce minimum high school graduation  
23 requirements, the state board shall periodically reevaluate the  
24 graduation requirements and shall report such findings to the  
25 legislature in a timely manner as determined by the state board.

26       (b) The state board shall reevaluate the graduation requirements  
27 for students enrolled in vocationally intensive and rigorous career and  
28 technical education programs, particularly those programs that lead to  
29 a certificate or credential that is state or nationally recognized.  
30 The purpose of the evaluation is to ensure that students enrolled in  
31 these programs have sufficient opportunity to earn a certificate of  
32 academic achievement, complete the program and earn the program's  
33 certificate or credential, and complete other state and local  
34 graduation requirements. (~~The board shall reports [report] its~~  
35 ~~findings and recommendations for additional flexibility in graduation~~  
36 ~~requirements, if necessary, to the legislature by December 1, 2007.))~~)

1       (c) The state board shall forward any proposed changes to the high  
2 school graduation requirements to the education committees of the  
3 legislature for review, and the legislature shall have the opportunity  
4 to act during a regular legislative session before the changes are  
5 adopted through administrative rule by the state board. Changes that  
6 have a fiscal impact on school districts, as identified by a fiscal  
7 analysis prepared by the office of the superintendent of public  
8 instruction, shall take effect only if formally authorized by the  
9 legislature through the omnibus appropriations act or other enacted  
10 legislation.

11       (3) Pursuant to any requirement for instruction in languages other  
12 than English established by the state board of education or a local  
13 school district, or both, for purposes of high school graduation,  
14 students who receive instruction in American sign language or one or  
15 more American Indian languages shall be considered to have satisfied  
16 the state or local school district graduation requirement for  
17 instruction in one or more languages other than English.

18       (4) If requested by the student and his or her family, a student  
19 who has completed high school courses before attending high school  
20 shall be given high school credit which shall be applied to fulfilling  
21 high school graduation requirements if:

22       (a) The course was taken with high school students, if the academic  
23 level of the course exceeds the requirements for seventh and eighth  
24 grade classes, and the student has successfully passed by completing  
25 the same course requirements and examinations as the high school  
26 students enrolled in the class; or

27       (b) The academic level of the course exceeds the requirements for  
28 seventh and eighth grade classes and the course would qualify for high  
29 school credit, because the course is similar or equivalent to a course  
30 offered at a high school in the district as determined by the school  
31 district board of directors.

32       (5) Students who have taken and successfully completed high school  
33 courses under the circumstances in subsection (4) of this section shall  
34 not be required to take an additional competency examination or perform  
35 any other additional assignment to receive credit.

36       (6) At the college or university level, five quarter or three  
37 semester hours equals one high school credit.

1           NEW SECTION.   **Sec. 111.**   FINANCE AND COMPENSATION WORKING GROUP.

2   (1) The funding formulas under RCW 28A.150.260 to support the  
3 instructional program shall be implemented beginning in the 2011-12  
4 school year and are intended to be phased in over a six-year period  
5 according to an implementation schedule to be adopted by the  
6 legislature. The object of the schedule is to assure that increases in  
7 funding allocations are timely, predictable, and occur concurrently  
8 with any increases in program or instructional requirements.

9       (2) The office of financial management and the office of the  
10 superintendent of public instruction shall convene a technical working  
11 group to:

12       (a) Develop the details of the funding formulas under RCW  
13 28A.150.260;

14       (b) Recommend an implementation schedule for phasing-in any  
15 increased program or instructional requirements concurrently with  
16 increases in funding for adoption by the legislature;

17       (c) Examine possible sources of revenue to support increases in  
18 funding allocations and present options to the steering committee for  
19 consideration;

20       (d) Recommend options for a compensation system that provides  
21 support for effective teaching and recruitment and retention of high  
22 quality staff, including:

23       (i) Developing options and cost estimates for a salary allocation  
24 schedule for new certificated instructional staff into which current  
25 staff have the option to transfer. At a minimum, the schedules shall  
26 align with the educator certification system developed by the  
27 professional educator standards board;

28       (ii) Updating the comparable wage and regional wage analysis  
29 conducted by the Washington state institute for public policy in 2008  
30 and developing options and cost estimates for a regional wage  
31 adjustment schedule that could be applied to state salary allocations  
32 for certificated instructional, administrative, and classified staff;

33       (iii) Developing options and cost estimates for allocations for  
34 administrative and classified staff through the funding formulas in RCW  
35 28A.150.260; and

36       (iv) Collecting and analyzing detailed data on supplemental  
37 contracts for time, responsibilities, or incentives; and



1 (e) Develop options for a new system of supplemental school funding  
2 through local school levies and local effort assistance. The working  
3 group shall take into consideration the impact on overall school  
4 district revenues of the new funding formulas established under RCW  
5 28A.150.260 and recommend a phase-in plan that reduces reliance on  
6 local school levies concurrently with increased state funding and  
7 assures that no district suffers a decrease in overall funding from one  
8 school year to the next due to implementation of the new systems.

9 (3) The working group shall include representatives of the state  
10 board of education, the professional educator standards board, the  
11 legislative evaluation and accountability program committee, school  
12 district and educational service district financial managers, the  
13 Washington association of school business officers, the Washington  
14 education association, the Washington association of school  
15 administrators, the association of Washington school principals, the  
16 Washington state school directors' association, classified school  
17 employees, parents, higher education, and other interested persons with  
18 expertise in education finance. The working group may convene advisory  
19 subgroups on specific topics as necessary to assure participation and  
20 input from a broad array of diverse stakeholders. The office of  
21 financial management and the office of the superintendent of public  
22 instruction may divide the working group into subgroups to focus on the  
23 funding formulas, compensation, revenue, and supplemental school  
24 funding.

25 (4) The working group shall be monitored and overseen by the basic  
26 education steering committee under section 3 of this act.

27 NEW SECTION. **Sec. 112.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

28 (1) The legislature finds that a critical factor in the eventual  
29 successful outcome of a K-12 education is for students to begin school  
30 ready, both intellectually and socially, to learn. The legislature  
31 also finds that, due to a variety of factors, disadvantaged young  
32 children need supplemental instruction in preschool to assure that they  
33 have the opportunity to meaningfully participate and reach the  
34 necessary levels of achievement in the regular program of basic  
35 education. Therefore the legislature intends to establish a program of  
36 early learning for at-risk children and intends to include this program  
37 within the overall program of basic education.

