

ESHB 2261 - S COMM AMD

By Committee on Early Learning & K-12 Education

OUT OF ORDER 04/16/2009

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

3 "NEW SECTION. **Sec. 1.** (1) Public education in Washington state
4 has evolved since the enactment of the Washington basic education act
5 of 1977. Decisions by the courts have played a part in this evolution,
6 as have studies and research about education practices and education
7 funding. The legislature finds ample evidence of a need for continuing
8 to refine the program of basic education that is funded by the state
9 and delivered by school districts.

10 (2) The legislature reaffirms the work of Washington Learns and
11 other educational task forces that have been convened over the past
12 four years and their recommendations to make bold reforms to the entire
13 educational system in order to educate all students to a higher level;
14 to focus on the individualized instructional needs of students; to
15 strive towards closing the achievement gap and reducing dropout rates;
16 and to prepare students for a constantly evolving workforce and
17 increasingly demanding global economy. In enacting this legislation,
18 the legislature intends to continue to review, evaluate, and revise the
19 definition and funding of basic education in order to continue to
20 fulfill the state obligation under Article IX of the state
21 Constitution. The legislature also intends to continue to strengthen
22 and modify the structure of the entire K-12 educational system,
23 including nonbasic education programmatic elements, in order to build
24 the capacity to anticipate and support potential future enhancements to
25 basic education as the educational needs of our citizens continue to
26 evolve.

27 (3) The legislature recognizes that the first step in revising the
28 definition and funding of basic education is to create a transparent
29 funding system for both allocations and expenditures so that not only
30 policymakers and educators understand how the state supports basic

1 education but also taxpayers understand this. An adequate data system
2 that enables the legislature to make rational, data-driven decisions on
3 what educational programs impact student learning in order to more
4 effectively and efficiently deliver the resources necessary to provide
5 an ample program of basic education is also a necessity. A new
6 prototypical funding system will allow the legislature to better
7 understand how current resources are being used. A more complete and
8 accurate educational data system will allow the legislature to
9 understand whether current basic education programs are supporting
10 student learning. Only with both of these systems in place can the
11 legislature make informed decisions on how to best implement a dynamic
12 and evolving system of basic education.

13 (4) For practical and educational reasons, major changes of the
14 program of basic education and the funding formulas to support it
15 cannot occur instantaneously. The legislature intends to build upon
16 the previous efforts of the legislature and the basic education task
17 force in order to develop a realistic implementation strategy for a new
18 instructional program after technical experts develop the details of
19 the prototypical schools funding formulas and data and reporting system
20 that will support a new instructional program. The legislature also
21 intends to establish a formal structure for ongoing monitoring of the
22 capacity of the system to implement enhancements to basic education
23 that is evidence-based and has been proven to have positive impacts on
24 student learning. With this information the legislature can begin a
25 schedule for implementation of a redefined program of basic education
26 and the resources necessary to support it. It is the legislature's
27 intent that when the system has the capacity to fully implement future
28 reforms and enhancements they will be included in a definition and
29 funding of basic education.

30 (5) It is the further intent of the legislature to also address
31 additional issues that are of importance to the legislature but are not
32 part of basic education.

33 NEW SECTION. **Sec. 2.** It is the intent of the legislature that the
34 policies and allocation formulas adopted under this act will constitute
35 the legislature's definition of basic education under Article IX of the
36 state Constitution once fully implemented. The legislature intends,
37 however, to continue to review and revise the formulas and schedules

1 and may make additional revisions, including revisions for technical
2 purposes and consistency in the event of mathematical or other
3 technical errors.

4 **PART I**

5 **PROGRAM AND FUNDING OF BASIC EDUCATION**

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

8 ~~((This 1977 amendatory act shall be known and may be cited as "The~~
9 ~~Washington Basic Education Act of 1977."~~ The program evolving from the
10 ~~Basic Education Act shall include (1) the goal of the school system as~~
11 ~~defined in RCW 28A.150.210, (2) those program requirements enumerated~~
12 ~~in RCW 28A.150.220, and (3) the determination and distribution of state~~
13 ~~resources as defined in RCW 28A.150.250 and 28A.150.260.~~

14 ~~The requirements of the Basic Education Act are))~~ (1) The program
15 of basic education established under this chapter is deemed by the
16 legislature to comply with the requirements of Article IX, section 1 of
17 the state Constitution, which states that "It is the paramount duty of
18 the state to make ample provision for the education of all children
19 residing within its borders, without distinction or preference on
20 account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant
21 to Article IX, section 2 of the state Constitution, which states that
22 "The legislature shall provide for a general and uniform system of
23 public schools."

24 (2) The legislature defines the program of basic education under
25 this chapter as that which is necessary to provide the opportunity to
26 develop the knowledge and skills necessary to meet the state-
27 established high school graduation requirements that are intended to
28 allow students to have the opportunity to graduate with a meaningful
29 diploma that prepares them for postsecondary education, gainful
30 employment, and citizenship. Basic education by necessity is an
31 evolving program of instruction intended to reflect the changing
32 educational opportunities that are needed to equip students for their
33 role as productive citizens and includes the following:

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

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

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

7 (d) Transportation and transportation services to and from school
8 for eligible students as provided under RCW 28A.160.150 through
9 28A.160.180.

10 NEW SECTION. Sec. 102. The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

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

14 (2) "Certificated administrative staff" means all those persons who
15 are chief executive officers, chief administrative officers,
16 confidential employees, supervisors, principals, or assistant
17 principals within the meaning of RCW 41.59.020(4).

18 (3) "Certificated employee" as used in this chapter and RCW
19 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
20 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
21 persons who hold certificates as authorized by rule of the Washington
22 professional educator standards board.

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

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

28 (6) "Classified employee" means a person who does not hold a
29 professional education certificate or is employed in a position that
30 does not require such a certificate.

31 (7) "Classroom teacher" means a person who holds a professional
32 education certificate and is employed in a position for which such
33 certificate is required whose primary duty is the daily educational
34 instruction of students. In exceptional cases, people of unusual
35 competence but without certification may teach students so long as a
36 certificated person exercises general supervision, but the hiring of

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

4 (8) "Instructional program of basic education" means the minimum
5 program required to be provided by school districts and includes
6 instructional hour requirements and other components under RCW
7 28A.150.220.

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

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

15 (11) "School year" includes the minimum number of school days
16 required under RCW 28A.150.220 and begins on the first day of September
17 and ends with the last day of August, except that any school district
18 may elect to commence the annual school term in the month of August of
19 any calendar year and in such case the operation of a school district
20 for such period in August shall be credited by the superintendent of
21 public instruction to the succeeding school year for the purpose of the
22 allocation and distribution of state funds for the support of such
23 school district.

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

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

34 (~~The goal of the basic education act for the schools of the state~~
35 ~~of Washington set forth in this chapter shall be~~) A basic education is
36 an evolving program of instruction that is intended to provide students
37 with the opportunity to become responsible and respectful global

1 citizens, to contribute to their economic well- being and that of their
2 families and communities, to explore and understand different
3 perspectives, and to enjoy productive and satisfying lives.
4 Additionally, the state of Washington intends to provide for a public
5 school system that is able to evolve and adapt in order to better focus
6 on strengthening the educational achievement of all students, which
7 includes high expectations for all students and gives all students the
8 opportunity to achieve personal and academic success. To these ends,
9 the goals of each school district, with the involvement of parents and
10 community members, shall be to provide opportunities for every student
11 to develop the knowledge and skills essential to:

12 (1) Read with comprehension, write effectively, and communicate
13 successfully in a variety of ways and settings and with a variety of
14 audiences;

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

19 (3) Think analytically, logically, and creatively, and to integrate
20 different experiences and knowledge to form reasoned judgments and
21 solve problems; and

22 (4) Understand the importance of work and finance and how
23 performance, effort, and decisions directly affect future career and
24 educational opportunities.

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

27 (1) Satisfaction of the basic education (~~((program requirements))~~)
28 goal identified in RCW 28A.150.210 (~~((shall be considered))~~) is intended
29 to be implemented by the following minimum instructional program:

30 (a) Each school district shall make available to students enrolled
31 in kindergarten at least a total instructional offering of four hundred
32 fifty hours. The program shall include instruction in the essential
33 academic learning requirements under RCW (~~((28A.630.885))~~) 28A.655.070
34 and such other subjects and such activities as the school district
35 shall determine to be appropriate for the education of the school
36 district's students enrolled in such program;

1 (b) Each school district shall make available to students enrolled
2 in grades one through twelve, at least a district-wide annual average
3 total instructional hour offering of one thousand hours. The annual
4 average total instructional hour offering shall be increased to at
5 least one thousand eighty instructional hours for students enrolled in
6 each of grades seven through twelve and at least one thousand
7 instructional hours for students in each of grades one through six
8 according to an implementation schedule adopted by the legislature and
9 only as the capacity of the educational system is adequate to support
10 such an increase in instructional hours. The state board of education
11 may define alternatives to classroom instructional time for students in
12 grades nine through twelve enrolled in alternative learning
13 experiences. The state board of education shall establish rules to
14 determine annual average instructional hours for districts including
15 fewer than twelve grades. The program shall include the essential
16 academic learning requirements under RCW (~~28A.630.885~~) 28A.655.070
17 and such other subjects and such activities as the school district
18 shall determine to be appropriate for the education of the school
19 district's students enrolled in such group;

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

24 (d) Supplemental instruction and services for underachieving
25 students through the learning assistance program under RCW 28A.165.005
26 through 28A.165.065;

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

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

34 (g) The opportunity to complete the high school coursework
35 necessary to meet state-established high school graduation
36 requirements.

