

ESB 6048 - H COMM AMD

By Committee on Education Appropriations

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 112 of
8 this act;

9 (b) The early learning working group under section 113 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 provide
26 oversight and accountability in the development of policies to close
27 the achievement gap. The working group shall synthesize the findings
28 and recommendations from the 2008 achievement gap studies into a single
29 implementation plan that recommends specific policies and strategies to
30 address the academic achievement gap in at least the following areas:

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

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

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

1 (d) Recommending current programs and resources that should be
2 redirected to narrow the gap;

3 (e) Identifying data elements and systems needed to monitor
4 progress in closing the gap;

5 (f) Making closing the achievement gap part of the school and
6 school district improvement process; and

7 (g) Exploring innovative school models that have shown success in
8 closing the achievement gap.

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

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

22 **PART I**

23 **PROGRAM AND FUNDING OF BASIC EDUCATION**

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

26 PROGRAM OF EDUCATION. (~~((This 1977 amendatory act shall be known~~
27 ~~and may be cited as "The Washington Basic Education Act of 1977." The~~
28 ~~program evolving from the Basic Education Act shall include (1) the~~
29 ~~goal of the school system as defined in RCW 28A.150.210, (2) those~~
30 ~~program requirements enumerated in RCW 28A.150.220, and (3) the~~
31 ~~determination and distribution of state resources as defined in RCW~~
32 ~~28A.150.250 and 28A.150.260.~~

33 ~~The requirements of the Basic Education Act are))~~ (1) The program
34 of basic education established under this chapter is deemed by the
35 legislature to comply with the requirements of Article IX, section 1 of
36 the state Constitution, which states that "It is the paramount duty of

1 the state to make ample provision for the education of all children
2 residing within its borders, without distinction or preference on
3 account of race, color, caste, or sex," and ((are)) is adopted pursuant
4 to Article IX, section 2 of the state Constitution, which states that
5 "The legislature shall provide for a general and uniform system of
6 public schools."

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

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

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

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

17 (d) Transportation and transportation services to and from school
18 for eligible students as provided under RCW 28A.160.150 through
19 28A.160.180.

20 NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this
21 section apply throughout this chapter unless the context clearly
22 requires otherwise.

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

25 (2) "Certificated administrative staff" means all those persons who
26 are chief executive officers, chief administrative officers,
27 confidential employees, supervisors, principals, or assistant
28 principals within the meaning of RCW 41.59.020(4).

29 (3) "Certificated employee" as used in this chapter and RCW
30 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
31 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
32 persons who hold certificates as authorized by rule of the Washington
33 professional educator standards board.

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

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

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

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

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

24 (9) "Instructional program of basic education" means the minimum
25 program required to be provided by school districts and includes
26 instructional hour requirements and other components under RCW
27 28A.150.220.

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

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

35 (12) "School year" includes the minimum number of school days
36 required under RCW 28A.150.220 and begins on the first day of September
37 and ends with the last day of August, except that any school district
38 may elect to commence the annual school term in the month of August of

1 any calendar year and in such case the operation of a school district
2 for such period in August shall be credited by the superintendent of
3 public instruction to the succeeding school year for the purpose of the
4 allocation and distribution of state funds for the support of such
5 school district.

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

14 **Sec. 103.** RCW 28A.150.210 and 2007 c 400 s 1 are each amended to
15 read as follows:

16 BASIC EDUCATION GOAL. (~~The goal of the basic education act for~~
17 ~~the schools of the state of Washington set forth in this chapter shall~~
18 ~~be to~~) A basic education is an evolving program of instruction that
19 provides students with the opportunity to become responsible and
20 respectful global citizens, to contribute to their economic well-being
21 and that of their families and communities, to explore and understand
22 different perspectives, and to enjoy productive and satisfying lives.
23 (~~Additionally,~~) The state of Washington intends to provide for a
24 public school system that is able to evolve and adapt in order to
25 better focus on strengthening the educational achievement of all
26 students, which includes high expectations for all students and gives
27 all students the opportunity to achieve personal and academic success.
28 A basic education must also provide all students with the opportunity
29 to graduate from high school with a meaningful high school diploma,
30 ready for success in postsecondary education, gainful employment, and
31 citizenship. To these ends, the goals of each school district, with
32 the involvement of parents and community members, shall be to provide
33 opportunities for every student to develop the knowledge and skills
34 essential to:

35 (1) Read with comprehension, write effectively, and communicate
36 successfully in a variety of ways and settings and with a variety of
37 audiences;

1 (2) Know and apply the core concepts and principles of mathematics;
2 social, physical, and life sciences; civics and history, including
3 different cultures and participation in representative government;
4 geography; arts; and health and fitness;

5 (3) Think analytically, logically, and creatively, and to integrate
6 different experiences and knowledge to form reasoned judgments and
7 solve problems; and

8 (4) Understand the importance of work and finance and how
9 performance, effort, and decisions directly affect future career and
10 educational opportunities.