1 (2) The department of early learning and the office of the  
2 superintendent of public instruction shall convene a working group to  
3 develop the basic education program of early learning. The early  
4 learning working group shall be composed of representatives from head  
5 start and early childhood education and assistance program providers,  
6 school districts, thrive by five of Washington, and other stakeholders  
7 with expertise in early learning. The working group may convene  
8 advisory subgroups on specific topics as necessary to assure  
9 participation and input from a broad array of diverse stakeholders.

10 (3) The early learning working group shall continue the preliminary  
11 work of the department of early learning under RCW 43.215.125 to  
12 develop a proposal for a statewide Washington head start program. The  
13 working group shall:

14 (a) Recommend student eligibility criteria that focus on children  
15 aged three and four considered most at-risk;

16 (b) Develop options for a service delivery system that includes  
17 school districts, educational service districts, community and  
18 technical colleges, and public and private nonsectarian organizations;

19 (c) Develop options for shared governance that include the  
20 superintendent of public instruction and the department of early  
21 learning each with appropriate supervisory and administrative  
22 responsibilities;

23 (d) Develop recommended parameters and minimum standards for the  
24 program; and

25 (e) Continue development of a statewide kindergarten assessment  
26 process.

27 (4) The early learning working group shall be monitored and  
28 overseen by the basic education steering committee under section 3 of  
29 this act.

30 **PART II**

31 **EFFECTIVE TEACHING**

32 NEW SECTION. **Sec. 201.** INTENT. The legislature finds that in  
33 order to offer all students the opportunity to achieve the basic  
34 education goal, school districts must provide effective teaching and  
35 instruction. Teachers should be provided opportunities to gain the  
36 knowledge and skills that will enable them to be effective. Designing

1 a system that clearly defines, supports, measures, and recognizes  
2 effective teaching is one of the most important investments to be made  
3 in improving student learning.

4 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.410  
5 RCW to read as follows:

6 CERTIFICATION. (1) By January 1, 2010, the professional educator  
7 standards board shall adopt a set of teacher knowledge, skill, and  
8 performance standards for effective teaching that are documented in  
9 high-quality research as being associated with improved student  
10 learning and articulated on a career continuum.

11 (2) By January 1, 2010, the professional educator standards board  
12 shall submit to the governor and the education and fiscal committees of  
13 the legislature:

14 (a) An update on the status of implementation of the professional  
15 certificate external and uniform assessment authorized in RCW  
16 28A.410.210;

17 (b) A proposal for a valid and reliable classroom-based means of  
18 evaluating teacher effectiveness as a culminating measure for residency  
19 certification that involves multiple measures of teacher performance in  
20 classrooms and a role for state-trained evaluators;

21 (c) Estimated costs and statutory authority needed for further  
22 development and implementation of the assessments in this subsection  
23 (2); and

24 (d) Recommendations for other modifications to residency,  
25 professional, and ongoing professional certification that focus on  
26 demonstrated performance and professional growth rather than enrollment  
27 in certification programs or continuing education.

28 (3) By January 1, 2011, the professional educator standards board  
29 shall submit recommendations to the governor and the education  
30 committees of the legislature providing definitions for voluntary  
31 master-level certification for teachers and educational staff  
32 associates. Within the definition established by the board,  
33 individuals certified through the national board for professional  
34 teaching standards shall be considered to have achieved master-level  
35 certification.

1        NEW SECTION.    **Sec. 203.**    A new section is added to chapter 28A.410  
2    RCW to read as follows:

3        MATH AND SCIENCE TEACHERS.    (1)    The Washington professional  
4    educator standards board shall serve as the lead agency in a  
5    coordinated approach with school districts, institutions of higher  
6    education, the office of the superintendent of public instruction,  
7    local and national nonprofit organizations, and the business community  
8    to create an adequate supply of well-qualified mathematics and science  
9    teachers for Washington's public schools.    In fulfilling this role, the  
10   board shall:

11        (a) Work with institutions of higher education, including community  
12   colleges, to build stronger connections and partnerships with school  
13   districts and to craft innovative teacher preparation programs,  
14   particularly in rural areas;

15        (b) Work with in-state and national organizations to identify  
16   barriers and craft solutions to improved recruitment, hiring,  
17   preparation, and retention of mathematics and science teachers;

18        (c) Expand information to students and counselors, from middle  
19   school through college, about teacher preparation options and  
20   opportunities;

21        (d) Seek private and federal support for innovations and  
22   initiatives; and

23        (e) Set goals, collect and analyze data, and monitor progress  
24   toward achieving the goals.

25        (2) Strategies overseen and coordinated by the board to achieve the  
26   objectives of this section include but are not limited to the  
27   following:

28        (a) Building pipelines to mathematics and science teaching,  
29   beginning in middle school and through college using the recruiting  
30   Washington teachers program under RCW 28A.415.370, the pipeline for  
31   paraeducators conditional scholarship program under RCW 28A.660.042,  
32   and the Washington teach initiative under section 204 of this act;

33        (b) Streamlining teacher preparation and improving the geographic  
34   distribution of mathematics and science teachers through the retooling  
35   to teach mathematics and science conditional scholarship program under  
36   RCW 28A.660.045 and alternative route to teacher certification programs  
37   under RCW 28A.660.040;

1 (c) Shifting and building capacity in public four-year institutions  
2 of higher education to prepare mathematics and science teachers through  
3 institutional priority initiatives under section 204 of this act; and

4 (d) Attracting individuals to careers in mathematics and science  
5 teaching, including through the future teachers conditional scholarship  
6 and loan repayment program under chapter 28B.102 RCW.