37 (2) Nothing contained in subsection (1) of this section shall be

1 construed to require individual students to attend school for any
2 particular number of hours per day or to take any particular courses.

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

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

22 (5) Nothing in this section precludes a school district from
23 enriching the instructional program of basic education, such as
24 offering additional instruction or providing additional services,
25 programs, or activities that the school district determines to be
26 appropriate for the education of the school district's students.

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

29 (1) From those funds made available by the legislature for the
30 current use of the common schools, the superintendent of public
31 instruction shall distribute annually as provided in RCW 28A.510.250 to
32 each school district of the state operating a basic education
33 instructional program approved by the state board of education an
34 amount based on the formulas provided in RCW 28A.150.260, 28A.150.390,
35 and section 108 of this act which, when combined with an appropriate
36 portion of such locally available revenues, other than receipts from
37 federal forest revenues distributed to school districts pursuant to RCW

1 28A.520.010 and 28A.520.020, as the superintendent of public
2 instruction may deem appropriate for consideration in computing state
3 equalization support, excluding excess property tax levies, will
4 constitute a basic education allocation in dollars for each annual
5 average full-time equivalent student enrolled(~~(, based upon one full~~
6 ~~school year of one hundred eighty days, except that for kindergartens~~
7 ~~one full school year shall be one hundred eighty half days of~~
8 ~~instruction, or the equivalent as provided in RCW 28A.150.220))).~~

9 (2) The instructional program of basic education shall be
10 considered to be fully funded by those amounts of dollars appropriated
11 by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260,
12 28A.150.390, and section 108 of this act to fund those program
13 requirements identified in RCW 28A.150.220 in accordance with the
14 formula ((and ratios)) provided in RCW 28A.150.260 and those amounts of
15 dollars appropriated by the legislature to fund the salary requirements
16 of RCW ((28A.150.100 and)) 28A.150.410.

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

32 (3) If a school district's basic education program fails to meet
33 the basic education requirements enumerated in RCW ((28A.150.250,))
34 28A.150.260((7)) and 28A.150.220, the state board of education shall
35 require the superintendent of public instruction to withhold state
36 funds in whole or in part for the basic education allocation until
37 program compliance is assured((: PROVIDED, That)). However, the state

1 board of education may waive this requirement in the event of
2 substantial lack of classroom space.

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

5 ~~((The basic education allocation for each annual average full-time~~
6 ~~equivalent student shall be determined in accordance with the following~~
7 ~~procedures))~~ The purpose of this section is to provide for the
8 allocation of state funding that the legislature deems necessary to
9 support school districts in offering the minimum instructional program
10 of basic education under RCW 28A.150.220. The allocation shall be
11 determined as follows:

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

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

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

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

23 ~~(d) Nonsalary costs;~~

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

29 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~
30 ~~28A.225.250 who do not reside within the servicing school district.))~~

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

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

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

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

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

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

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

35 (c) The minimum allocation for each level of prototypical school
36 shall be based on the number of full-time equivalent classroom teachers
37 needed to provide instruction over the minimum required annual
38 instructional hours under RCW 28A.150.220 and provide at least one

1 teacher planning period per school day, and based on an average class
2 size as specified in the omnibus appropriations act. The omnibus
3 appropriations act shall at a minimum specify:

4 (i) Basic average class size;

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

8 (iii) Average class size in grades kindergarten through three.

9 (d) The minimum allocation for each level of prototypical school
10 shall include allocations for staff in addition to classroom teachers.

11 (4) The minimum allocation for each school district shall include
12 allocations per annual average full-time equivalent student for the
13 following materials, supplies, and operating costs: Student
14 technology; utilities; curriculum, textbooks, library materials, and
15 instructional supplies; instructional professional development; other
16 building-level costs including maintenance, custodial, and security;
17 and central office administration.

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

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

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

1 (6) The allocations under subsections (3)(b), (c)(i), and (d), (4),
2 and (7) of this section shall be enhanced as provided under RCW
3 28A.150.390 on an excess cost basis to provide supplemental
4 instructional resources for students with disabilities.

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

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

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

25 ~~(b) The formula adopted by the legislature shall reflect the~~
26 ~~following ratios at a minimum: (i) Forty nine certificated~~
27 ~~instructional staff to one thousand annual average full time equivalent~~
28 ~~students enrolled in grades kindergarten through three; (ii) forty six~~
29 ~~certificated instructional staff to one thousand annual average full~~
30 ~~time equivalent students in grades four through twelve; (iii) four~~
31 ~~certificated administrative staff to one thousand annual average full~~
32 ~~time equivalent students in grades kindergarten through twelve; and~~
33 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~
34 ~~thousand annual average full time equivalent students enrolled in~~
35 ~~grades kindergarten through twelve.~~

36 ~~(e))~~ (b) In the event the legislature rejects the distribution
37 formula recommended by the governor, without adopting a new
38 distribution formula, the distribution formula for the previous school

1 year shall remain in effect(~~(: PROVIDED, That the distribution formula~~
2 ~~developed pursuant to this section shall be for state apportionment and~~
3 ~~equalization purposes only and shall not be construed as mandating~~
4 ~~specific operational functions of local school districts other than~~
5 ~~those program requirements identified in RCW 28A.150.220 and~~
6 ~~28A.150.100)).~~

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

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

27 ~~((3)(a) Certificated instructional staff shall include those~~
28 ~~persons employed by a school district who are nonsupervisory employees~~
29 ~~within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional~~
30 ~~cases, people of unusual competence but without certification may teach~~
31 ~~students so long as a certificated person exercises general~~
32 ~~supervision: PROVIDED, FURTHER, That the hiring of such classified~~
33 ~~people shall not occur during a labor dispute and such classified~~
34 ~~people shall not be hired to replace certificated employees during a~~
35 ~~labor dispute.~~

36 ~~(b) Certificated administrative staff shall include all those~~
37 ~~persons who are chief executive officers, chief administrative~~

1 ~~officers, confidential employees, supervisors, principals, or assistant~~
2 ~~principals within the meaning of RCW 41.59.020(4).)~~

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

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

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

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

23 (b) A district's annual average full-time equivalent basic
24 education enrollment, multiplied by the district's funded enrollment
25 percent, multiplied by the district's base allocation per full-time
26 equivalent student, multiplied by 0.9309.

27 (3) As used in this section:

28 (a) "Base allocation" means the total state allocation to all
29 schools in the district generated by the distribution formula under RCW
30 28A.150.260 (3) (b), (c)(i), and (d), (4), and (7), to be divided by
31 the district's full-time equivalent enrollment.

32 (b) "Basic education enrollment" means enrollment of resident
33 students including nonresident students enrolled under RCW 28A.225.225
34 and students from nonhigh districts enrolled under RCW 28A.225.210 and
35 excluding students residing in another district enrolled as part of an
36 interdistrict cooperative program under RCW 28A.225.250.

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

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

8 NEW SECTION. Sec. 108. (1) To the extent necessary, funds shall
9 be made available for safety net awards for districts with demonstrated
10 needs for special education funding beyond the amounts provided through
11 the special education funding formula under RCW 28A.150.390. If the
12 federal safety net awards based on the federal eligibility threshold
13 exceed the federal appropriation in any fiscal year, then the
14 superintendent shall expend all available federal discretionary funds
15 necessary to meet this need. Safety net funds shall be awarded by the
16 state safety net oversight committee subject to the following
17 conditions and limitations:

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

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

34 (c) Using criteria developed by the committee, the committee shall
35 then consider extraordinary costs associated with communities that draw
36 a larger number of families with children in need of special education

1 services. Safety net awards under this subsection (1)(c) shall be
2 adjusted to reflect amounts awarded under (b) of this subsection.

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

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

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

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

27 (3) On an annual basis, the superintendent shall survey districts
28 regarding their satisfaction with the safety net process and consider
29 feedback from districts to improve the safety net process. Each year
30 by December 1st, the superintendent shall prepare and submit a report
31 to the office of financial management and the appropriate policy and
32 fiscal committees of the legislature that summarizes the survey results
33 and those changes made to the safety net process as a result of the
34 school district feedback.

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

37 (a) One staff member from the office of the superintendent of
38 public instruction;

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

3 (c) One or more representatives from school districts or
4 educational service districts knowledgeable of special education
5 programs and funding.