11 **Sec. 104.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
12 read as follows:

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

16 ~~(a) Each school district shall make available to students enrolled~~
17 ~~in kindergarten at least a total instructional offering of four hundred~~
18 ~~fifty hours. The program shall include instruction in the essential~~
19 ~~academic learning requirements under RCW 28A.630.885 and such other~~
20 ~~subjects and such activities as the school district shall determine to~~
21 ~~be appropriate for the education of the school district's students~~
22 ~~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 and such~~
32 ~~other subjects and such activities as the school district shall~~
33 ~~determine to be appropriate for the education of the school district's~~
34 ~~students enrolled in such group)) In order for students to have the
35 opportunity to develop the basic education knowledge and skills under
36 RCW 28A.150.210, school districts must provide instruction of
37 sufficient quantity and quality and give students the opportunity to~~

1 complete graduation requirements that are intended to prepare them for
2 postsecondary education, gainful employment, and citizenship. The
3 program established under this section shall be the minimum
4 instructional program of basic education offered by school districts.

5 (2) Each school district shall make available to students the
6 following minimum instructional offering each school year:

7 (a) For students enrolled in grades one through twelve, at least a
8 district-wide annual average of one thousand hours, which shall be
9 increased to at least one thousand eighty instructional hours for
10 students enrolled in each of grades seven through twelve and at least
11 one thousand instructional hours for students in each of grades one
12 through six according to an implementation schedule adopted by the
13 legislature; and

14 (b) For students enrolled in kindergarten, at least four hundred
15 fifty instructional hours, which shall be increased to at least one
16 thousand instructional hours according to the implementation schedule
17 under RCW 28A.150.315.

18 (3) The instructional program of basic education provided by each
19 school district shall include:

20 (a) Instruction in the essential academic learning requirements
21 under RCW 28A.655.070;

22 (b) Instruction that provides students the opportunity to complete
23 twenty-four credits for high school graduation, with course
24 distribution requirements established by the state board of education
25 under RCW 28A.230.090 and that may be subject to a phased-in
26 implementation of the twenty-four credits as adopted by the board;

27 (c) If the essential academic learning requirements include a
28 requirement of languages other than English, the requirement may be met
29 by students receiving instruction in one or more American Indian
30 languages;

31 (d) Supplemental instruction and services for underachieving
32 students through the learning assistance program under RCW 28A.165.005
33 through 28A.165.065;

34 (e) Supplemental instruction and services for eligible and enrolled
35 students whose primary language is other than English through the
36 transitional bilingual instruction program under RCW 28A.180.010
37 through 28A.180.080;

1 (f) The opportunity for an appropriate education at public expense
2 as defined by RCW 28A.155.020 for all eligible students with
3 disabilities as defined in RCW 28A.155.020; and

4 (g) Programs for highly capable students under RCW 28A.185.010
5 through 28A.185.030.

6 ~~((+2))~~ (4) Nothing contained in ~~((subsection (1) of))~~ this section
7 shall be construed to require individual students to attend school for
8 any particular number of hours per day or to take any particular
9 courses.

10 ~~((+3))~~ (5) Each school district's kindergarten through twelfth
11 grade basic educational program shall be accessible to all students who
12 are five years of age, as provided by RCW 28A.225.160, and less than
13 twenty-one years of age and shall consist of a minimum of one hundred
14 eighty school days per school year in such grades as are conducted by
15 a school district, and one hundred eighty half-days of instruction, or
16 equivalent, in kindergarten~~((: PROVIDED, That))~~, to be increased to a
17 minimum of one hundred eighty school days per school year according to
18 the implementation schedule under RCW 28A.150.315. However, effective
19 May 1, 1979, a school district may schedule the last five school days
20 of the one hundred and eighty day school year for noninstructional
21 purposes in the case of students who are graduating from high school,
22 including, but not limited to, the observance of graduation and early
23 release from school upon the request of a student, and all such
24 students may be claimed as a full time equivalent student to the extent
25 they could otherwise have been so claimed for the purposes of RCW
26 28A.150.250 and 28A.150.260.

27 ~~((+4))~~ (6) The state board of education shall adopt rules to
28 implement and ensure compliance with the program requirements imposed
29 by this section, RCW 28A.150.250 and 28A.150.260, and such related
30 supplemental program approval requirements as the state board may
31 establish.