7 NEW SECTION. **Sec. 204.** A new section is added to chapter 28B.10  
8 RCW to read as follows:

9 WASHINGTON TEACH INITIATIVE. (1) Each public four-year institution  
10 of higher education with a teacher preparation program approved by the  
11 professional educator standards board to offer a residency teaching  
12 certificate and subject area endorsements in middle level mathematics  
13 or science, or secondary mathematics or science, including any of the  
14 branch campuses under RCW 28B.45.014, shall develop a plan for a  
15 Washington teach initiative for recruitment and development of  
16 mathematics and science teachers from within the student population of  
17 the institution and among high school students in partnering school  
18 districts. Each institution shall submit a preliminary plan and  
19 strategies for its Washington teach initiative to the professional  
20 educator standards board by October 30, 2009, and an updated plan with  
21 any progress to report by October 31, 2010. The plan must include:

22 (a) Evidence of a commitment by the institution to make development  
23 of mathematics and science teachers an institutional priority;

24 (b) Collaboration between institutional leadership, the college of  
25 education, and the mathematics and science departments of the college  
26 of arts and sciences;

27 (c) Proposed targeted outreach, student advising, and recruitment  
28 efforts;

29 (d) Proposed streamlined course requirements to enable students to  
30 obtain both a mathematics or science major and residency certification  
31 within four years of study;

32 (e) Development of opportunities for classroom experiences early in  
33 the students' academic careers;

34 (f) Evidence of increased collaboration and partnership with school  
35 districts, including districts outside the immediate geographic  
36 vicinity of the institution and including exploration of opportunities  
37 for alternative route programs; and

1 (g) Measurable goals and objectives, including the estimated shift  
2 in enrollment under the institutional priority initiative under  
3 subsection (3) of this section.

4 (2) Each institution under this section shall begin exploring  
5 opportunities for partnerships with one or more school districts to  
6 provide one or more of the alternative route programs under RCW  
7 28A.660.040 using routes two, three, or four to offer candidates a  
8 postbaccalaureate residency teaching certificate in middle level  
9 mathematics or science or secondary mathematics or science. In the  
10 plans and updates required under subsection (1) of this section, each  
11 institution shall identify possible partner school districts, describe  
12 prospects and barriers for partnership, and provide an analysis of the  
13 opportunities and progress in developing an alternative route program.

14 (3) Each institution under this section shall include in its  
15 Washington teach initiative a specific plan to reduce admittance and  
16 enrollment of students seeking residency teacher certification with an  
17 endorsement in elementary education and increase enrollment capacity  
18 for students seeking residency teacher certification with an  
19 endorsement in middle level mathematics or science, or secondary  
20 mathematics or science.

21 **PART III**

22 **CONTINUOUS SCHOOL IMPROVEMENT**

23 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds that  
24 comprehensive education finance reform and the increased investment of  
25 public resources necessary to implement that reform must be accompanied  
26 by an equally comprehensive and transparent system of continuous school  
27 and school district improvement.

28 (2) However, the legislature also finds that the state and school  
29 districts share responsibility for continuous improvement and achieving  
30 state educational standards. It is the state's responsibility to  
31 provide schools and districts with the tools necessary for continuous  
32 improvement. These tools include the necessary accounting and data  
33 reporting systems, assessment systems to monitor student achievement,  
34 and a system of general support, targeted assistance, recognition, and,  
35 if necessary, intervention. It is also the state's responsibility to

1 take into account the capacity of the school system to implement  
2 changes and meet new requirements, and adjust expectations accordingly.

3 (3) The legislature intends to maintain a single system of  
4 continuous school improvement under both state and federal law. The  
5 legislature intends that a new state system be implemented only if  
6 Washington receives authorization from the United States department of  
7 education to use the state system for federal accountability purposes  
8 under P.L. 107-110, the no child left behind act of 2001.

9 **Sec. 302.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to  
10 read as follows:

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

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

24 (2) Form committees as necessary to effectively and efficiently  
25 conduct the work of the board;

26 (3) Seek advice from the public and interested parties regarding  
27 the work of the board;

28 (4) For purposes of statewide accountability:

29 (a) Adopt and revise performance improvement goals in reading,  
30 writing, science, and mathematics, by subject and grade level, once  
31 assessments in these subjects are required statewide; academic and  
32 technical skills, as appropriate, in secondary career and technical  
33 education programs; and student attendance, as the board deems  
34 appropriate to improve student learning. The goals shall be consistent  
35 with student privacy protection provisions of RCW 28A.655.090(7) and  
36 shall not conflict with requirements contained in Title I of the  
37 federal elementary and secondary education act of 1965, or the

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

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

35 (c) Adopt objective, systematic criteria based on multiple outcomes  
36 and indicators to identify successful schools and school districts  
37 (~~and recommend to the superintendent of public instruction schools and~~  
38 ~~districts to be recognized for two types of accomplishments, student~~



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

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

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

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

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

24 (d) Recommend to the superintendent of public instruction ways for  
25 exemplary schools and districts to be recognized for student  
26 achievement and improvements in student achievement;

27 (e) Identify schools and school districts in which state  
28 ((~~intervention measures~~)) support and assistance will be needed and  
29 recommend to the legislature a range of appropriate intervention  
30 strategies, which may be implemented only after the legislature has  
31 authorized a set of intervention strategies. After the legislature has  
32 authorized a set of intervention strategies, at the request of the  
33 board, the superintendent shall intervene in the school or school  
34 district and take corrective actions. This chapter does not provide  
35 additional authority for the board or the superintendent of public  
36 instruction to intervene in a school or school district;

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

1 (g) Annually review the assessment reporting system to ensure  
2 fairness, accuracy, timeliness, and equity of opportunity, especially  
3 with regard to schools with special circumstances and unique  
4 populations of students, and a recommendation to the superintendent of  
5 public instruction of any improvements needed to the system; and

6 (h) Include in the biennial report required under RCW 28A.305.035,  
7 information on the progress that has been made in achieving goals  
8 adopted by the board;

9 (5) Accredite, subject to such accreditation standards and  
10 procedures as may be established by the state board of education, all  
11 private schools that apply for accreditation, and approve, subject to  
12 the provisions of RCW 28A.195.010, private schools carrying out a  
13 program for any or all of the grades kindergarten through twelve:  
14 PROVIDED, That no private school may be approved that operates a  
15 kindergarten program only: PROVIDED FURTHER, That no private schools  
16 shall be placed upon the list of accredited schools so long as secret  
17 societies are knowingly allowed to exist among its students by school  
18 officials;

19 (6) Articulate with the institutions of higher education, workforce  
20 representatives, and early learning policymakers and providers to  
21 coordinate and unify the work of the public school system;

22 (7) Hire an executive director and an administrative assistant to  
23 reside in the office of the superintendent of public instruction for  
24 administrative purposes. Any other personnel of the board shall be  
25 appointed as provided by RCW 28A.300.020. The board may delegate to  
26 the executive director by resolution such duties as deemed necessary to  
27 efficiently carry on the business of the board including, but not  
28 limited to, the authority to employ necessary personnel and the  
29 authority to enter into, amend, and terminate contracts on behalf of  
30 the board. The executive director, administrative assistant, and all  
31 but one of the other personnel of the board are exempt from civil  
32 service, together with other staff as now or hereafter designated as  
33 exempt in accordance with chapter 41.06 RCW; and

34 (8) Adopt a seal that shall be kept in the office of the  
35 superintendent of public instruction.