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

8 (1) The state legislature shall, at each regular session in an odd-
9 numbered year, appropriate (~~((from the state general fund))~~) for the
10 current use of the common schools such amounts as needed for state
11 support to (~~((the common schools))~~) school districts during the ensuing
12 biennium (~~((as provided in this chapter, RCW 28A.160.150 through~~
13 ~~28A.160.210, 28A.300.170, and 28A.500.010))~~) for the program of basic
14 education under RCW 28A.150.200.

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

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

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

26 (1) The state board of education shall establish high school
27 graduation requirements or equivalencies for students, except those
28 equivalencies established by local high schools or school districts
29 under RCW 28A.230.097.

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

34 (b) The certificate of academic achievement requirements under RCW
35 28A.655.061 or the certificate of individual achievement requirements

1 under RCW 28A.155.045 are required for graduation from a public high
2 school but are not the only requirements for graduation.

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

6 (2)(a) In recognition of the statutory authority of the state board
7 of education to establish and enforce minimum high school graduation
8 requirements, the state board shall periodically reevaluate the
9 graduation requirements and shall report such findings to the
10 legislature in a timely manner as determined by the state board.

11 (b) The state board shall reevaluate the graduation requirements
12 for students enrolled in vocationally intensive and rigorous career and
13 technical education programs, particularly those programs that lead to
14 a certificate or credential that is state or nationally recognized.
15 The purpose of the evaluation is to ensure that students enrolled in
16 these programs have sufficient opportunity to earn a certificate of
17 academic achievement, complete the program and earn the program's
18 certificate or credential, and complete other state and local
19 graduation requirements. (~~The board shall reports [report] its
20 findings and recommendations for additional flexibility in graduation
21 requirements, if necessary, to the legislature by December 1, 2007.~~)

22 (c) The state board shall forward any proposed changes to the high
23 school graduation requirements to the education committees of the
24 legislature for review and to the quality education council established
25 under section 113 of this act. The legislature shall have the
26 opportunity to act during a regular legislative session before the
27 changes are adopted through administrative rule by the state board.
28 Changes that have a fiscal impact on school districts, as identified by
29 a fiscal analysis prepared by the office of the superintendent of
30 public instruction, shall take effect only if formally authorized and
31 funded by the legislature through the omnibus appropriations act or
32 other enacted legislation. In making proposed changes to the high
33 school graduation requirements, the state board and the legislature
34 shall take into account the capacity of the educational system to
35 implement those changes and if necessary shall establish an
36 implementation schedule that reflects the capacity needs.

37 (3) Pursuant to any requirement for instruction in languages other
38 than English established by the state board of education or a local

1 school district, or both, for purposes of high school graduation,
2 students who receive instruction in American sign language or one or
3 more American Indian languages shall be considered to have satisfied
4 the state or local school district graduation requirement for
5 instruction in one or more languages other than English.

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

10 (a) The course was taken with high school students, if the academic
11 level of the course exceeds the requirements for seventh and eighth
12 grade classes, and the student has successfully passed by completing
13 the same course requirements and examinations as the high school
14 students enrolled in the class; or

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

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

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

26 NEW SECTION. **Sec. 111.** (1) The legislature intends to continue to
27 redefine the instructional program of education under RCW 28A.150.220
28 that fulfills the obligations and requirements of Article IX of the
29 state Constitution. The funding formulas under RCW 28A.150.260 to
30 support the instructional program shall be implemented beginning in the
31 2011-12 school year to the extent the technical details of the formula
32 have been established and according to an implementation schedule to be
33 adopted by the legislature. The object of the schedule is to assure
34 that any increases in funding allocations are timely, predictable, and
35 occur concurrently with any increases in program or instructional
36 requirements. It is the intent of the legislature that no increased

1 programmatic or instructional expectations be imposed upon schools or
2 school districts without an accompanying increase in resources as
3 necessary to support those increased expectations.

4 (2) The office of financial management, with assistance and support
5 from the office of the superintendent of public instruction, shall
6 convene a technical working group to recommend the details of the
7 funding formulas and a concurrent implementation schedule.

8 (3) In addition to any other details the technical working group
9 deems necessary, the technical working group shall:

10 (a) Based on the intent established in RCW 28A.150.260, determine
11 how to adjust the actual allocations to school districts from the
12 school prototypes and what additional data might be necessary to allow
13 adjustments based on the actual number of full-time equivalent students
14 in each grade level at each school in the district;

15 (b) Recommend whether there should be additional class size
16 categories, in addition to those in RCW 28A.150.260, that should be
17 specified in the omnibus appropriations act for prototypical schools;

18 (c) Recommend what staff categories, in addition to classroom
19 teachers, should have specified allocations included in the omnibus
20 appropriations act for prototypical schools. In developing the list,
21 the working group shall at a minimum consider the following categories:

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

24 (ii) Teacher or classified employee librarians, a function that
25 includes information literacy, technology, and media to support school
26 library media programs;

27 (iii) Student health services, a function that includes school
28 nurses, whether certificated instructional or classified employee, and
29 social workers;

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

32 (v) Professional development coaches;

33 (vi) Teaching assistance, which includes any aspect of educational
34 instructional services provided by classified employees;

35 (vii) Office support, technology support, and noninstructional
36 aides;

37 (viii) Custodians, warehouse, maintenance, laborer, and
38 professional and technical education support employees;

1 (ix) Student and staff safety; and
2 (x) Teacher mentor enhancement; and
3 (d) Recommend whether additional categories of enhancements to the
4 annual average full-time equivalent student allocation should be
5 included in the omnibus appropriations act for prototypical schools,
6 any recommended criteria for those enhancements, and whether
7 restrictions on when those enhancements apply should be included. The
8 working group shall at a minimum give consideration to the following
9 potential enhancements:

10 (i) Based on student enrollment in exploratory career and technical
11 education courses;

12 (ii) Based on student enrollment in laboratory science courses;

13 (iii) Based on student enrollment in preparatory career and
14 technical education courses;

15 (iv) Based on enrollment in preparatory career and technical
16 education courses offered through a skill center; and

17 (v) Based on the enrollment of highly capable students.

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

29 (5) The working group shall be monitored and overseen by the
30 legislature. The working group shall submit its recommendations to the
31 legislature by December 1, 2009.

32 NEW SECTION. **Sec. 112.** A new section is added to chapter 28A.300
33 RCW to read as follows:

34 (1) As part of the estimates and information submitted to the
35 governor by the superintendent of public instruction under RCW
36 28A.300.170, the superintendent of public instruction shall biennially
37 make determinations on the educational system's capacity to accommodate

1 increased resources in relation to the recommended elements in the
2 prototypical funding allocation model. In areas where there are
3 specific and significant capacity limitations to providing enhancements
4 to a recommended element, the superintendent of public instruction
5 shall identify those limitations and make recommendations on how to
6 address the issue.

7 (2) The legislature shall:

8 (a) Review the recommendations of the superintendent of public
9 instruction submitted under subsection (1) of this section; and

10 (b) Use the information as it continues to review, evaluate, and
11 revise the definition and funding of basic education in a manner that
12 serves the educational needs of the citizen's of Washington; continues
13 to fulfill the state's obligation under Article IX of the state
14 Constitution and ensures that no enhancements are imposed on the
15 educational system that cannot be accommodated by the existing system
16 capacity.

17 (3) "System capacity" for purposes of this section includes, but is
18 not limited to, the ability of schools and districts to provide the
19 capital facilities necessary to support a particular instructional
20 program, the staffing levels necessary to support an instructional
21 program both in terms of actual numbers of staff as well as the
22 experience level and types of staff available to fill positions, the
23 higher education systems capacity to prepare the next generation of
24 educators, and the availability of data and a data system capable of
25 helping the state allocate its resources in a manner consistent with
26 evidence-based practices that are shown to improve student learning.

27 (4) The office of the superintendent of public instruction shall
28 report to the legislature on a biennial basis beginning December 1,
29 2010.

30 NEW SECTION. **Sec. 113.** (1) The quality education council is
31 created to recommend and inform the ongoing implementation by the
32 legislature of an evolving program of basic education and the financing
33 necessary to support such program. The council shall develop strategic
34 recommendations on the program of basic education for the common
35 schools. The council shall take into consideration the capacity report
36 produced under section 112 of this act and the availability of data and
37 progress of implementing the data systems required under section 202 of

1 this act. Any recommendations for modifications to the program of
2 basic education shall be based on scientific evidence of which programs
3 effectively support student learning. The council shall update the
4 statewide strategic recommendations every four years. The
5 recommendations of the council are intended to:

6 (a) Inform future educational policy and funding decisions of the
7 legislature and governor;

8 (b) Identify measurable goals and priorities for the educational
9 system in Washington state for a ten-year time period, including the
10 goals of basic education; and

11 (c) Enable the state of Washington to continue to implement an
12 evolving program of basic education.

