

E2SSB 6696 - H COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 03/05/2010

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

3 "PART I

4 ACCOUNTABILITY FRAMEWORK

5 NEW SECTION. **Sec. 101.** The legislature finds that it is the
6 state's responsibility to create a coherent and effective
7 accountability framework for the continuous improvement for all schools
8 and districts. This system must provide an excellent and equitable
9 education for all students; an aligned federal/state accountability
10 system; and the tools necessary for schools and districts to be
11 accountable. These tools include the necessary accounting and data
12 reporting systems, assessment systems to monitor student achievement,
13 and a system of general support, targeted assistance, and if necessary,
14 intervention.

15 The office of the superintendent of public instruction is
16 responsible for developing and implementing the accountability tools to
17 build district capacity and working within federal and state
18 guidelines. The legislature assigned the state board of education
19 responsibility and oversight for creating an accountability framework.
20 This framework provides a unified system of support for challenged
21 schools that aligns with basic education, increases the level of
22 support based upon the magnitude of need, and uses data for decisions.
23 Such a system will identify schools and their districts for recognition
24 as well as for additional state support. For a specific group of
25 challenged schools, defined as persistently lowest-achieving schools,
26 and their districts, it is necessary to provide a required action
27 process that creates a partnership between the state and local district
28 to target funds and assistance to turn around the identified lowest-
29 achieving schools.

1 Phase I of this accountability system will recognize schools that
2 have done an exemplary job of raising student achievement and closing
3 the achievement gaps using the state board of education's
4 accountability index. The state board of education shall have ongoing
5 collaboration with the achievement gap oversight and accountability
6 committee regarding the measures used to measure the closing of the
7 achievement gaps and the recognition provided to the school districts
8 for closing the achievement gaps. Phase I will also target the lowest
9 five percent of persistently lowest-achieving schools defined under
10 federal guidelines to provide federal funds and federal intervention
11 models through a voluntary option in 2010, and for those who do not
12 volunteer and have not improved student achievement, a required action
13 process beginning in 2011.

14 Phase II of this accountability system will work toward
15 implementing the state board of education's accountability index for
16 identification of schools in need of improvement, including those that
17 are not Title I schools, and the use of state and local intervention
18 models and state funds through a required action process beginning in
19 2013, in addition to the federal program. Federal approval of the
20 state board of education's accountability index must be obtained or
21 else the federal guidelines for persistently lowest-achieving schools
22 will continue to be used.

23 The expectation from implementation of this accountability system
24 is the improvement of student achievement for all students to prepare
25 them for postsecondary education, work, and global citizenship in the
26 twenty-first century.

27 NEW SECTION. **Sec. 102.** (1) Beginning in 2010, and each year
28 thereafter, by December 1st, the superintendent of public instruction
29 shall annually identify schools as one of the state's persistently
30 lowest-achieving schools if the school is a Title I school, or a school
31 that is eligible for but does not receive Title I funds, that is among
32 the lowest-achieving five percent of Title I or Title I eligible
33 schools in the state.

34 (2) The criteria for determining whether a school is among the
35 persistently lowest-achieving five percent of Title I schools, or Title
36 I eligible schools, under subsection (1) of this section shall be
37 established by the superintendent of public instruction. The criteria

1 must meet all applicable requirements for the receipt of a federal
2 school improvement grant under the American recovery and reinvestment
3 act of 2009 and Title I of the elementary and secondary education act
4 of 1965, and take into account both:

5 (a) The academic achievement of the "all students" group in a
6 school in terms of proficiency on the state's assessment, and any
7 alternative assessments, in reading and mathematics combined; and

8 (b) The school's lack of progress on the mathematics and reading
9 assessments over a number of years in the "all students" group.

10 NEW SECTION. **Sec. 103.** (1) Beginning in January 2011, the
11 superintendent of public instruction shall annually recommend to the
12 state board of education school districts for designation as required
13 action districts. A district with at least one school identified as a
14 persistently lowest-achieving school shall be designated as a required
15 action district if it meets the criteria developed by the
16 superintendent of public instruction. However, a school district shall
17 not be recommended for designation as a required action district if the
18 district was awarded a federal school improvement grant by the
19 superintendent in 2010 and for three consecutive years following
20 receipt of the grant implemented a federal school intervention model at
21 each school identified for improvement. The state board of education
22 may designate a district that received a school improvement grant in
23 2010 as a required action district if after three years of voluntarily
24 implementing a plan the district continues to have a school identified
25 as persistently lowest-achieving and meets the criteria for designation
26 established by the superintendent of public instruction.

27 (2) The superintendent of public instruction shall provide a school
28 district superintendent with written notice of the recommendation for
29 designation as a required action district by certified mail or personal
30 service. A school district superintendent may request reconsideration
31 of the superintendent of public instruction's recommendation. The
32 reconsideration shall be limited to a determination of whether the
33 school district met the criteria for being recommended as a required
34 action district. A request for reconsideration must be in writing and
35 served on the superintendent of public instruction within ten days of
36 service of the notice of the superintendent's recommendation.

1 (3) The state board of education shall annually designate those
2 districts recommended by the superintendent in subsection (1) of this
3 section as required action districts. A district designated as a
4 required action district shall be required to notify all parents of
5 students attending a school identified as a persistently lowest-
6 achieving school in the district of the state board of education's
7 designation of the district as a required action district and the
8 process for complying with the requirements set forth in sections 104
9 through 110 of this act.

10 NEW SECTION. **Sec. 104.** (1) The superintendent of public
11 instruction shall contract with an external review team to conduct an
12 academic performance audit of the district and each persistently
13 lowest-achieving school in a required action district to identify the
14 potential reasons for the school's low performance and lack of
15 progress. The review team must consist of persons under contract with
16 the superintendent who have expertise in comprehensive school and
17 district reform and may not include staff from the agency, the school
18 district that is the subject of the audit, or members or staff of the
19 state board of education.

20 (2) The audit must be conducted based on criteria developed by the
21 superintendent of public instruction and must include but not be
22 limited to an examination of the following:

- 23 (a) Student demographics;
- 24 (b) Mobility patterns;
- 25 (c) School feeder patterns;
- 26 (d) The performance of different student groups on assessments;
- 27 (e) Effective school leadership;
- 28 (f) Strategic allocation of resources;
- 29 (g) Clear and shared focus on student learning;
- 30 (h) High standards and expectations for all students;
- 31 (i) High level of collaboration and communication;
- 32 (j) Aligned curriculum, instruction, and assessment to state
33 standards;
- 34 (k) Frequency of monitoring of learning and teaching;
- 35 (l) Focused professional development;
- 36 (m) Supportive learning environment;
- 37 (n) High level of family and community involvement;

1 (o) Alternative secondary schools best practices; and

2 (p) Any unique circumstances or characteristics of the school or
3 district.

4 (3) Audit findings must be made available to the local school
5 district, its staff, the community, and the state board of education.

6 NEW SECTION. **Sec. 105.** (1) The local district superintendent and
7 local school board of a school district designated as a required action
8 district must submit a required action plan to the state board of
9 education for approval. Unless otherwise required by subsection (3) of
10 this section, the plan must be submitted under a schedule as required
11 by the state board. A required action plan must be developed in
12 collaboration with administrators, teachers, and other staff, parents,
13 unions representing any employees within the district, students, and
14 other representatives of the local community. The superintendent of
15 public instruction shall provide a district with assistance in
16 developing its plan if requested. The school board must conduct a
17 public hearing to allow for comment on a proposed required action plan.
18 The local school district shall submit the plan first to the office of
19 the superintendent of public instruction to review and approve that the
20 plan is consistent with federal guidelines. After the office of the
21 superintendent of public instruction has approved that the plan is
22 consistent with federal guidelines, the local school district must
23 submit its required action plan to the state board of education for
24 approval.

25 (2) A required action plan must include all of the following:

26 (a) Implementation of one of the four federal intervention models
27 required for the receipt of a federal school improvement grant, for
28 those persistently lowest-achieving schools that the district will be
29 focusing on for required action. However, a district may not establish
30 a charter school under a federal intervention model without express
31 legislative authority. The intervention models are the turnaround,
32 restart, school closure, and transformation models. The intervention
33 model selected must address the concerns raised in the academic
34 performance audit and be intended to improve student performance to
35 allow a school district to be removed from the list of districts
36 designated as a required action district by the state board of
37 education within three years of implementation of the plan;

1 (b) Submission of an application for a federal school improvement
2 grant or a grant from other federal funds for school improvement to the
3 superintendent of public instruction;

4 (c) A budget that provides for adequate resources to implement the
5 federal model selected and any other requirements of the plan;

6 (d) A description of the changes in the district's or school's
7 existing policies, structures, agreements, processes, and practices
8 that are intended to attain significant achievement gains for all
9 students enrolled in the school and how the district intends to address
10 the findings of the academic performance audit; and

11 (e) Identification of the measures that the school district will
12 use in assessing student achievement at a school identified as a
13 persistently lowest-achieving school, which include improving
14 mathematics and reading student achievement and graduation rates as
15 defined by the office of the superintendent of public instruction that
16 enable the school to no longer be identified as a persistently lowest-
17 achieving school.

18 (3)(a) For any district designated for required action, the parties
19 to any collective bargaining agreement negotiated, renewed, or extended
20 under chapter 41.59 or 41.56 RCW after the effective date of this
21 section must reopen the agreement, or negotiate an addendum, if needed,
22 to make changes to terms and conditions of employment that are
23 necessary to implement a required action plan.

24 (b) If the school district and the employee organizations are
25 unable to agree on the terms of an addendum or modification to an
26 existing collective bargaining agreement, the parties, including all
27 labor organizations affected under the required action plan, shall
28 request the public employment relations commission to, and the
29 commission shall, appoint an employee of the commission to act as a
30 mediator to assist in the resolution of a dispute between the school
31 district and the employee organizations. Beginning in 2011, and each
32 year thereafter, mediation shall commence no later than April 15th.
33 All mediations held under this section shall include the employer and
34 representatives of all affected bargaining units.

35 (c) If the executive director of the public employment relations
36 commission, upon the recommendation of the assigned mediator, finds
37 that the employer and any affected bargaining unit are unable to reach
38 agreement following a reasonable period of negotiations and mediation,

1 but by no later than May 15th of the year in which mediation occurred,
2 the executive director shall certify any disputed issues for a decision
3 by the superior court in the county where the school district is
4 located. The issues for determination by the superior court must be
5 limited to the issues certified by the executive director.

6 (d) The process for filing with the court in this subsection (3)(d)
7 must be used in the case where the executive director certifies issues
8 for a decision by the superior court.

9 (i) The school district shall file a petition with the superior
10 court, by no later than May 20th of the same year in which the issues
11 were certified, setting forth the following:

12 (A) The name, address, and telephone number of the school district
13 and its principal representative;

14 (B) The name, address, and telephone number of the employee
15 organizations and their principal representatives;

16 (C) A description of the bargaining units involved;

17 (D) A copy of the unresolved issues certified by the executive
18 director for a final and binding decision by the court; and

19 (E) The academic performance audit that the office of the
20 superintendent of public instruction completed for the school district.

21 (ii) Within seven days after the filing of the petition, each party
22 shall file with the court the proposal it is asking the court to order
23 be implemented in a required action plan for the district for each
24 issue certified by the executive director. Contemporaneously with the
25 filing of the proposal, a party must file a brief with the court
26 setting forth the reasons why the court should order implementation of
27 its proposal in the final plan.

28 (iii) Following receipt of the proposals and briefs of the parties,
29 the court must schedule a date and time for a hearing on the petition.
30 The hearing must be limited to argument of the parties or their counsel
31 regarding the proposals submitted for the court's consideration. The
32 parties may waive a hearing by written agreement.

33 (iv) The court must enter an order selecting the proposal for
34 inclusion in a required action plan that best responds to the issues
35 raised in the school district's academic performance audit, and allows
36 for the award of a federal school improvement grant or a grant from
37 other federal funds for school improvement to the district from the
38 office of the superintendent of public instruction to implement one of

1 the four federal intervention models. The court's decision must be
2 issued no later than June 15th of the year in which the petition is
3 filed and is final and binding on the parties; however the court's
4 decision is subject to appeal only in the case where it does not allow
5 the school district to implement a required action plan consistent with
6 the requirements for the award of a federal school improvement grant or
7 other federal funds for school improvement by the superintendent of
8 public instruction.

9 (e) Each party shall bear its own costs and attorneys' fees
10 incurred under this statute.

11 (f) Any party that proceeds with the process in this section after
12 knowledge that any provision of this section has not been complied with
13 and who fails to state its objection in writing is deemed to have
14 waived its right to object.

15 (4) All contracts entered into between a school district and an
16 employee must be consistent with this section and allow school
17 districts designated as required action districts to implement one of
18 the four federal models in a required action plan.

19 NEW SECTION. **Sec. 106.** A required action plan developed by a
20 district's school board and superintendent must be submitted to the
21 state board of education for approval. The state board must accept for
22 inclusion in any required action plan the final decision by the
23 superior court on any issue certified by the executive director of the
24 public employment relations commission under the process in section 105
25 of this act. The state board of education shall approve a plan
26 proposed by a school district only if the plan meets the requirements
27 in section 105 of this act and provides sufficient remedies to address
28 the findings in the academic performance audit to improve student
29 achievement. Any addendum or modification to an existing collective
30 bargaining agreement, negotiated under section 105 of this act or by
31 agreement of the district and the exclusive bargaining unit, related to
32 student achievement or school improvement shall not go into effect
33 until approval of a required action plan by the state board of
34 education. If the state board does not approve a proposed plan, it
35 must notify the local school board and local district's superintendent
36 in writing with an explicit rationale for why the plan was not
37 approved. Nonapproval by the state board of education of the local

1 school district's initial required action plan submitted is not
2 intended to trigger any actions under section 108 of this act. With
3 the assistance of the office of the superintendent of public
4 instruction, the superintendent and school board of the required action
5 district shall either: (a) Submit a new plan to the state board of
6 education for approval within forty days of notification that its plan
7 was rejected, or (b) submit a request to the required action plan
8 review panel established under section 107 of this act for
9 reconsideration of the state board's rejection within ten days of the
10 notification that the plan was rejected. If federal funds are not
11 available, the plan is not required to be implemented until such
12 funding becomes available. If federal funds for this purpose are
13 available, a required action plan must be implemented in the immediate
14 school year following the district's designation as a required action
15 district.

16 NEW SECTION. **Sec. 107.** (1) A required action plan review panel
17 shall be established to offer an objective, external review of a
18 request from a school district for reconsideration of the state board
19 of education's rejection of the district's required action plan. The
20 review and reconsideration by the panel shall be based on whether the
21 state board of education gave appropriate consideration to the unique
22 circumstances and characteristics identified in the academic
23 performance audit of the local school district whose required action
24 plan was rejected.

25 (2)(a) The panel shall be composed of five individuals with
26 expertise in school improvement, school and district restructuring, or
27 parent and community involvement in schools. Two of the panel members
28 shall be appointed by the speaker of the house of representatives; two
29 shall be appointed by the president of the senate; and one shall be
30 appointed by the governor.

31 (b) The speaker of the house of representatives, president of the
32 senate, and governor shall solicit recommendations for possible panel
33 members from the Washington association of school administrators, the
34 Washington state school directors' association, the association of
35 Washington school principals, the achievement gap oversight and
36 accountability committee, and associations representing certificated
37 teachers, classified school employees, and parents.

1 (c) Members of the panel shall be appointed no later than December
2 1, 2010, but the superintendent of public instruction shall convene the
3 panel only as needed to consider a school district's request for
4 reconsideration. Appointments shall be for a four-year term, with
5 opportunity for reappointment. Reappointments in the case of a vacancy
6 shall be made expeditiously so that all requests are considered in a
7 timely manner.