32 **Sec. 105.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
33 read as follows:

34 FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From
35 those funds made available by the legislature for the current use of
36 the common schools, the superintendent of public instruction shall
37 distribute annually as provided in RCW 28A.510.250 to each school

1 district of the state operating a basic education instructional program
2 approved by the state board of education an amount based on the
3 formulas provided in RCW 28A.150.260, 28A.150.390, and section 108 of
4 this act which, when combined with an appropriate portion of such
5 locally available revenues, other than receipts from federal forest
6 revenues distributed to school districts pursuant to RCW 28A.520.010
7 and 28A.520.020, as the superintendent of public instruction may deem
8 appropriate for consideration in computing state equalization support,
9 excluding excess property tax levies, will constitute a basic education
10 allocation in dollars for each annual average full-time equivalent
11 student enrolled(~~(, based upon one full school year of one hundred~~
12 ~~eighty days, except that for kindergartens one full school year shall~~
13 ~~be one hundred eighty half days of instruction, or the equivalent as~~
14 ~~provided in RCW 28A.150.220))).~~

15 (2) The instructional program of basic education shall be
16 considered to be fully funded by those amounts of dollars appropriated
17 by the legislature pursuant to RCW ~~((28A.150.250 and))~~ 28A.150.260,
18 28A.150.390, and section 108 of this act to fund those program
19 requirements identified in RCW 28A.150.220 in accordance with the
20 formula and ratios provided in RCW 28A.150.260 and those amounts of
21 dollars appropriated by the legislature to fund the salary requirements
22 of RCW ~~((28A.150.100 and))~~ 28A.150.410.

23 ~~((Operation of a program approved by the state board of education,~~
24 ~~for the purposes of this section, shall include a finding that the~~
25 ~~ratio of students per classroom teacher in grades kindergarten through~~
26 ~~three is not greater than the ratio of students per classroom teacher~~
27 ~~in grades four and above for such district: PROVIDED, That for the~~
28 ~~purposes of this section, "classroom teacher" shall be defined as an~~
29 ~~instructional employee possessing at least a provisional certificate,~~
30 ~~but not necessarily employed as a certificated employee, whose primary~~
31 ~~duty is the daily educational instruction of students: PROVIDED~~
32 ~~FURTHER, That the state board of education shall adopt rules and~~
33 ~~regulations to insure compliance with the student/teacher ratio~~
34 ~~provisions of this section, and such rules and regulations shall allow~~
35 ~~for exemptions for those special programs and/or school districts which~~
36 ~~may be deemed unable to practicably meet the student/teacher ratio~~
37 ~~requirements of this section by virtue of a small number of students.))~~

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

9 **Sec. 106.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to
10 read as follows:

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

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

27 ~~(a) Certificated instructional staff and their related costs;~~

28 ~~(b) Certificated administrative staff and their related costs;~~

29 ~~(c) Classified staff and their related costs;~~

30 ~~(d) Nonsalary costs;~~

31 ~~(e) Extraordinary costs, including school facilities, of remote and~~
32 ~~necessary — schools — as — judged — by — the — superintendent — of — public~~
33 ~~instruction, with recommendations from the school facilities citizen~~
34 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~
35 ~~costs of additional certificated and classified staff; and~~

36 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~
37 ~~28A.225.250 who do not reside within the servicing school district.)~~

1 (2)((+a)) The distribution formula under this section shall be for
2 allocation purposes only. Except as may be required under chapter
3 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations,
4 nothing in this section requires school districts to use basic
5 education instructional funds to implement a particular instructional
6 approach or service. Nothing in this section requires school districts
7 to maintain a particular classroom teacher-to-student ratio or other
8 staff-to-student ratio or to use allocated funds to pay for particular
9 types or classifications of staff. Nothing in this section entitles an
10 individual teacher to a particular teacher planning period.

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

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

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

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

37 (iii) A prototypical elementary school has four hundred average

1 annual full-time equivalent students in grades kindergarten through
2 six.

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

- 10 (i) Basic average class size;
- 11 (ii) Basic average class size in schools where more than fifty
12 percent of the students are eligible for free and reduced-price meals;
- 13 (iii) Average class size for exploratory and preparatory career and
14 technical education, laboratory science, advanced placement, and
15 international baccalaureate courses; and
- 16 (iv) Average class size in grades kindergarten through three.

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

- 20 (i) Principals, including assistant principals and other
21 certificated building-level administrators;
- 22 (ii) Teacher librarians, a function that includes information
23 literacy, technology, and media to support school library media
24 programs;
- 25 (iii) Student health services, a function that includes school
26 nurses and social workers;
- 27 (iv) Guidance counselors, a function that includes parent outreach
28 and graduation advisor;
- 29 (v) Professional development coaches;
- 30 (vi) Office support and other staff providing noninstructional
31 support services;
- 32 (vii) Custodians and other maintenance; and
- 33 (viii) Classified staff providing student and staff safety.

34 (4)(a) The minimum allocation for each school district shall
35 include allocations per annual average full-time equivalent student for
36 the following materials, supplies, and operating costs: Student
37 technology; utilities; curriculum, textbooks, library materials, and

1 instructional supplies; instructional professional development; other
2 building-level costs including maintenance, custodial, and security;
3 and central office administration.

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

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

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

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

33 (6) The allocations provided under subsections (3) and (4) of this
34 section shall be enhanced to provide additional allocations to support
35 programs for highly capable students under RCW 28A.185.010 through
36 28A.185.030, based on two percent of each school district's full-time
37 equivalent enrollment. The minimum allocation for the programs shall

1 provide an extended school day and extended school year for each level
2 of prototypical school and a per student allocation for maintenance,
3 supplies, and operating costs.