36 NEW SECTION. **Sec. 303.** A new section is added to chapter 28A.305  
37 RCW to read as follows:

1 SYSTEM OF SUPPORT AND ASSISTANCE. In consultation with the  
2 superintendent of public instruction, the state board of education  
3 shall:

4 (1) Develop a comprehensive system of voluntary support and  
5 assistance for schools and school districts where the level of  
6 intensity of support and assistance for continuous school improvement  
7 increases based on objective, systematic criteria. The superintendent  
8 of public instruction shall implement the system to the extent funds  
9 are available;

10 (2) Develop a proposal for support and assistance for schools and  
11 school districts that have not demonstrated sufficient improvement  
12 through a voluntary system. The proposal shall be implemented only if  
13 formally authorized by the legislature through enacted legislation; and

14 (3) Develop a methodology for using the prototypical school funding  
15 model under RCW 28A.150.260 as an analytic tool for comparing funding  
16 allocation assumptions and the actual use and distribution of  
17 resources, as well as outcomes, at the school and district level.

18 NEW SECTION. **Sec. 304.** PROGRESS REPORTS. (1) The state board of  
19 education and the superintendent of public instruction shall seek  
20 approval from the United States department of education for use of the  
21 objective criteria and the state system of support, assistance, and  
22 intervention to replace the federal accountability system under P.L.  
23 107-110, the no child left behind act of 2001.

24 (2) The state board of education and the superintendent of public  
25 instruction shall submit a progress report on the implementation of RCW  
26 28A.305.130 and section 303 of this act to the education and fiscal  
27 committees of the legislature by December 1, 2009, and a final report  
28 with proposals and recommendations by December 1, 2010.

29 NEW SECTION. **Sec. 305.** A new section is added to chapter 28A.655  
30 RCW to read as follows:

31 EDUCATION DATA SYSTEM. It is the legislature's intent to establish  
32 comprehensive K-12 education data systems for financial, student, and  
33 educator data. The objective of the systems is to monitor student  
34 progress, assure educator quality, monitor and analyze the costs of  
35 programs, provide for financial integrity and accountability, and have  
36 the capacity to link across these various data components by student,

1 by school, by district, and statewide. Education data systems must be  
2 flexible and able to adapt to evolving needs for information, but there  
3 must be an objective and orderly process for determining when changes  
4 are needed and how to implement them. The first priority for any new  
5 data systems should be financial, budgeting, and accounting systems  
6 necessary to support the new K-12 financial models and funding  
7 formulas. The benefits of significant increases in the amount of data  
8 available for analysis must be carefully weighed against the costs to  
9 school districts to enter, update, maintain, and submit the data and to  
10 implement new software and data management systems.

11 **PART IV**  
12 **OTHER FINANCE**

13 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.500  
14 RCW to read as follows:

15 NEW LEVY/LEA SYSTEM--INTENT. (1) The legislature finds that while  
16 the state has the responsibility to provide for a general and uniform  
17 system of public schools, there is also a need for some diversity in  
18 the public school system. A successful system of public education must  
19 permit some variation among school districts outside the basic  
20 education provided for by the state to respond to and reflect the  
21 unique desires of local communities. The opportunity for local  
22 communities to invest in enriched education programs promotes support  
23 for local public schools. Further, the ability of local school  
24 districts to experiment with enriched programs can inform the  
25 legislature's long-term evolution of the definition of basic education.  
26 Therefore, local levy authority remains an important component of the  
27 overall finance system in support of the public schools even though it  
28 is outside the state's obligation for basic education.

29 (2) However, the value of permitting local levies must be balanced  
30 with the value of equity and fairness to students and to taxpayers,  
31 neither of whom should be unduly disadvantaged due to differences in  
32 the tax bases used to support local levies. Equity and fairness  
33 require both an equitable basis for supplemental funding outside basic  
34 education and a mechanism for property tax-poor school districts to  
35 fairly access supplemental funding. As such, local effort assistance,

1 while also outside the state's obligation for basic education, is  
2 another important component of school finance.

3 NEW SECTION. **Sec. 402.** A new section is added to chapter 43.79  
4 RCW to read as follows:

5 GROWTH IN REVENUE. (1) The basic education account is created in  
6 the state treasury. Moneys in the account may be spent only after  
7 appropriation and only for the purposes of RCW 28A.150.260. All  
8 receipts from subsection (2) of this section shall be deposited into  
9 the account.

10 (2) By September 30, 2011, and by September 30th of each odd-  
11 numbered year thereafter, if general state revenues from the prior  
12 fiscal biennium exceed the revenues from the fiscal biennium  
13 immediately preceding the prior fiscal biennium by more than five  
14 percent, the state treasurer shall transfer fifty percent of the amount  
15 over five percent to the basic education account.

16 (3) For the purposes of this section, "general state revenues"  
17 shall be as defined by Article VIII, section 1 of the state  
18 Constitution.

19 **Sec. 403.** RCW 28A.160.150 and 1996 c 279 s 1 are each amended to  
20 read as follows:

21 PUPIL TRANSPORTATION. Funds allocated for transportation costs  
22 shall be in addition to the basic education allocation. The  
23 distribution formula developed in RCW 28A.160.150 through 28A.160.180  
24 shall be for allocation purposes only and shall not be construed as  
25 mandating specific levels of pupil transportation services by local  
26 districts. Operating costs as determined under RCW 28A.160.150 through  
27 28A.160.180 shall be funded at one hundred percent or as close thereto  
28 as reasonably possible for transportation of an eligible student to and  
29 from school as defined in RCW 28A.160.160(3). In addition, funding  
30 shall be provided for transportation services for students living  
31 within (~~one radius mile from~~) the school walk area as determined  
32 under RCW (~~(28A.160.180(2))~~) 28A.160.160(5).