8 (3) The required action plan review panel may reaffirm the decision
9 of the state board of education, recommend that the state board
10 reconsider the rejection, or recommend changes to the required action
11 plan that should be considered by the district and the state board of
12 education to secure approval of the plan. The state board of education
13 shall consider the recommendations of the panel and issue a decision in
14 writing to the local school district and the panel. If the school
15 district must submit a new required action plan to the state board of
16 education, the district must submit the plan within forty days of the
17 board's decision.

18 (4) The state board of education and superintendent of public
19 instruction must develop timelines and procedures for the deliberations
20 under this section so that school districts can implement a required
21 action plan within the time frame required under section 106 of this
22 act.

23 NEW SECTION. **Sec. 108.** The state board of education may direct
24 the superintendent of public instruction to require a school district
25 that has not submitted a final required action plan for approval, or
26 has submitted but not received state board of education approval of a
27 required action plan by the beginning of the school year in which the
28 plan is intended to be implemented, to redirect the district's Title I
29 funds based on the academic performance audit findings.

30 NEW SECTION. **Sec. 109.** A school district must implement a
31 required action plan upon approval by the state board of education.
32 The office of superintendent of public instruction must provide the
33 required action district with technical assistance and federal school
34 improvement grant funds or other federal funds for school improvement,
35 if available, to implement an approved plan. The district must submit
36 a report to the superintendent of public instruction that provides the

1 progress the district is making in meeting the student achievement
2 goals based on the state's assessments, identifying strategies and
3 assets used to solve audit findings, and establishing evidence of
4 meeting plan implementation benchmarks as set forth in the required
5 action plan.

6 NEW SECTION. **Sec. 110.** (1) The superintendent of public
7 instruction must provide a report twice per year to the state board of
8 education regarding the progress made by all school districts
9 designated as required action districts.

10 (2) The superintendent of public instruction must recommend to the
11 state board of education that a school district be released from the
12 designation as a required action district after the district implements
13 a required action plan for a period of three years; has made progress,
14 as defined by the superintendent of public instruction, in reading and
15 mathematics on the state's assessment over the past three consecutive
16 years; and no longer has a school within the district identified as
17 persistently lowest achieving. The state board shall release a school
18 district from the designation as a required action district upon
19 confirmation that the district has met the requirements for a release.

20 (3) If the state board of education determines that the required
21 action district has not met the requirements for release, the district
22 remains in required action and must submit a new or revised plan under
23 the process in section 105 of this act.

24 **Sec. 111.** RCW 28A.305.225 and 2009 c 548 s 503 are each amended to
25 read as follows:

26 (1) The state board of education shall continue to refine the
27 development of an accountability framework that creates a unified
28 system of support for challenged schools, that aligns with basic
29 education, increases the level of support based upon the magnitude of
30 need, and uses data for decisions.

31 (2) The state board of education shall develop an accountability
32 index to identify schools and districts for recognition, for continuous
33 improvement, and for additional state support. The index shall be
34 based on criteria that are fair, consistent, and transparent.
35 Performance shall be measured using multiple outcomes and indicators
36 including, but not limited to, graduation rates and results from

1 statewide assessments. The index shall be developed in such a way as
2 to be easily understood by both employees within the schools and
3 districts, as well as parents and community members. It is the
4 legislature's intent that the index provide feedback to schools and
5 districts to self-assess their progress, and enable the identification
6 of schools with exemplary student performance and those that need
7 assistance to overcome challenges in order to achieve exemplary student
8 performance. ~~((Once the accountability index has identified schools
9 that need additional help, a more thorough analysis will be done to
10 analyze specific conditions in the district including but not limited
11 to the level of state resources a school or school district receives in
12 support of the basic education system, achievement gaps for different
13 groups of students, and community support.~~

14 ~~(3) Based on the accountability index and in consultation with the
15 superintendent of public instruction, the state board of education
16 shall develop a proposal and timeline for implementation of a
17 comprehensive system of voluntary support and assistance for schools
18 and districts. The timeline must take into account and accommodate
19 capacity limitations of the K-12 educational system. Changes that have
20 a fiscal impact on school districts, as identified by a fiscal analysis
21 prepared by the office of the superintendent of public instruction,
22 shall take effect only if formally authorized by the legislature
23 through the omnibus appropriations act or other enacted legislation.~~

24 ~~(4)(a) The state board of education shall develop a proposal and
25 implementation timeline for a more formalized comprehensive system
26 improvement targeted to challenged schools and districts that have not
27 demonstrated sufficient improvement through the voluntary system. The
28 timeline must take into account and accommodate capacity limitations of
29 the K-12 educational system. The proposal and timeline shall be
30 submitted to the education committees of the legislature by December 1,
31 2009, and shall include recommended legislation and recommended
32 resources to implement the system according to the timeline developed.~~

33 ~~(b) The proposal shall outline a process for addressing performance
34 challenges that will include the following features: (i) An academic
35 performance audit using peer review teams of educators that considers
36 school and community factors in addition to other factors in developing
37 recommended specific corrective actions that should be undertaken to
38 improve student learning; (ii) a requirement for the local school board~~

1 ~~plan to develop and be responsible for implementation of corrective~~
2 ~~action plan taking into account the audit findings, which plan must be~~
3 ~~approved by the state board of education at which time the plan becomes~~
4 ~~binding upon the school district to implement; and (iii) monitoring of~~
5 ~~local district progress by the office of the superintendent of public~~
6 ~~instruction. The proposal shall take effect only if formally~~
7 ~~authorized by the legislature through the omnibus appropriations act or~~
8 ~~other enacted legislation.~~

9 ~~(5))~~ (3) The state board of education, in cooperation with the
10 office of the superintendent of public instruction, shall annually
11 recognize schools for exemplary performance as measured on the state
12 board of education accountability index. The state board of education
13 shall have ongoing collaboration with the achievement gap oversight and
14 accountability committee regarding the measures used to measure the
15 closing of the achievement gaps and the recognition provided to the
16 school districts for closing the achievement gaps.

17 (4) In coordination with the superintendent of public instruction,
18 the state board of education shall seek approval from the United States
19 department of education for use of the accountability index and the
20 state system of support, assistance, and intervention, to replace the
21 federal accountability system under P.L. 107-110, the no child left
22 behind act of 2001.

23 ~~((6))~~ (5) The state board of education shall work with the
24 education data center established within the office of financial
25 management and the technical working group established in section 112,
26 chapter 548, Laws of 2009 to determine the feasibility of using the
27 prototypical funding allocation model as not only a tool for allocating
28 resources to schools and districts but also as a tool for schools and
29 districts to report to the state legislature and the state board of
30 education on how the state resources received are being used.

31 NEW SECTION. Sec. 112. The definitions in this section apply
32 throughout this chapter unless the context clearly requires otherwise.

33 (1) "All students group" means those students in grades three
34 through eight and high school who take the state's assessment in
35 reading and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

36 (2) "Title I" means Title I, part A of the federal elementary and
37 secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

1 NEW SECTION. **Sec. 113.** The superintendent of public instruction
2 and the state board of education may each adopt rules in accordance
3 with chapter 34.05 RCW as necessary to implement this chapter.

4 NEW SECTION. **Sec. 114.** (1) The legislature finds that a unified
5 and equitable system of education accountability must include
6 expectations and benchmarks for improvement, along with support for
7 schools and districts to make the necessary changes that will lead to
8 success for all students. Such a system must also clearly address the
9 consequences for persistent lack of improvement. Establishing a
10 process for school districts to prepare and implement a required action
11 plan is one such consequence. However, to be truly accountable to
12 students, parents, the community, and taxpayers, the legislature must
13 also consider what should happen if a required action district
14 continues not to make improvement after an extended period of time.
15 Without an answer to this significant question, the state's system of
16 education accountability is incomplete. Furthermore, accountability
17 must be appropriately shared among various levels of decision makers,
18 including in the building, in the district, and at the state.

19 (2)(a) A joint select committee on education accountability is
20 established beginning no earlier than May 1, 2012, with the following
21 members:

22 (i) The president of the senate shall appoint two members from each
23 of the two largest caucuses of the senate.

24 (ii) The speaker of the house of representatives shall appoint two
25 members from each of the two largest caucuses of the house of
26 representatives.

27 (b) The committee shall choose its cochairs from among its
28 membership.

29 (3) The committee shall:

30 (a) Identify and analyze options for a complete system of education
31 accountability, particularly consequences in the case of persistent
32 lack of improvement by a required action district;

33 (b) Identify and analyze appropriate decision-making
34 responsibilities and accompanying consequences at the building,
35 district, and state level within such an accountability system;

36 (c) Examine models and experiences in other states;

1 (d) Identify the circumstances under which significant state action
2 may be required; and

3 (e) Analyze the financial, legal, and practical considerations that
4 would accompany significant state action.

5 (4) Staff support for the committee must be provided by the senate
6 committee services and the house of representatives office of program
7 research.

8 (5) The committee shall submit an interim report to the education
9 committees of the legislature by September 1, 2012, and a final report
10 with recommendations by September 1, 2013.

11 (6) This section expires June 30, 2014.

12 **PART II**
13 **EVALUATIONS**

14 **Sec. 201.** RCW 28A.150.230 and 2006 c 263 s 201 are each amended to
15 read as follows:

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

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

30 (a) Establish performance criteria and an evaluation process for
31 its superintendent, classified staff, certificated personnel, including
32 administrative staff, and for all programs constituting a part of such
33 district's curriculum. Each district shall report annually to the
34 superintendent of public instruction the following for each employee
35 group listed in this subsection (2)(a): (i) Evaluation criteria and

1 rubrics; (ii) a description of each rating; and (iii) the number of
2 staff in each rating;

3 (b) Determine the final assignment of staff, certificated or
4 classified, according to board enumerated classroom and program needs
5 and data, based upon a plan to ensure that the assignment policy: (i)
6 Supports the learning needs of all the students in the district; and
7 (ii) gives specific attention to high-need schools and classrooms;

8 (c) Provide information to the local community and its electorate
9 describing the school district's policies concerning hiring, assigning,
10 terminating, and evaluating staff, including the criteria for
11 evaluating teachers and principals;

12 (d) Determine the amount of instructional hours necessary for any
13 student to acquire a quality education in such district, in not less
14 than an amount otherwise required in RCW 28A.150.220, or rules of the
15 state board of education;

16 ~~((+d))~~ (e) Determine the allocation of staff time, whether
17 certificated or classified;

18 ~~((+e))~~ (f) Establish final curriculum standards consistent with
19 law and rules of the superintendent of public instruction, relevant to
20 the particular needs of district students or the unusual
21 characteristics of the district, and ensuring a quality education for
22 each student in the district; and

23 ~~((+f))~~ (g) Evaluate teaching materials, including text books,
24 teaching aids, handouts, or other printed material, in public hearing
25 upon complaint by parents, guardians or custodians of students who
26 consider dissemination of such material to students objectionable.

27 **Sec. 202.** RCW 28A.405.100 and 1997 c 278 s 1 are each amended to
28 read as follows:

29 (1)(a) Except as provided in subsection (2) of this section, the
30 superintendent of public instruction shall establish and may amend from
31 time to time minimum criteria for the evaluation of the professional
32 performance capabilities and development of certificated classroom
33 teachers and certificated support personnel. For classroom teachers
34 the criteria shall be developed in the following categories:
35 Instructional skill; classroom management, professional preparation and
36 scholarship; effort toward improvement when needed; the handling of

1 student discipline and attendant problems; and interest in teaching
2 pupils and knowledge of subject matter.

3 (b) Every board of directors shall, in accordance with procedure
4 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
5 establish evaluative criteria and procedures for all certificated
6 classroom teachers and certificated support personnel. The evaluative
7 criteria must contain as a minimum the criteria established by the
8 superintendent of public instruction pursuant to this section and must
9 be prepared within six months following adoption of the superintendent
10 of public instruction's minimum criteria. The district must certify to
11 the superintendent of public instruction that evaluative criteria have
12 been so prepared by the district.

13 (2)(a) Pursuant to the implementation schedule established in
14 subsection (7)(b) of this section, every board of directors shall, in
15 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
16 41.59.910, and 41.59.920, establish revised evaluative criteria and a
17 four-level rating system for all certificated classroom teachers.

18 (b) The minimum criteria shall include: (i) Centering instruction
19 on high expectations for student achievement; (ii) demonstrating
20 effective teaching practices; (iii) recognizing individual student
21 learning needs and developing strategies to address those needs; (iv)
22 providing clear and intentional focus on subject matter content and
23 curriculum; (v) fostering and managing a safe, positive learning
24 environment; (vi) using multiple student data elements to modify
25 instruction and improve student learning; (vii) communicating and
26 collaborating with parents and school community; and (viii) exhibiting
27 collaborative and collegial practices focused on improving
28 instructional practice and student learning.

29 (c) The four-level rating system used to evaluate the certificated
30 classroom teacher must describe performance along a continuum that
31 indicates the extent to which the criteria have been met or exceeded.
32 When student growth data, if available and relevant to the teacher and
33 subject matter, is referenced in the evaluation process it must be
34 based on multiple measures that can include classroom-based, school-
35 based, district-based, and state-based tools. As used in this
36 subsection, "student growth" means the change in student achievement
37 between two points in time.

1 (3)(a) Except as provided in subsection ~~((+5+))~~ (10) of this
2 section, it shall be the responsibility of a principal or his or her
3 designee to evaluate all certificated personnel in his or her school.
4 During each school year all classroom teachers and certificated support
5 personnel ~~((, hereinafter referred to as "employees" in this section,))~~
6 shall be observed for the purposes of evaluation at least twice in the
7 performance of their assigned duties. Total observation time for each
8 employee for each school year shall be not less than sixty minutes. An
9 employee in the third year of provisional status as defined in RCW
10 28A.405.220 shall be observed at least three times in the performance
11 of his or her duties and the total observation time for the school year
12 shall not be less than ninety minutes. Following each observation, or
13 series of observations, the principal or other evaluator shall promptly
14 document the results of the observation in writing, and shall provide
15 the employee with a copy thereof within three days after such report is
16 prepared. New employees shall be observed at least once for a total
17 observation time of thirty minutes during the first ninety calendar
18 days of their employment period.

19 (b) As used in this subsection and subsection (4) of this section,
20 "employees" means classroom teachers and certificated support
21 personnel.

22 (4)(a) At any time after October 15th, an employee whose work is
23 not judged ~~((unsatisfactory))~~ satisfactory based on district evaluation
24 criteria shall be notified in writing of the specific areas of
25 deficiencies along with a reasonable program for improvement. During
26 the period of probation, the employee may not be transferred from the
27 supervision of the original evaluator. Improvement of performance or
28 probable cause for nonrenewal must occur and be documented by the
29 original evaluator before any consideration of a request for transfer
30 or reassignment as contemplated by either the individual or the school
31 district. A probationary period of sixty school days shall be
32 established. The establishment of a probationary period does not
33 adversely affect the contract status of an employee within the meaning
34 of RCW 28A.405.300. The purpose of the probationary period is to give
35 the employee opportunity to demonstrate improvements in his or her
36 areas of deficiency. The establishment of the probationary period and
37 the giving of the notice to the employee of deficiency shall be by the
38 school district superintendent and need not be submitted to the board

1 of directors for approval. During the probationary period the
2 evaluator shall meet with the employee at least twice monthly to
3 supervise and make a written evaluation of the progress, if any, made
4 by the employee. The evaluator may authorize one additional
5 certificated employee to evaluate the probationer and to aid the
6 employee in improving his or her areas of deficiency; such additional
7 certificated employee shall be immune from any civil liability that
8 might otherwise be incurred or imposed with regard to the good faith
9 performance of such evaluation. The probationer may be removed from
10 probation if he or she has demonstrated improvement to the satisfaction
11 of the principal in those areas specifically detailed in his or her
12 initial notice of deficiency and subsequently detailed in his or her
13 improvement program. Lack of necessary improvement during the
14 established probationary period, as specifically documented in writing
15 with notification to the probationer and shall constitute grounds for
16 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

17 (b) Immediately following the completion of a probationary period
18 that does not produce performance changes detailed in the initial
19 notice of deficiencies and improvement program, the employee may be
20 removed from his or her assignment and placed into an alternative
21 assignment for the remainder of the school year. This reassignment may
22 not displace another employee nor may it adversely affect the
23 probationary employee's compensation or benefits for the remainder of
24 the employee's contract year. If such reassignment is not possible,
25 the district may, at its option, place the employee on paid leave for
26 the balance of the contract term.