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

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

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

21 (b) Allocations or enhancements provided under subsections (3) and
22 (4) of this section for exploratory and preparatory career and
23 technical education courses shall be provided only for courses approved
24 by the office of the superintendent of public instruction under chapter
25 28A.700 RCW.

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

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

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

7 ~~(c))~~ (b) In the event the legislature rejects the distribution
8 formula recommended by the governor, without adopting a new
9 distribution formula, the distribution formula for the previous school
10 year shall remain in effect ~~((: PROVIDED, That the distribution formula~~
11 ~~developed pursuant to this section shall be for state apportionment and~~
12 ~~equalization purposes only and shall not be construed as mandating~~
13 ~~specific operational functions of local school districts other than~~
14 ~~those program requirements identified in RCW 28A.150.220 and~~
15 ~~28A.150.100)).~~

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

32 (d) The office of financial management shall make a monthly review
33 of the superintendent's reported full-time equivalent students in the
34 common schools in conjunction with RCW 43.62.050.

35 ~~((3)(a) Certificated instructional staff shall include those~~
36 ~~persons employed by a school district who are nonsupervisory employees~~
37 ~~within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional~~
38 ~~cases, people of unusual competence but without certification may teach~~

1 students — so — long — as — a — certificated — person — exercises — general
2 supervision: ~~PROVIDED, FURTHER, That the hiring of such classified~~
3 ~~people shall not occur during a labor dispute and such classified~~
4 ~~people shall not be hired to replace certificated employees during a~~
5 ~~labor dispute.~~

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

10 **Sec. 107.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to
11 read as follows:

12 SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent
13 of public instruction shall submit to each regular session of the
14 legislature during an odd-numbered year a programmed budget request for
15 special education programs for students with disabilities. Funding for
16 programs operated by local school districts shall be on an excess cost
17 basis from appropriations provided by the legislature for special
18 education programs for students with disabilities and shall take
19 account of state funds accruing through RCW ~~((28A.150.250,))~~
20 28A.150.260~~((,))~~ (3) through (5) and federal medical assistance and
21 private funds accruing under RCW 74.09.5249 through 74.09.5253 and
22 74.09.5254 through 74.09.5256~~((, and other state and local funds,~~
23 ~~excluding special excess levies))~~.

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

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

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

35 (3) As used in this section:

36 (a) "Base allocation" means the total state allocation to all

1 schools in the district generated by the distribution formula under RCW
2 28A.150.260 (3) through (5), to be divided by the district's full-time
3 equivalent enrollment.

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

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

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

16 NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the
17 extent necessary, funds shall be made available for safety net awards
18 for districts with demonstrated needs for special education funding
19 beyond the amounts provided through the special education funding
20 formula under RCW 28A.150.390. If the federal safety net awards based
21 on the federal eligibility threshold exceed the federal appropriation
22 in any fiscal year, then the superintendent shall expend all available
23 federal discretionary funds necessary to meet this need. Safety net
24 funds shall be awarded by the state safety net oversight committee
25 subject to the following conditions and limitations:

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

1 (b) The committee shall then consider the extraordinary high cost
2 needs of one or more individual special education students.
3 Differences in costs attributable to district philosophy, service
4 delivery choice, or accounting practices are not a legitimate basis for
5 safety net awards.

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

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

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

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

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

37 (3) On an annual basis, the superintendent shall survey districts
38 regarding their satisfaction with the safety net process and consider

1 feedback from districts to improve the safety net process. Each year
2 by December 1st, the superintendent shall prepare and submit a report
3 to the office of financial management and the appropriate policy and
4 fiscal committees of the legislature that summarizes the survey results
5 and those changes made to the safety net process as a result of the
6 school district feedback.

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

9 (a) One staff member from the office of the superintendent of
10 public instruction;

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

13 (c) One or more representatives from school districts or
14 educational service districts knowledgeable of special education
15 programs and funding.

16 **Sec. 109.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to
17 read as follows:

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

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

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

34 **Sec. 110.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to
35 read as follows:

36 PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08

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

- 12 (a) Provide at least a one thousand-hour instructional program;
- 13 (b) Provide a curriculum that offers a rich, varied set of
14 experiences that assist students in:
 - 15 (i) Developing initial skills in the academic areas of reading,
16 mathematics, and writing;
 - 17 (ii) Developing a variety of communication skills;
 - 18 (iii) Providing experiences in science, social studies, arts,
19 health and physical education, and a world language other than English;
 - 20 (iv) Acquiring large and small motor skills;
 - 21 (v) Acquiring social and emotional skills including successful
22 participation in learning activities as an individual and as part of a
23 group; and
 - 24 (vi) Learning through hands-on experiences;
- 25 (c) Establish learning environments that are developmentally
26 appropriate and promote creativity;
- 27 (d) Demonstrate strong connections and communication with early
28 learning community providers; and
- 29 (e) Participate in kindergarten program readiness activities with
30 early learning providers and parents.