33 **Sec. 404.** RCW 28A.160.160 and 1996 c 279 s 2 are each amended to  
34 read as follows:

1 PUPIL TRANSPORTATION. For purposes of RCW 28A.160.150 through  
2 28A.160.190, except where the context shall clearly indicate otherwise,  
3 the following definitions apply:

4 (1) "Eligible student" means any student served by the  
5 transportation program of a school district or compensated for  
6 individual transportation arrangements authorized by RCW 28A.160.030  
7 whose route stop is (~~more than one radius mile from the~~) outside the  
8 walk area for a student's school, except if the student to be  
9 transported is disabled under RCW 28A.155.020 and is either not  
10 ambulatory or not capable of protecting his or her own welfare while  
11 traveling to or from the school or agency where special education  
12 services are provided, in which case no mileage distance restriction  
13 applies.

14 (2) "Superintendent" means the superintendent of public  
15 instruction.

16 (3) "To and from school" means the transportation of students for  
17 the following purposes:

18 (a) Transportation to and from route stops and schools;

19 (b) Transportation to and from schools pursuant to an interdistrict  
20 agreement pursuant to RCW 28A.335.160;

21 (c) Transportation of students between schools and learning centers  
22 for instruction specifically required by statute; and

23 (d) Transportation of students with disabilities to and from  
24 schools and agencies for special education services.

25 Academic extended day transportation for the instructional program  
26 of basic education under RCW 28A.150.220 shall (~~not~~) be considered  
27 part of transportation of students "to and from school" for the  
28 purposes of (~~chapter 61, Laws of 1983 1st ex. sess~~) this section.  
29 Transportation for field trips may not be considered part of  
30 transportation of students "to and from school" under this section.

31 (4) "Transportation services" for students living within (~~one~~  
32 ~~radius mile from~~) the school walk area means school transportation  
33 services including the use of buses, funding of crossing guards, and  
34 matching funds for local and state transportation projects intended to  
35 mitigate hazardous walking conditions. Priority for transportation  
36 services shall be given to students in grades kindergarten through  
37 five.

1       (5) The "walk area" means that area around a school with an  
2 adequate roadway configuration to provide students access to school  
3 with a walking distance of less than one mile. Mileage must be  
4 measured along the shortest roadway or maintained public walkway where  
5 hazardous conditions do not exist. The hazardous conditions must be  
6 documented by a process established in rule by the superintendent of  
7 public instruction and must include roadway, environmental, and social  
8 conditions. Each elementary school shall identify walk routes within  
9 the walk area.

10       **Sec. 405.** RCW 28A.160.170 and 2007 c 139 s 1 are each amended to  
11 read as follows:

12       PUPIL TRANSPORTATION. Each district shall submit three times each  
13 year to the superintendent of public instruction during October,  
14 February, and May of each year a report containing the following:

15       (1)(a) The number of eligible students transported to and from  
16 school as provided for in RCW 28A.160.150 (~~for the current school year~~  
17 ~~and the number of miles estimated to be driven for pupil transportation~~  
18 ~~services)), along with ((~~a map describing student route~~))  
19 identification of stop locations and school locations, and (b) the  
20 number of miles driven for pupil transportation services as authorized  
21 in RCW 28A.160.150 the previous school year; and~~

22       (2) Other operational data and descriptions as required by the  
23 superintendent to determine allocation requirements for each district.  
24 The superintendent shall require that districts separate the costs of  
25 operating the program for the transportation of eligible students to  
26 and from school as defined by RCW 28A.160.160(3) from non-to-and-from-  
27 school pupil transportation costs in the annual financial statement.  
28 The cost, quantity, and type of all fuel purchased by school districts  
29 for use in to-and-from-school transportation shall be included in the  
30 annual financial statement.

31       Each district shall submit the information required in this section  
32 on a timely basis as a condition of the continuing receipt of school  
33 transportation moneys.

34       **Sec. 406.** RCW 28A.160.180 and 1996 c 279 s 3 are each amended to  
35 read as follows:

36       PUPIL TRANSPORTATION. Each district's annual student

1 transportation allocation shall be ~~((based on differential rates))~~  
2 determined by the superintendent of public instruction in the following  
3 manner:

4 (1) The superintendent shall annually calculate ~~((a standard~~  
5 ~~student mile allocation rate for determining))~~ the transportation  
6 allocation for those services provided for in RCW 28A.160.150.  
7 ~~((“Standard student mile allocation rate,” as used in this chapter,~~  
8 ~~means the per mile allocation rate for transporting an eligible~~  
9 ~~student.))~~ The ~~((standard student mile))~~ allocation ~~((rate))~~ formula  
10 may be adjusted to include such additional differential factors as  
11 ~~((distance; restricted))~~ basic and special passenger ~~((load;~~  
12 ~~circumstances that require use of special types of transportation~~  
13 ~~vehicles; student with disabilities load; and small fleet maintenance))~~  
14 counts as defined by the superintendent of public instruction, average  
15 distance to school, and number of locations served.

16 (2) ~~((For transportation services for students living within one~~  
17 ~~radius mile from school,))~~ The allocation shall be based on a  
18 regression analysis of the number of basic and special students ~~((in~~  
19 ~~grades kindergarten through five living within one radius mile as~~  
20 ~~specified in the biennial appropriations act))~~ transported and as many  
21 other site characteristics that are identified as being statistically  
22 significant.

23 (3) ~~((The superintendent of public instruction shall annually~~  
24 ~~calculate allocation rate(s), which shall include vehicle amortization,~~  
25 ~~for determining))~~ The transportation allocation for transporting  
26 students in district-owned passenger cars, as defined in RCW 46.04.382,  
27 pursuant to RCW 28A.160.010 for services provided for in RCW  
28 28A.160.150 if a school district deems it advisable to use such  
29 vehicles after the school district board of directors has considered  
30 the safety of the students being transported as well as the economy of  
31 utilizing a district-owned passenger car in lieu of a school bus is the  
32 private vehicle reimbursement rate in effect on September 1st of each  
33 school year. Students transported in district-owned passenger cars  
34 must be included in the corresponding basic or special passenger  
35 counts.

