

**SB 6048 - S AMD 126**

By Senators Oemig, McAuliffe

ADOPTED 03/09/2009

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) In enacting this legislation, the legislature intends to  
11 continue to review, evaluate, and revise the definition and funding of  
12 basic education in order to continue to fulfill the state obligation  
13 under Article IX of the state Constitution to define and fund a program  
14 of basic education for children residing in the state and attending  
15 public schools. The legislature also intends to continue to strengthen  
16 and modify the structure of the entire K-12 educational system,  
17 including nonbasic education programmatic elements, in order to build  
18 the capacity to anticipate and support potential future enhancements to  
19 basic education as the educational needs of our citizens continue to  
20 evolve.

21       (3) The legislature further intends to fulfill the state's  
22 obligation under Article IX to establish a general and uniform system  
23 of public schools and build upon the actions previously taken by the  
24 legislature to address the inequities that exist in the current system.  
25 However, the legislature finds that in some instances providing general  
26 and uniform educational opportunity requires tailoring basic education  
27 to reflect certain needs and circumstances of each school district,  
28 including district size and certain student characteristics. It is the  
29 intent of the legislature to address these differences using a rational

1 basis for the differences in order to promote equity and uniformity of  
2 educational opportunity.

3 (4) The legislature finds that while the state has the  
4 responsibility to provide for a general and uniform system of public  
5 schools, there is also a need for some diversity in the public school  
6 system. A successful system of public education must permit some  
7 variation among school districts outside the basic education provided  
8 for by the state to respond to and reflect the unique desires of local  
9 communities. The opportunity for local communities to invest in  
10 enriched education programs promotes support for local public schools.  
11 Further, the ability of local school districts to experiment with  
12 enriched programs can inform the legislature's long-term evolution of  
13 the definition of basic education. Therefore, local levy authority  
14 remains an important component of the overall finance system in support  
15 of the public schools even though it is outside the state's obligation  
16 for basic education.

17 (5) For practical and educational reasons, major changes of the  
18 program of basic education and the funding formulas to support it  
19 cannot occur instantaneously. The legislature intends to build upon  
20 the previous efforts of the legislature and the work of the basic  
21 education task force, the state board of education, the professional  
22 educator standards board, and others. However, an implementation  
23 strategy must be determined for the instructional program; financial  
24 experts must develop the details of the funding formulas that are based  
25 on prototypical schools; changes to the systems of educator  
26 certification, evaluation, mentoring, and compensation must be  
27 established; a data and reporting system must be designed; the capacity  
28 of districts to help their schools improve student achievement must be  
29 increased; and a system in which the state and school districts share  
30 accountability for achieving state educational standards requires new  
31 mechanisms that will clearly define the relationship of expectations  
32 for the state, school districts, and schools. As development of these  
33 formulas, processes, and systems progresses, the legislature shall  
34 monitor the progress. The legislature intends to begin a schedule for  
35 implementation of a redefined program of basic education and the  
36 resources necessary to support it, beginning in the 2011-12 school  
37 year. It is the legislature's intent that when the system has the

1 capacity to fully implement these reforms and enhancements they will be  
2 included in a definition and funding of basic education.

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

6 NEW SECTION. **Sec. 2.** INTENT TO MAKE NECESSARY CORRECTIONS. It is  
7 the intent of the legislature that the policies and allocation formulas  
8 adopted under this act constitute the legislature's definition of basic  
9 education under Article IX of the state Constitution. The legislature  
10 intends, however, to continue to review and revise the formulas and  
11 schedules and may make additional revisions, including revisions for  
12 technical purposes and consistency in the event of mathematical or  
13 other technical errors.

14 NEW SECTION. **Sec. 3.** OVERSIGHT. It is the intent of the  
15 legislature to maintain an active and ongoing role in monitoring and  
16 overseeing the development and implementation of the new basic  
17 education funding formula and redefinition of basic education. The  
18 state board of education, professional educator standards board, office  
19 of financial management, and the technical working groups established  
20 under sections 111, 401, and 502 of this act shall present status  
21 reports on the progress in completing the tasks assigned under the  
22 provisions of this act to a joint work session of the house of  
23 representatives and senate education committees as required by the  
24 legislature.

25 **PART I**

26 **PROGRAM AND FUNDING OF BASIC EDUCATION**

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

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

1 ~~determination and distribution of state resources as defined in RCW~~  
2 ~~28A.150.250 and 28A.150.260.~~

3 ~~The requirements of the Basic Education Act are))~~ (1) The program  
4 of basic education established under this chapter is deemed by the  
5 legislature to comply with the requirements of Article IX, section 1 of  
6 the state Constitution, which states that "It is the paramount duty of  
7 the state to make ample provision for the education of all children  
8 residing within its borders, without distinction or preference on  
9 account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant  
10 to Article IX, section 2 of the state Constitution, which states that  
11 "The legislature shall provide for a general and uniform system of  
12 public schools."