31 (2) Subject to funds appropriated for this purpose, the
32 superintendent of public instruction shall designate one or more school
33 districts to serve as resources and examples of best practices in
34 designing and operating a high-quality all-day kindergarten program.
35 Designated school districts shall serve as lighthouse programs and
36 provide technical assistance to other school districts in the initial
37 stages of implementing an all-day kindergarten program. Examples of
38 topics addressed by the technical assistance include strategic

1 planning, developing the instructional program and curriculum, working
2 with early learning providers to identify students and communicate with
3 parents, and developing kindergarten program readiness activities.

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

7 **Sec. 111.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
8 read as follows:

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

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

17 (b) The certificate of academic achievement requirements under RCW
18 28A.655.061 or the certificate of individual achievement requirements
19 under RCW 28A.155.045 are required for graduation from a public high
20 school but are not the only requirements for graduation.

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

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

29 (b) The state board shall reevaluate the graduation requirements
30 for students enrolled in vocationally intensive and rigorous career and
31 technical education programs, particularly those programs that lead to
32 a certificate or credential that is state or nationally recognized.
33 The purpose of the evaluation is to ensure that students enrolled in
34 these programs have sufficient opportunity to earn a certificate of
35 academic achievement, complete the program and earn the program's
36 certificate or credential, and complete other state and local

1 graduation requirements. (~~The board shall reports [report] its~~
2 ~~findings and recommendations for additional flexibility in graduation~~
3 ~~requirements, if necessary, to the legislature by December 1, 2007.~~)

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

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

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

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

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

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

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

3 NEW SECTION. **Sec. 112.** FINANCE AND COMPENSATION WORKING GROUP.

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

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

14 (a) Develop the details of the funding formulas under RCW
15 28A.150.260;

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

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

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

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

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

35 (iii) Developing options and cost estimates for allocations for
36 administrative and classified staff through the funding formulas in RCW
37 28A.150.260; and

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

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

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

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

29 NEW SECTION. **Sec. 113.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

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

1 education. Therefore the legislature intends to establish a program of
2 early learning for at-risk children and intends to include this program
3 within the overall program of basic education.

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

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

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

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

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

26 (d) Develop recommended parameters and minimum standards for the
27 program; and

28 (e) Continue development of a statewide kindergarten assessment
29 process.

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

33 PART II

34 EFFECTIVE TEACHING

35 NEW SECTION. **Sec. 201.** INTENT. The legislature finds that in
36 order to offer all students the opportunity to achieve the basic

1 education goal, school districts must provide effective teaching and
2 instruction. Teachers should be provided opportunities to gain the
3 knowledge and skills that will enable them to be effective. Designing
4 a system that clearly defines, supports, measures, and recognizes
5 effective teaching is one of the most important investments to be made
6 in improving student learning.

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

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

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

17 (a) An update on the status of implementation of the professional
18 certificate external and uniform assessment authorized in RCW
19 28A.410.210;

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

24 (c) Estimated costs and statutory authority needed for further
25 development and implementation of the assessments in this subsection
26 (2); and

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

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

1 teaching standards shall be considered to have achieved master-level
2 certification.

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

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

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

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

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

23 (d) Seek private and federal support for innovations and
24 initiatives; and

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

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

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

35 (b) Streamlining teacher preparation and improving the geographic
36 distribution of mathematics and science teachers through the retooling

1 to teach mathematics and science conditional scholarship program under
2 RCW 28A.660.045 and alternative route to teacher certification programs
3 under RCW 28A.660.040;

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

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

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

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

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

27 (b) Collaboration between institutional leadership, the college of
28 education, and the mathematics and science departments of the college
29 of arts and sciences;

30 (c) Proposed targeted outreach, student advising, and recruitment
31 efforts;

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

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

1 (f) Evidence of increased collaboration and partnership with school
2 districts, including districts outside the immediate geographic
3 vicinity of the institution and including exploration of opportunities
4 for alternative route programs; and

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

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

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

25 PART III

26 CONTINUOUS SCHOOL IMPROVEMENT

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

32 (2) However, the legislature also finds that the state and school
33 districts share responsibility for continuous improvement and achieving
34 state educational standards. It is the state's responsibility to
35 provide schools and districts with the tools necessary for continuous
36 improvement. These tools include the necessary accounting and data

1 reporting systems, assessment systems to monitor student achievement,
2 and a system of general support, targeted assistance, recognition, and,
3 if necessary, intervention. It is also the state's responsibility to
4 take into account the capacity of the school system to implement
5 changes and meet new requirements, and adjust expectations accordingly.