36 (4) Prior to June 1st of each year the superintendent shall submit  
37 to the office of financial management, and the education and fiscal  
38 committees ~~((on education and ways and means of the senate and house of~~



1 ~~representatives))~~ of the legislature, a report outlining the  
2 methodology and rationale used in determining the statistical  
3 coefficients for each site characteristic used to determine the  
4 allocation (~~(rates to be used)~~) for the following year.

5 **Sec. 407.** RCW 28A.160.190 and 1990 c 33 s 145 are each amended to  
6 read as follows:

7 PUPIL TRANSPORTATION. The superintendent shall notify districts of  
8 their student transportation allocation before January 15th. (~~(If the~~  
9 ~~number of eligible students in a school district changes ten percent or~~  
10 ~~more from the October report, and the change is maintained for a period~~  
11 ~~of twenty consecutive school days or more, the district may submit~~  
12 ~~revised eligible student data to the superintendent of public~~  
13 ~~instruction.)) The superintendent shall(~~(, to the extent funds are~~  
14 ~~available,)~~) recalculate and prorate the district's allocation for the  
15 transportation of pupils to and from school.~~

16 The superintendent shall make the student transportation allocation  
17 in accordance with the apportionment payment schedule in RCW  
18 28A.510.250. Such allocation payments may be based on (~~(estimated~~  
19 ~~amounts)~~) the prior school year's ridership report for payments to be  
20 made in September, October, November, December, and January.

21 NEW SECTION. **Sec. 408.** A new section is added to chapter 28A.160  
22 RCW to read as follows:

23 PUPIL TRANSPORTATION. The superintendent of public instruction  
24 shall ensure that the allocation formula results in adequate  
25 appropriation for low enrollment districts, nonhigh districts,  
26 districts involved in cooperative transportation agreements, and  
27 cooperative special transportation services operated by educational  
28 service districts. If necessary, the superintendent shall develop a  
29 separate process to adjust the allocation of the districts.

30 NEW SECTION. **Sec. 409.** A new section is added to chapter 28A.160  
31 RCW to read as follows:

32 PUPIL TRANSPORTATION. The superintendent of public instruction  
33 shall encourage efficient use of state resources by providing a linear  
34 programming process that compares school district transportation  
35 operations. If a school district's operation is calculated to be less

1 than ninety percent efficient, the regional transportation coordinators  
2 shall provide an individual review to determine what measures are  
3 available to the school district to improve efficiency. The evaluation  
4 shall include such measures as:

- 5 (1) Efficient routing of buses;
- 6 (2) Efficient use of vehicle capacity; and
- 7 (3) Reasonable controls on compensation costs.

8 The superintendent shall submit to the fiscal and education  
9 committees of the legislature no later than December 1st of each year  
10 a report summarizing the efficiency reviews and the resulting changes  
11 implemented by school districts in response to the recommendations of  
12 the regional transportation coordinators.

13 NEW SECTION. **Sec. 410.** A new section is added to chapter 28A.160  
14 RCW to read as follows:

15 PUPIL TRANSPORTATION. (1) The superintendent of public instruction  
16 shall phase-in implementation of the new distribution formula for  
17 allocating state funds to school districts for transportation of  
18 students to and from school, beginning with the 2011-12 school year.

19 (a) The formula must be developed and revised on an ongoing basis  
20 using the major cost factors in student transportation, including basic  
21 and special student loads, school district land area, average distance  
22 to school, roadway miles, and number of locations served. Factors will  
23 include all those site characteristics that are statistically  
24 significant after analysis of the data required by the revised  
25 reporting process.

26 (b) The formula must allocate funds to school districts based on  
27 the average predicted costs of transporting students to and from  
28 school, using a regression analysis.

29 (2) During the phase-in period, funding provided to school  
30 districts for student transportation operations shall be distributed on  
31 the following basis:

32 (a) Annually, each school district shall receive the lesser of the  
33 previous school year's pupil transportation operations allocation, or  
34 the total of allowable pupil transportation expenditures identified on  
35 the previous school year's final expenditure report to the state plus  
36 district indirect expenses using the state recovery rate identified by  
37 the superintendent; and

1 (b) Annually, any funds appropriated by the legislature in excess  
2 of the maintenance level funding amount for student transportation  
3 shall be distributed among school districts on a prorated basis using  
4 the difference between the amount identified in (a) of this subsection  
5 and the amount determined under the formula in RCW 28A.160.180.

6 (3) The superintendent shall develop, implement, and provide a copy  
7 of the rules specifying the student transportation reporting  
8 requirements to the legislature and school districts no later than  
9 December 1, 2009.

10 (4) Beginning in December 2009, and continuing until December 2014,  
11 the superintendent shall provide quarterly updates and progress reports  
12 to the fiscal committees of the legislature on the implementation and  
13 testing of the distribution formula.

14 **PART V**

15 **GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION**

16 **Sec. 501.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to  
17 read as follows:

18 SALARY ALLOCATION MODEL. (1) The legislature shall establish for  
19 each school year in the appropriations act a statewide salary  
20 allocation schedule, for allocation purposes only, to be used to  
21 distribute funds for basic education certificated instructional staff  
22 salaries under RCW 28A.150.260. For the purposes of this section,  
23 beginning in the 2011-12 school year, the staff allocations for  
24 classroom teachers, librarians, professional development coaches,  
25 student health services staff, and guidance counselors under RCW  
26 28A.150.260 are allocations for certificated instructional staff.

27 (2) Salary allocations for state-funded (~~basic—education~~)  
28 certificated instructional staff shall be calculated by the  
29 superintendent of public instruction by determining the district's  
30 average salary for all certificated instructional staff, using the  
31 statewide salary allocation schedule and related documents, conditions,  
32 and limitations established by the omnibus appropriations act.

33 (3) Beginning January 1, 1992, no more than ninety college quarter-  
34 hour credits received by any employee after the baccalaureate degree  
35 may be used to determine compensation allocations under the state

1 salary allocation schedule and LEAP documents referenced in the omnibus  
2 appropriations act, or any replacement schedules and documents, unless:

3 (a) The employee has a masters degree; or

4 (b) The credits were used in generating state salary allocations  
5 before January 1, 1992.