27 ~~((+2))~~ (5) Every board of directors shall establish evaluative
28 criteria and procedures for all superintendents, principals, and other
29 administrators. It shall be the responsibility of the district
30 superintendent or his or her designee to evaluate all administrators.
31 Except as provided in subsection (6) of this section, such evaluation
32 shall be based on the administrative position job description. Such
33 criteria, when applicable, shall include at least the following
34 categories: Knowledge of, experience in, and training in recognizing
35 good professional performance, capabilities and development; school
36 administration and management; school finance; professional preparation
37 and scholarship; effort toward improvement when needed; interest in

1 pupils, employees, patrons and subjects taught in school; leadership;
2 and ability and performance of evaluation of school personnel.

3 ((+3)) (6)(a) Pursuant to the implementation schedule established
4 by subsection (7)(b) of this section, every board of directors shall
5 establish revised evaluative criteria and a four-level rating system
6 for principals.

7 (b) The minimum criteria shall include: (i) Creating a school
8 culture that promotes the ongoing improvement of learning and teaching
9 for students and staff; (ii) demonstrating commitment to closing the
10 achievement gap; (iii) providing for school safety; (iv) leading the
11 development, implementation, and evaluation of a data-driven plan for
12 increasing student achievement, including the use of multiple student
13 data elements; (v) assisting instructional staff with alignment of
14 curriculum, instruction, and assessment with state and local district
15 learning goals; (vi) monitoring, assisting, and evaluating effective
16 instruction and assessment practices; (vii) managing both staff and
17 fiscal resources to support student achievement and legal
18 responsibilities; and (viii) partnering with the school community to
19 promote student learning.

20 (c) The four-level rating system used to evaluate the principal
21 must describe performance along a continuum that indicates the extent
22 to which the criteria have been met or exceeded. When available,
23 student growth data that is referenced in the evaluation process must
24 be based on multiple measures that can include classroom-based, school-
25 based, district-based, and state-based tools. As used in this
26 subsection, "student growth" means the change in student achievement
27 between two points in time.

28 (7)(a) The superintendent of public instruction, in collaboration
29 with state associations representing teachers, principals,
30 administrators, and parents, shall create models for implementing the
31 evaluation system criteria, student growth tools, professional
32 development programs, and evaluator training for certificated classroom
33 teachers and principals. Human resources specialists, professional
34 development experts, and assessment experts must also be consulted.
35 Due to the diversity of teaching assignments and the many developmental
36 levels of students, classroom teachers and principals must be
37 prominently represented in this work. The models must be available for
38 use in the 2011-12 school year.

1 (b) A new certificated classroom teacher evaluation system that
2 implements the provisions of subsection (2) of this section and a new
3 principal evaluation system that implements the provisions of
4 subsection (6) of this section shall be phased-in beginning with the
5 2010-11 school year by districts identified in (c) of this subsection
6 and implemented in all school districts beginning with the 2013-14
7 school year.

8 (c) A set of school districts shall be selected by the
9 superintendent of public instruction to participate in a collaborative
10 process resulting in the development and piloting of new certificated
11 classroom teacher and principal evaluation systems during the 2010-11
12 and 2011-12 school years. These school districts must be selected
13 based on: (i) The agreement of the local associations representing
14 classroom teachers and principals to collaborate with the district in
15 this developmental work and (ii) the agreement to participate in the
16 full range of development and implementation activities, including:
17 Development of rubrics for the evaluation criteria and ratings in
18 subsections (2) and (6) of this section; identification of or
19 development of appropriate multiple measures of student growth in
20 subsections (2) and (6) of this section; development of appropriate
21 evaluation system forms; participation in professional development for
22 principals and classroom teachers regarding the content of the new
23 evaluation system; participation in evaluator training; and
24 participation in activities to evaluate the effectiveness of the new
25 systems and support programs. The school districts must submit to the
26 office of the superintendent of public instruction data that is used in
27 evaluations and all district-collected student achievement, aptitude,
28 and growth data regardless of whether the data is used in evaluations.
29 If the data is not available electronically, the district may submit it
30 in nonelectronic form. The superintendent of public instruction must
31 analyze the districts' use of student data in evaluations, including
32 examining the extent that student data is not used or is underutilized.
33 The superintendent of public instruction must also consult with
34 participating districts and stakeholders, recommend appropriate
35 changes, and address statewide implementation issues. The
36 superintendent of public instruction shall report evaluation system
37 implementation status, evaluation data, and recommendations to
38 appropriate committees of the legislature and governor by July 1, 2011,

1 and at the conclusion of the development phase by July 1, 2012. In the
2 July 1, 2011 report, the superintendent shall include recommendations
3 for whether a single statewide evaluation model should be adopted,
4 whether modified versions developed by school districts should be
5 subject to state approval, and what the criteria would be for
6 determining if a school district's evaluation model meets or exceeds a
7 statewide model. The report shall also identify challenges posed by
8 requiring a state approval process.

9 (8) Each certificated ((employee)) classroom teacher and
10 certificated support personnel shall have the opportunity for
11 confidential conferences with his or her immediate supervisor on no
12 less than two occasions in each school year. Such confidential
13 conference shall have as its sole purpose the aiding of the
14 administrator in his or her assessment of the employee's professional
15 performance.

16 ((+4)) (9) The failure of any evaluator to evaluate or supervise
17 or cause the evaluation or supervision of certificated ((employees))
18 classroom teachers and certificated support personnel or administrators
19 in accordance with this section, as now or hereafter amended, when it
20 is his or her specific assigned or delegated responsibility to do so,
21 shall be sufficient cause for the nonrenewal of any such evaluator's
22 contract under RCW 28A.405.210, or the discharge of such evaluator
23 under RCW 28A.405.300.

24 ((+5)) (10) After ((an employee)) a certificated classroom teacher
25 or certificated support personnel has four years of satisfactory
26 evaluations under subsection (1) of this section or has received one of
27 the two top ratings for four years under subsection (2) of this
28 section, a school district may use a short form of evaluation, a
29 locally bargained evaluation emphasizing professional growth, an
30 evaluation under subsection (1) or (2) of this section, or any
31 combination thereof. The short form of evaluation shall include either
32 a thirty minute observation during the school year with a written
33 summary or a final annual written evaluation based on the criteria in
34 subsection (1) or (2) of this section and based on at least two
35 observation periods during the school year totaling at least sixty
36 minutes without a written summary of such observations being prepared.
37 A locally bargained short-form evaluation emphasizing professional
38 growth must provide that the professional growth activity conducted by

1 the certificated classroom teacher be specifically linked to one or
2 more of the certificated classroom teacher evaluation criteria.
3 However, the evaluation process set forth in subsection (1) or (2) of
4 this section shall be followed at least once every three years unless
5 this time is extended by a local school district under the bargaining
6 process set forth in chapter 41.59 RCW. The employee or evaluator may
7 require that the evaluation process set forth in subsection (1) or (2)
8 of this section be conducted in any given school year. No evaluation
9 other than the evaluation authorized under subsection (1) or (2) of
10 this section may be used as a basis for determining that an employee's
11 work is (~~unsatisfactory~~) not satisfactory under subsection (1) or (2)
12 of this section or as probable cause for the nonrenewal of an
13 employee's contract under RCW 28A.405.210 unless an evaluation process
14 developed under chapter 41.59 RCW determines otherwise.

15 **Sec. 203.** RCW 28A.405.220 and 2009 c 57 s 2 are each amended to
16 read as follows:

17 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
18 employed by a school district in a teaching or other nonsupervisory
19 certificated position shall be subject to nonrenewal of employment
20 contract as provided in this section during the first (~~two~~) three
21 years of employment by such district, unless: (a) The employee has
22 previously completed at least two years of certificated employment in
23 another school district in the state of Washington, in which case the
24 employee shall be subject to nonrenewal of employment contract pursuant
25 to this section during the first year of employment with the new
26 district; or (b) the school district superintendent may make a
27 determination to remove an employee from provisional status if the
28 employee has received one of the top two evaluation ratings during the
29 second year of employment by the district. Employees as defined in
30 this section shall hereinafter be referred to as "provisional
31 employees(~~is~~)."

32 (2) In the event the superintendent of the school district
33 determines that the employment contract of any provisional employee
34 should not be renewed by the district for the next ensuing term such
35 provisional employee shall be notified thereof in writing on or before
36 May 15th preceding the commencement of such school term, or if the
37 omnibus appropriations act has not passed the legislature by May 15th,

1 then notification shall be no later than June 15th, which notification
2 shall state the reason or reasons for such determination. Such notice
3 shall be served upon the provisional employee personally, or by
4 certified or registered mail, or by leaving a copy of the notice at the
5 place of his or her usual abode with some person of suitable age and
6 discretion then resident therein. The determination of the
7 superintendent shall be subject to the evaluation requirements of RCW
8 28A.405.100.

9 (3) Every such provisional employee so notified, at his or her
10 request made in writing and filed with the superintendent of the
11 district within ten days after receiving such notice, shall be given
12 the opportunity to meet informally with the superintendent for the
13 purpose of requesting the superintendent to reconsider his or her
14 decision. Such meeting shall be held no later than ten days following
15 the receipt of such request, and the provisional employee shall be
16 given written notice of the date, time and place of meeting at least
17 three days prior thereto. At such meeting the provisional employee
18 shall be given the opportunity to refute any facts upon which the
19 superintendent's determination was based and to make any argument in
20 support of his or her request for reconsideration.

21 (4) Within ten days following the meeting with the provisional
22 employee, the superintendent shall either reinstate the provisional
23 employee or shall submit to the school district board of directors for
24 consideration at its next regular meeting a written report recommending
25 that the employment contract of the provisional employee be nonrenewed
26 and stating the reason or reasons therefor. A copy of such report
27 shall be delivered to the provisional employee at least three days
28 prior to the scheduled meeting of the board of directors. In taking
29 action upon the recommendation of the superintendent, the board of
30 directors shall consider any written communication which the
31 provisional employee may file with the secretary of the board at any
32 time prior to that meeting.

33 (5) The board of directors shall notify the provisional employee in
34 writing of its final decision within ten days following the meeting at
35 which the superintendent's recommendation was considered. The decision
36 of the board of directors to nonrenew the contract of a provisional
37 employee shall be final and not subject to appeal.

1 (6) This section applies to any person employed by a school
2 district in a teaching or other nonsupervisory certificated position
3 after June 25, 1976. This section provides the exclusive means for
4 nonrenewing the employment contract of a provisional employee and no
5 other provision of law shall be applicable thereto, including, without
6 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

7 **NEW SECTION. Sec. 204.** A new section is added to chapter 28A.405
8 RCW to read as follows:

9 (1) Representatives of the office of the superintendent of public
10 instruction and statewide associations representing administrators,
11 principals, human resources specialists, and certificated classroom
12 teachers shall analyze how the evaluation systems in RCW 28A.405.100
13 (2) and (6) affect issues related to a change in contract status.

14 (2) The analysis shall be conducted during each of the phase-in
15 years of the certificated classroom teacher and principal evaluation
16 systems. The analysis shall include: Procedures, timelines,
17 probationary periods, appeal procedures, and other items related to the
18 timely exercise of employment decisions and due process provisions for
19 certificated classroom teachers and principals.

20 **NEW SECTION. Sec. 205.** A new section is added to chapter 28A.405
21 RCW to read as follows:

22 If funds are provided for professional development activities
23 designed specifically for first through third-year teachers, the funds
24 shall be allocated first to districts participating in the evaluation
25 systems in RCW 28A.405.100 (2) and (6) before the required
26 implementation date under that section.

27 **PART III**

28 **PRINCIPAL PERFORMANCE**

29 **NEW SECTION. Sec. 301.** The legislature finds that the presence of
30 highly effective principals in schools has never been more important
31 than it is today. To enable students to meet high academic standards,
32 principals must lead and encourage teams of teachers and support staff
33 to work together, align curriculum and instruction, use student data to
34 target instruction and intervention strategies, and serve as the chief

1 school officer with parents and the community. Greater responsibility
2 should come with greater authority over personnel, budgets, resource
3 allocation, and programs. But greater responsibility also comes with
4 greater accountability for outcomes. Washington is putting into place
5 an updated and rigorous system of evaluating principal performance, one
6 that will measure what matters. This system will never be truly
7 effective unless the results are meaningfully used.

8 NEW SECTION. **Sec. 302.** A new section is added to chapter 28A.405
9 RCW to read as follows:

10 (1) Any certificated employee of a school district under this
11 section who is first employed as a principal after the effective date
12 of this section shall be subject to transfer as provided under this
13 section, at the expiration of the term of his or her employment
14 contract, to any subordinate certificated position within the school
15 district. "Subordinate certificated position" as used in this section
16 means any administrative or nonadministrative certificated position for
17 which the annual compensation is less than the position currently held
18 by the administrator. This section applies only to school districts
19 with an annual average student enrollment of more than thirty-five
20 thousand full-time equivalent students.

21 (2) During the first three consecutive school years of employment
22 as a principal by the school district, or during the first full school
23 year of such employment in the case of a principal who has been
24 previously employed as a principal by another school district in the
25 state for three or more consecutive school years, the transfer of the
26 principal to a subordinate certificated position may be made by a
27 determination of the superintendent that the best interests of the
28 school district would be served by the transfer.

29 (3) Commencing with the fourth consecutive school year of
30 employment as a principal, or the second consecutive school year of
31 such employment in the case of a principal who has been previously
32 employed as a principal by another school district in the state for
33 three or more consecutive school years, the transfer of the principal
34 to a subordinate certificated position shall be based on the
35 superintendent's determination that the results of the evaluation of
36 the principal's performance using the evaluative criteria and rating
37 system established under RCW 28A.405.100 provide a valid reason for the

1 transfer without regard to whether there is probable cause for the
2 transfer. If a valid reason is shown, it shall be deemed that the
3 transfer is reasonably related to the principal's performance. No
4 probationary period is required. However, provision of support and an
5 attempt at remediation of the performance of the principal, as defined
6 by the superintendent, are required for a determination by the
7 superintendent under this subsection that the principal should be
8 transferred to a subordinate certificated position.

9 (4) Any superintendent transferring a principal under this section
10 to a subordinate certificated position shall notify that principal in
11 writing on or before May 15th before the beginning of the school year
12 of that determination, or if the omnibus appropriations act has not
13 passed the legislature by May 15th, then notification shall be no later
14 than June 15th. The notification shall state the reason or reasons for
15 the transfer and shall identify the subordinate certificated position
16 to which the principal will be transferred. The notification shall be
17 served upon the principal personally, or by certified or registered
18 mail, or by leaving a copy of the notice at the place of his or her
19 usual abode with some person of suitable age and discretion then
20 resident therein.

21 (5) Any principal so notified may request to the president or chair
22 of the board of directors of the district, in writing and within ten
23 days after receiving notice, an opportunity to meet informally with the
24 board of directors in an executive session for the purpose of
25 requesting the board to reconsider the decision of the superintendent,
26 and shall be given such opportunity. The board, upon receipt of such
27 request, shall schedule the meeting for no later than the next
28 regularly scheduled meeting of the board, and shall give the principal
29 written notice at least three days before the meeting of the date,
30 time, and place of the meeting. At the meeting the principal shall be
31 given the opportunity to refute any evidence upon which the
32 determination was based and to make any argument in support of his or
33 her request for reconsideration. The principal and the board may
34 invite their respective legal counsel to be present and to participate
35 at the meeting. The board shall notify the principal in writing of its
36 final decision within ten days following its meeting with the
37 principal. No appeal to the courts shall lie from the final decision

1 of the board of directors to transfer a principal to a subordinate
2 certificated position.