13 (2) The legislature defines the program of basic education under  
14 this chapter as that which is necessary to provide the opportunity to  
15 develop the knowledge and skills necessary to meet the state-  
16 established high school graduation requirements that are intended to  
17 allow students to have the opportunity to graduate with a meaningful  
18 diploma that prepares them for postsecondary education, gainful  
19 employment, and citizenship. This program includes the following:

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

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

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

28 (d) Transportation and transportation services to and from school  
29 for eligible students as provided under RCW 28A.160.150 through  
30 28A.160.180.

31 NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this  
32 section apply throughout this chapter unless the context clearly  
33 requires otherwise.

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

36 (2) "Certificated administrative staff" means all those persons who

1 are chief executive officers, chief administrative officers,  
2 confidential employees, supervisors, principals, or assistant  
3 principals within the meaning of RCW 41.59.020(4).

4 (3) "Certificated employee" as used in this chapter and RCW  
5 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,  
6 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those  
7 persons who hold certificates as authorized by rule of the Washington  
8 professional educator standards board.

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

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

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

17 (7) "Classroom teacher" means a person who holds a professional  
18 education certificate and is employed in a position for which such  
19 certificate is required whose primary duty is the daily educational  
20 instruction of students. In exceptional cases, people of unusual  
21 competence but without certification may teach students so long as a  
22 certificated person exercises general supervision, but the hiring of  
23 such classified employees shall not occur during a labor dispute, and  
24 such classified employees shall not be hired to replace certificated  
25 employees during a labor dispute.

26 (8) "Instructional program of basic education" means the minimum  
27 program required to be provided by school districts and includes  
28 instructional hour requirements and other components under RCW  
29 28A.150.220.

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

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

37 (11) "School year" includes the minimum number of school days  
38 required under RCW 28A.150.220 and begins on the first day of September

1 and ends with the last day of August, except that any school district  
2 may elect to commence the annual school term in the month of August of  
3 any calendar year and in such case the operation of a school district  
4 for such period in August shall be credited by the superintendent of  
5 public instruction to the succeeding school year for the purpose of the  
6 allocation and distribution of state funds for the support of such  
7 school district.

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

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

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

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

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

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

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

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

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

17 (a) Each school district shall make available to students enrolled  
18 in kindergarten at least a total instructional offering of four hundred  
19 fifty hours. The program shall include instruction in the essential  
20 academic learning requirements under RCW ((~~28A.630.885~~)) 28A.655.070  
21 and such other subjects and such activities as the school district  
22 shall determine to be appropriate for the education of the school  
23 district's students enrolled in such program;

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

36 (c) If the essential academic learning requirements include a

1 requirement of languages other than English, the requirement may be met  
2 by students receiving instruction in one or more American Indian  
3 languages;

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

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

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

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

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

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

36 (5) Nothing in this section precludes a school district from  
37 enriching the instructional program of basic education, such as



1 offering additional instruction or providing additional services,  
2 programs, or activities that the school district determines to be  
3 appropriate for the education of the school district's students.

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

6 FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From  
7 those funds made available by the legislature for the current use of  
8 the common schools, the superintendent of public instruction shall  
9 distribute annually as provided in RCW 28A.510.250 to each school  
10 district of the state operating a basic education instructional program  
11 approved by the state board of education an ((amount which, when  
12 combined with an appropriate portion of such locally available  
13 revenues, other than)) allocation based on the formulas provided in RCW  
14 28A.150.260, 28A.150.390, and section 108 of this act. The basic  
15 education instructional allocation shall be net of receipts from  
16 federal forest revenues distributed to school districts pursuant to RCW  
17 28A.520.010 and 28A.520.020((, as the superintendent of public  
18 instruction may deem appropriate for consideration in computing state  
19 equalization support, excluding excess property tax levies, will  
20 constitute a basic education allocation in dollars for each annual  
21 average full time equivalent student enrolled, based upon one full  
22 school year of one hundred eighty days, except that for kindergartens  
23 one full school year shall be one hundred eighty half days of  
24 instruction, or the equivalent as provided in RCW 28A.150.220)).

25 (2) The instructional program of basic education shall be  
26 considered to be fully funded by those amounts of dollars appropriated  
27 by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260,  
28 28A.150.390, and section 108 of this act to fund those program  
29 requirements identified in RCW 28A.150.220 in accordance with the  
30 formula ((and ratios)) provided in RCW 28A.150.260 and those amounts of  
31 dollars appropriated by the legislature to fund the salary requirements  
32 of RCW ((28A.150.100 and)) 28A.150.410.