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

18 (3) The chair of the council shall be selected from the
19 councilmembers. The council shall be composed of the following
20 members:

21 (a) Two members of the house of representatives, with one member
22 representing each of the major caucuses and appointed by the speaker of
23 the house of representatives;

24 (b) Two members of the senate, with one member representing each of
25 the major caucuses and appointed by the president of the senate; and

26 (c) One representative each from the office of the governor, office
27 of the superintendent of public instruction, state board of education,
28 professional educator standards board, and department of early
29 learning.

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

33 (5)(a) The council shall submit an initial report to the governor
34 and the legislature by January 1, 2010, detailing its recommendations,
35 including recommendations for resolving issues or decisions requiring
36 legislative action during the 2010 legislative session, and
37 recommendations for any funding necessary to continue development and
38 implementation of chapter, Laws of 2009 (this act).

- 1 (b) The initial report shall, at a minimum, give consideration to:
- 2 (i) Establishing a statewide beginning teacher mentoring and
- 3 support system;
- 4 (ii) Strategies for enriching the instruction for all students,
- 5 including highly capable;
- 6 (iii) Strategies for eliminating the achievement gap;
- 7 (iv) Potential dropout reduction and student reengagement
- 8 strategies; and
- 9 (v) Any system capacity limitations as appropriate.

10 (6) The council shall be staffed by the office of the

11 superintendent of public instruction and the office of financial

12 management. Additional staff support shall be provided by the state

13 entities with representatives on the committee. Senate committee

14 services and the house of representatives office of program research

15 may provide additional staff support.

16 (7) Legislative members of the council shall serve without

17 additional compensation but may be reimbursed for travel expenses in

18 accordance with RCW 44.04.120 while attending sessions of the council

19 or on official business authorized by the council. Nonlegislative

20 members of the council may be reimbursed for travel expenses in

21 accordance with RCW 43.03.050 and 43.03.060.

22 **PART II**

23 **EDUCATION DATA IMPROVEMENT SYSTEM**

24 **Sec. 201.** RCW 43.41.400 and 2007 c 401 s 3 are each amended to

25 read as follows:

26 (1) An education data center shall be established in the office of

27 financial management. The education data center shall jointly, with

28 the legislative ((~~education—[evaluation]~~)) evaluation and

29 accountability program committee, conduct collaborative analyses of

30 early learning, K-12, and higher education programs and education

31 issues across the P-20 system, which includes the department of early

32 learning, the superintendent of public instruction, the professional

33 educator standards board, the state board of education, the state board

34 for community and technical colleges, the workforce training and

35 education coordinating board, the higher education coordinating board,

36 public and private nonprofit four-year institutions of higher

1 education, and the employment security department. The education data
2 center shall conduct collaborative analyses under this section with the
3 legislative evaluation and accountability program committee and provide
4 data electronically to the legislative evaluation and accountability
5 program committee, to the extent permitted by state and federal
6 confidentiality requirements. The education data center shall be
7 considered an authorized representative of the state educational
8 agencies in this section under applicable federal and state statutes
9 for purposes of accessing and compiling student record data for
10 research purposes.

11 (2) The education data center shall:

12 (a) In consultation with the legislative evaluation and
13 accountability program committee and the agencies and organizations
14 participating in the education data center, identify the critical
15 research and policy questions that are intended to be addressed by the
16 education data center and the data needed to address the questions;

17 (b) Coordinate with other state education agencies to compile and
18 analyze education data, including data on student demographics that is
19 disaggregated by distinct ethnic categories within racial subgroups,
20 and complete P-20 research projects;

21 ~~((b))~~ (c) Collaborate with the legislative evaluation and
22 accountability program committee and the education and fiscal
23 committees of the legislature in identifying the data to be compiled
24 and analyzed to ensure that legislative interests are served;

25 ~~((c))~~ (d) Annually provide to the K-12 data governance group a
26 list of data elements and data quality improvements that are necessary
27 to answer the research and policy questions identified by the education
28 data center and have been identified by the legislative committees in
29 (c) of this subsection. Within three months of receiving the list, the
30 K-12 data governance group shall develop and transmit to the education
31 data center a feasibility analysis of obtaining or improving the data,
32 including the steps required, estimated time frame, and the financial
33 and other resources that would be required. Based on the analysis,
34 the education data center shall submit, if necessary, a recommendation
35 to the legislature regarding any statutory changes or resources that
36 would be needed to collect or improve the data;

37 (e) Monitor and evaluate the education data collection systems of
38 the organizations and agencies represented in the education data center

1 ensuring that data systems are flexible, able to adapt to evolving
2 needs for information, and to the extent feasible and necessary,
3 include data that are needed to conduct the analyses and provide
4 answers to the research and policy questions identified in (a) of this
5 subsection;

6 (f) Track enrollment and outcomes through the public centralized
7 higher education enrollment system;

8 ~~((d))~~ (g) Assist other state educational agencies' collaborative
9 efforts to develop a long-range enrollment plan for higher education
10 including estimates to meet demographic and workforce needs; ~~((and~~

11 ~~(e))~~ (h) Provide research that focuses on student transitions
12 within and among the early learning, K-12, and higher education sectors
13 in the P-20 system; and

14 (i) Make recommendations to the legislature as necessary to help
15 ensure the goals and objectives of this section and sections 202 and
16 203 of this act are met.

17 (3) The department of early learning, superintendent of public
18 instruction, professional educator standards board, state board of
19 education, state board for community and technical colleges, workforce
20 training and education coordinating board, higher education
21 coordinating board, public four-year institutions of higher education,
22 and employment security department shall work with the education data
23 center to develop data-sharing and research agreements, consistent with
24 applicable security and confidentiality requirements, to facilitate the
25 work of the center. Private, nonprofit institutions of higher
26 education that provide programs of education beyond the high school
27 level leading at least to the baccalaureate degree and are accredited
28 by the Northwest association of schools and colleges or their peer
29 accreditation bodies may also develop data-sharing and research
30 agreements with the education data center, consistent with applicable
31 security and confidentiality requirements. The education data center
32 shall make data from collaborative analyses available to the education
33 agencies and institutions that contribute data to the education data
34 center to the extent allowed by federal and state security and
35 confidentiality requirements applicable to the data of each
36 contributing agency or institution.

1 NEW SECTION. **Sec. 202.** A new section is added to chapter 43.41
2 RCW to read as follows:

3 (1) It is the legislature's intent to establish a comprehensive K-
4 12 education data improvement system for financial, student, and
5 educator data. The objective of the system is to monitor student
6 progress, have information on the quality of the educator workforce,
7 monitor and analyze the costs of programs, provide for financial
8 integrity and accountability, and have the capability to link across
9 these various data components by student, by class, by teacher, by
10 school, by district, and statewide. Education data systems must be
11 flexible and able to adapt to evolving needs for information, but there
12 must be an objective and orderly data governance process for
13 determining when changes are needed and how to implement them. It is
14 the further intent of the legislature to provide independent review and
15 evaluation of a comprehensive K-12 education data improvement system by
16 assigning the review and monitoring responsibilities to the education
17 data center and the legislative evaluation and accountability program
18 committee.

19 (2) It is the intent that the data system specifically service
20 reporting requirements for teachers, parents, superintendents, school
21 boards, the legislature, the office of the superintendent of public
22 instruction, and the public.

23 (3) It is the legislature's intent that the K-12 education data
24 improvement system used by school districts and the state include but
25 not be limited to the following information and functionality:

26 (a) Comprehensive educator information, including grade level and
27 courses taught, building or location, program, job assignment, years of
28 experience, the institution of higher education from which the educator
29 obtained his or her degree, compensation, class size, mobility of class
30 population, socioeconomic data of class, number of languages and which
31 languages are spoken by students, general resources available for
32 curriculum and other classroom needs, and number and type of
33 instructional support staff in the building;

34 (b) The capacity to link educator assignment information with
35 educator certification information such as certification number, type
36 of certification, route to certification, certification program, and
37 certification assessment or evaluation scores;

1 (c) Common coding of secondary courses and major areas of study at
2 the elementary level or standard coding of course content;

3 (d) Robust student information, including but not limited to
4 student characteristics, course and program enrollment, performance on
5 statewide and district summative and formative assessments to the
6 extent district assessments are used, and performance on college
7 readiness tests;

8 (e) A subset of student information elements to serve as a dropout
9 early warning system;

10 (f) The capacity to link educator information with student
11 information;

12 (g) A common, standardized structure for reporting the costs of
13 programs at the school and district level with a focus on the cost of
14 services delivered to students;

15 (h) Separate accounting of state, federal, and local revenues and
16 costs;

17 (i) Information linking state funding formulas to school district
18 budgeting and accounting, including procedures:

19 (i) To support the accuracy and auditing of financial data; and

20 (ii) Using the prototypical school model for school district
21 financial accounting reporting;

22 (j) The capacity to link program cost information with student
23 performance information to gauge the cost-effectiveness of programs;

24 (k) Information that is centrally accessible and updated regularly;
25 and

26 (l) An anonymous, nonidentifiable replicated copy of data that is
27 updated at least quarterly, and made available to the public by the
28 state.

29 (4) It is the legislature's goal that all school districts have the
30 capability to collect state-identified common data and export it in a
31 standard format to support a statewide K-12 education data improvement
32 system under this section.