6 (4) Beginning in the 2007-08 school year, the calculation of years  
7 of service for occupational therapists, physical therapists, speech-  
8 language pathologists, audiologists, nurses, social workers,  
9 counselors, and psychologists regulated under Title 18 RCW may include  
10 experience in schools and other nonschool positions as occupational  
11 therapists, physical therapists, speech-language pathologists,  
12 audiologists, nurses, social workers, counselors, or psychologists.  
13 The calculation shall be that one year of service in a nonschool  
14 position counts as one year of service for purposes of this chapter, up  
15 to a limit of two years of nonschool service. Nonschool years of  
16 service included in calculations under this subsection shall not be  
17 applied to service credit totals for purposes of any retirement benefit  
18 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement  
19 system benefits.

20 **Sec. 502.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to  
21 read as follows:

22 LAP ADJUSTMENTS. (~~The learning assistance program requirements~~  
23 ~~in~~) This chapter (~~are~~) is designed to: (1) Promote the use of  
24 assessment data when developing programs to assist underachieving  
25 students; and (2) guide school districts in providing the most  
26 effective and efficient practices when implementing (~~programs~~)  
27 supplemental instruction and services to assist underachieving  
28 students. (~~Further, this chapter provides the means by which a school~~  
29 ~~district becomes eligible for learning assistance program funds and the~~  
30 ~~distribution of those funds.~~)

31 **Sec. 503.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to  
32 read as follows:

33 LAP ADJUSTMENTS. Unless the context clearly indicates otherwise  
34 the definitions in this section apply throughout this chapter.

35 (1) "Approved program" means a program submitted to and approved by

1 the office of the superintendent of public instruction and conducted  
2 pursuant to the plan that addresses the required elements as provided  
3 for in this chapter.

4 (2) "Basic skills areas" means reading, writing, and mathematics as  
5 well as readiness associated with these skills.

6 (3) "Participating student" means a student in kindergarten through  
7 grade (~~((eleven who scores below standard for his or her grade level on  
8 the statewide assessments and who is identified in the approved plan to  
9 receive services. Beginning with the 2007-2008 school year,~~  
10 ~~"participating student" means a student in kindergarten through grade))~~  
11 twelve who scores below standard for his or her grade level on the  
12 statewide assessments and who is identified in the approved plan to  
13 receive services.

14 (4) "Statewide assessments" means one or more of the several basic  
15 skills assessments administered as part of the state's student  
16 assessment system, and assessments in the basic skills areas  
17 administered by local school districts.

18 (5) "Underachieving students" means students with the greatest  
19 academic deficits in basic skills as identified by the statewide  
20 assessments.

21 **Sec. 504.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to  
22 read as follows:

23 LAP ADJUSTMENTS. (~~((+1))~~) Each school district with an approved  
24 program is eligible for state funds provided for the learning  
25 assistance program. The funds shall be appropriated for the learning  
26 assistance program in accordance with RCW 28A.150.260 and the  
27 ~~((biennial))~~ omnibus appropriations act. The distribution formula is  
28 for school district allocation purposes only, but funds appropriated  
29 for the learning assistance program must be expended for the purposes  
30 of RCW 28A.165.005 through 28A.165.065. (~~((The distribution formula~~  
31 ~~shall be based on one or more family income factors measuring economic~~  
32 ~~need.~~

33 ~~(2) In addition to the funds allocated to eligible school districts~~  
34 ~~on the basis of family income factors, enhanced funds shall be~~  
35 ~~allocated for school districts where more than twenty percent of~~  
36 ~~students are eligible for and enrolled in the transitional bilingual~~

1 ~~instruction program under chapter 28A.180 RCW as provided in this~~  
2 ~~subsection. The enhanced funding provided in this subsection shall~~  
3 ~~take effect beginning in the 2008-09 school year.~~

4 ~~(a) If, in the prior school year, a district's percent of October~~  
5 ~~headcount student enrollment in grades kindergarten through twelve who~~  
6 ~~are enrolled in the transitional bilingual instruction program, based~~  
7 ~~on an average of the program headcount taken in October and May,~~  
8 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~  
9 ~~district's percent transitional bilingual instruction program~~  
10 ~~enrollment and the resulting percent shall be multiplied by the~~  
11 ~~district's kindergarten through twelve annual average full-time~~  
12 ~~equivalent enrollment for the prior school year.~~

13 ~~(b) The number calculated under (a) of this subsection shall be the~~  
14 ~~number of additional funded students for purposes of this subsection,~~  
15 ~~to be multiplied by the per-funded student allocation rates specified~~  
16 ~~in the omnibus appropriations act.~~

17 ~~(c) School districts are only eligible for the enhanced funds under~~  
18 ~~this subsection if their percentage of October headcount enrollment in~~  
19 ~~grades kindergarten through twelve eligible for free or reduced-price~~  
20 ~~lunch exceeded forty percent in the prior school year.))~~

21 **Sec. 505.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to  
22 read as follows:

23 TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be  
24 known and cited as "the transitional bilingual instruction act." The  
25 legislature finds that there are large numbers of children who come  
26 from homes where the primary language is other than English. The  
27 legislature finds that a transitional bilingual education program can  
28 meet the needs of these children. Pursuant to the policy of this state  
29 to insure equal educational opportunity to every child in this state,  
30 it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for  
31 the implementation of transitional bilingual education programs in the  
32 public schools(~~, and to provide supplemental financial assistance to~~  
33 ~~school districts to meet the extra costs of these programs)).~~

34 **Sec. 506.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to  
35 read as follows:

36 TBIP ADJUSTMENTS. (~~The superintendent of public instruction shall~~

1 ~~prepare and submit biennially to the governor and the legislature a~~  
2 ~~budget request for bilingual instruction programs.))~~ Moneys  
3 appropriated by the legislature for the purposes of RCW 28A.180.010  
4 through 28A.180.080 shall be allocated by the superintendent of public  
5 instruction to school districts for the sole purpose of operating an  
6 approved bilingual instruction program(~~(; priorities for funding shall~~  
7 ~~exist for the early elementary grades. No moneys shall be allocated~~  
8 ~~pursuant to this section to fund more than three school years of~~  
9 ~~bilingual instruction for each eligible pupil within a district:~~  
10 ~~PROVIDED, That such moneys may be allocated to fund more than three~~  
11 ~~school years of bilingual instruction for any pupil who fails to~~  
12 ~~demonstrate improvement in English language skills adequate to remove~~  
13 ~~impairment of learning when taught only in English. The superintendent~~  
14 ~~of public instruction shall set standards and approve a test for the~~  
15 ~~measurement of such English language skills)).~~