33 ((Operation of a program approved by the state board of education,  
34 for the purposes of this section, shall include a finding that the  
35 ratio of students per classroom teacher in grades kindergarten through  
36 three is not greater than the ratio of students per classroom teacher  
37 in grades four and above for such district: PROVIDED, That for the

1 ~~purposes of this section, "classroom teacher" shall be defined as an~~  
2 ~~instructional employee possessing at least a provisional certificate,~~  
3 ~~but not necessarily employed as a certificated employee, whose primary~~  
4 ~~duty is the daily educational instruction of students: PROVIDED~~  
5 ~~FURTHER, That the state board of education shall adopt rules and~~  
6 ~~regulations to insure compliance with the student/teacher ratio~~  
7 ~~provisions of this section, and such rules and regulations shall allow~~  
8 ~~for exemptions for those special programs and/or school districts which~~  
9 ~~may be deemed unable to practicably meet the student/teacher ratio~~  
10 ~~requirements of this section by virtue of a small number of students.))~~

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

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

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

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

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

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

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

3 ~~(d) Nonsalary costs;~~

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

9 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~  
10 ~~28A.225.250 who do not reside within the servicing school district.)~~

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

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

1 adjusted from the school prototypes with minimum allocations for small  
2 schools and to reflect other factors identified in the omnibus  
3 appropriations act.

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

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

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

11 (iii) A prototypical elementary school has four hundred average  
12 annual full-time equivalent students in grades kindergarten through  
13 six.

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

21 (i) Basic average class size;

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

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

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

28 (4) The minimum allocation for each school district shall include  
29 allocations per annual average full-time equivalent student for the  
30 following materials, supplies, and operating costs: Student  
31 technology; utilities; curriculum, textbooks, library materials, and  
32 instructional supplies; instructional professional development; other  
33 building-level costs including maintenance, custodial, and security;  
34 and central office administration.

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

1       (a) To provide supplemental instruction and services for  
2 underachieving students through the learning assistance program under  
3 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
4 percent of students in each school who are eligible for free and  
5 reduced-price meals. The minimum allocation for the learning  
6 assistance program shall provide an extended school day and extended  
7 school year for each level of prototypical school and a per student  
8 allocation for maintenance, supplies, and operating costs.

9       (b) To provide supplemental instruction and services for students  
10 whose primary language is other than English, allocations shall be  
11 based on the number of students in each school who are eligible for and  
12 enrolled in the transitional bilingual instruction program under RCW  
13 28A.180.010 through 28A.180.080. The minimum allocation for each level  
14 of prototypical school shall provide for supplemental instruction based  
15 on percent of the school day a student is assumed to receive  
16 supplemental instruction and a per student allocation for maintenance,  
17 supplies, and operating costs.

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

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

27       (8) For the purposes of allocations for prototypical high schools  
28 and middle schools under subsections (3) and (5) of this section that  
29 are based on the percent of students in the school who are eligible for  
30 free and reduced-price meals, the actual percent of such students in a  
31 school shall be adjusted by a factor identified in the omnibus  
32 appropriations act to reflect underreporting of free and reduced-price  
33 meal eligibility among middle and high school students.

34       (9)(a) This formula for distribution of basic education funds shall  
35 be reviewed biennially by the superintendent and governor. The  
36 recommended formula shall be subject to approval, amendment or  
37 rejection by the legislature. (~~The formula shall be for allocation~~  
38 purposes only. While the legislature intends that the allocations for

1 additional instructional staff be used to increase the ratio of such  
2 staff to students, nothing in this section shall require districts to  
3 reduce the number of administrative staff below existing levels.

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

15 (e)) (b) In the event the legislature rejects the distribution  
16 formula recommended by the governor, without adopting a new  
17 distribution formula, the distribution formula for the previous school  
18 year shall remain in effect ((: PROVIDED, That the distribution formula  
19 developed pursuant to this section shall be for state apportionment and  
20 equalization purposes only and shall not be construed as mandating  
21 specific operational functions of local school districts other than  
22 those program requirements identified in RCW 28A.150.220 and  
23 28A.150.100)).

24 (c) The enrollment of any district shall be the annual average  
25 number of full\_time equivalent students and part\_time students as  
26 provided in RCW 28A.150.350, enrolled on the first school day of each  
27 month ((and shall exclude full time equivalent students with  
28 disabilities recognized for the purposes of allocation of state funds  
29 for programs under RCW 28A.155.010 through 28A.155.100)), including  
30 students who are in attendance pursuant to RCW 28A.335.160 and  
31 28A.225.250 who do not reside within the servicing school district.  
32 The definition of full\_time equivalent student shall be determined by  
33 rules of the superintendent of public instruction ((: PROVIDED, That  
34 the definition)) and shall be included as part of the superintendent's  
35 biennial budget request ((: PROVIDED, FURTHER, That)). The definition  
36 shall be based on the minimum instructional hour offerings required  
37 under RCW 28A.150.220. Any revision of the present definition shall

1 not take effect until approved by the house (~~(appropriations)~~) ways and  
2 means committee and the senate ways and means committee(~~(:—PROVIDED,~~  
3 ~~FURTHER, That)~~).