33 (5) It is the legislature's intent that the K-12 education data
34 improvement system be developed to provide the capability to make
35 reports as required under section 203 of this act available.

36 (6) It is the legislature's intent that school districts collect
37 and report new data elements to satisfy the requirements of RCW

1 43.41.400, this section, and section 203 of this act, only to the
2 extent funds are available for this purpose.

3 NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 (1) A K-12 data governance group shall be established within the
6 office of the superintendent of public instruction to assist in the
7 design and implementation of a K-12 education data improvement system
8 for financial, student, and educator data. It is the intent that the
9 data system reporting specifically serve requirements for teachers,
10 parents, superintendents, school boards, the office of the
11 superintendent of public instruction, the legislature, and the public.

12 (2) The K-12 data governance group shall include representatives of
13 the education data center, the office of the superintendent of public
14 instruction, the legislative evaluation and accountability program
15 committee, the professional educator standards board, the state board
16 of education, and school district staff, including information
17 technology staff. Additional entities with expertise in education data
18 may be included in the K-12 data governance group.

19 (3) The K-12 data governance group shall:

20 (a) Identify the critical research and policy questions that need
21 to be addressed by the K-12 education data improvement system;

22 (b) Identify reports and other information that should be made
23 available on the internet in addition to the reports identified in
24 subsection (5) of this section;

25 (c) Create a comprehensive needs requirement document detailing the
26 specific information and technical capacity needed by school districts
27 and the state to meet the legislature's expectations for a
28 comprehensive K-12 education data improvement system as described under
29 section 202 of this act;

30 (d) Conduct a gap analysis of current and planned information
31 compared to the needs requirement document, including an analysis of
32 the strengths and limitations of an education data system and programs
33 currently used by school districts and the state, and specifically the
34 gap analysis must look at the extent to which the existing data can be
35 transformed into canonical form and where existing software can be used
36 to meet the needs requirement document;

1 (e) Focus on financial and cost data necessary to support the new
2 K-12 financial models and funding formulas, including any necessary
3 changes to school district budgeting and accounting, and on assuring
4 the capacity to link data across financial, student, and educator
5 systems; and

6 (f) Define the operating rules and governance structure for K-12
7 data collections, ensuring that data systems are flexible and able to
8 adapt to evolving needs for information, within an objective and
9 orderly data governance process for determining when changes are needed
10 and how to implement them. Strong consideration must be made to the
11 current practice and cost of migration to new requirements. The
12 operating rules should delineate the coordination, delegation, and
13 escalation authority for data collection issues, business rules, and
14 performance goals for each K-12 data collection system, including:

15 (i) Defining and maintaining standards for privacy and
16 confidentiality;

17 (ii) Setting data collection priorities;

18 (iii) Defining and updating a standard data dictionary;

19 (iv) Ensuring data compliance with the data dictionary;

20 (v) Ensuring data accuracy; and

21 (vi) Establishing minimum standards for school, student, financial,
22 and teacher data systems. Data elements may be specified "to the
23 extent feasible" or "to the extent available" to collect more and
24 better data sets from districts with more flexible software. Nothing
25 in RCW 43.41.400, this section, or section 202 of this act should be
26 construed to require that a data dictionary or reporting should be
27 hobbled to the lowest common set. The work of the K-12 data
28 governance group must specify which data are desirable. Districts that
29 can meet these requirements shall report the desirable data. Funding
30 from the legislature must establish which subset data are absolutely
31 required.

32 (4)(a) The K-12 data governance group shall provide updates on its
33 work as requested by the education data center and the legislative
34 evaluation and accountability program committee.

35 (b) The work of the K-12 data governance group shall be
36 periodically reviewed and monitored by the educational data center and
37 the legislative evaluation and accountability program committee.

1 (5) To the extent data is available, the office of the
2 superintendent of public instruction shall make the following minimum
3 reports available on the internet. The reports must either be run on
4 demand against current data, or, if a static report, must have been run
5 against the most recent data:

6 (a) The percentage of data compliance and data accuracy by school
7 district;

8 (b) The magnitude of spending per student, by student estimated by
9 the following algorithm and reported as the detailed summation of the
10 following components:

11 (i) An approximate, prorated fraction of each teacher or human
12 resource element that directly serves the student. Each human resource
13 element must be listed or accessible through online tunneling in the
14 report;

15 (ii) An approximate, prorated fraction of classroom or building
16 costs used by the student;

17 (iii) An approximate, prorated fraction of transportation costs
18 used by the student; and

19 (iv) An approximate, prorated fraction of all other resources
20 within the district. District-wide components should be disaggregated
21 to the extent that it is sensible and economical;

22 (c) The cost of K-12 basic education, per student, by student, by
23 school district, estimated by the algorithm in (b) of this subsection,
24 and reported in the same manner as required in (b) of this subsection;

25 (d) The cost of K-12 special education services per student, by
26 student receiving those services, by school district, estimated by the
27 algorithm in (b) of this subsection, and reported in the same manner as
28 required in (b) of this subsection;

29 (e) Improvement on the statewide assessments computed as both a
30 percentage change and absolute change on a scale score metric by
31 district, by school, and by teacher that can also be filtered by a
32 student's length of full-time enrollment within the school district;

33 (f) Number of K-12 students per classroom teacher on a per teacher
34 basis;

35 (g) Number of K-12 classroom teachers per student on a per student
36 basis;

37 (h) Percentage of a classroom teacher per student on a per student
38 basis; and

1 (i) The cost of K-12 education per student by school district
2 sorted by federal, state, and local dollars.

3 (6) The superintendent of public instruction shall submit a
4 preliminary report to the legislature by November 15, 2009, including
5 the analyses by the K-12 data governance group under subsection (3) of
6 this section and preliminary options for addressing identified gaps.
7 A final report, including a proposed phase-in plan and preliminary cost
8 estimates for implementation of a comprehensive data improvement system
9 for financial, student, and educator data shall be submitted to the
10 legislature by September 1, 2010.

11 (7) All reports and data referenced in this section, RCW 43.41.400,
12 and section 202 of this act shall be made available in a manner
13 consistent with the technical requirements of the legislative
14 evaluation and accountability program committee and the education data
15 center so that selected data can be provided to the legislature,
16 governor, school districts, and the public.

17 (8) Reports shall contain data to the extent it is available. All
18 reports must include documentation of which data are not available or
19 are estimated. Reports must not be suppressed because of poor data
20 accuracy or completeness. Reports may be accompanied with
21 documentation to inform the reader of why some data are missing or
22 inaccurate or estimated.

23 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.41
24 RCW to read as follows:

25 The education data center and the superintendent of public
26 instruction shall take all actions necessary to secure federal funds to
27 implement sections 201 through 203 of this act.

28 **PART III**

29 **OTHER EDUCATIONAL PROVISIONS**

30 NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.500
31 RCW to read as follows:

32 (1) The legislature finds that while the state has the
33 responsibility to provide for a general and uniform system of public
34 schools, there is also a need for some diversity in the public school
35 system. A successful system of public education must permit some

1 variation among school districts outside the basic education provided
2 for by the state to respond to and reflect the unique desires of local
3 communities. The opportunity for local communities to invest in
4 enriched education programs promotes support for local public schools.
5 Further, the ability of local school districts to experiment with
6 enriched programs can inform the legislature's long-term evolution of
7 the definition of basic education. Therefore, local levy authority
8 remains an important component of the overall finance system in support
9 of the public schools even though it is outside the state's obligation
10 for basic education.

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

20 NEW SECTION. Sec. 302. (1) Beginning July 1, 2010, the office of
21 financial management, with assistance and support from the office of
22 the superintendent of public instruction, shall convene a technical
23 working group to develop options for a new system of supplemental
24 school funding through local school levies and local effort assistance.

25 (2) The working group shall consider the impact on overall school
26 district revenues of the new basic education funding system established
27 under this act and shall recommend a phase-in plan that ensures that no
28 school district suffers a decrease in funding from one school year to
29 the next due to implementation of the new system of supplemental
30 funding.

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

1 association, the public school employees of Washington, and other
2 interested stakeholders with expertise in education finance. The
3 working group may convene advisory subgroups on specific topics as
4 necessary to assure participation and input from a broad array of
5 diverse stakeholders.

6 (4) The local funding working group shall be monitored and overseen
7 by the legislature and by the quality education council created in
8 section 113 of this act. The working group shall report to the
9 legislature December 1, 2011.

10 **Sec. 303.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to
11 read as follows:

12 The legislature hereby recognizes that private schools should be
13 subject only to those minimum state controls necessary to insure the
14 health and safety of all the students in the state and to insure a
15 sufficient basic education to meet usual graduation requirements. The
16 state, any agency or official thereof, shall not restrict or dictate
17 any specific educational or other programs for private schools except
18 as hereinafter in this section provided.