3 (6) This section provides the exclusive means for transferring a
4 certificated employee first employed by a school district under this
5 section as a principal after the effective date of this section to a
6 subordinate certificated position at the expiration of the term of his
7 or her employment contract.

8 **Sec. 303.** RCW 28A.405.210 and 2009 c 57 s 1 are each amended to
9 read as follows:

10 No teacher, principal, supervisor, superintendent, or other
11 certificated employee, holding a position as such with a school
12 district, hereinafter referred to as "employee", shall be employed
13 except by written order of a majority of the directors of the district
14 at a regular or special meeting thereof, nor unless he or she is the
15 holder of an effective teacher's certificate or other certificate
16 required by law or the Washington professional educator standards board
17 for the position for which the employee is employed.

18 The board shall make with each employee employed by it a written
19 contract, which shall be in conformity with the laws of this state, and
20 except as otherwise provided by law, limited to a term of not more than
21 one year. Every such contract shall be made in duplicate, one copy to
22 be retained by the school district superintendent or secretary and one
23 copy to be delivered to the employee. No contract shall be offered by
24 any board for the employment of any employee who has previously signed
25 an employment contract for that same term in another school district of
26 the state of Washington unless such employee shall have been released
27 from his or her obligations under such previous contract by the board
28 of directors of the school district to which he or she was obligated.
29 Any contract signed in violation of this provision shall be void.

30 In the event it is determined that there is probable cause or
31 causes that the employment contract of an employee should not be
32 renewed by the district for the next ensuing term such employee shall
33 be notified in writing on or before May 15th preceding the commencement
34 of such term of that determination, or if the omnibus appropriations
35 act has not passed the legislature by May 15th, then notification shall
36 be no later than June 15th, which notification shall specify the cause
37 or causes for nonrenewal of contract. Such determination of probable

1 cause for certificated employees, other than the superintendent, shall
2 be made by the superintendent. Such notice shall be served upon the
3 employee personally, or by certified or registered mail, or by leaving
4 a copy of the notice at the house of his or her usual abode with some
5 person of suitable age and discretion then resident therein. Every
6 such employee so notified, at his or her request made in writing and
7 filed with the president, chair or secretary of the board of directors
8 of the district within ten days after receiving such notice, shall be
9 granted opportunity for hearing pursuant to RCW 28A.405.310 to
10 determine whether there is sufficient cause or causes for nonrenewal of
11 contract: PROVIDED, That any employee receiving notice of nonrenewal
12 of contract due to an enrollment decline or loss of revenue may, in his
13 or her request for a hearing, stipulate that initiation of the
14 arrangements for a hearing officer as provided for by RCW
15 28A.405.310(4) shall occur within ten days following July 15 rather
16 than the day that the employee submits the request for a hearing. If
17 any such notification or opportunity for hearing is not timely given,
18 the employee entitled thereto shall be conclusively presumed to have
19 been reemployed by the district for the next ensuing term upon
20 contractual terms identical with those which would have prevailed if
21 his or her employment had actually been renewed by the board of
22 directors for such ensuing term.

23 This section shall not be applicable to "provisional employees" as
24 so designated in RCW 28A.405.220; transfer to a subordinate
25 certificated position as that procedure is set forth in RCW 28A.405.230
26 or section 302 of this act shall not be construed as a nonrenewal of
27 contract for the purposes of this section.

28 **Sec. 304.** RCW 28A.405.230 and 2009 c 57 s 3 are each amended to
29 read as follows:

30 Any certificated employee of a school district employed as an
31 assistant superintendent, director, principal, assistant principal,
32 coordinator, or in any other supervisory or administrative position,
33 hereinafter in this section referred to as "administrator", shall be
34 subject to transfer, at the expiration of the term of his or her
35 employment contract, to any subordinate certificated position within
36 the school district. "Subordinate certificated position" as used in

1 this section, shall mean any administrative or nonadministrative
2 certificated position for which the annual compensation is less than
3 the position currently held by the administrator.

4 Every superintendent determining that the best interests of the
5 school district would be served by transferring any administrator to a
6 subordinate certificated position shall notify that administrator in
7 writing on or before May 15th preceding the commencement of such school
8 term of that determination, or if the omnibus appropriations act has
9 not passed the legislature by May 15th, then notification shall be no
10 later than June 15th, which notification shall state the reason or
11 reasons for the transfer, and shall identify the subordinate
12 certificated position to which the administrator will be transferred.
13 Such notice shall be served upon the administrator personally, or by
14 certified or registered mail, or by leaving a copy of the notice at the
15 place of his or her usual abode with some person of suitable age and
16 discretion then resident therein.

17 Every such administrator so notified, at his or her request made in
18 writing and filed with the president or chair, or secretary of the
19 board of directors of the district within ten days after receiving such
20 notice, shall be given the opportunity to meet informally with the
21 board of directors in an executive session thereof for the purpose of
22 requesting the board to reconsider the decision of the superintendent.
23 Such board, upon receipt of such request, shall schedule the meeting
24 for no later than the next regularly scheduled meeting of the board,
25 and shall notify the administrator in writing of the date, time and
26 place of the meeting at least three days prior thereto. At such
27 meeting the administrator shall be given the opportunity to refute any
28 facts upon which the determination was based and to make any argument
29 in support of his or her request for reconsideration. The
30 administrator and the board may invite their respective legal counsel
31 to be present and to participate at the meeting. The board shall
32 notify the administrator in writing of its final decision within ten
33 days following its meeting with the administrator. No appeal to the
34 courts shall lie from the final decision of the board of directors to
35 transfer an administrator to a subordinate certificated position:
36 PROVIDED, That in the case of principals such transfer shall be made at
37 the expiration of the contract year and only during the first three
38 consecutive school years of employment as a principal by a school

1 district; except that if any such principal has been previously
2 employed as a principal by another school district in the state of
3 Washington for three or more consecutive school years the provisions of
4 this section shall apply only to the first full school year of such
5 employment.

6 This section applies to any person employed as an administrator by
7 a school district on June 25, 1976, and to all persons so employed at
8 any time thereafter, except that section 302 of this act applies to
9 persons first employed after the effective date of this section as a
10 principal by a school district meeting the criteria of section 302 of
11 this act. This section provides the exclusive means for transferring
12 an administrator subject to this section to a subordinate certificated
13 position at the expiration of the term of his or her employment
14 contract.

15 **Sec. 305.** RCW 28A.405.300 and 1990 c 33 s 395 are each amended to
16 read as follows:

17 In the event it is determined that there is probable cause or
18 causes for a teacher, principal, supervisor, superintendent, or other
19 certificated employee, holding a position as such with the school
20 district, hereinafter referred to as "employee", to be discharged or
21 otherwise adversely affected in his or her contract status, such
22 employee shall be notified in writing of that decision, which
23 notification shall specify the probable cause or causes for such
24 action. Such determinations of probable cause for certificated
25 employees, other than the superintendent, shall be made by the
26 superintendent. Such notices shall be served upon that employee
27 personally, or by certified or registered mail, or by leaving a copy of
28 the notice at the house of his or her usual abode with some person of
29 suitable age and discretion then resident therein. Every such employee
30 so notified, at his or her request made in writing and filed with the
31 president, chair of the board or secretary of the board of directors of
32 the district within ten days after receiving such notice, shall be
33 granted opportunity for a hearing pursuant to RCW 28A.405.310 to
34 determine whether or not there is sufficient cause or causes for his or
35 her discharge or other adverse action against his or her contract
36 status.

1 In the event any such notice or opportunity for hearing is not
2 timely given, or in the event cause for discharge or other adverse
3 action is not established by a preponderance of the evidence at the
4 hearing, such employee shall not be discharged or otherwise adversely
5 affected in his or her contract status for the causes stated in the
6 original notice for the duration of his or her contract.

7 If such employee does not request a hearing as provided herein,
8 such employee may be discharged or otherwise adversely affected as
9 provided in the notice served upon the employee.

10 Transfer to a subordinate certificated position as that procedure
11 is set forth in RCW 28A.405.230 or section 302 of this act shall not be
12 construed as a discharge or other adverse action against contract
13 status for the purposes of this section.

14 **PART IV**
15 **ENCOURAGING INNOVATIONS**

16 **Sec. 401.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to
17 read as follows:

18 (1) Every school district board of directors shall fix, alter,
19 allow, and order paid salaries and compensation for all district
20 employees in conformance with this section.

21 (2)(a) Salaries for certificated instructional staff shall not be
22 less than the salary provided in the appropriations act in the
23 statewide salary allocation schedule for an employee with a
24 baccalaureate degree and zero years of service; and

25 (b) Salaries for certificated instructional staff with a master's
26 degree shall not be less than the salary provided in the appropriations
27 act in the statewide salary allocation schedule for an employee with a
28 master's degree and zero years of service;

29 (3)(a) The actual average salary paid to certificated instructional
30 staff shall not exceed the district's average certificated
31 instructional staff salary used for the state basic education
32 allocations for that school year as determined pursuant to RCW
33 28A.150.410.

34 (b) Fringe benefit contributions for certificated instructional
35 staff shall be included as salary under (a) of this subsection only to
36 the extent that the district's actual average benefit contribution

1 exceeds the amount of the insurance benefits allocation provided per
2 certificated instructional staff unit in the state operating
3 appropriations act in effect at the time the compensation is payable.
4 For purposes of this section, fringe benefits shall not include payment
5 for unused leave for illness or injury under RCW 28A.400.210; employer
6 contributions for old age survivors insurance, workers' compensation,
7 unemployment compensation, and retirement benefits under the Washington
8 state retirement system; or employer contributions for health benefits
9 in excess of the insurance benefits allocation provided per
10 certificated instructional staff unit in the state operating
11 appropriations act in effect at the time the compensation is payable.
12 A school district may not use state funds to provide employer
13 contributions for such excess health benefits.

14 (c) Salary and benefits for certificated instructional staff in
15 programs other than basic education shall be consistent with the salary
16 and benefits paid to certificated instructional staff in the basic
17 education program.

18 (4) Salaries and benefits for certificated instructional staff may
19 exceed the limitations in subsection (3) of this section only by
20 separate contract for additional time, for additional responsibilities,
21 ~~((or))~~ for incentives, or for implementing specific measurable
22 innovative activities, including professional development, specified by
23 the school district to: (a) Close one or more achievement gaps, (b)
24 focus on development of science, technology, engineering, and
25 mathematics (STEM) learning opportunities, or (c) provide arts
26 education. Beginning September 1, 2011, school districts shall
27 annually provide a brief description of the innovative activities
28 included in any supplemental contract to the office of the
29 superintendent of public instruction. The office of the superintendent
30 of public instruction shall summarize the district information and
31 submit an annual report to the education committees of the house of
32 representatives and the senate. Supplemental contracts shall not cause
33 the state to incur any present or future funding obligation.
34 Supplemental contracts shall be subject to the collective bargaining
35 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,
36 shall not exceed one year, and if not renewed shall not constitute
37 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.
38 No district may enter into a supplemental contract under this

1 subsection for the provision of services which are a part of the basic
2 education program required by Article IX, section 3 of the state
3 Constitution.

4 (5) Employee benefit plans offered by any district shall comply
5 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

6 **PART V**

7 **EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION**

8 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.410
9 RCW to read as follows:

10 (1) Beginning with the 2011-12 school year, all professional
11 educator standards board-approved teacher preparation programs must
12 administer to all preservice candidates the evidence-based assessment
13 of teaching effectiveness adopted by the professional educator
14 standards board. The professional educator standards board shall adopt
15 rules that establish a date during the 2012-13 school year after which
16 candidates completing teacher preparation programs must successfully
17 pass this assessment. Assessment results from persons completing each
18 preparation program must be reported annually by the professional
19 educator standards board to the governor and the education and fiscal
20 committees of the legislature by December 1st.

21 (2) The professional educator standards board and the
22 superintendent of public instruction, as determined by the board, may
23 contract with one or more third parties for:

24 (a) The administration, scoring, and reporting of scores of the
25 assessment under this section;

26 (b) Related clerical and administrative activities; or

27 (c) Any combination of the purposes of this subsection (2).

28 (3) Candidates for residency certification who are required to
29 successfully complete the assessment under this section, and who are
30 charged a fee for the assessment by a third party contracted with under
31 this section, shall pay the fee charged by the contractor directly to
32 the contractor. Such fees shall be reasonably related to the actual
33 costs of the contractor in providing the assessment.

34 NEW SECTION. **Sec. 502.** A new section is added to chapter 28A.410
35 RCW to read as follows:

1 (1) By September 30, 2010, the professional educator standards
2 board shall review and revise teacher and administrator preparation
3 program approval standards and proposal review procedures at the
4 residency certificate level to ensure they are rigorous and appropriate
5 standards for an expanded range of potential providers, including
6 community college and nonhigher education providers. All approved
7 providers must adhere to the same standards and comply with the same
8 requirements.

9 (2) Beginning September 30, 2010, the professional educator
10 standards board must accept proposals for community college and
11 nonhigher education providers of educator preparation programs.
12 Proposals must be processed and considered by the board as
13 expeditiously as possible.

14 (3) By September 1, 2011, all professional educator standards
15 board- approved residency teacher preparation programs at institutions
16 of higher education as defined in RCW 28B.10.016 not currently a
17 partner in an alternative route program approved by the professional
18 educator standards board must submit to the board a proposal to offer
19 one or more of the alternative route programs that meet the
20 requirements of RCW 28A.660.020 and 28A.660.040.

21 (4)(a) The state board for community and technical colleges shall
22 select up to three community colleges to develop and offer a program of
23 study leading to a baccalaureate degree with a residency teaching
24 certificate. The program must lead to endorsement in a subject matter
25 shortage area. To the maximum extent possible, the colleges selected
26 shall be geographically dispersed to enhance access in underserved
27 areas of the state. The state board for community and technical
28 colleges and the professional educator standards board shall provide
29 technical assistance to the colleges in developing and submitting the
30 program for approval.

31 (b) A college selected under this subsection (4) may develop the
32 curriculum for and design and deliver courses leading to a
33 baccalaureate degree. However, programs developed under this
34 subsection (4) are subject to approval by the state board for community
35 and technical colleges under RCW 28B.50.090, the higher education
36 coordinating board under RCW 28B.76.230, and the professional educator
37 standards board under RCW 28A.410.210 before the college may enroll
38 students in upper division courses or apply courses offered toward

1 required competencies for teacher certification or endorsement. The
2 boards shall coordinate their review and approval processes to expedite
3 approval.

4 (c) The state board for community and technical colleges and the
5 professional educator standards board shall evaluate the experience of
6 the programs established under this subsection (4) and submit a report
7 to the governor and the legislature by January 10, 2014, regarding
8 whether additional programs should be authorized.

9 **Sec. 503.** RCW 28A.660.020 and 2006 c 263 s 816 are each amended to
10 read as follows:

11 (1) ~~((Each))~~ The professional educator standards board shall
12 transition the alternative route partnership grant program from a
13 separate competitive grant program to a preparation program model to be
14 expanded among approved preparation program providers. Alternative
15 routes are partnerships between professional educator standards board-
16 approved preparation programs, Washington school districts, and other
17 partners as appropriate.