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

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

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

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

22 SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent  
23 of public instruction shall submit to each regular session of the  
24 legislature during an odd-numbered year a programmed budget request for  
25 special education programs for students with disabilities. Funding for  
26 programs operated by local school districts shall be on an excess cost  
27 basis from appropriations provided by the legislature for special  
28 education programs for students with disabilities and shall take  
29 account of state funds accruing through RCW ~~((28A.150.250,))~~  
30 28A.150.260~~((7))~~ (3) through (5) and federal medical assistance and  
31 private funds accruing under RCW 74.09.5249 through 74.09.5253 and  
32 74.09.5254 through 74.09.5256~~((, and other state and local funds,~~  
33 ~~excluding special excess levies))~~.

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

36 (a) A district's annual average headcount enrollment of students  
37 ages birth through four and those five year olds not yet enrolled in

1 kindergarten who are eligible for and enrolled in special education,  
2 multiplied by the district's base allocation per full-time equivalent  
3 student, multiplied by 1.15; and

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

8 (3) As used in this section:

9 (a) "Base allocation" means the total state allocation to all  
10 schools in the district generated by the distribution formula under RCW  
11 28A.150.260 (3) (b), (c)(i), and (d) and (4), to be divided by the  
12 district's full-time equivalent enrollment.

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

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

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

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

35 (a) The committee shall consider additional funds for districts  
36 that can convincingly demonstrate that all legitimate expenditures for  
37 special education exceed all available revenues from state funding



1 formulas. In the determination of need, the committee shall also  
2 consider additional available revenues from federal sources.  
3 Differences in program costs attributable to district philosophy,  
4 service delivery choice, or accounting practices are not a legitimate  
5 basis for safety net awards. In the determination of need, the  
6 committee shall require that districts demonstrate that they are  
7 maximizing their eligibility for all state and federal revenues related  
8 to services for special education students.

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

14 (c) Using criteria developed by the committee, the committee shall  
15 then consider extraordinary costs associated with communities that draw  
16 a larger number of families with children in need of special education  
17 services. Safety net awards under this subsection (1)(c) shall be  
18 adjusted to reflect amounts awarded under (b) of this subsection.

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

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

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

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

1 school district and by application period. The office of the  
2 superintendent of public instruction shall also provide technical  
3 assistance to school districts in preparing and submitting special  
4 education safety net applications.

5 (3) On an annual basis, the superintendent shall survey districts  
6 regarding their satisfaction with the safety net process and consider  
7 feedback from districts to improve the safety net process. Each year  
8 by December 1st, the superintendent shall prepare and submit a report  
9 to the office of financial management and the appropriate policy and  
10 fiscal committees of the legislature that summarizes the survey results  
11 and those changes made to the safety net process as a result of the  
12 school district feedback.

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

15 (a) One staff member from the office of the superintendent of  
16 public instruction;

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

19 (c) One or more representatives from school districts or  
20 educational service districts knowledgeable of special education  
21 programs and funding.

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

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

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

35 (3) The state legislature shall also, at each regular session in an  
36 odd-numbered year, appropriate from the student achievement fund and

1 education construction fund solely for the purposes of and in  
2 accordance with the provisions of the student achievement act during  
3 the ensuing biennium.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           NEW SECTION.       **Sec. 111.**       FUNDING WORKING GROUP.       (1) The  
2 legislature intends to redefine the instructional program of education  
3 under RCW 28A.150.220 that fulfills the obligations and requirements of  
4 Article IX of the state Constitution. The funding formulas under RCW  
5 28A.150.260 to support the instructional program shall be implemented  
6 beginning in the 2011-12 school year to the extent the technical  
7 details of the formula have been established and according to an  
8 implementation schedule to be adopted by the legislature. The object  
9 of the schedule is to assure that increases in funding allocations are  
10 timely, predictable, and occur concurrently with any increases in  
11 program or instructional requirements. It is the intent of the  
12 legislature that no increased programmatic or instructional  
13 expectations be imposed upon schools or school districts without an  
14 accompanying increase in resources as necessary to support those  
15 increased expectations.

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

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

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

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

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

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

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

1 (iii) Student health services, a function that includes school  
2 nurses, whether certificated instructional or classified employee, and  
3 social workers;

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

6 (v) Professional development coaches;

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

9 (vii) Office support, technology support, and noninstructional  
10 aides;

11 (viii) Custodians, warehouse, maintenance, laborer, and  
12 professional and technical education support employees;

13 (ix) Student and staff safety; and

14 (x) Teacher mentor enhancement; and

15 (d) Recommend whether additional categories of enhancements to the  
16 annual average full-time equivalent student allocation should be  
17 included in the omnibus appropriations act for prototypical schools,  
18 any recommended criteria for those enhancements, and whether  
19 restrictions on when those enhancements apply should be included. The  
20 working group shall at a minimum give consideration to the following  
21 potential enhancements:

22 (i) Based on student enrollment in exploratory career and technical  
23 education courses;

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

25 (iii) Based on student enrollment in preparatory career and  
26 technical education courses;

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

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

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

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

4 (5) The working group shall be monitored and overseen by the  
5 legislature as established in section 3 of this act. The working group  
6 shall submit its recommendations to the legislature by December 1,  
7 2009.