19 Principals of private schools or superintendents of private school
20 districts shall file each year with the state superintendent of public
21 instruction a statement certifying that the minimum requirements
22 hereinafter set forth are being met, noting any deviations. After
23 review of the statement, the state superintendent will notify schools
24 or school districts of those deviations which must be corrected. In
25 case of major deviations, the school or school district may request and
26 the state board of education may grant provisional status for one year
27 in order that the school or school district may take action to meet the
28 requirements. The state board of education shall not require private
29 school students to meet the student learning goals, obtain a
30 certificate of academic achievement, or a certificate of individual
31 achievement to graduate from high school, to master the essential
32 academic learning requirements, or to be assessed pursuant to RCW
33 28A.655.061. However, private schools may choose, on a voluntary
34 basis, to have their students master these essential academic learning
35 requirements, take the assessments, and obtain a certificate of
36 academic achievement or a certificate of individual achievement.
37 Minimum requirements shall be as follows:

1 (1) The minimum school year for instructional purposes shall
2 consist of no less than one hundred eighty school days or the
3 equivalent in annual minimum (~~(program)~~) instructional hour offerings
4 (~~(as prescribed in RCW 28A.150.220)~~), with a school-wide annual average
5 total instructional hour offering of one thousand hours for students
6 enrolled in grades one through twelve, and at least four hundred fifty
7 hours for students enrolled in kindergarten.

8 (2) The school day shall be the same as (~~(that required in RCW~~
9 ~~28A.150.030 and 28A.150.220, except that the percentages of total~~
10 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~
11 ~~skills, work skills, and optional subjects and activities shall not~~
12 ~~apply to private schools or private sectarian schools)~~) defined in
13 section 102 of this act.

14 (3) All classroom teachers shall hold appropriate Washington state
15 certification except as follows:

16 (a) Teachers for religious courses or courses for which no
17 counterpart exists in public schools shall not be required to obtain a
18 state certificate to teach those courses.

19 (b) In exceptional cases, people of unusual competence but without
20 certification may teach students so long as a certified person
21 exercises general supervision. Annual written statements shall be
22 submitted to the office of the superintendent of public instruction
23 reporting and explaining such circumstances.

24 (4) An approved private school may operate an extension program for
25 parents, guardians, or persons having legal custody of a child to teach
26 children in their custody. The extension program shall require at a
27 minimum that:

28 (a) The parent, guardian, or custodian be under the supervision of
29 an employee of the approved private school who is certified under
30 chapter 28A.410 RCW;

31 (b) The planning by the certified person and the parent, guardian,
32 or person having legal custody include objectives consistent with this
33 subsection and subsections (1), (2), (5), (6), and (7) of this section;

34 (c) The certified person spend a minimum average each month of one
35 contact hour per week with each student under his or her supervision
36 who is enrolled in the approved private school extension program;

37 (d) Each student's progress be evaluated by the certified person;
38 and

1 (e) The certified employee shall not supervise more than thirty
2 students enrolled in the approved private school's extension program.

3 (5) Appropriate measures shall be taken to safeguard all permanent
4 records against loss or damage.

5 (6) The physical facilities of the school or district shall be
6 adequate to meet the program offered by the school or district:
7 PROVIDED, That each school building shall meet reasonable health and
8 fire safety requirements. A residential dwelling of the parent,
9 guardian, or custodian shall be deemed to be an adequate physical
10 facility when a parent, guardian, or person having legal custody is
11 instructing his or her child under subsection (4) of this section.

12 (7) Private school curriculum shall include instruction of the
13 basic skills of occupational education, science, mathematics, language,
14 social studies, history, health, reading, writing, spelling, and the
15 development of appreciation of art and music, all in sufficient units
16 for meeting state board of education graduation requirements.

17 (8) Each school or school district shall be required to maintain
18 up-to-date policy statements related to the administration and
19 operation of the school or school district.

20 All decisions of policy, philosophy, selection of books, teaching
21 material, curriculum, except as in subsection (7) of this section
22 provided, school rules and administration, or other matters not
23 specifically referred to in this section, shall be the responsibility
24 of the administration and administrators of the particular private
25 school involved.

26 **Sec. 304.** RCW 28A.160.150 and 1996 c 279 s 1 are each amended to
27 read as follows:

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

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

4 **Sec. 305.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to
5 read as follows:

6 (1) Beginning with the 2007-08 school year, funding for voluntary
7 all-day kindergarten programs shall be phased-in beginning with schools
8 with the highest poverty levels, defined as those schools with the
9 highest percentages of students qualifying for free and reduced-price
10 lunch support in the prior school year. Once a school receives funding
11 for the all-day kindergarten program, that school shall remain eligible
12 for funding in subsequent school years regardless of changes in the
13 school's percentage of students eligible for free and reduced-price
14 lunches as long as other program requirements are fulfilled.
15 Additionally, schools receiving all-day kindergarten program support
16 shall agree to the following conditions:

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

36 (2) Subject to funds appropriated for this purpose, the
37 superintendent of public instruction shall designate one or more school

1 districts to serve as resources and examples of best practices in
2 designing and operating a high-quality all-day kindergarten program.
3 Designated school districts shall serve as lighthouse programs and
4 provide technical assistance to other school districts in the initial
5 stages of implementing an all-day kindergarten program. Examples of
6 topics addressed by the technical assistance include strategic
7 planning, developing the instructional program and curriculum, working
8 with early learning providers to identify students and communicate with
9 parents, and developing kindergarten program readiness activities.

10 (3) Any funds allocated to support all-day kindergarten programs
11 under this section shall not be considered as basic education funding.
12 Once all-day kindergarten is fully implemented statewide, the quality
13 education council created in section 113 of this act shall review the
14 performance data of the schools and students and make recommendations
15 to the legislature as to whether all-day kindergarten should be
16 included in the definition of basic education. As the programs are
17 phased-in, school districts that are not receiving state funding for
18 all-day kindergarten may charge a copay from families to help support
19 a district-provided all-day kindergarten. Copay waivers must be
20 available to families who are low income. School districts must adopt
21 a policy that clearly defines "low income," the use of a copay, and a
22 copay waiver.

23 NEW SECTION. Sec. 306. A new section is added to chapter 43.79
24 RCW to read as follows:

25 (1) The education stabilization account is created in the state
26 treasury. Moneys in the account may be spent only after appropriation
27 and only for K-12 educational purposes. All receipts from subsections
28 (2) and (3) of this section shall be deposited into the account.

29 (2) By September 30, 2011, and by September 30th of each odd-
30 numbered year thereafter, all general state revenues that exceed the
31 state revenues from the previous fiscal biennium, up to a maximum of
32 five percent over the previous fiscal biennium, shall be transferred to
33 the education stabilization account such that the amount transferred to
34 the education stabilization account is the amount needed to maintain
35 the previous fiscal biennium's percentage of general state revenue
36 spent on all of K-12 education.

1 (3) If the amount of revenue growth is greater than five percent
2 over the previous fiscal biennium, by September 30, 2011, and by
3 September 30th of each odd-numbered year thereafter, an amount equal to
4 fifty percent of the increase over five percent shall be transferred to
5 the education stabilization account.

6 (4) For the purposes of this section, "general state revenues"
7 shall be as defined by Article VIII, section 1 of the state
8 Constitution.

9 **PART IV**

10 **CERTIFICATION AND PROFESSIONAL DEVELOPMENT**

11 NEW SECTION. **Sec. 401.** The legislature recognizes that the key to
12 providing all students the opportunity to achieve the basic education
13 goal is effective teaching and leadership. Teachers, principals, and
14 administrators must be provided with access to the opportunities they
15 need to gain the knowledge and skills that will enable them to be
16 increasingly successful in their classroom and schools. A system that
17 clearly defines, supports, measures, and recognizes effective teaching
18 and leadership is one of the most important investments to be made.

19 NEW SECTION. **Sec. 402.** A new section is added to chapter 28A.410
20 RCW to read as follows:

21 (1)(a) By January 1, 2010, the professional educator standards
22 board shall adopt a set of articulated teacher knowledge, skill, and
23 performance standards for effective teaching that are evidence-based,
24 measurable, meaningful, and documented in high quality research as
25 being associated with improved student learning. The standards shall
26 be calibrated for each level of certification and along the entire
27 career continuum. In developing the standards, the board shall, to the
28 extent possible, incorporate standards for cultural competency along
29 the entire continuum. For the purposes of this subsection, "cultural
30 competency" includes knowledge of student cultural histories and
31 contexts, as well as family norms and values in different cultures;
32 knowledge and skills in accessing community resources and community and
33 parent outreach; and skills in adapting instruction to students'
34 experiences and identifying cultural contexts for individual students.

1 (b) By January 1, 2010, the professional educator standards board
2 shall adopt a definition of master teacher, with a comparable level of
3 increased competency between professional certification level and
4 master level as between professional certification level and national
5 board certification. Within the definition established by the
6 professional educator standards board, teachers certified through the
7 national board for professional teaching standards shall be considered
8 master teachers.