18 (2) Each prospective teacher preparation program provider, in
19 cooperation with a Washington school district or consortia of school
20 districts applying ~~((for—the))~~ to operate alternative route
21 certification program shall ~~((submit a))~~ include in its proposal to the
22 Washington professional educator standards board ~~((specifying))~~:

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

26 (b) The estimated number of candidates that will be enrolled per
27 route;

28 (c) An identification, indication of commitment, and description of
29 the role of approved teacher preparation programs ~~((that—are))~~ and
30 partnering ~~((with—the))~~ district or consortia of districts;

31 (d) An assurance ~~((of))~~ that the district ~~((provision—of))~~ or
32 approved preparation program provider will provide adequate training
33 for mentor teachers ~~((either through participation in a state mentor~~
34 ~~training academy or district provided training that meets state-~~
35 ~~established mentor training standards))~~ specific to the mentoring of
36 alternative route candidates;

1 (e) An assurance that significant time will be provided for mentor
2 teachers to spend with the alternative route teacher candidates
3 throughout the internship. Partnerships must provide each candidate
4 with intensive classroom mentoring until such time as the candidate
5 demonstrates the competency necessary to manage the classroom with less
6 intensive supervision and guidance from a mentor;

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

10 (g) A summary of procedures that provide flexible completion
11 opportunities for candidates to achieve a residency certificate; and

12 (h) The design and use of a teacher development plan for each
13 candidate. The plan shall specify the alternative route coursework and
14 training required of each candidate and shall be developed by comparing
15 the candidate's prior experience and coursework with the state's new
16 performance-based standards for residency certification and adjusting
17 any requirements accordingly. The plan may include the following
18 components:

19 (i) A minimum of one-half of a school year, and an additional
20 significant amount of time if necessary, of intensive mentorship during
21 field experience, starting with full-time mentoring and progressing to
22 increasingly less intensive monitoring and assistance as the intern
23 demonstrates the skills necessary to take over the classroom with less
24 intensive support. ~~((For route one and two candidates,))~~ Before the
25 supervision is diminished, the mentor of the teacher candidate at the
26 school and the supervisor of the teacher candidate from the ~~((higher~~
27 ~~education))~~ teacher preparation program must both agree that the
28 teacher candidate is ready to manage the classroom with less intensive
29 supervision~~((For route three and four candidates, the mentor of the~~
30 ~~teacher candidate shall make the decision))~~;

31 (ii) Identification of performance indicators based on the
32 knowledge and skills standards required for residency certification by
33 the Washington professional educator standards board;

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

36 (iv) A description of strategies for assessing candidate
37 performance on the benchmarks;

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

4 (vi) A description of the criteria that would result in residency
5 certification after about one-half of a school year but before the end
6 of the program; and

7 (vii) A description of how the district intends for the alternative
8 route program to support its workforce development plan and how the
9 presence of alternative route interns will advance its school
10 improvement plans.

11 ~~((+2))~~ (3) To the extent funds are appropriated for this purpose,
12 ~~((districts))~~ alternative route programs may apply for program funds to
13 pay stipends to trained mentor teachers of interns during the mentored
14 internship. The per intern amount of mentor stipend provided by state
15 funds shall not exceed five hundred dollars.

16 **Sec. 504.** RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1
17 are each reenacted and amended to read as follows:

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

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

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

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

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

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

20 (a) District or building validation of qualifications, including
21 one year of successful student interaction and leadership as classified
22 staff;

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

26 (c) Successful completion of the (~~content test, once the state~~
27 ~~content test is available~~) subject matter assessment required by RCW
28 28A.410.220(3);

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

31 (e) Successful passage of the statewide basic skills exam(~~(, when~~
32 ~~available))~~).

33 (3) (~~(Partnership grant)~~) Alternative route programs seeking funds
34 to operate route three programs shall enroll individuals with
35 baccalaureate degrees, who are not employed in the district at the time
36 of application. When selecting candidates for certification through
37 route three, districts and approved preparation program providers shall
38 give priority to individuals who are seeking residency teacher

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

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

16 (b) Successful completion of the (~~content test, once the state~~
17 ~~content test is available~~) subject matter assessment required by RCW
18 28A.410.220(3);

19 (c) External validation of qualifications, including demonstrated
20 successful experience with students or children, such as reference
21 letters and letters of support from previous employers;

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

24 (e) Successful passage of statewide basic skills exam(~~s, when~~
25 ~~available~~)).

26 (4) (~~Partnership grant programs seeking funds to operate~~)
27 Alternative route programs operating route four programs shall enroll
28 individuals with baccalaureate degrees, who are employed in the
29 district at the time of application, or who hold conditional teaching
30 certificates or emergency substitute certificates. Cohorts of
31 candidates for this route shall attend an intensive summer teaching
32 academy, followed by a full year employed by a district in a mentored
33 internship. If employed on a conditional certificate, the intern may
34 serve as the teacher of record, supported by a well-trained mentor. In
35 addition, partnership programs shall uphold entry requirements for
36 candidates that include:

37 (a) A baccalaureate degree from a regionally accredited institution

1 of higher education. The individual's grade point average may be
2 considered as a selection factor;

3 (b) Successful completion of the (~~content test, once the state~~
4 ~~content test is available~~) subject matter assessment required by RCW
5 28A.410.220(3);

6 (c) External validation of qualifications, including demonstrated
7 successful experience with students or children, such as reference
8 letters and letters of support from previous employers;

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

11 (e) Successful passage of statewide basic skills exam(~~s, when~~
12 ~~available~~)).

13 (5) Applicants for alternative route programs who are eligible
14 veterans or national guard members and who meet the entry requirements
15 for the alternative route program for which application is made shall
16 be given preference in admission.

17 **Sec. 505.** RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2
18 are each reenacted and amended to read as follows:

19 Subject to the availability of amounts appropriated for these
20 purposes, the conditional scholarship programs in this chapter are
21 created under the following guidelines:

22 (1) The programs shall be administered by the higher education
23 coordinating board. In administering the programs, the higher
24 education coordinating board has the following powers and duties:

25 (a) To adopt necessary rules and develop guidelines to administer
26 the programs;

27 (b) To collect and manage repayments from participants who do not
28 meet their service obligations; and

29 (c) To accept grants and donations from public and private sources
30 for the programs.

31 (2) Requirements for participation in the conditional scholarship
32 programs are as provided in this subsection (2).

33 (a) The alternative route conditional scholarship program is
34 limited to interns of (~~the partnership grant~~) professional educator
35 standards board-approved alternative routes to teaching programs under
36 RCW 28A.660.040. For fiscal year 2011, priority must be given to

1 fiscal year 2010 participants in the alternative route partnership
2 program. In order to receive conditional scholarship awards,
3 recipients shall:

4 (i) Be accepted and maintain enrollment in alternative
5 certification routes through (~~the partnership grant~~) a professional
6 educator standards board-approved program;

7 (ii) Continue to make satisfactory progress toward completion of
8 the alternative route certification program and receipt of a residency
9 teaching certificate; and

10 (iii) Receive no more than the annual amount of the scholarship,
11 not to exceed eight thousand dollars, for the cost of tuition, fees,
12 and educational expenses, including books, supplies, and transportation
13 for the alternative route certification program in which the recipient
14 is enrolled. The board may adjust the annual award by the average rate
15 of resident undergraduate tuition and fee increases at the state
16 universities as defined in RCW 28B.10.016.

17 (b) The pipeline for paraeducators conditional scholarship program
18 is limited to qualified paraeducators as provided by RCW 28A.660.042.
19 In order to receive conditional scholarship awards, recipients shall:

20 (i) Be accepted and maintain enrollment at a community and
21 technical college for no more than two years and attain an associate of
22 arts degree;

23 (ii) Continue to make satisfactory progress toward completion of an
24 associate of arts degree. This progress requirement is a condition for
25 eligibility into a route one program of the alternative routes to
26 teacher certification program for a mathematics, special education, or
27 English as a second language endorsement; and

28 (iii) Receive no more than the annual amount of the scholarship,
29 not to exceed four thousand dollars, for the cost of tuition, fees, and
30 educational expenses, including books, supplies, and transportation for
31 the alternative route certification program in which the recipient is
32 enrolled. The board may adjust the annual award by the average rate of
33 tuition and fee increases at the state community and technical
34 colleges.

35 (c) The retooling to teach mathematics and science conditional
36 scholarship program is limited to current K-12 teachers (~~and~~
37 ~~individuals having an elementary education certificate but who are not~~

1 ~~employed in positions requiring an elementary education certificate as~~
2 ~~provided by RCW 28A.660.045)).~~ In order to receive conditional
3 scholarship awards:

4 (i) Individuals currently employed as teachers shall pursue a
5 middle level mathematics or science, or secondary mathematics or
6 science endorsement; or

7 (ii) Individuals who are certificated with an elementary education
8 endorsement(~~(, but not employed in positions requiring an elementary~~
9 ~~education certificate,)) shall pursue an endorsement in middle level
10 mathematics or science, or both; and~~

11 (iii) Individuals shall use one of the pathways to endorsement
12 processes to receive a mathematics or science endorsement, or both,
13 which shall include passing a mathematics or science endorsement test,
14 or both tests, plus observation and completing applicable coursework to
15 attain the proper endorsement; and

16 (iv) Individuals shall receive no more than the annual amount of
17 the scholarship, not to exceed three thousand dollars, for the cost of
18 tuition, test fees, and educational expenses, including books,
19 supplies, and transportation for the endorsement pathway being pursued.

20 (3) The Washington professional educator standards board shall
21 select individuals to receive conditional scholarships. In selecting
22 recipients, preference shall be given to eligible veterans or national
23 guard members.

24 (4) For the purpose of this chapter, a conditional scholarship is
25 a loan that is forgiven in whole or in part in exchange for service as
26 a certificated teacher employed in a Washington state K-12 public
27 school. The state shall forgive one year of loan obligation for every
28 two years a recipient teaches in a public school. Recipients who fail
29 to continue a course of study leading to residency teacher
30 certification or cease to teach in a public school in the state of
31 Washington in their endorsement area are required to repay the
32 remaining loan principal with interest.

33 (5) Recipients who fail to fulfill the required teaching obligation
34 are required to repay the remaining loan principal with interest and
35 any other applicable fees. The higher education coordinating board
36 shall adopt rules to define the terms for repayment, including
37 applicable interest rates, fees, and deferments.

1 (6) The higher education coordinating board may deposit all
2 appropriations, collections, and any other funds received for the
3 program in this chapter in the future teachers conditional scholarship
4 account authorized in RCW 28B.102.080.

5 NEW SECTION. **Sec. 506.** A new section is added to chapter 28A.410
6 RCW to read as follows:

7 Beginning with the 2010 school year and annually thereafter, each
8 educational service district, in cooperation with the professional
9 educator standards board, must convene representatives from school
10 districts within that region and professional educator standards board-
11 approved educator preparation programs to review district and regional
12 educator workforce data, make biennial projections of certificate
13 staffing needs, and identify how recruitment and enrollment plans in
14 educator preparation programs reflect projected need.

15 **Sec. 507.** RCW 28B.76.335 and 2007 c 396 s 17 are each amended to
16 read as follows:

17 As part of the state needs assessment process conducted by the
18 board in accordance with RCW 28B.76.230, the board shall, in
19 collaboration with the professional educator standards board, assess
20 the need for additional ((~~baccalaureate~~)) degree and certificate
21 programs in Washington that specialize in teacher preparation ((~~in~~
22 ~~mathematics, science, and technology~~)) to meet regional or subject area
23 shortages. If the board determines that there is a need for additional
24 programs, then the board shall encourage the appropriate institutions
25 of higher education or institutional sectors to create such a program.

26 NEW SECTION. **Sec. 508.** A new section is added to chapter 28B.76
27 RCW to read as follows:

28 (1) The board must establish boundaries for service regions for
29 institutions of higher education as defined in RCW 28B.10.016
30 implementing professional educator standards board-approved educator
31 preparation programs. Regions shall be established to encourage and
32 support, not exclude, the reach of public institutions of higher
33 education across the state.

34 (2) Based on the data in the assessment in RCW 28B.76.230 and
35 28B.76.335, the board shall determine whether reasonable teacher

1 preparation program access for prospective teachers is available in
2 each region. If access is determined to be inadequate in a region, the
3 institution of higher education responsible for the region shall submit
4 a plan for meeting the access need to the board.

5 (3) Partnerships with other teacher preparation program providers
6 and the use of appropriate technology shall be considered. The board
7 shall review the plan and, as appropriate, assist the institution in
8 developing support and resources for implementing the plan.

9 **Sec. 509.** RCW 28B.50.020 and 2009 c 64 s 2 are each amended to
10 read as follows:

11 The purpose of this chapter is to provide for the dramatically
12 increasing number of students requiring high standards of education
13 either as a part of the continuing higher education program or for
14 occupational education and training, or for adult basic skills and
15 literacy education, by creating a new, independent system of community
16 and technical colleges which will:

17 (1) Offer an open door to every citizen, regardless of his or her
18 academic background or experience, at a cost normally within his or her
19 economic means;

20 (2) Ensure that each college district shall offer thoroughly
21 comprehensive educational, training, and service programs to meet the
22 needs of both the communities and students served by combining high
23 standards of excellence in academic transfer courses; realistic and
24 practical courses in occupational education, both graded and ungraded;
25 community services of an educational, cultural, and recreational
26 nature; and adult education, including basic skills and general,
27 family, and workforce literacy programs and services;

28 (3) Provide for basic skills and literacy education, and
29 occupational education and technical training at technical colleges in
30 order to prepare students for careers in a competitive workforce;

31 (4) Provide or coordinate related and supplemental instruction for
32 apprentices at community and technical colleges;

33 (5) Provide administration by state and local boards which will
34 avoid unnecessary duplication of facilities or programs; and which will
35 encourage efficiency in operation and creativity and imagination in
36 education, training, and service to meet the needs of the community and
37 students;

1 (6) Allow for the growth, improvement, flexibility and modification
2 of the community colleges and their education, training, and service
3 programs as future needs occur; and

4 (7) Establish firmly that, except on a pilot basis as provided
5 under RCW 28B.50.810 and section 502 of this act, community colleges
6 are, for purposes of academic training, two year institutions, and are
7 an independent, unique, and vital section of our state's higher
8 education system, separate from both the common school system and other
9 institutions of higher learning, and never to be considered for
10 conversion into four-year liberal arts colleges.

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

13 (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1
14 & 2001 c 158 s 2;

15 (2) RCW 28A.415.100 (Student teaching centers--Legislative
16 recognition--Intent) and 1991 c 258 s 1;

17 (3) RCW 28A.415.105 (Definitions) and 2006 c 263 s 811, 1995 c 335
18 s 403, & 1991 c 258 s 2;

19 (4) RCW 28A.415.125 (Network of student teaching centers) and 2006
20 c 263 s 812 & 1991 c 258 s 6;

21 (5) RCW 28A.415.130 (Allocation of funds for student teaching
22 centers) and 2006 c 263 s 813 & 1991 c 258 s 7;

23 (6) RCW 28A.415.135 (Alternative means of teacher placement) and
24 1991 c 258 s 8;

25 (7) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9;

26 (8) RCW 28A.415.145 (Rules) and 2006 c 263 s 814 & 1991 c 258 s 10;
27 and

28 (9) RCW 28A.660.030 (Partnership grants--Selection--Administration)
29 and 2004 c 23 s 3, 2003 c 410 s 2, & 2001 c 158 s 4.

30 **PART VI**

31 **COMMON CORE STANDARDS**

32 NEW SECTION. **Sec. 601.** A new section is added to chapter 28A.655
33 RCW to read as follows:

34 (1) By August 2, 2010, the superintendent of public instruction may
35 revise the state essential academic learning requirements authorized

1 under RCW 28A.655.070 for mathematics, reading, writing, and
2 communication by provisionally adopting a common set of standards for
3 students in grades kindergarten through twelve. The revised state
4 essential academic learning requirements may be substantially identical
5 with the standards developed by a multistate consortium in which
6 Washington participated, must be consistent with the requirements of
7 RCW 28A.655.070, and may include additional standards if the additional
8 standards do not exceed fifteen percent of the standards for each
9 content area. However, the superintendent of public instruction shall
10 not take steps to implement the provisionally adopted standards until
11 the education committees of the house of representatives and the senate
12 have an opportunity to review the standards.