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

10 CAPACITY AND PHASE IN OF BASIC EDUCATION ENHANCEMENTS. (1) As part  
11 of the estimates and information submitted to the governor by the  
12 superintendent of public instruction under RCW 28A.300.170, the  
13 superintendent of public instruction shall annually make determinations  
14 on the educational system's capacity to accommodate increased resources  
15 in relation to the recommended elements in the prototypical funding  
16 allocation model. In areas where there are specific and significant  
17 capacity limitations to providing enhancements to a recommended  
18 element, the superintendent of public instruction shall identify those  
19 limitations and make recommendations on how to address the issue.

20 (2) The legislature shall:

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

23 (b) Use the information as it continues to redefine and enhance an  
24 evolving program of basic education that serves the educational needs  
25 of the citizen's of Washington; and ensure that no enhancements are  
26 imposed on the educational system that cannot be accommodated by the  
27 existing system capacity.

28 (3) It is the intent of the legislature that as state support for  
29 the common schools is increased, increases in appropriations that are  
30 not basic education appropriations and that are above the maintenance  
31 level of the prior budget cycle shall be used primarily for the  
32 purposes of building system capacity to support:

33 (a) Class size reductions in grades kindergarten through three; or

34 (b) Increasing and enhancing a statewide beginning teacher  
35 mentoring and support system.

36 (4) "System capacity" for purposes of this section includes, but is  
37 not limited to, the ability of schools and districts to provide the

1 capital facilities necessary to support a particular instructional  
2 program, the staffing levels necessary to support an instructional  
3 program both in terms of actual numbers of staff as well as the  
4 experience level and types of staff available to fill positions, the  
5 higher education systems capacity to prepare the next generation of  
6 educators, and the availability of data and a data system capable of  
7 helping the state allocate its resources in a manner consistent with  
8 evidence-based practices that are shown to improve student learning.

9 (5) The office of the superintendent of public instruction shall  
10 report to the legislature on an annual basis beginning December 1,  
11 2010.

## 12 PART II

### 13 CERTIFICATION AND PROFESSIONAL DEVELOPMENT

14 NEW SECTION. **Sec. 201.** INTENT. The legislature recognizes that  
15 the key to providing all students the opportunity to achieve the basic  
16 education goal is effective teaching and leadership. Teachers and  
17 administrators must be provided with access to the opportunities they  
18 need to gain the knowledge and skills that will enable them to be  
19 increasingly successful in their classroom and schools. A system that  
20 clearly defines, supports, measures, and recognizes effective teaching  
21 and leadership is one of the most important investments to be made.

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

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



1 knowledge and skills in accessing community resources and community and  
2 parent outreach; and skills in adapting instruction to students'  
3 experiences and identifying cultural contexts for individual students.

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

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

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

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

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

1 school administrators, association of Washington school principals, and  
2 the Washington state school directors' association and shall include  
3 with its recommendation a description of each stakeholder's comments on  
4 the recommendation.

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

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

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

11 (c) Administration and management of the assessments.

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

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

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

29 **Sec. 203.** RCW 28A.415.360 and 2007 c 402 s 9 are each amended to  
30 read as follows:

31 (1) Subject to funds appropriated for this purpose, targeted  
32 professional development programs, to be known as learning improvement  
33 days, are authorized to further the development of outstanding  
34 mathematics, science, and reading teaching and learning opportunities  
35 in the state of Washington. The intent of this section is to provide  
36 guidance for the learning improvement days in the omnibus

1 appropriations act. The learning improvement days authorized in this  
2 section shall not be considered part of the definition of basic  
3 education.

4 (2) (~~The expected outcomes of these programs are~~) A school  
5 district is eligible to receive funding for learning improvement days  
6 that are limited to specific activities related to student learning  
7 that contribute to the following outcomes:

8 (a) Provision of meaningful, targeted professional development for  
9 all teachers in mathematics, science, or reading;

10 (b) Increased knowledge and instructional skill for mathematics,  
11 science, or reading teachers;

12 (c) Increased use of curriculum materials with supporting  
13 diagnostic and supplemental materials that align with state standards;

14 (d) Skillful guidance for students participating in alternative  
15 assessment activities;

16 (e) Increased rigor of course offerings especially in mathematics,  
17 science, and reading;

18 (f) Increased student opportunities for focused, applied  
19 mathematics and science classes;

20 (g) Increased student success on state achievement measures; and

21 (h) Increased student appreciation of the value and uses of  
22 mathematics, science, and reading knowledge and exploration of related  
23 careers.

24 (3) School districts receiving resources under this section shall  
25 submit reports to the superintendent of public instruction (~~regarding~~  
26 ~~the use of the funds;~~) documenting how the use of the funds (~~is~~  
27 ~~associated with~~) contributes to measurable improvement in the  
28 (~~expected~~) outcomes described under subsection (2) of this section;  
29 and how other professional development resources and programs  
30 authorized in statute or in the omnibus appropriations act contribute  
31 to the expected outcomes. The superintendent of public instruction and  
32 the office of financial management shall collaborate on required report  
33 content and format.