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

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

15 (b) A proposal for a uniform, statewide, valid, and reliable
16 classroom-based means of evaluating teacher effectiveness as a
17 culminating measure at the preservice level that is to be used during
18 the student-teaching field experience. This assessment shall include
19 multiple measures of teacher performance in classrooms, evidence of
20 positive impact on student learning, and shall include review of
21 artifacts, such as use of a variety of assessment and instructional
22 strategies, and student work. The proposal shall establish a timeline
23 for when the assessment will be required for successful completion of
24 a Washington state-approved teacher preparation program. The timeline
25 shall take into account the capacity of the K-12 education and higher
26 education systems to accommodate the new assessment. The proposal and
27 timeline shall also address how the assessment will be included in
28 state-reported data on preparation program quality; and

29 (c) A recommendation on the length of time that a residency
30 certificate issued to a teacher is valid and within what time period a
31 teacher must meet the minimum level of performance for and receive a
32 professional certificate in order to continue being certified as a
33 teacher. In developing this recommendation, the professional educator
34 standards board shall consult with interested stakeholders including
35 the Washington education association, the Washington association of
36 school administrators, association of Washington school principals, and
37 the Washington state school directors' association and shall include

1 with its recommendation a description of each stakeholder's comments on
2 the recommendation.

3 (3) The update and proposal in subsection (2)(a) and (b) of this
4 section shall include, at a minimum, descriptions of:

5 (a) Estimated costs and statutory authority needed for further
6 development and implementation of these assessments;

7 (b) A common and standardized rubric for determining whether a
8 teacher meets the minimum level of performance of the assessments; and

9 (c) Administration and management of the assessments.

10 (4) To the extent that funds are appropriated for this purpose and
11 in accordance with the timeline established in subsection (2) of this
12 section, recognizing the capacity limitations of the education systems,
13 the professional educator standards board shall develop the system and
14 process as established in subsections (1), (2), and (3) of this section
15 throughout the remainder of the 2010-11 and 2011-12 school years.

16 (5) Beginning no earlier than September 1, 2011, award of a
17 professional certificate shall be based on a minimum of two years of
18 successful teaching experience as defined by the board and on the
19 results of the evaluation authorized under RCW 28A.410.210(14) and
20 under this section, and may not require candidates to enroll in a
21 professional certification program.

22 (6) Beginning July 1, 2011, educator preparation programs approved
23 to offer the residency teaching certificate shall be required to
24 demonstrate how the program produces effective teachers as evidenced by
25 the measures established under this section and other criteria
26 established by the professional educator standards board.

27 **Sec. 403.** RCW 28A.415.360 and 2007 c 402 s 9 are each amended to
28 read as follows:

29 (1) Subject to funds appropriated for this purpose, targeted
30 professional development programs, to be known as learning improvement
31 days, are authorized to further the development of outstanding
32 mathematics, science, and reading teaching and learning opportunities
33 in the state of Washington. The intent of this section is to provide
34 guidance for the learning improvement days in the omnibus
35 appropriations act. The learning improvement days authorized in this
36 section shall not be considered part of the definition of basic
37 education.

1 education finance reform and the increased investment of public
2 resources necessary to implement that reform must be accompanied by a
3 new mechanism for clearly defining the relationships and expectations
4 for the state, school districts, and schools. It is the legislature's
5 intent that this be accomplished through the development of a
6 proactive, collaborative accountability system that focuses on a school
7 improvement system that engages and serves the local school board,
8 parents, students, staff in the schools and districts, and the
9 community. The improvement system shall be based on progressive levels
10 of support, with a goal of continuous improvement in student
11 achievement and alignment with the federal system of accountability.

12 (b) The legislature further recognizes that it is the state's
13 responsibility to provide schools and districts with the tools and
14 resources necessary to improve student achievement. These tools
15 include the necessary accounting and data reporting systems, assessment
16 systems to monitor student achievement, and a system of general
17 support, targeted assistance, recognition, and, if necessary, state
18 intervention.

19 (2) The legislature has already charged the state board of
20 education to develop criteria to identify schools and districts that
21 are successful, in need of assistance, and those where students
22 persistently fail, as well as to identify a range of intervention
23 strategies and a performance incentive system. The legislature finds
24 that the state board of education should build on the work that the
25 board has already begun in these areas. As development of these
26 formulas, processes, and systems progresses, the legislature should
27 monitor the progress.

28 **Sec. 502.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to
29 read as follows:

30 The purpose of the state board of education is to provide advocacy
31 and strategic oversight of public education; implement a standards-
32 based accountability (~~(system)~~) framework that creates a unified system
33 of increasing levels of support for schools in order to improve student
34 academic achievement; provide leadership in the creation of a system
35 that personalizes education for each student and respects diverse
36 cultures, abilities, and learning styles; and promote achievement of

1 the goals of RCW 28A.150.210. In addition to any other powers and
2 duties as provided by law, the state board of education shall:

3 (1) Hold regularly scheduled meetings at such time and place within
4 the state as the board shall determine and may hold such special
5 meetings as may be deemed necessary for the transaction of public
6 business;

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

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

11 (4) For purposes of statewide accountability:

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

35 (b) Identify the scores students must achieve in order to meet the
36 standard on the Washington assessment of student learning and, for high
37 school students, to obtain a certificate of academic achievement. The
38 board shall also determine student scores that identify levels of

1 student performance below and beyond the standard. The board shall
2 consider the incorporation of the standard error of measurement into
3 the decision regarding the award of the certificates. The board shall
4 set such performance standards and levels in consultation with the
5 superintendent of public instruction and after consideration of any
6 recommendations that may be developed by any advisory committees that
7 may be established for this purpose. The initial performance standards
8 and any changes recommended by the board in the performance standards
9 for the tenth grade assessment shall be presented to the education
10 committees of the house of representatives and the senate by November
11 30th of the school year in which the changes will take place to permit
12 the legislature to take statutory action before the changes are
13 implemented if such action is deemed warranted by the legislature. The
14 legislature shall be advised of the initial performance standards and
15 any changes made to the elementary level performance standards and the
16 middle school level performance standards;

17 ~~(c) ((Adopt objective, systematic criteria to identify successful~~
18 ~~schools and school districts and recommend to the superintendent of~~
19 ~~public instruction schools and districts to be recognized for two types~~
20 ~~of accomplishments, student achievement and improvements in student~~
21 ~~achievement. Recognition for improvements in student achievement shall~~
22 ~~include consideration of one or more of the following accomplishments:~~

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

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

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

37 ~~(d) Adopt objective, systematic criteria to identify schools and~~
38 ~~school districts in need of assistance and those in which significant~~

1 numbers of students persistently fail to meet state standards. In its
2 deliberations, the board shall consider the use of all statewide
3 mandated criterion-referenced and norm-referenced standardized tests;

4 ~~(e) Identify schools and school districts in which state~~
5 ~~intervention measures will be needed and a range of appropriate~~
6 ~~intervention strategies after the legislature has authorized a set of~~
7 ~~intervention strategies. After the legislature has authorized a set of~~
8 ~~intervention strategies, at the request of the board, the~~
9 ~~superintendent shall intervene in the school or school district and~~
10 ~~take corrective actions. This chapter does not provide additional~~
11 ~~authority for the board or the superintendent of public instruction to~~
12 ~~intervene in a school or school district;~~

13 ~~(f) Identify performance incentive systems that have improved or~~
14 ~~have the potential to improve student achievement;~~

15 ~~(g))~~ Annually review the assessment reporting system to ensure
16 fairness, accuracy, timeliness, and equity of opportunity, especially
17 with regard to schools with special circumstances and unique
18 populations of students, and a recommendation to the superintendent of
19 public instruction of any improvements needed to the system; and

20 ~~((+h))~~ (d) Include in the biennial report required under RCW
21 28A.305.035, information on the progress that has been made in
22 achieving goals adopted by the board;

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

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

36 (7) Hire an executive director and an administrative assistant to
37 reside in the office of the superintendent of public instruction for
38 administrative purposes. Any other personnel of the board shall be

1 appointed as provided by RCW 28A.300.020. The board may delegate to
2 the executive director by resolution such duties as deemed necessary to
3 efficiently carry on the business of the board including, but not
4 limited to, the authority to employ necessary personnel and the
5 authority to enter into, amend, and terminate contracts on behalf of
6 the board. The executive director, administrative assistant, and all
7 but one of the other personnel of the board are exempt from civil
8 service, together with other staff as now or hereafter designated as
9 exempt in accordance with chapter 41.06 RCW; and

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

12 NEW SECTION. **Sec. 503.** A new section is added to chapter 28A.305
13 RCW to read as follows:

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

19 (2) The state board of education shall develop an accountability
20 index to identify schools and districts for recognition and for
21 additional state support. The index shall be based on criteria that
22 are fair, consistent, and transparent. Performance shall be measured
23 using multiple outcomes and indicators including, but not limited to,
24 graduation rates and results from statewide assessments. The index
25 shall be developed in such a way as to be easily understood by both
26 employees within the schools and districts, as well as parents and
27 community members. It is the legislature's intent that the index
28 provide feedback to schools and districts to self-assess their
29 progress, and enable the identification of schools with exemplary
30 student performance and those that need assistance to overcome
31 challenges in order to achieve exemplary student performance. Once the
32 accountability index has identified schools that need additional help,
33 a more thorough analysis will be done to analyze specific conditions in
34 the district including but not limited to the level of state resources
35 a school or school district receives in support of the basic education
36 system, achievement gaps for different groups of students, and
37 community support.