13 (2) By January 1, 2011, the superintendent of public instruction
14 shall submit to the education committees of the house of
15 representatives and the senate:

16 (a) A detailed comparison of the provisionally adopted standards
17 and the state essential academic learning requirements as of the
18 effective date of this section, including the comparative level of
19 rigor and specificity of the standards and the implications of any
20 identified differences; and

21 (b) An estimated timeline and costs to the state and to school
22 districts to implement the provisionally adopted standards, including
23 providing necessary training, realignment of curriculum, adjustment of
24 state assessments, and other actions.

25 (3) The superintendent may implement the revisions to the essential
26 academic learning requirements under this section after the 2011
27 legislative session unless otherwise directed by the legislature.

28 **PART VII**
29 **PARENTS AND COMMUNITY**

30 NEW SECTION. **Sec. 701.** A new section is added to chapter 28A.605
31 RCW to read as follows:

32 School districts are encouraged to strengthen family, school, and
33 community partnerships by creating spaces in school buildings, if space
34 is available, where students and families can access the services they
35 need, such as after-school tutoring, dental and health services,
36 counseling, or clothing and food banks.

1 NEW SECTION. **Sec. 702.** A new section is added to chapter 28A.655
2 RCW to read as follows:

3 (1) Beginning with the 2010-11 school year, each school shall
4 conduct outreach and seek feedback from a broad and diverse range of
5 parents, other individuals, and organizations in the community
6 regarding their experiences with the school. The school shall
7 summarize the responses in its annual report under RCW 28A.655.110.

8 (2) The office of the superintendent of public instruction shall
9 create a working group with representatives of organizations
10 representing parents, teachers, and principals as well as diverse
11 communities. The working group shall also include a representative
12 from the achievement gap oversight and accountability committee. By
13 September 1, 2010, the working group shall develop model feedback tools
14 and strategies that school districts may use to facilitate the feedback
15 process required in subsection (1) of this section. The model tools
16 and strategies are intended to provide assistance to school districts.
17 School districts are encouraged to adapt the models or develop unique
18 tools and strategies that best fit the circumstances in their
19 communities.

20 **Sec. 703.** RCW 28A.655.110 and 1999 c 388 s 303 are each amended to
21 read as follows:

22 (1) Beginning with the 1994-95 school year, to provide the local
23 community and electorate with access to information on the educational
24 programs in the schools in the district, each school shall publish
25 annually a school performance report and deliver the report to each
26 parent with children enrolled in the school and make the report
27 available to the community served by the school. The annual
28 performance report shall be in a form that can be easily understood and
29 be used by parents, guardians, and other members of the community who
30 are not professional educators to make informed educational decisions.
31 As data from the assessments in RCW 28A.655.060 becomes available, the
32 annual performance report should enable parents, educators, and school
33 board members to determine whether students in the district's schools
34 are attaining mastery of the student learning goals under RCW
35 28A.150.210, and other important facts about the schools' performance
36 in assisting students to learn. The annual report shall make
37 comparisons to a school's performance in preceding years (~~and shall~~

1 ~~include school level goals under RCW 28A.655.050~~)), student performance
2 relative to the goals and the percentage of students performing at each
3 level of the assessment, a comparison of student performance at each
4 level of the assessment to the previous year's performance, and
5 information regarding school-level plans to achieve the goals.

6 (2) The annual performance report shall include, but not be limited
7 to: (a) A brief statement of the mission of the school and the school
8 district; (b) enrollment statistics including student demographics; (c)
9 expenditures per pupil for the school year; (d) a summary of student
10 scores on all mandated tests; (e) a concise annual budget report; (f)
11 student attendance, graduation, and dropout rates; (g) information
12 regarding the use and condition of the school building or buildings;
13 (h) a brief description of the learning improvement plans for the
14 school; (i) a summary of the feedback from parents and community
15 members obtained under section 702 of this act; and ~~((+i))~~ (j) an
16 invitation to all parents and citizens to participate in school
17 activities.

18 (3) The superintendent of public instruction shall develop by June
19 30, 1994, and update periodically, a model report form, which shall
20 also be adapted for computers, that schools may use to meet the
21 requirements of subsections (1) and (2) of this section. In order to
22 make school performance reports broadly accessible to the public, the
23 superintendent of public instruction, to the extent feasible, shall
24 make information on each school's report available on or through the
25 superintendent's internet web site.

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

28 There is a sizeable body of research positively supporting the
29 involvement of parents taking an engaged and active role in their
30 child's education. Therefore, the legislature intends to provide state
31 recognition by the center for the improvement of student learning
32 within the office of the superintendent of public instruction for
33 schools that increase the level of direct parental involvement with
34 their child's education. By September 1, 2010, the center for the
35 improvement of student learning shall determine measures that can be
36 used to evaluate the level of parental involvement in a school. The
37 center for the improvement of student learning shall collaborate with

1 school district family and community outreach programs and educational
2 service districts to identify and highlight successful models and
3 practices of parent involvement.

4 **PART VIII**

5 **COLLECTIVE BARGAINING**

6 **Sec. 801.** RCW 41.56.100 and 1989 c 45 s 1 are each amended to read
7 as follows:

8 (1) A public employer shall have the authority to engage in
9 collective bargaining with the exclusive bargaining representative and
10 no public employer shall refuse to engage in collective bargaining with
11 the exclusive bargaining representative(~~(:—PROVIDED, That nothing~~
12 ~~contained herein shall require any)~~). However, a public employer is
13 not required to bargain collectively with any bargaining representative
14 concerning any matter which by ordinance, resolution, or charter of
15 said public employer has been delegated to any civil service commission
16 or personnel board similar in scope, structure, and authority to the
17 board created by chapter 41.06 RCW.

18 (2) Upon the failure of the public employer and the exclusive
19 bargaining representative to conclude a collective bargaining
20 agreement, any matter in dispute may be submitted by either party to
21 the commission. This subsection does not apply to negotiations and
22 mediations conducted between a school district employer and an
23 exclusive bargaining representative under section 105 of this act.

24 (3) If a public employer implements its last and best offer where
25 there is no contract settlement, allegations that either party is
26 violating the terms of the implemented offer shall be subject to
27 grievance arbitration procedures if and as such procedures are set
28 forth in the implemented offer, or, if not in the implemented offer, if
29 and as such procedures are set forth in the parties' last contract.

30 NEW SECTION. **Sec. 802.** A new section is added to chapter 41.56
31 RCW to read as follows:

32 All collective bargaining agreements entered into between a school
33 district employer and school district employees under this chapter
34 after the effective date of this section, as well as bargaining

1 agreements existing on the effective date of this section but renewed
2 or extended after the effective date of this section, shall be
3 consistent with section 105 of this act.

4 NEW SECTION. **Sec. 803.** A new section is added to chapter 41.59
5 RCW to read as follows:

6 All collective bargaining agreements entered into between a school
7 district employer and school district employees under this chapter
8 after the effective date of this section, as well as bargaining
9 agreements existing on the effective date of this section but renewed
10 or extended after the effective date of this section, shall be
11 consistent with section 105 of this act.

12 **Sec. 804.** RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each
13 amended to read as follows:

14 (1) Either an employer or an exclusive bargaining representative
15 may declare that an impasse has been reached between them in collective
16 bargaining and may request the commission to appoint a mediator for the
17 purpose of assisting them in reconciling their differences and
18 resolving the controversy on terms which are mutually acceptable. If
19 the commission determines that its assistance is needed, not later than
20 five days after the receipt of a request therefor, it shall appoint a
21 mediator in accordance with rules and regulations for such appointment
22 prescribed by the commission. The mediator shall meet with the parties
23 or their representatives, or both, forthwith, either jointly or
24 separately, and shall take such other steps as he may deem appropriate
25 in order to persuade the parties to resolve their differences and
26 effect a mutually acceptable agreement. The mediator, without the
27 consent of both parties, shall not make findings of fact or recommend
28 terms of settlement. The services of the mediator, including, if any,
29 per diem expenses, shall be provided by the commission without cost to
30 the parties. Nothing in this subsection (1) shall be construed to
31 prevent the parties from mutually agreeing upon their own mediation
32 procedure, and in the event of such agreement, the commission shall not
33 appoint its own mediator unless failure to do so would be inconsistent
34 with the effectuation of the purposes and policy of this chapter.

35 (2) If the mediator is unable to effect settlement of the
36 controversy within ten days after his or her appointment, either party,

1 by written notification to the other, may request that their
2 differences be submitted to fact-finding with recommendations, except
3 that the time for mediation may be extended by mutual agreement between
4 the parties. Within five days after receipt of the aforesaid written
5 request for fact-finding, the parties shall select a person to serve as
6 fact finder and obtain a commitment from that person to serve. If they
7 are unable to agree upon a fact finder or to obtain such a commitment
8 within that time, either party may request the commission to designate
9 a fact finder. The commission, within five days after receipt of such
10 request, shall designate a fact finder in accordance with rules and
11 regulations for such designation prescribed by the commission. The
12 fact finder so designated shall not be the same person who was
13 appointed mediator pursuant to subsection (1) of this section without
14 the consent of both parties.

15 The fact finder, within five days after his appointment, shall meet
16 with the parties or their representatives, or both, either jointly or
17 separately, and make inquiries and investigations, hold hearings, and
18 take such other steps as he may deem appropriate. For the purpose of
19 such hearings, investigations and inquiries, the fact finder shall have
20 the power to issue subpoenas requiring the attendance and testimony of
21 witnesses and the production of evidence. If the dispute is not
22 settled within ten days after his appointment, the fact finder shall
23 make findings of fact and recommend terms of settlement within thirty
24 days after his appointment, which recommendations shall be advisory
25 only.

26 (3) Such recommendations, together with the findings of fact, shall
27 be submitted in writing to the parties and the commission privately
28 before they are made public. Either the commission, the fact finder,
29 the employer, or the exclusive bargaining representative may make such
30 findings and recommendations public if the dispute is not settled
31 within five days after their receipt from the fact finder.

32 (4) The costs for the services of the fact finder, including, if
33 any, per diem expenses and actual and necessary travel and subsistence
34 expenses, and any other incurred costs, shall be borne by the
35 commission without cost to the parties.

36 (5) Nothing in this section shall be construed to prohibit an
37 employer and an exclusive bargaining representative from agreeing to
38 substitute, at their own expense, their own procedure for resolving

1 impasses in collective bargaining for that provided in this section or
2 from agreeing to utilize for the purposes of this section any other
3 governmental or other agency or person in lieu of the commission.

4 (6) Any fact finder designated by an employer and an exclusive
5 representative or the commission for the purposes of this section shall
6 be deemed an agent of the state.

7 (7) This section does not apply to negotiations and mediations
8 conducted under section 105 of this act.

9 **PART IX**

10 **CLOSING THE ACHIEVEMENT GAP**

11 **Sec. 901.** RCW 28A.300.136 and 2009 c 468 s 2 are each amended to
12 read as follows:

13 (1) An achievement gap oversight and accountability committee is
14 created to synthesize the findings and recommendations from the 2008
15 achievement gap studies into an implementation plan, and to recommend
16 policies and strategies to the superintendent of public instruction,
17 the professional educator standards board, and the state board of
18 education to close the achievement gap.

19 (2) The committee shall recommend specific policies and strategies
20 in at least the following areas:

21 (a) Supporting and facilitating parent and community involvement
22 and outreach;

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

25 (c) Expanding pathways and strategies to prepare and recruit
26 diverse teachers and administrators;

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

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

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

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

35 (3) Taking a multidisciplinary approach, the committee may seek
36 input and advice from other state and local agencies and organizations

1 with expertise in health, social services, gang and violence
2 prevention, substance abuse prevention, and other issues that
3 disproportionately affect student achievement and student success.

4 (4) The achievement gap oversight and accountability committee
5 shall be composed of the following members:

6 (a) The chairs and ranking minority members of the house and senate
7 education committees, or their designees;

8 (b) One additional member of the house of representatives appointed
9 by the speaker of the house and one additional member of the senate
10 appointed by the president of the senate;

11 (c) A representative of the office of the education ombudsman;

12 (d) A representative of the center for the improvement of student
13 learning in the office of the superintendent of public instruction;

14 (e) A representative of federally recognized Indian tribes whose
15 traditional lands and territories lie within the borders of Washington
16 state, designated by the federally recognized tribes; and

17 (f) Four members appointed by the governor in consultation with the
18 state ethnic commissions, who represent the following populations:
19 African-Americans, Hispanic Americans, Asian Americans, and Pacific
20 Islander Americans.

21 (5) The governor and the tribes are encouraged to designate members
22 who have experience working in and with schools.

23 (6) The committee may convene ad hoc working groups to obtain
24 additional input and participation from community members. Members of
25 ad hoc working groups shall serve without compensation and shall not be
26 reimbursed for travel or other expenses.

27 (7) The chair or cochairs of the committee shall be selected by the
28 members of the committee. Staff support for the committee shall be
29 provided by the center for the improvement of student learning.
30 Members of the committee shall serve without compensation but must be
31 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative
32 members of the committee shall be reimbursed for travel expenses in
33 accordance with RCW 44.04.120.

34 (8) The superintendent of public instruction, the state board of
35 education, the professional educator standards board, and the quality
36 education council shall work collaboratively with the achievement gap
37 oversight and accountability committee to close the achievement gap.

1 **Sec. 902.** RCW 28A.290.010 and 2009 c 548 s 114 are each amended to
2 read as follows:

3 (1) The quality education council is created to recommend and
4 inform the ongoing implementation by the legislature of an evolving
5 program of basic education and the financing necessary to support such
6 program. The council shall develop strategic recommendations on the
7 program of basic education for the common schools. The council shall
8 take into consideration the capacity report produced under RCW
9 28A.300.172 and the availability of data and progress of implementing
10 the data systems required under RCW 28A.655.210. Any recommendations
11 for modifications to the program of basic education shall be based on
12 evidence that the programs effectively support student learning. The
13 council shall update the statewide strategic recommendations every four
14 years. The recommendations of the council are intended to:

15 (a) Inform future educational policy and funding decisions of the
16 legislature and governor;

17 (b) Identify measurable goals and priorities for the educational
18 system in Washington state for a ten-year time period, including the
19 goals of basic education and ongoing strategies for coordinating
20 statewide efforts to eliminate the achievement gap and reduce student
21 dropout rates; (~~and~~)

22 (c) Enable the state of Washington to continue to implement an
23 evolving program of basic education; and

24 (d) Two nonlegislative representatives from the achievement gap
25 oversight and accountability committee established under RCW
26 28A.300.136, to be selected by the members of the committee.

27 (2) The council may request updates and progress reports from the
28 office of the superintendent of public instruction, the state board of
29 education, the professional educator standards board, and the
30 department of early learning on the work of the agencies as well as
31 educational working groups established by the legislature.

32 (3) The chair of the council shall be selected from the
33 councilmembers. The council shall be composed of the following
34 members:

35 (a) Four members of the house of representatives, with two members
36 representing each of the major caucuses and appointed by the speaker of
37 the house of representatives;

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

3 (c) One representative each from the office of the governor, office
4 of the superintendent of public instruction, state board of education,
5 professional educator standards board, and department of early
6 learning.

7 (4) In the 2009 fiscal year, the council shall meet as often as
8 necessary as determined by the chair. In subsequent years, the council
9 shall meet no more than four times a year.

10 (5)(a) The council shall submit an initial report to the governor
11 and the legislature by January 1, 2010, detailing its recommendations,
12 including recommendations for resolving issues or decisions requiring
13 legislative action during the 2010 legislative session, and
14 recommendations for any funding necessary to continue development and
15 implementation of chapter 548, Laws of 2009.

