
SUBSTITUTE HOUSE BILL 3038

State of Washington

61st Legislature

2010 Regular Session

By House Education (originally sponsored by Representatives Maxwell, Priest, Sullivan, Carlyle, White, Hunt, Kagi, Anderson, Kenney, Conway, Rolfes, and Clibborn)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to standards and accountability in education;
2 amending RCW 28A.305.225, 28A.655.110, 41.56.100, 41.59.120, and
3 41.59.910; adding new sections to chapter 28A.655 RCW; adding a new
4 section to chapter 41.56 RCW; adding a new chapter to Title 28A RCW;
5 creating a new section; recodifying RCW 28A.305.225; and providing an
6 expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **PART I**

9 **ACCOUNTABILITY FRAMEWORK**

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

1 and a system of general support, targeted assistance, and if necessary,
2 intervention.

3 The office of the superintendent of public instruction is
4 responsible for developing and implementing the accountability tools to
5 build district capacity and working within federal and state
6 guidelines. The legislature assigned the state board of education
7 responsibility and oversight for creating an accountability framework.
8 This framework provides a unified system of support for challenged
9 schools that aligns with basic education, increases the level of
10 support based upon the magnitude of need, and uses data for decisions.
11 Such a system will identify schools and their districts for recognition
12 as well as for additional state support. For a specific group of
13 challenged schools, defined as persistently lowest-achieving schools,
14 and their districts, it is necessary to provide a required action
15 process that creates a partnership between the state and local district
16 to target funds and assistance to turn around the identified lowest-
17 achieving schools.

18 Phase I of this accountability system will recognize schools that
19 have done an exemplary job of raising student achievement and closing
20 the achievement gaps using the state board of education's
21 accountability index. Phase I will also target the lowest five percent
22 of persistently lowest-achieving schools defined under federal
23 guidelines to provide federal funds and federal intervention models
24 through a voluntary option in 2010, and for those who do not volunteer
25 and have not improved student achievement, a required action process
26 beginning in 2011.

27 Phase II of this accountability system will work toward
28 implementing the state board of education's accountability index for
29 identification of schools in need of improvement, including those that
30 are not Title I schools, and the use of state and local intervention
31 models and state funds through a required action process beginning in
32 2013, in addition to the federal program. Federal approval of the
33 state board of education's accountability index must be obtained or
34 else the federal guidelines for persistently lowest-achieving schools
35 will continue to be used.

36 The expectation from implementation of this accountability system
37 is the improvement of student achievement for all students to prepare

1 them for postsecondary education, work, and global citizenship in the
2 twenty-first century.

3 NEW SECTION. **Sec. 102.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

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

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

10 NEW SECTION. **Sec. 103.** (1) Beginning in 2010, and each year
11 thereafter, by December 1st, the superintendent of public instruction
12 shall annually identify schools that are the persistently lowest-
13 achieving schools in the state. A school shall be identified as one of
14 the state's persistently lowest-achieving schools if the school is a
15 Title I school, or a school that is eligible for but does not receive
16 Title I funds, that is among the lowest-achieving five percent of
17 schools in the state.

18 (2) The criteria for determining whether a school is among the
19 persistently lowest-achieving five percent of Title I schools or Title
20 I eligible schools under subsection (1) of this section shall be
21 established by the superintendent of public instruction. The criteria
22 must meet all federal requirements for the receipt of a federal school
23 improvement grant under the American recovery and reinvestment act of
24 2009 and Title I of the elementary and secondary act of 1965, and take
25 into account both:

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

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

31 NEW SECTION. **Sec. 104.** (1) Beginning in January 2011, the
32 superintendent of public instruction shall annually recommend to the
33 state board of education school districts for designation as required
34 action districts. A district with at least one school identified as a
35 persistently lowest-achieving school shall be designated as a required

1 action district if it meets the criteria established by the
2 superintendent. However, a school district shall not be recommended
3 for designation as a required action district if the district was
4 awarded a federal school improvement grant by the superintendent in
5 2010, and for three consecutive years following the receipt of the
6 grant it implemented a federal school intervention model at each school
7 identified for improvement. The state board of education may designate
8 a district that received a school improvement grant in 2010 as a
9 required action district if after three years of voluntarily
10 implementing a plan the district continues to have a school identified
11 as persistently lowest-achieving and meets the criteria for designation
12 established by the superintendent of public instruction.

13 (2) The superintendent of public instruction shall provide a school
14 district superintendent with written notice of the recommendation for
15 designation as a required action district by certified mail or personal
16 service. A school district superintendent may request reconsideration
17 of the superintendent of public instruction's recommendation. The
18 reconsideration shall be limited to a determination of whether the
19 school district met the criteria for being recommended as a required
20 action district. A request for reconsideration must be in writing and
21 served on the superintendent of public instruction within ten days of
22 service of the notice of the superintendent's recommendation.

23 (3) The state board of education shall annually designate those
24 districts recommended by the superintendent in subsection (1) of this
25 section as required action districts. A district designated as a
26 required action district shall be required to notify all parents of
27 students attending a school identified as a persistently lowest-
28 achieving school in the district of the state board of education's
29 designation of the district as a required action district and the
30 process for complying with the requirements set forth in sections 105
31 through 110 of this act.