1 (3) Based on the accountability index and in consultation with the
2 superintendent of public instruction, the state board of education
3 shall develop a proposal and timeline for implementation of a
4 comprehensive system of voluntary support and assistance for schools
5 and districts. The timeline must take into account and accommodate
6 capacity limitations of the K-12 educational system. Changes that have
7 a fiscal impact on school districts, as identified by a fiscal analysis
8 prepared by the office of the superintendent of public instruction,
9 shall take effect only if formally authorized by the legislature
10 through the omnibus appropriations act or other enacted legislation.

11 (4)(a) The state board of education shall develop a proposal and
12 implementation timeline for a more formalized comprehensive system
13 improvement targeted to challenged schools and districts that have not
14 demonstrated sufficient improvement through the voluntary system. The
15 timeline must take into account and accommodate capacity limitations of
16 the K-12 educational system. The proposal and timeline shall be
17 submitted to the education committees of the legislature by December 1,
18 2009, and shall include recommended legislation and recommended
19 resources to implement the system according to the timeline developed.

20 (b) The proposal shall outline a process for addressing performance
21 challenges that will include the following features: (i) An academic
22 performance audit using peer review teams of educators that considers
23 school and community factors in addition to other factors in developing
24 recommended specific corrective actions that should be undertaken to
25 improve student learning; (ii) a requirement for the local school board
26 plan to develop and be responsible for implementation of corrective
27 action plan taking into account the audit findings, which plan must be
28 approved by the state board of education at which time the plan becomes
29 binding upon the school district to implement; and (iii) monitoring of
30 local district progress by the office of the superintendent of public
31 instruction. The proposal shall take effect only if formally
32 authorized by the legislature through the omnibus appropriations act or
33 other enacted legislation.

34 (5) In coordination with the superintendent of public instruction,
35 the state board of education shall seek approval from the United States
36 department of education for use of the accountability index and the
37 state system of support, assistance, and intervention, to replace the

1 federal accountability system under P.L. 107-110, the no child left
2 behind act of 2001.

3 (6) The state board of education shall work with the education data
4 center established within the office of financial management and the
5 technical working group established in section 111 of this act to
6 determine the feasibility of using the prototypical funding allocation
7 model as not only a tool for allocating resources to schools and
8 districts but also as a tool for schools and districts to report to the
9 state legislature and the state board of education on how the state
10 resources received are being used.

11 **PART VI**
12 **COMPENSATION**

13 NEW SECTION. **Sec. 601.** A new section is added to chapter 43.41
14 RCW to read as follows:

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

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

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

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

4 (c) How to account for different geographic regions of the state
5 where districts may encounter difficulty recruiting and retaining
6 teachers;

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

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

10 (f) Initial fiscal estimates for implementing the recommendations
11 including a recognition that staff on the existing salary allocation
12 model would have the option to grandfather in permanently to the
13 existing schedule.

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

21 (4) The analysis required under subsection (1) of this section
22 must:

23 (a) Examine salaries and other compensation for teachers, other
24 certificated instructional staff, principals, and other building-level
25 certificated administrators, and the types of classified employees for
26 whom salaries are allocated;

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

30 (c) Include a comparison of salaries and other compensation to the
31 appropriate labor market for at least the following subgroups of
32 educators: Beginning teachers and types of educational staff
33 associates.

34 (5) The working group shall include representatives of the
35 department of personnel, the professional educator standards board, the
36 office of the superintendent of public instruction, the Washington
37 education association, the Washington association of school
38 administrators, the association of Washington school principals, the

1 Washington state school directors' association, the public school
2 employees of Washington, and other interested stakeholders with
3 appropriate expertise in compensation related matters. The working
4 group may convene advisory subgroups on specific topics as necessary to
5 assure participation and input from a broad array of diverse
6 stakeholders.

7 (6) The working group shall be monitored and overseen by the
8 legislature and the quality education council created in section 113 of
9 this act. The working group shall make an initial report to the
10 legislature by December 1, 2012, and shall include in its report
11 recommendations for whether additional further work of the group is
12 necessary.

13 **PART VII**
14 **GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION**

15 **Sec. 701.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to
16 read as follows:

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

26 **Sec. 702.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to
27 read as follows:

28 Unless the context clearly indicates otherwise the definitions in
29 this section apply throughout this chapter.

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

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

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

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

13 (5) "Underachieving students" means students with the greatest
14 academic deficits in basic skills as identified by the statewide
15 assessments.

16 **Sec. 703.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to
17 read as follows:

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

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

34 ~~(a) If, in the prior school year, a district's percent of October~~
35 ~~headcount student enrollment in grades kindergarten through twelve who~~
36 ~~are enrolled in the transitional bilingual instruction program, based~~
37 ~~on an average of the program headcount taken in October and May,~~

1 exceeds twenty percent, twenty percent shall be subtracted from the
2 district's percent transitional bilingual instruction program
3 enrollment and the resulting percent shall be multiplied by the
4 district's kindergarten through twelve annual average full-time
5 equivalent enrollment for the prior school year.

6 (b) The number calculated under (a) of this subsection shall be the
7 number of additional funded students for purposes of this subsection,
8 to be multiplied by the per-funded student allocation rates specified
9 in the omnibus appropriations act.

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

14 **Sec. 704.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to
15 read as follows:

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

27 **Sec. 705.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to
28 read as follows:

29 ((The superintendent of public instruction shall prepare and submit
30 biennially to the governor and the legislature a budget request for
31 bilingual instruction programs.)) Moneys appropriated by the
32 legislature for the purposes of RCW 28A.180.010 through 28A.180.080
33 shall be allocated by the superintendent of public instruction to
34 school districts for the sole purpose of operating an approved
35 bilingual instruction program(, priorities for funding shall exist for
36 the early elementary grades. No moneys shall be allocated pursuant to

1 ~~this section to fund more than three school years of bilingual~~
2 ~~instruction for each eligible pupil within a district: PROVIDED, That~~
3 ~~such moneys may be allocated to fund more than three school years of~~
4 ~~bilingual instruction for any pupil who fails to demonstrate~~
5 ~~improvement in English language skills adequate to remove impairment of~~
6 ~~learning when taught only in English. The superintendent of public~~
7 ~~instruction shall set standards and approve a test for the measurement~~
8 ~~of such English language skills)).~~

9 **Sec. 706.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
10 read as follows:

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

27 (2) Subsection (1) of this section shall not apply to districts
28 participating in a cooperative project established under RCW
29 28A.340.030 which exceeds two years in duration.

30 NEW SECTION. **Sec. 707.** The following acts or parts of acts are
31 each repealed:

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

34 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
35 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
36 1973 1st ex.s. c 105 s 1;

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

4 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s
5 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s
6 22, & 1969 ex.s. c 223 s 28A.01.020;

7 (5) RCW 28A.150.370 (Additional programs for which legislative
8 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s
9 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;
10 and

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

13 PART VIII

14 MISCELLANEOUS PROVISIONS

15 NEW SECTION. **Sec. 801.** Part headings used in this act are not any
16 part of the law.

17 NEW SECTION. **Sec. 802.** Sections 1, 102, and 108 of this act are
18 each added to chapter 28A.150 RCW.

19 NEW SECTION. **Sec. 803.** Section 113 of this act constitutes a new
20 chapter in Title 28A RCW.

21 NEW SECTION. **Sec. 804.** Sections 101 through 109 and 701 through
22 707 of this act take effect September 1, 2011.

23 NEW SECTION. **Sec. 805.** Section 111 of this act is necessary for
24 the immediate preservation of the public peace, health, or safety, or
25 support of the state government and its existing public institutions,
26 and takes effect immediately.

27 NEW SECTION. **Sec. 806.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected."

OUT OF ORDER 04/16/2009

1 On page 1, line 1 of the title, after "education;" strike the
2 remainder of the title and insert "amending RCW 28A.150.200,
3 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390,
4 28A.150.380, 28A.230.090, 43.41.400, 28A.195.010, 28A.160.150,
5 28A.150.315, 28A.415.360, 28A.305.130, 28A.165.005, 28A.165.015,
6 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new
7 sections to chapter 28A.150 RCW; adding a new section to chapter
8 28A.300 RCW; adding new sections to chapter 43.41 RCW; adding a new
9 section to chapter 28A.500 RCW; adding a new section to chapter 43.79
10 RCW; adding a new section to chapter 28A.410 RCW; adding a new section
11 to chapter 28A.305 RCW; adding a new chapter to Title 28A RCW; creating
12 new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100,
13 28A.150.040, 28A.150.370, and 28A.155.180; providing an effective date;
14 and declaring an emergency."

--- END ---