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

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

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

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

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

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

31 (4) For purposes of statewide accountability:

32 (a) Adopt and revise performance improvement goals in reading,
33 writing, science, and mathematics, by subject and grade level, once
34 assessments in these subjects are required statewide; academic and
35 technical skills, as appropriate, in secondary career and technical
36 education programs; and student attendance, as the board deems
37 appropriate to improve student learning. The goals shall be consistent

1 with student privacy protection provisions of RCW 28A.655.090(7) and
2 shall not conflict with requirements contained in Title I of the
3 federal elementary and secondary education act of 1965, or the
4 requirements of the Carl D. Perkins vocational education act of 1998,
5 each as amended. The goals may be established for all students,
6 economically disadvantaged students, limited English proficient
7 students, students with disabilities, and students from
8 disproportionately academically underachieving racial and ethnic
9 backgrounds. The board may establish school and school district goals
10 addressing high school graduation rates and dropout reduction goals for
11 students in grades seven through twelve. The board shall adopt the
12 goals by rule. However, before each goal is implemented, the board
13 shall present the goal to the education committees of the house of
14 representatives and the senate for the committees' review and comment
15 in a time frame that will permit the legislature to take statutory
16 action on the goal if such action is deemed warranted by the
17 legislature;

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

1 (c) Adopt objective, systematic criteria based on multiple outcomes
2 and indicators to identify successful schools and school districts
3 (~~and recommend to the superintendent of public instruction schools and~~
4 ~~districts to be recognized for two types of accomplishments, student~~
5 ~~achievement and improvements in student achievement. Recognition for~~
6 ~~improvements in student achievement shall include consideration of one~~
7 ~~or more of the following accomplishments:~~

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

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

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

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

28 (d) Recommend to the superintendent of public instruction ways for
29 exemplary schools and districts to be recognized for student
30 achievement and improvements in student achievement;

31 (e) Identify schools and school districts in which state
32 (~~intervention measures~~) support and assistance will be needed and
33 recommend to the legislature a range of appropriate intervention
34 strategies, which may be implemented only after the legislature has
35 authorized a set of intervention strategies. After the legislature has
36 authorized a set of intervention strategies, at the request of the
37 board, the superintendent shall intervene in the school or school

1 district and take corrective actions. This chapter does not provide
2 additional authority for the board or the superintendent of public
3 instruction to intervene in a school or school district;

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

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

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

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

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

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

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

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

5 SYSTEM OF SUPPORT AND ASSISTANCE. In consultation with the
6 superintendent of public instruction, the state board of education
7 shall:

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

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

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

22 (4) Examine opportunities for and the feasibility of incorporating
23 a system of quality management, accountability, and performance
24 improvement such as the Baldrige national quality program into the
25 overall state system continuous school improvement.

26 NEW SECTION. **Sec. 304.** PROGRESS REPORTS. (1) The state board of
27 education and the superintendent of public instruction shall seek
28 approval from the United States department of education for use of the
29 objective criteria and the state system of support, assistance, and
30 intervention to replace the federal accountability system under P.L.
31 107-110, the no child left behind act of 2001.

32 (2) The state board of education and the superintendent of public
33 instruction shall submit a progress report on the implementation of RCW
34 28A.305.130 and section 303 of this act to the education and fiscal
35 committees of the legislature by December 1, 2009, and a final report
36 with proposals and recommendations by December 1, 2010.

1 (2) However, the value of permitting local levies must be balanced
2 with the value of equity and fairness to students and to taxpayers,
3 neither of whom should be unduly disadvantaged due to differences in
4 the tax bases used to support local levies. Equity and fairness
5 require both an equitable basis for supplemental funding outside basic
6 education and a mechanism for property tax-poor school districts to
7 fairly access supplemental funding. As such, local effort assistance,
8 while also outside the state's obligation for basic education, is
9 another important component of school finance.

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

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

17 (2) By September 30, 2011, and by September 30th of each odd-
18 numbered year thereafter, if general state revenues from the prior
19 fiscal biennium exceed the revenues from the fiscal biennium
20 immediately preceding the prior fiscal biennium by more than five
21 percent, the state treasurer shall transfer fifty percent of the amount
22 over five percent to the basic education account.

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

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

28 PUPIL TRANSPORTATION. Funds allocated for transportation costs
29 shall be in addition to the basic education allocation. The
30 distribution formula developed in RCW 28A.160.150 through 28A.160.180
31 shall be for allocation purposes only and shall not be construed as
32 mandating specific levels of pupil transportation services by local
33 districts. Operating costs as determined under RCW 28A.160.150 through
34 28A.160.180 shall be funded at one hundred percent or as close thereto
35 as reasonably possible for transportation of an eligible student to and
36 from school as defined in RCW 28A.160.160(3). In addition, funding

1 shall be provided for transportation services for students living
2 within (~~one radius mile from~~) the school walk area as determined
3 under RCW (~~28A.160.180(2)~~) 28A.160.160(5).

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

6 PUPIL TRANSPORTATION. For purposes of RCW 28A.160.150 through
7 28A.160.190, except where the context shall clearly indicate otherwise,
8 the following definitions apply:

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

19 (2) "Superintendent" means the superintendent of public
20 instruction.