34 **PART III**  
35 **SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT**

1        NEW SECTION.    **Sec. 301.**    INTENT.    (1) The legislature intends to  
2    develop a system in which the state and school districts share  
3    accountability for achieving state educational standards and supporting  
4    continuous school improvement.    The legislature recognizes that  
5    comprehensive education finance reform and the increased investment of  
6    public resources necessary to implement that reform must be accompanied  
7    by a new mechanism for clearly defining the relationships and  
8    expectations for the state, school districts, and schools.    It is the  
9    legislature's intent that this be accomplished through the development  
10   of a proactive, collaborative accountability system that focuses on  
11   school improvement system that engages and serves the local school  
12   board, parents, students, staff in the schools and districts, and the  
13   community.    The improvement system shall be based on progressive levels  
14   of support, with a goal of continuous improvement in student  
15   achievement and alignment with the federal system of accountability.  
16   The legislature further recognizes that it is the state's  
17   responsibility to provide schools and districts with the tools  
18   necessary to improve student achievement.    These tools include the  
19   necessary accounting and data reporting systems, assessment systems to  
20   monitor student achievement, and a system of general support, targeted  
21   assistance, recognition, and, potentially, state-funded intervention  
22   strategies.

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

32        NEW SECTION.    **Sec. 302.**    A new section is added to chapter 28A.305  
33   RCW to read as follows:

34        PRINCIPLES.    (1) The state board of education shall continue to  
35   refine the development of an accountability framework that creates a  
36   unified system of support for challenged schools, that aligns with

1 basic education, increases the level of support based upon the  
2 magnitude of need, and uses data for decisions.

3 (2) The state board of education shall develop an accountability  
4 index to identify schools and districts for recognition and for  
5 additional state support. The index shall be based on student growth  
6 using criteria that are fair, consistent, and transparent. Performance  
7 shall be measured using multiple outcomes and indicators including, but  
8 not limited to, graduation rates and results from statewide  
9 assessments. The accountability index shall take into account the  
10 level of state resources a school or school district receives in  
11 support of the program of basic education. The index shall be  
12 developed in such a way as to be easily understood by both employees  
13 within the schools and districts, as well as parents and community  
14 members. It is the legislature's intent that the index provide  
15 feedback to schools and districts to self-assess their progress, and  
16 enable the identification of schools with exemplary student performance  
17 and those that need assistance to overcome challenges in order to  
18 achieve exemplary student performance.

19 (3) Based on the accountability index and in consultation with the  
20 superintendent of public instruction, the state board of education  
21 shall develop a proposal and timeline for implementation of a  
22 comprehensive system of voluntary support and assistance for schools  
23 and districts. The timeline must take into account and accommodate  
24 capacity limitations of the K-12 educational system. The proposal and  
25 timeline shall be submitted to the education committees of the  
26 legislature for review, and the legislature shall have the opportunity  
27 to act during a regular legislative session before the system of  
28 voluntary support is implemented. Changes that have a fiscal impact on  
29 school districts, as identified by a fiscal analysis prepared by the  
30 office of the superintendent of public instruction, shall take effect  
31 only if formally authorized by the legislature through the omnibus  
32 appropriations act or other enacted legislation.

33 (4) The state board of education shall develop a proposal and  
34 implementation timeline for a more formalized comprehensive system  
35 improvement targeted to challenged schools and districts that have not  
36 demonstrated sufficient improvement through the voluntary system. The  
37 timeline must take into account and accommodate capacity limitations of  
38 the K-12 educational system. The proposal and timeline shall be

1 submitted to the education committees of the legislature by December 1,  
2 2012, and shall include recommended legislation and recommended  
3 resources to implement the system according to the timeline developed.  
4 The proposal shall take effect only if formally authorized by the  
5 legislature through the omnibus appropriations act or other enacted  
6 legislation.

7 (5) In coordination with the superintendent of public instruction,  
8 the state board of education shall seek approval from the United States  
9 department of education for use of the accountability index and the  
10 state system of support, assistance, and potential intervention, to  
11 replace the federal accountability system under P.L. 107-110, the no  
12 child left behind act of 2001.

13 (6) The state board of education shall work with the education data  
14 center established within the office of financial management and the  
15 technical working group established in section 111 of this act to  
16 determine the feasibility of using the prototypical funding allocation  
17 model as not only a tool for allocating resources to schools and  
18 districts but also as a tool for schools and districts to report to the  
19 state legislature and the state board of education on how the state  
20 resources received are being used.

21 **PART IV**  
22 **COMPENSATION**

23 NEW SECTION. **Sec. 401.** A new section is added to chapter 43.41  
24 RCW to read as follows:

25 (1) The legislature recognizes that providing students with the  
26 opportunity to access a world-class educational system depends on our  
27 continuing ability to provide students with access to world-class  
28 educators. The legislature also understands that continuing to attract  
29 and retain the highest quality educators will require increased  
30 investments. The legislature intends to enhance the current salary  
31 allocation model and recognizes that changes to the current model  
32 cannot be imposed without great deliberation and input from teachers,  
33 administrators, and classified employees. Therefore, it is the intent  
34 of the legislature to begin the process of developing an enhanced  
35 salary allocation model that is collaboratively designed to ensure the

1 rationality of any conclusions regarding what constitutes adequate  
2 compensation.