16 (b) The initial report shall, at a minimum, include:

17 (i) Consideration of how to establish a statewide beginning teacher
18 mentoring and support system;

19 (ii) Recommendations for a program of early learning for at-risk
20 children;

21 (iii) A recommended schedule for the concurrent phase-in of the
22 changes to the instructional program of basic education and the
23 implementation of the funding formulas and allocations to support the
24 new instructional program of basic education as established under
25 chapter 548, Laws of 2009. The phase-in schedule shall have full
26 implementation completed by September 1, 2018; and

27 (iv) A recommended schedule for phased-in implementation of the new
28 distribution formula for allocating state funds to school districts for
29 the transportation of students to and from school, with phase-in
30 beginning no later than September 1, 2013.

31 (6) The council shall submit a report to the governor and the
32 legislature by December 1, 2010, that at a minimum includes:

33 (a) Recommendations for specific strategies, programs, and funding,
34 including funding allocations through the funding distribution formula
35 in RCW 28A.150.260, that are designed to close the achievement gap and
36 increase the high school graduation rate in Washington public schools.
37 The council shall consult with the achievement gap oversight and

1 accountability committee and the building bridges work group in
2 developing its recommendations; and

3 (b) Recommendations for assuring adequate levels of state-funded
4 classified staff to support essential school and district services.

5 (7) The council shall be staffed by the office of the
6 superintendent of public instruction and the office of financial
7 management. Additional staff support shall be provided by the state
8 entities with representatives on the committee. Senate committee
9 services and the house of representatives office of program research
10 may provide additional staff support.

11 ((+7)) (8) Legislative members of the council shall serve without
12 additional compensation but may be reimbursed for travel expenses in
13 accordance with RCW 44.04.120 while attending sessions of the council
14 or on official business authorized by the council. Nonlegislative
15 members of the council may be reimbursed for travel expenses in
16 accordance with RCW 43.03.050 and 43.03.060.

17 **PART X**

18 **EDUCATION REFORM FINANCE**

19 NEW SECTION. **Sec. 1001.** (1) An essential aspect of overall
20 education reform is reform in state financing for basic education, both
21 in the way that funds are distributed and the overall level of state
22 support to school districts. Chapter 548, Laws of 2009, took a
23 significant step in this aspect of education reform by creating a
24 framework for new funding distribution formulas and directing further
25 work on this topic and recommendations from the quality education
26 council and technical working groups. It is the legislature's intent
27 to continue implementation of the education reforms in chapter 548,
28 Laws of 2009, by adopting the technical details of a new distribution
29 formula for the instructional program of basic education and
30 authorizing a phase-in of implementation of a new distribution formula
31 for pupil transportation, both to take effect September 1, 2011.
32 Unless otherwise stated, the numeric values adopted in section 1002 of
33 this act represent the translation of 2009-2010 state funding levels
34 for the basic education act into the funding factors of the
35 prototypical school funding formula, based on the expert advice and
36 extensive work of the funding formula technical working group

1 established by the legislature for this purpose. The legislature
2 intends to continue to review and revise the formulas and may make
3 revisions as necessary for technical purposes and consistency in the
4 event of mathematical or other technical errors.

5 (2) The legislature intends that per-pupil basic education funding
6 for a school district shall not be decreased as a result of the
7 transition of basic education funding formulas in effect during the
8 2009-2011 biennium to the new funding formulas under RCW 28A.150.260
9 that take effect September 1, 2011.

10 (3) It is also the legislature's intent to adopt an implementation
11 schedule for phasing-in additional education finance reforms and
12 enhancements to the baseline funding levels of 2009-10 beginning in the
13 2011-12 school year for pupil transportation, class size allocations
14 for grades kindergarten through three, full-day kindergarten, and
15 allocations for maintenance, supplies, and operating costs.

16 (4) Finally, it is the legislature's intent to adjust the timelines
17 for other working groups so that their expertise and advice can be
18 received as soon as possible and to make technical adjustments to
19 certain provisions of chapter 548, Laws of 2009.

20 **Sec. 1002.** RCW 28A.150.260 and 2009 c 548 s 106 are each amended
21 to read as follows:

22 The purpose of this section is to provide for the allocation of
23 state funding that the legislature deems necessary to support school
24 districts in offering the minimum instructional program of basic
25 education under RCW 28A.150.220. The allocation shall be determined as
26 follows:

27 (1) The governor shall and the superintendent of public instruction
28 may recommend to the legislature a formula for the distribution of a
29 basic education instructional allocation for each common school
30 district.

31 (2) The distribution formula under this section shall be for
32 allocation purposes only. Except as may be required under chapter
33 28A.155, 28A.165, 28A.180, or ((~~28A.155~~)) 28A.185 RCW, or federal laws
34 and regulations, nothing in this section requires school districts to
35 use basic education instructional funds to implement a particular
36 instructional approach or service. Nothing in this section requires
37 school districts to maintain a particular classroom teacher-to-student

1 ratio or other staff-to-student ratio or to use allocated funds to pay
2 for particular types or classifications of staff. Nothing in this
3 section entitles an individual teacher to a particular teacher planning
4 period.

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

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

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

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

34 (iii) A prototypical elementary school has four hundred average
35 annual full-time equivalent students in grades kindergarten through
36 six.

37 ((+e)) (4)(a) The minimum allocation for each level of
38 prototypical school shall be based on the number of full-time

1 equivalent classroom teachers needed to provide instruction over the
 2 minimum required annual instructional hours under RCW 28A.150.220 and
 3 provide at least one teacher planning period per school day, and based
 4 on ~~((an))~~ the following general education average class size ~~((as~~
 5 ~~specified in the omnibus appropriations act.))~~ of full-time equivalent
 6 students per teacher:

	<u>General education</u>
	<u>average</u>
	<u>class size</u>
10 <u>Grades K-3</u>	<u>25.23</u>
11 <u>Grade 4</u>	<u>27.00</u>
12 <u>Grades 5-6</u>	<u>27.00</u>
13 <u>Grades 7-8</u>	<u>28.53</u>
14 <u>Grades 9-12</u>	<u>28.74</u>

15 (b) Beginning in the 2011-12 school year and beginning with schools
 16 with the highest percentage of students eligible for free and reduced-
 17 price meals in the prior school year, the general education average
 18 class size for grades K-3 shall be reduced until the average class size
 19 funded under this subsection (4) is no more than 15.0 full-time
 20 equivalent students per teacher beginning in the 2015-16 school year.

21 (c) The minimum allocation for each prototypical middle and high
 22 school shall also provide for full-time equivalent classroom teachers
 23 based on the following number of full-time equivalent students per
 24 teacher in career and technical education:

	<u>Career and technical</u>
	<u>education average</u>
	<u>class size</u>
28 <u>Approved career and technical education offered at</u>	
29 <u>the middle school and high school level</u>	<u>26.57</u>
30 <u>Skill center programs meeting the standards established</u>	
31 <u>by the office of the superintendent of public instruction</u>	<u>22.76</u>

32 (d) In addition, the omnibus appropriations act shall at a minimum
 33 specify:

- 34 (i) ~~((Basic average class size;~~
- 35 ~~((ii) Basic))~~ A high-poverty average class size in schools where
 36 more than fifty percent of the students are eligible for free and
 37 reduced-price meals; and

1 ~~((iii))~~ (ii) A specialty average class size for ~~((exploratory and~~
 2 ~~preparatory career and technical education,))~~ laboratory science,
 3 advanced placement, and international baccalaureate courses~~((and~~
 4 ~~(iv) Average class size in grades kindergarten through three))~~.
 5 ~~((d))~~ (5) The minimum allocation for each level of prototypical
 6 school shall include allocations for the following types of staff in
 7 addition to classroom teachers:
 8 ~~((i) Principals, including assistant principals, and other~~
 9 ~~certificated building-level administrators;~~
 10 ~~(ii) Teacher librarians, performing functions including information~~
 11 ~~literacy, technology, and media to support school library media~~
 12 ~~programs;~~
 13 ~~(iii) Student health services, a function that includes school~~
 14 ~~nurses, whether certificated instructional or classified employee, and~~
 15 ~~social workers;~~
 16 ~~(iv) Guidance counselors, performing functions including parent~~
 17 ~~outreach and graduation advisor;~~
 18 ~~(v) Professional development coaches;~~
 19 ~~(vi) Teaching assistance, which includes any aspect of educational~~
 20 ~~instructional services provided by classified employees;~~
 21 ~~(vii) Office support, technology support, and other~~
 22 ~~noninstructional aides;~~
 23 ~~(viii) Custodians, warehouse, maintenance, laborer, and~~
 24 ~~professional and technical education support employees; and~~
 25 ~~(ix) Classified staff providing student and staff safety.~~
 26 ~~(4)(a))~~

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
	<u>School</u>	<u>School</u>	<u>School</u>
<u>Principals, assistant principals, and other certificated building-level administrators</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Health and social services:</u>			
<u>School nurses</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
<u>Social workers</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>

1 (c) Preparatory career and technical education courses for students
2 in grades nine through twelve offered in a high school; and

3 (d) Preparatory career and technical education courses for students
4 in grades eleven and twelve offered through a skill center.

5 ~~((+5))~~ (10) In addition to the allocations otherwise provided
6 under ~~((subsections (3) and (4) of))~~ this section ~~((shall be enhanced~~
7 ~~as follows to provide additional allocations for classroom teachers and~~
8 ~~maintenance, supplies, and operating costs))~~, amounts shall be provided
9 to support the following programs and services:

10 (a) To provide supplemental instruction and services for
11 underachieving students through the learning assistance program under
12 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
13 ~~((percent))~~ district percentage of students in ~~((each school))~~ grades
14 K-12 who ~~((are))~~ were eligible for free ~~((and))~~ or reduced-price meals
15 in the prior school year. The minimum allocation for the ~~((learning~~
16 ~~assistance))~~ program shall provide ~~((an extended school day and~~
17 ~~extended school year))~~ for each level of prototypical school ~~((and a~~
18 ~~per student allocation for maintenance, supplies, and operating costs))~~
19 resources to provide, on a statewide average, 1.5156 hours per week in
20 extra instruction with a class size of fifteen learning assistance
21 program students per teacher.

22 (b) To provide supplemental instruction and services for students
23 whose primary language is other than English, allocations shall be
24 based on the head count number of students in each school who are
25 eligible for and enrolled in the transitional bilingual instruction
26 program under RCW 28A.180.010 through 28A.180.080. The minimum
27 allocation for each level of prototypical school shall provide ~~((for~~
28 ~~supplemental instruction based on percent of the school day a student~~
29 ~~is assumed to receive supplemental instruction and a per student~~
30 ~~allocation for maintenance, supplies, and operating costs))~~ resources
31 to provide, on a statewide average, 4.7780 hours per week in extra
32 instruction with fifteen transitional bilingual instruction program
33 students per teacher.

34 ~~((+6) The allocations provided under subsections (3) and (4) of~~
35 ~~this section shall be enhanced))~~ (c) To provide additional allocations
36 to support programs for highly capable students under RCW 28A.185.010
37 through 28A.185.030, allocations shall be based on two and three
38 hundred fourteen one-thousandths percent of each school district's

1 full-time equivalent basic education enrollment. The minimum
2 allocation for the programs shall provide (~~(an extended school day and~~
3 ~~extended school year for each level of prototypical school and a per~~
4 ~~student allocation for maintenance, supplies, and operating costs)~~)
5 resources to provide, on a statewide average, 2.1590 hours per week in
6 extra instruction with fifteen highly capable program students per
7 teacher.

8 ~~((+7))~~ (11) The allocations under subsections ~~((+3))~~ (4)(a) and
9 (b), ~~((+c)(i), and (d), (+4),)~~ (5), (6) and (8) of this section shall
10 be enhanced as provided under RCW 28A.150.390 on an excess cost basis
11 to provide supplemental instructional resources for students with
12 disabilities.

13 ~~((+8) The distribution formula shall include allocations to school~~
14 ~~districts to support certificated and classified staffing of central~~
15 ~~office administration. The minimum allocation shall be calculated as~~
16 ~~a percentage, identified in the omnibus appropriations act, of the~~
17 ~~total allocations for staff under subsections (3) and (6) of this~~
18 ~~section for all schools in the district.~~

19 ~~(+9))~~ (12)(a) For the purposes of allocations for prototypical high
20 schools and middle schools under subsections ~~((+3))~~ (4) and ~~((+5))~~
21 (10) of this section that are based on the percent of students in the
22 school who are eligible for free and reduced-price meals, the actual
23 percent of such students in a school shall be adjusted by a factor
24 identified in the omnibus appropriations act to reflect underreporting
25 of free and reduced-price meal eligibility among middle and high school
26 students.

27 (b) Allocations or enhancements provided under subsections ~~((+3)~~
28 ~~and))~~ (4), (7), and (9) of this section for exploratory and preparatory
29 career and technical education courses shall be provided only for
30 courses approved by the office of the superintendent of public
31 instruction under chapter 28A.700 RCW.

32 ~~((+10))~~ (13)(a) This formula for distribution of basic education
33 funds shall be reviewed biennially by the superintendent and governor.
34 The recommended formula shall be subject to approval, amendment or
35 rejection by the legislature.

36 (b) In the event the legislature rejects the distribution formula
37 recommended by the governor, without adopting a new distribution

1 formula, the distribution formula for the previous school year shall
2 remain in effect.

3 (c) The enrollment of any district shall be the annual average
4 number of full-time equivalent students and part-time students as
5 provided in RCW 28A.150.350, enrolled on the first school day of each
6 month, including students who are in attendance pursuant to RCW
7 28A.335.160 and 28A.225.250 who do not reside within the servicing
8 school district. The definition of full-time equivalent student shall
9 be determined by rules of the superintendent of public instruction and
10 shall be included as part of the superintendent's biennial budget
11 request. The definition shall be based on the minimum instructional
12 hour offerings required under RCW 28A.150.220. Any revision of the
13 present definition shall not take effect until approved by the house
14 ways and means committee and the senate ways and means committee.

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

18 **Sec. 1003.** RCW 28A.150.390 and 2009 c 548 s 108 are each amended
19 to read as follows:

20 (1) The superintendent of public instruction shall submit to each
21 regular session of the legislature during an odd-numbered year a
22 programmed budget request for special education programs for students
23 with disabilities. Funding for programs operated by local school
24 districts shall be on an excess cost basis from appropriations provided
25 by the legislature for special education programs for students with
26 disabilities and shall take account of state funds accruing through RCW
27 28A.150.260 (~~((3)(b), (c)(i), and (d), (4), and (8) and federal medical~~
28 ~~assistance and private funds accruing under RCW 74.09.5249 through~~
29 ~~74.09.5253 and 74.09.5254 through 74.09.5256)) (4)(a) and (b), (5),
30 (6), and (8).~~

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

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

1 (b) A district's annual average full-time equivalent basic
2 education enrollment, multiplied by the district's funded enrollment
3 percent, multiplied by the district's base allocation per full-time
4 equivalent student, multiplied by 0.9309.

5 (3) As used in this section:

6 (a) "Base allocation" means the total state allocation to all
7 schools in the district generated by the distribution formula under RCW
8 28A.150.260 (~~((3)(b), (c)(i), and (d), (4), and (8))~~) (4)(a) and (b),
9 (5), (6), and (8), to be divided by the district's full-time equivalent
10 enrollment.

11 (b) "Basic education enrollment" means enrollment of resident
12 students including nonresident students enrolled under RCW 28A.225.225
13 and students from nonhigh districts enrolled under RCW 28A.225.210 and
14 excluding students residing in another district enrolled as part of an
15 interdistrict cooperative program under RCW 28A.225.250.