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

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

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

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

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

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

36 (4) "Transportation services" for students living within (~~one~~
37 ~~radius mile from~~) the school walk area means school transportation

1 services including the use of buses, funding of crossing guards, and
2 matching funds for local and state transportation projects intended to
3 mitigate hazardous walking conditions. Priority for transportation
4 services shall be given to students in grades kindergarten through
5 five.

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

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

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

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

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

36 Each district shall submit the information required in this section

1 on a timely basis as a condition of the continuing receipt of school
2 transportation moneys.

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

5 PUPIL TRANSPORTATION. Each district's annual student
6 transportation allocation shall be ~~((based on differential rates))~~
7 determined by the superintendent of public instruction in the following
8 manner:

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

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

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

1 school year. Students transported in district-owned passenger cars
2 must be included in the corresponding basic or special passenger
3 counts.

4 (4) Prior to June 1st of each year the superintendent shall submit
5 to the office of financial management, and the education and fiscal
6 committees (~~on education and ways and means of the senate and house of~~
7 ~~representatives~~) of the legislature, a report outlining the
8 methodology and rationale used in determining the statistical
9 coefficients for each site characteristic used to determine the
10 allocation (~~rates to be used~~) for the following year.

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

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

22 The superintendent shall make the student transportation allocation
23 in accordance with the apportionment payment schedule in RCW
24 28A.510.250. Such allocation payments may be based on (~~estimated~~
25 ~~amounts~~) the prior school year's ridership report for payments to be
26 made in September, October, November, December, and January.

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

29 PUPIL TRANSPORTATION. The superintendent of public instruction
30 shall ensure that the allocation formula results in adequate
31 appropriation for low enrollment districts, nonhigh districts,
32 districts involved in cooperative transportation agreements, and
33 cooperative special transportation services operated by educational
34 service districts. If necessary, the superintendent shall develop a
35 separate process to adjust the allocation of the districts.

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

3 PUPIL TRANSPORTATION. The superintendent of public instruction
4 shall encourage efficient use of state resources by providing a linear
5 programming process that compares school district transportation
6 operations. If a school district's operation is calculated to be less
7 than ninety percent efficient, the regional transportation coordinators
8 shall provide an individual review to determine what measures are
9 available to the school district to improve efficiency. The evaluation
10 shall include such measures as:

- 11 (1) Efficient routing of buses;
- 12 (2) Efficient use of vehicle capacity; and
- 13 (3) Reasonable controls on compensation costs.

14 The superintendent shall submit to the fiscal and education
15 committees of the legislature no later than December 1st of each year
16 a report summarizing the efficiency reviews and the resulting changes
17 implemented by school districts in response to the recommendations of
18 the regional transportation coordinators.

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

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

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

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

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

1 (a) Annually, each school district shall receive the lesser of the
2 previous school year's pupil transportation operations allocation, or
3 the total of allowable pupil transportation expenditures identified on
4 the previous school year's final expenditure report to the state plus
5 district indirect expenses using the state recovery rate identified by
6 the superintendent; and

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

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

16 (4) Beginning in December 2009, and continuing until December 2014,
17 the superintendent shall provide quarterly updates and progress reports
18 to the fiscal committees of the legislature on the implementation and
19 testing of the distribution formula.

20 **PART V**

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

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

24 SALARY ALLOCATION MODEL. (1) The legislature shall establish for
25 each school year in the appropriations act a statewide salary
26 allocation schedule, for allocation purposes only, to be used to
27 distribute funds for basic education certificated instructional staff
28 salaries under RCW 28A.150.260. For the purposes of this section,
29 beginning in the 2011-12 school year, the staff allocations for
30 classroom teachers, librarians, professional development coaches,
31 student health services staff, and guidance counselors under RCW
32 28A.150.260 are allocations for certificated instructional staff.

33 (2) Salary allocations for state-funded (~~basic~~—education)
34 certificated instructional staff shall be calculated by the
35 superintendent of public instruction by determining the district's

1 average salary for all certificated instructional staff, using the
2 statewide salary allocation schedule and related documents, conditions,
3 and limitations established by the omnibus appropriations act.

4 (3) Beginning January 1, 1992, no more than ninety college quarter-
5 hour credits received by any employee after the baccalaureate degree
6 may be used to determine compensation allocations under the state
7 salary allocation schedule and LEAP documents referenced in the omnibus
8 appropriations act, or any replacement schedules and documents, unless:

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

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

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

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

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

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

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

5 (1) "Approved program" means a program submitted to and approved by
6 the office of the superintendent of public instruction and conducted
7 pursuant to the plan that addresses the required elements as provided
8 for in this chapter.

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

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

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

23 (5) "Underachieving students" means students with the greatest
24 academic deficits in basic skills as identified by the statewide
25 assessments.