3 (2) Beginning July 1, 2011, the office of financial management  
4 shall convene a technical working group to recommend the details of an  
5 enhanced salary allocation model that aligns state expectations for  
6 educator development and certification with the compensation system and  
7 establishes recommendations for a concurrent implementation schedule.  
8 In addition to any other details the technical working group deems  
9 necessary, the technical working group shall make recommendations on  
10 the following:

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

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

14 (c) The role of and types of bonuses available;

15 (d) Ways to accomplish salary equalization over a set number of  
16 years; and

17 (e) Initial fiscal estimates for implementing the recommendations  
18 including a recognition that staff on the existing salary allocation  
19 model would have the option to grandfather in permanently to the  
20 existing schedule.

21 (3) As part of its work, the technical working group shall conduct  
22 or contract for a preliminary comparative labor market analysis of  
23 salaries and other compensation for school district employees to be  
24 conducted and shall include the results in any reports to the  
25 legislature. For the purposes of this subsection, "salaries and other  
26 compensation" includes average base salaries, average total salaries,  
27 average employee basic benefits, and retirement benefits.

28 (4) The analysis required under subsection (1) of this section  
29 must:

30 (a) Examine salaries and other compensation for teachers, other  
31 certificated instructional staff, principals, and other building-level  
32 certificated administrators, and the types of classified employees for  
33 whom salaries are allocated;

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

37 (c) Include a comparison of salaries and other compensation to the

1 appropriate labor market for at least the following subgroups of  
2 educators: Beginning teachers and types of educational staff  
3 associates.

4 (5) The working group shall include representatives of the  
5 department of personnel, the professional educator standards board, the  
6 office of the superintendent of public instruction, the Washington  
7 education association, the Washington association of school  
8 administrators, the association of Washington school principals, the  
9 Washington state school directors' association, the public school  
10 employees of Washington, and other interested stakeholders with  
11 appropriate expertise in compensation related matters. The working  
12 group may convene advisory subgroups on specific topics as necessary to  
13 assure participation and input from a broad array of diverse  
14 stakeholders.

15 (6) The working group shall be monitored and overseen by the  
16 legislature as established in section 3 of this act. The working group  
17 shall make an initial report to the legislature by December 1, 2012,  
18 and shall include in its report recommendations for whether additional  
19 further work of the group is necessary.

20 **PART V**  
21 **OTHER FINANCE**

22 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.500  
23 RCW to read as follows:

24 **NEW LEVY/LEA SYSTEM--INTENT.** (1) The legislature finds that while  
25 the state has the responsibility to provide for a general and uniform  
26 system of public schools, there is also a need for some diversity in  
27 the public school system. A successful system of public education must  
28 permit some variation among school districts outside the basic  
29 education provided for by the state to respond to and reflect the  
30 unique desires of local communities. The opportunity for local  
31 communities to invest in enriched education programs promotes support  
32 for local public schools. Further, the ability of local school  
33 districts to experiment with enriched programs can inform the  
34 legislature's long-term evolution of the definition of basic education.  
35 Therefore, local levy authority remains an important component of the



1 overall finance system in support of the public schools even though it  
2 is outside the state's obligation for basic education.

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

12 NEW SECTION. **Sec. 502.** LOCAL FUNDING WORKING GROUP. (1)  
13 Beginning July 1, 2010, the office of financial management, with  
14 assistance and support from the office of the superintendent of public  
15 instruction, shall convene a technical working group to develop options  
16 for a new system of supplemental school funding through local school  
17 levies and local effort assistance.

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

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

36 (4) The local funding working group shall be monitored and overseen

1 by the legislature as established in section 3 of this act. The  
2 working group shall report to the legislature December 1, 2011.

3 **PART VI**

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

5 **Sec. 601.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to  
6 read as follows:

7 LAP ADJUSTMENTS. (~~The learning assistance program requirements~~  
8 ~~in~~) This chapter (~~are~~) is designed to: (1) Promote the use of  
9 assessment data when developing programs to assist underachieving  
10 students; and (2) guide school districts in providing the most  
11 effective and efficient practices when implementing (~~programs~~)  
12 supplemental instruction and services to assist underachieving  
13 students. (~~Further, this chapter provides the means by which a school~~  
14 ~~district becomes eligible for learning assistance program funds and the~~  
15 ~~distribution of those funds.~~)

16 **Sec. 602.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to  
17 read as follows:

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

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

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

26 (3) "Participating student" means a student in kindergarten through  
27 grade (~~eleven who scores below standard for his or her grade level on~~  
28 ~~the statewide assessments and who is identified in the approved plan to~~  
29 ~~receive services. Beginning with the 2007-2008 school year,~~  
30 ~~"participating student" means a student in kindergarten through grade~~)  
31 twelve who scores below standard for his or her grade level on the  
32 statewide assessments and who is identified in the approved plan to  
33 receive services.