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

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

23 **Sec. 1004.** RCW 28A.150.315 and 2009 c 548 s 107 are each amended
24 to read as follows:

25 (1) Beginning with the 2007-08 school year, funding for voluntary
26 all-day kindergarten programs shall be phased-in beginning with schools
27 with the highest poverty levels, defined as those schools with the
28 highest percentages of students qualifying for free and reduced-price
29 lunch support in the prior school year. Beginning with the 2011-12
30 school year, funding shall continue to be phased-in incrementally each
31 year until full statewide implementation of all-day kindergarten is
32 achieved in the 2017-18 school year. Once a school receives funding
33 for the all-day kindergarten program, that school shall remain eligible
34 for funding in subsequent school years regardless of changes in the
35 school's percentage of students eligible for free and reduced-price
36 lunches as long as other program requirements are fulfilled.

1 Additionally, schools receiving all-day kindergarten program support
2 shall agree to the following conditions:

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

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

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

8 (ii) Developing a variety of communication skills;

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

11 (iv) Acquiring large and small motor skills;

12 (v) Acquiring social and emotional skills including successful
13 participation in learning activities as an individual and as part of a
14 group; and

15 (vi) Learning through hands-on experiences;

16 (c) Establish learning environments that are developmentally
17 appropriate and promote creativity;

18 (d) Demonstrate strong connections and communication with early
19 learning community providers; and

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

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

33 **Sec. 1005.** 2009 c 548 s 112 (uncodified) is amended to read as
34 follows:

35 (1) The legislature intends to continue to redefine the
36 instructional program of education under RCW 28A.150.220 that fulfills
37 the obligations and requirements of Article IX of the state

1 Constitution. The funding formulas under RCW 28A.150.260 to support
2 the instructional program shall be implemented to the extent the
3 technical details of the formula have been established and according to
4 an implementation schedule to be adopted by the legislature. The
5 object of the schedule is to assure that any increases in funding
6 allocations are timely, predictable, and occur concurrently with any
7 increases in program or instructional requirements. It is the intent
8 of the legislature that no increased programmatic or instructional
9 expectations be imposed upon schools or school districts without an
10 accompanying increase in resources as necessary to support those
11 increased expectations.

12 (2) The office of financial management, with assistance and support
13 from the office of the superintendent of public instruction, shall
14 convene a technical working group to:

15 (a) Develop the details of the funding formulas under RCW
16 28A.150.260;

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

21 (c) Examine possible sources of revenue to support increases in
22 funding allocations and present options to the legislature and the
23 quality education council created in (~~section 114 of this act~~) RCW
24 28A.290.010 for consideration.

25 (3) The working group shall include representatives of the
26 legislative evaluation and accountability program committee, school
27 district and educational service district financial managers, the
28 Washington association of school business officers, the Washington
29 education association, the Washington association of school
30 administrators, the association of Washington school principals, the
31 Washington state school directors' association, the public school
32 employees of Washington, and other interested stakeholders with
33 expertise in education finance. The working group may convene advisory
34 subgroups on specific topics as necessary to assure participation and
35 input from a broad array of diverse stakeholders.

36 (4) The working group shall be monitored and overseen by the
37 legislature and the quality education council established in (~~section~~

1 ~~114 of this act~~) RCW 28A.290.010. The working group shall submit its
2 recommendations to the legislature by December 1, 2009.

3 (5) After the 2009 report to the legislature, the office of
4 financial management and the office of the superintendent of public
5 instruction shall periodically reconvene the working group to monitor
6 and provide advice on further development and implementation of the
7 funding formulas under RCW 28A.150.260 and provide technical assistance
8 to the ongoing work of the quality education council.

9 **Sec. 1006.** 2009 c 548 s 302 (uncodified) is amended to read as
10 follows:

11 (1) Beginning (~~(July)~~) April 1, 2010, the office of financial
12 management, with assistance and support from the office of the
13 superintendent of public instruction, shall convene a technical working
14 group to develop options for a new system of supplemental school
15 funding through local school levies and local effort assistance.

16 (2) The working group shall consider the impact on overall school
17 district revenues of the new basic education funding system established
18 under (~~(this act)~~) chapter 548, Laws of 2009 and shall recommend a
19 phase-in plan that ensures that no school district suffers a decrease
20 in funding from one school year to the next due to implementation of
21 the new system of supplemental funding.

22 (3) The working group shall also:

23 (a) Examine local school district capacity to address facility
24 needs associated with phasing-in full-day kindergarten across the state
25 and reducing class size in kindergarten through third grade; and

26 (b) Provide the quality education council with analysis on the
27 potential use of local funds that may become available for redeployment
28 and redirection as a result of increased state funding allocations for
29 pupil transportation and maintenance, supplies, and operating costs.

30 (4) The working group shall be composed of representatives from the
31 department of revenue, the legislative evaluation and accountability
32 program committee, school district and educational service district
33 financial managers, and representatives of the Washington association
34 of school business officers, the Washington education association, the
35 Washington association of school administrators, the association of
36 Washington school principals, the Washington state school directors'
37 association, the public school employees of Washington, and other

1 interested stakeholders with expertise in education finance. The
2 working group may convene advisory subgroups on specific topics as
3 necessary to assure participation and input from a broad array of
4 diverse stakeholders.

5 ~~((+4))~~ (5) The local funding working group shall be monitored and
6 overseen by the legislature and by the quality education council
7 created in ~~((section 114 of this act))~~ RCW 28A.290.010. The working
8 group shall report to the legislature ~~((December 1))~~ June 30, 2011.

9 **Sec. 1007.** RCW 43.41.398 and 2009 c 548 s 601 are each amended to
10 read as follows:

11 (1) The legislature recognizes that providing students with the
12 opportunity to access a world-class educational system depends on our
13 continuing ability to provide students with access to world-class
14 educators. The legislature also understands that continuing to attract
15 and retain the highest quality educators will require increased
16 investments. The legislature intends to enhance the current salary
17 allocation model and recognizes that changes to the current model
18 cannot be imposed without great deliberation and input from teachers,
19 administrators, and classified employees. Therefore, it is the intent
20 of the legislature to begin the process of developing an enhanced
21 salary allocation model that is collaboratively designed to ensure the
22 rationality of any conclusions regarding what constitutes adequate
23 compensation.

24 (2) Beginning July 1, 2011, the office of the superintendent of
25 public instruction, in collaboration with the office of financial
26 management, shall convene a technical working group to recommend the
27 details of an enhanced salary allocation model that aligns state
28 expectations for educator development and certification with the
29 compensation system and establishes recommendations for a concurrent
30 implementation schedule. In addition to any other details the
31 technical working group deems necessary, the technical working group
32 shall make recommendations on the following:

33 (a) How to reduce the number of tiers within the existing salary
34 allocation model;

35 (b) How to account for labor market adjustments;

36 (c) How to account for different geographic regions of the state

1 where districts may encounter difficulty recruiting and retaining
2 teachers;

3 (d) The role of and types of bonuses available;

4 (e) Ways to accomplish salary equalization over a set number of
5 years; and

6 (f) Initial fiscal estimates for implementing the recommendations
7 including a recognition that staff on the existing salary allocation
8 model would have the option to grandfather in permanently to the
9 existing schedule.

10 (3) As part of its work, the technical working group shall conduct
11 or contract for a preliminary comparative labor market analysis of
12 salaries and other compensation for school district employees to be
13 conducted and shall include the results in any reports to the
14 legislature. For the purposes of this subsection, "salaries and other
15 compensation" includes average base salaries, average total salaries,
16 average employee basic benefits, and retirement benefits.

17 (4) The analysis required under subsection (1) of this section
18 must:

19 (a) Examine salaries and other compensation for teachers, other
20 certificated instructional staff, principals, and other building-level
21 certificated administrators, and the types of classified employees for
22 whom salaries are allocated;

23 (b) Be calculated at a statewide level that identifies labor
24 markets in Washington through the use of data from the United States
25 bureau of the census and the bureau of labor statistics; and

26 (c) Include a comparison of salaries and other compensation to the
27 appropriate labor market for at least the following subgroups of
28 educators: Beginning teachers and types of educational staff
29 associates.

30 (5) The working group shall include representatives of the
31 department of personnel, the professional educator standards board, the
32 office of the superintendent of public instruction, the Washington
33 education association, the Washington association of school
34 administrators, the association of Washington school principals, the
35 Washington state school directors' association, the public school
36 employees of Washington, and other interested stakeholders with
37 appropriate expertise in compensation related matters. The working

1 group may convene advisory subgroups on specific topics as necessary to
2 assure participation and input from a broad array of diverse
3 stakeholders.

4 (6) The working group shall be monitored and overseen by the
5 legislature and the quality education council created in RCW
6 28A.290.010. The working group shall make an initial report to the
7 legislature by (~~December 1~~) June 30, 2012, and shall include in its
8 report recommendations for whether additional further work of the group
9 is necessary.

10 **Sec. 1008.** RCW 28A.160.192 and 2009 c 548 s 311 are each amended
11 to read as follows:

12 (1) The superintendent of public instruction shall phase-in the
13 implementation of the distribution formula under this chapter for
14 allocating state funds to school districts for the transportation of
15 students to and from school. The phase-in shall (~~be according to the~~
16 ~~implementation schedule adopted by the legislature and shall~~) begin no
17 later than the (~~2013-14~~) 2011-12 school year and be fully implemented
18 by the 2013-14 school year.

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

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

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

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

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

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

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

14 NEW SECTION. Sec. 1009. A new section is added to chapter 28A.160
15 RCW to read as follows:

16 (1) The superintendent of public instruction shall develop,
17 implement, and provide a copy of the rules specifying the student
18 transportation reporting requirements to the legislature and school
19 districts no later than December 1, 2010.

20 (2) Beginning in December 2010, and continuing until December 2014,
21 the superintendent shall provide quarterly updates and progress reports
22 to the fiscal committees of the legislature on the implementation and
23 testing of the distribution formula.

24 (3) This section expires June 30, 2015.

25 **Sec. 1010.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
26 read as follows:

27 (1) The legislature shall establish for each school year in the
28 appropriations act a statewide salary allocation schedule, for
29 allocation purposes only, to be used to distribute funds for basic
30 education certificated instructional staff salaries under RCW
31 28A.150.260. For the purposes of this section, the staff allocations
32 for classroom teachers, teacher librarians, guidance counselors, and
33 health and social services staff under RCW 28A.150.260 are considered
34 allocations for certificated instructional staff.

35 (2) Salary allocations for state-funded basic education
36 certificated instructional staff shall be calculated by the

1 superintendent of public instruction by determining the district's
2 average salary for certificated instructional staff, using the
3 statewide salary allocation schedule and related documents, conditions,
4 and limitations established by the omnibus appropriations act.

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

10 (a) The employee has a master's degree; or

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

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

27 **Sec. 1011.** RCW 28A.175.010 and 2005 c 207 s 3 are each amended to
28 read as follows:

29 Each school district shall account for the educational progress of
30 each of its students. To achieve this, school districts shall be
31 required to report annually to the superintendent of public
32 instruction:

33 (1) For students enrolled in each of a school district's high
34 school programs:

35 (a) The number of students who graduate in fewer than four years;

36 (b) The number of students who graduate in four years;

1 (c) The number of students who remain in school for more than four
2 years but who eventually graduate and the number of students who remain
3 in school for more than four years but do not graduate;

4 (d) The number of students who transfer to other schools;

5 (e) The number of students in the ninth through twelfth grade who
6 drop out of school over a four-year period; and

7 (f) The number of students whose status is unknown.

8 (2) Dropout rates of students in each of the grades seven through
9 twelve.

10 (3) Dropout rates for student populations in each of the grades
11 seven through twelve by:

12 (a) Ethnicity;

13 (b) Gender;

14 (c) Socioeconomic status; and

15 (d) Disability status.

16 (4) The causes or reasons, or both, attributed to students for
17 having dropped out of school in grades seven through twelve.

18 (5) The superintendent of public instruction shall adopt rules
19 under chapter 34.05 RCW to assure uniformity in the information
20 districts are required to report under subsections (1) through (4) of
21 this section. In developing rules, the superintendent of public
22 instruction shall consult with school districts, including
23 administrative and counseling personnel, with regard to the methods
24 through which information is to be collected and reported.

25 (6) In reporting on the causes or reasons, or both, attributed to
26 students for having dropped out of school, school building officials
27 shall, to the extent reasonably practical, obtain such information
28 directly from students. In lieu of obtaining such information directly
29 from students, building principals and counselors shall identify the
30 causes or reasons, or both, based on their professional judgment.

31 (7) The superintendent of public instruction shall report annually
32 to the legislature the information collected under subsections (1)
33 through (4) of this section.

34 (8) The Washington state institute for public policy shall
35 calculate an annual estimate of the savings to taxpayers resulting from
36 any improvement compared to the prior school year in the extended
37 graduation rate, as calculated by the superintendent of public

1 instruction. The superintendent shall include the estimate from the
2 institute in an appendix of the report required under subsection (7) of
3 this section, beginning with the 2010 report.

4 NEW SECTION. Sec. 1012. A new section is added to chapter 28A.300
5 RCW to read as follows:

6 The office of the superintendent of public instruction shall
7 implement and maintain an internet-based portal that provides ready
8 public access to the state's prototypical school funding model for
9 basic education under RCW 28A.150.260. The portal must provide
10 citizens the opportunity to view, for each local school building, the
11 staffing levels and other prototypical school funding elements that are
12 assumed under the state funding formula. The portal must also provide
13 a matrix displaying how individual school districts are deploying those
14 same state resources through their allocation of staff and other
15 resources to school buildings, so that citizens are able to compare the
16 state assumptions to district allocation decisions for each local
17 school building.

18 **Sec. 1013.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
19 read as follows:

20 (1) For the purposes of this section and RCW 28A.150.410 and
21 28A.400.200, "basic education certificated instructional staff"
22 (~~shall~~) means all full-time equivalent classroom teachers, teacher
23 librarians, guidance counselors, health and social services staff, and
24 other certificated instructional staff in the following programs as
25 defined for statewide school district accounting purposes: Basic
26 education, secondary vocational education, general instructional
27 support, and general supportive services.

28 (2) (~~In the 1988-89 school year and thereafter,~~) Each school
29 district shall maintain a ratio of at least forty-six basic education
30 certificated instructional staff to one thousand annual average full
31 time equivalent students.

32 **Sec. 1014.** 2009 c 548 s 710 (uncodified) is amended to read as
33 follows:

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

1 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
2 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
3 1973 1st ex.s. c 105 s 1;

4 (3) (~~RCW 28A.150.100 (Basic education certificated instructional~~
5 ~~staff Definition Ratio to students) and 1990 c 33 s 103 & 1987 1st~~
6 ~~ex.s. c 2 s 203;~~

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

10 ((+5)) (4) RCW 28A.150.370 (Additional programs for which
11 legislative appropriations must or may be made) and 1995 c 335 s 102,
12 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s.
13 c 359 s 7; and

14 ((+6)) (5) RCW 28A.155.180 (Safety net funds--Application--
15 Technical assistance--Annual survey) and 2007 c 400 s 8.

16 **Sec. 1015.** 2009 c 548 s 805 (uncodified) is amended to read as
17 follows:

18 Sections 304 through 311 of this act take effect September 1,
19 ((2013)) 2011.

20 PART XI

21 MISCELLANEOUS PROVISIONS

22 NEW SECTION. **Sec. 1101.** RCW 28A.305.225 is recodified as a
23 section in the chapter created in section 1102 of this act.

24 NEW SECTION. **Sec. 1102.** Sections 101 through 110 and 112 through
25 114 of this act constitute a new chapter in Title 28A RCW.

26 NEW SECTION. **Sec. 1103.** 2009 c 548 s 112, as amended by section
27 1005 of this act, is codified as a section in chapter 28A.290 RCW.

28 NEW SECTION. **Sec. 1104.** RCW 43.41.398 is recodified as a section
29 in chapter 28A.400 RCW.

30 NEW SECTION. **Sec. 1105.** Sections 1002, 1003, 1004, 1008, 1010,
31 1013, and 1014 of this act take effect September 1, 2011.

1 NEW SECTION. **Sec. 1106.** Section 1006 of this act is necessary for
2 the immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect immediately."

5 Correct the title.

--- END ---