16 **Sec. 507.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to  
17 read as follows:

18 EDUCATION BY OTHER DISTRICTS. (1) A local district may be  
19 authorized by the educational service district superintendent to  
20 transport and educate its pupils in other districts for one year,  
21 either by payment of a compensation agreed upon by such school  
22 districts, or under other terms mutually satisfactory to the districts  
23 concerned when this will afford better educational facilities for the  
24 pupils and when a saving may be effected in the cost of education(~~(+~~  
25 ~~PROVIDED, That)).~~ Notwithstanding any other provision of law, the  
26 amount to be paid by the state to the resident school district for  
27 apportionment purposes and otherwise payable pursuant to RCW  
28 ((~~28A.150.100,~~) 28A.150.250 through 28A.150.290, 28A.150.350 through  
29 28A.150.410, 28A.160.150 through 28A.160.200, ((~~28A.160.220~~))  
30 ~~28A.300.035,~~ and 28A.300.170((~~, and 28A.500.010~~)) shall not be greater  
31 than the regular apportionment for each high school student of the  
32 receiving district. Such authorization may be extended for an  
33 additional year at the discretion of the educational service district  
34 superintendent.

35 (2) Subsection (1) of this section shall not apply to districts  
36 participating in a cooperative project established under RCW  
37 28A.340.030 which exceeds two years in duration.

1 NEW SECTION. **Sec. 508.** The following acts or parts of acts are  
2 each repealed:

3 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969  
4 ex.s. c 223 s 28A.01.010;

5 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,  
6 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &  
7 1973 1st ex.s. c 105 s 1;

8 (3) RCW 28A.150.100 (Basic education certificated instructional  
9 staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st  
10 ex.s. c 2 s 203;

11 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s  
12 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s  
13 22, & 1969 ex.s. c 223 s 28A.01.020;

14 (5) RCW 28A.150.370 (Additional programs for which legislative  
15 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s  
16 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;

17 (6) RCW 28A.155.180 (Safety net funds--Application--Technical  
18 assistance--Annual survey) and 2007 c 400 s 8; and

19 (7) RCW 28A.150.205 (Definition) and 1992 c 141 s 502.

20 **PART VI**

21 **MISCELLANEOUS PROVISIONS**

22 NEW SECTION. **Sec. 601.** Part headings and captions used in this  
23 act are not any part of the law.

24 NEW SECTION. **Sec. 602.** Sections 3, 102, and 107 of this act are  
25 each added to chapter 28A.150 RCW.

26 NEW SECTION. **Sec. 603.** Sections 101 through 109, 402 through 408,  
27 and 501 through 508 of this act take effect September 1, 2011.

28 NEW SECTION. **Sec. 604.** Section 409 of this act takes effect  
29 September 1, 2013.

30 NEW SECTION. **Sec. 605.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the



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

3 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

Kindergarten. Includes all-day kindergarten within the Instructional Program of Basic Education, to be phased-in according to a statutory schedule starting with the highest poverty schools.

Graduation Requirements. Requires changes to graduation requirements proposed by the State Board of Education to be reviewed by the Legislature and, if there is fiscal impact on school districts, to be legislatively authorized before being implemented.

Transportation. Authorizes a new pupil transportation funding formula using a regression analysis to allocate funds to school districts and removing the funding basis of a radius mile. Phases-in implementation of the formula starting in 2011-12. Provides a method for allocation of increased funding during the phase-in period.

Growth in Revenue. Beginning September 30, 2011, dedicates 50 percent of any growth above 5 percent in general state revenues between the previous biennium and the biennium immediately prior, to funding for the Instructional Program of Basic Education.

Achievement Gap. Creates an Achievement Gap working group of 10 members appointed by the Governor and directs the group to synthesize recommendations of achievement gap studies conducted in 2008 into a single implementation plan with specific policies and strategies.

Continuous School Improvement. Rather than generally directing the State Board of Education (SBE) to continue working on accountability and report to the Legislature by December 1, 2009, requires the SBE to adopt objective criteria to identify successful schools and those in need of assistance; recommend ways for exemplary schools to be recognized; identify schools where assistance is needed and recommend a range of appropriate intervention strategies to be implemented only after authorization by the Legislature; develop a comprehensive system of voluntary support and assistance to be implemented by the Superintendent of Public Instruction (SPI) to the extent funds are available; and develop a methodology for using the prototypical school funding model as an analytical tool. Directs the SBE and SPI to seek approval for use of the objective criteria and support system for federal accountability purposes and states legislative intent that a new state system of continuous improvement be implemented only if federal approval is received. Requires a progress report by December 1, 2009, and a final report by December 1, 2010.

Certification. Rather than assigning certification to a working group, directs the Professional Educator Standards Board (PESB) to adopt effective teaching standards; continue development of an assessment for professional certification; develop a proposal for a classroom-based means of evaluation for residency certification; recommend other modifications to certification; and recommend definitions of voluntary master-level certification.

Math and Science Teachers. Designates the PESB as the lead agency to coordinate initiatives to support preparation and recruitment of math and science teachers. Requires each public four-year institution of higher education to submit a preliminary plan to the PESB for a Washington Teach initiative, including shifting enrollment from elementary education to math and science education. Requires each institution to begin exploring partnerships with school districts to provide alternative route teacher preparation programs in math and science.

Data. Maintains Legislative intent to establish comprehensive K-12 education data systems, but removes specific descriptions of the minimum capacity, functionality, and data elements and removes a Data Working Group charged with proposing a design for the systems. Directs the Steering Committee to monitor the progress of groups or agencies developing education data systems.

Working Groups/Compensation. Combines three of the working groups into one comprehensive group to address Finance and Compensation, including funding formulas, compensation, local funding, and revenue. Regarding compensation, directs the group to develop options for a salary allocation schedule that aligns with the educator certification system; update a comparable wage and regional wage analysis; develop options for allocations for administrative and classified staff; and analyze data on supplemental contracts.

Early Learning. Directs the Early Learning Working Group to recommend eligibility criteria focused on at-risk 3 and 4-year olds; develop options for a mixed service delivery system and a shared governance system including the SPI and the Department of Early Learning; and continue development of a kindergarten assessment process.

Classified Staff. Adds a definition of and references to classified staff.

--- END ---