34 (4) "Statewide assessments" means one or more of the several basic

1 skills assessments administered as part of the state's student  
2 assessment system, and assessments in the basic skills areas  
3 administered by local school districts.

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

7 **Sec. 603.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to  
8 read as follows:

9 LAP ADJUSTMENTS. (~~(+1)~~) Each school district with an approved  
10 program is eligible for state funds provided for the learning  
11 assistance program. The funds shall be appropriated for the learning  
12 assistance program in accordance with RCW 28A.150.260 and the  
13 (~~biennial~~) omnibus appropriations act. The distribution formula is  
14 for school district allocation purposes only, but funds appropriated  
15 for the learning assistance program must be expended for the purposes  
16 of RCW 28A.165.005 through 28A.165.065. (~~The distribution formula~~  
17 ~~shall be based on one or more family income factors measuring economic~~  
18 ~~need.~~

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

26 ~~(a) If, in the prior school year, a district's percent of October~~  
27 ~~headcount student enrollment in grades kindergarten through twelve who~~  
28 ~~are enrolled in the transitional bilingual instruction program, based~~  
29 ~~on an average of the program headcount taken in October and May,~~  
30 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~  
31 ~~district's percent transitional bilingual instruction program~~  
32 ~~enrollment and the resulting percent shall be multiplied by the~~  
33 ~~district's kindergarten through twelve annual average full-time~~  
34 ~~equivalent enrollment for the prior school year.~~

35 ~~(b) The number calculated under (a) of this subsection shall be the~~  
36 ~~number of additional funded students for purposes of this subsection,~~

1 ~~to be multiplied by the per-funded student allocation rates specified~~  
2 ~~in the omnibus appropriations act.~~

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

7 **Sec. 604.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to  
8 read as follows:

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

20 **Sec. 605.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to  
21 read as follows:

22 TBIP ADJUSTMENTS. (~~The superintendent of public instruction shall~~  
23 ~~prepare and submit biennially to the governor and the legislature a~~  
24 ~~budget request for bilingual instruction programs.)) Moneys  
25 appropriated by the legislature for the purposes of RCW 28A.180.010  
26 through 28A.180.080 shall be allocated by the superintendent of public  
27 instruction to school districts for the sole purpose of operating an  
28 approved bilingual instruction program(~~(; priorities for funding shall~~  
29 ~~exist for the early elementary grades. No moneys shall be allocated~~  
30 ~~pursuant to this section to fund more than three school years of~~  
31 ~~bilingual instruction for each eligible pupil within a district:~~  
32 ~~PROVIDED, That such moneys may be allocated to fund more than three~~  
33 ~~school years of bilingual instruction for any pupil who fails to~~  
34 ~~demonstrate improvement in English language skills adequate to remove~~  
35 ~~impairment of learning when taught only in English. The superintendent~~~~

1 of public instruction shall set standards and approve a test for the  
2 measurement of such English language skills)).

3 **Sec. 606.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to  
4 read as follows:

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

22 (2) Subsection (1) of this section shall not apply to districts  
23 participating in a cooperative project established under RCW  
24 28A.340.030 which exceeds two years in duration.

25 NEW SECTION. **Sec. 607.** The following acts or parts of acts are  
26 each repealed:

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

29 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,  
30 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &  
31 1973 1st ex.s. c 105 s 1;

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

35 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s

1 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s  
2 22, & 1969 ex.s. c 223 s 28A.01.020;

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

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

9 **PART VII**

10 **MISCELLANEOUS PROVISIONS**

11 NEW SECTION. **Sec. 701.** Part headings and captions used in this  
12 act are not any part of the law.

13 NEW SECTION. **Sec. 702.** Sections 1, 3, 102, and 108 of this act  
14 are each added to chapter 28A.150 RCW.

15 NEW SECTION. **Sec. 703.** Sections 101 through 109 and 601 through  
16 607 of this act take effect September 1, 2011.

17 NEW SECTION. **Sec. 704.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected."

**SB 6048** - S AMD

By Senators Oemig, McAuliffe

**ADOPTED 03/09/2009**

21 On page 1, line 1 of the title, after "education;" strike the  
22 remainder of the title and insert "amending RCW 28A.150.200,  
23 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390,  
24 28A.150.380, 28A.230.090, 28A.415.360, 28A.165.005, 28A.165.015,  
25 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new

1 sections to chapter 28A.150 RCW; adding a new section to chapter  
2 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new  
3 section to chapter 28A.305 RCW; adding a new section to chapter 43.41  
4 RCW; adding a new section to chapter 28A.500 RCW; creating new  
5 sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100,  
6 28A.150.040, 28A.150.370, and 28A.155.180; and providing an effective  
7 date."

--- END ---