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

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

1 ~~(2) In addition to the funds allocated to eligible school districts~~
2 ~~on the basis of family income factors, enhanced funds shall be~~
3 ~~allocated for school districts where more than twenty percent of~~
4 ~~students are eligible for and enrolled in the transitional bilingual~~
5 ~~instruction program under chapter 28A.180 RCW as provided in this~~
6 ~~subsection. The enhanced funding provided in this subsection shall~~
7 ~~take effect beginning in the 2008-09 school year.~~

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

17 ~~(b) The number calculated under (a) of this subsection shall be the~~
18 ~~number of additional funded students for purposes of this subsection,~~
19 ~~to be multiplied by the per funded student allocation rates specified~~
20 ~~in the omnibus appropriations act.~~

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

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

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

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

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

19 **Sec. 507.** RCW 28A.185.010 and 1984 c 278 s 12 are each amended to
20 read as follows:

21 Pursuant to rules (~~(and regulations)~~) adopted by the superintendent
22 of public instruction for the administration of this chapter, the
23 superintendent of public instruction shall carry out a program for
24 highly capable students. Such program may include conducting,
25 coordinating and aiding in research (including pilot programs),
26 disseminating information to local school districts, providing
27 statewide staff development, and allocating to school districts
28 supplementary funds for additional costs of district programs, as
29 provided by RCW (~~(28A.185.020)~~) 28A.150.260.

30 **Sec. 508.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to
31 read as follows:

32 (1) The legislature finds that, for highly capable students, access
33 to accelerated learning and enhanced instruction is access to a basic
34 education. There are multiple definitions of highly capable, from
35 intellectual to academic to artistic. The research literature strongly
36 supports using multiple criteria to identify highly capable students,

1 and therefore, the legislature does not intend to prescribe a single
2 method. Instead, the legislature intends to allocate funding based on
3 two percent of each school district's population and authorize school
4 districts to identify through the use of multiple, objective criteria
5 those students most highly capable and eligible to receive accelerated
6 learning and enhanced instruction in the program offered by the
7 district. Access to accelerated learning and enhanced instruction
8 through the program for highly capable students does not constitute an
9 individual entitlement for any particular student.

10 (2) Supplementary funds (~~as may be~~) provided by the state for
11 (~~this program, in accordance with RCW 28A.150.370,~~) the program for
12 highly capable students under RCW 28A.150.260 shall be categorical
13 funding (~~on an excess cost basis based upon a per student amount not~~
14 ~~to exceed three percent of any district's full-time equivalent~~
15 ~~enrollment~~) to provide services to highly capable students as
16 determined by a school district under RCW 28A.185.030.

17 **Sec. 509.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
18 read as follows:

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

36 (2) Subsection (1) of this section shall not apply to districts

1 participating in a cooperative project established under RCW
2 28A.340.030 which exceeds two years in duration.

3 NEW SECTION. **Sec. 510.** The following acts or parts of acts are
4 each repealed:

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

7 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
8 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
9 1973 1st ex.s. c 105 s 1;

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

13 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s
14 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s
15 22, & 1969 ex.s. c 223 s 28A.01.020;

16 (5) RCW 28A.150.370 (Additional programs for which legislative
17 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s
18 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;

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

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

22 **PART VI**
23 **MISCELLANEOUS PROVISIONS**

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

26 NEW SECTION. **Sec. 602.** Sections 3, 102, and 108 of this act are
27 each added to chapter 28A.150 RCW.

28 NEW SECTION. **Sec. 603.** Sections 101 through 110, 402 through 408,
29 and 501 through 510 of this act take effect September 1, 2011.

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

1 NEW_SECTION. **Sec. 605.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

5 Correct the title.

EFFECT: Strikes all of the underlying bill and replaces it with the following provisions:

Adopts definitions, requirements, and financing formulas for a Program of Basic Education and an Instructional Program that the Legislature deems complies with Article IX of the State Constitution.

Includes within the requirements beginning in 2011-12: Expanded minimum instructional hours; instruction for 24 credits for high school graduation; opportunity for students to earn a meaningful high school diploma; full-day kindergarten; and supplemental instruction for students who are underachieving, non-English proficient, highly capable, and in special education.

Sets forth financing formulas based on a prototypical school model and using inputs such as class size; types of school staff; central office administration; enhanced allocations for categorical programs; and allocations for maintenance, supplies, and operating costs.

Provides for the revised definitions and financing formulas to begin in the 2011-12 school year, with the intent to be phased-in over a six-year period.

Creates three technical working groups to continue development of policies and formulas, prepare an implementation schedule to phase-in increased program requirements and funding, propose options for a system of compensation that supports effective teaching and options for a local funding system for levies and levy equalization, develop a Program of Early Learning for at-risk children that is intended to be included in the Program of Basic Education, and recommend strategies to close the achievement gap.

Directs the State Board of Education to continue developing a voluntary system of continuous school improvement and seek approval for use of the system for purposes of federal accountability.

Authorizes a new pupil transportation funding formula using a regression analysis to allocate funds, phased-in beginning in the 2011-12 school year.

Creates a Basic Education Steering Committee to oversee the working groups, monitor overall implementation, and report to the Legislature.

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