32 NEW SECTION. **Sec. 105.** (1) The superintendent of public
33 instruction shall contract with an external review team to conduct an
34 academic performance audit of the district and each persistently
35 lowest-achieving school in a required action district to identify the
36 potential reasons for the school's low performance and lack of
37 progress. The review team must consist of persons under contract with

1 the superintendent who have expertise in comprehensive school and
2 district reform and may not include staff from the agency, the school
3 district that is the subject of the audit, or members or staff of the
4 state board of education.

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

- 8 (a) Student demographics;
- 9 (b) Mobility patterns;
- 10 (c) School feeder patterns;
- 11 (d) The performance of different student groups on assessments;
- 12 (e) Effective school leadership;
- 13 (f) Strategic allocation of resources;
- 14 (g) Clear and shared focus on student learning;
- 15 (h) High standards and expectations for all students;
- 16 (i) High level of collaboration and communication;
- 17 (j) Aligned curriculum, instruction, and assessment to state
18 standards;
- 19 (k) Frequency of monitoring of learning and teaching;
- 20 (l) Focused professional development;
- 21 (m) Supportive learning environment;
- 22 (n) High level of family and community involvement; and
- 23 (o) Alternative secondary schools best practices.

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

26 NEW SECTION. **Sec. 106.** (1) The local school district
27 superintendent and local school board of a school district designated
28 as a required action district must submit a required action plan to the
29 superintendent of public instruction for approval. Unless otherwise
30 required by subsection (3) of this section, the plan must be submitted
31 under a schedule as required by the superintendent of public
32 instruction. A required action plan must be developed in collaboration
33 with administrators, teachers, and other staff, parents, unions
34 representing any employees within the district, students, and other
35 representatives of the local community. The superintendent of public
36 instruction shall provide a district with assistance in developing its

1 plan if requested, including providing assistance to ensure the plan is
2 consistent with federal guidelines. The school board must conduct a
3 public hearing to allow for comment on a proposed required action plan.

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

5 (a) Implementation of one of the four federal intervention models
6 required for the receipt of a federal school improvement grant in those
7 persistently lowest-achieving schools that the district will be
8 focusing on for required action. However, a district may not establish
9 a charter school under a federal intervention model without express
10 legislative authority. The intervention models are the turnaround,
11 restart, school closure, and transformation models. The intervention
12 model selected must address the concerns raised in the academic
13 performance audit and be intended to improve student performance to
14 allow a school district to be removed from the list of districts
15 designated as a required action district by the state board of
16 education within three years of implementation of the plan;

17 (b) Submission of an application for a federal school improvement
18 grant to the superintendent of public instruction;

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

21 (d) A description of the changes in the district's or school's
22 existing policies, structures, agreements, processes, and practices
23 that are intended to attain significant achievement gains for all
24 students enrolled in the school;

25 (e) Identification of the measures that the school district will
26 use in assessing student achievement at a school identified as a
27 persistently lowest-achieving school, which include improving
28 mathematics and reading student achievement and graduation rates as
29 defined by the office of the superintendent of public instruction that
30 enable the schools to no longer be identified as a persistently lowest-
31 achieving school.

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

1 (b) If the school district and the employee organizations are
2 unable to agree on the terms of an addendum or modification to an
3 existing collective bargaining agreement, the parties, including all
4 labor organizations affected under the required action plan, shall
5 request the public employment relations commission to, and the
6 commission shall, appoint an employee of the commission to act as a
7 mediator to assist in the resolution of a dispute between the school
8 district and the employee organizations. Beginning in 2011, and each
9 year thereafter, mediation shall commence no later than April 15th.
10 All mediations held under this section shall include the employer and
11 representatives of all affected bargaining units.

12 (c) If the executive director of the public employment relations
13 commission, upon the recommendation of the assigned mediator, finds
14 that the employer and any affected bargaining unit are unable to reach
15 agreement following a reasonable period of negotiations and mediation,
16 but by no later than May 15th of the year in which mediation occurred,
17 the executive director shall certify any disputed issues for a decision
18 by the superior court in the county where the school district is
19 located. The issues for determination by the superior court must be
20 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

36 (ii) Within seven days after the filing of the petition, each party
37 shall file with the court the proposal it is asking the court to order
38 be implemented in a required action plan for the district for each

1 issue certified by the executive director. Contemporaneously with the
2 filing of the proposal, a party must file a brief with the court
3 setting forth the reasons why the court should order implementation of
4 its proposal in the final plan.

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

10 (iv) The court must enter an order selecting the proposal for
11 inclusion in a required action plan that best responds to the issues
12 raised in the school district's academic performance audit, and allows
13 for the award of a federal school improvement grant to the district
14 from the office of the superintendent of public instruction to
15 implement one of the four federal intervention models. The court's
16 decision must be issued no later than June 15th of the year in which
17 the petition is filed and is final and binding on the parties. However
18 the court's decision is subject to appeal only in the case where it
19 does not allow the school district to implement a required action plan
20 consistent with the requirements for the award of a federal school
21 improvement grant by the superintendent of public instruction.

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

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

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

32 NEW SECTION. **Sec. 107.** (1) A required action plan developed by a
33 district's school board and superintendent must be submitted to the
34 superintendent of public instruction for approval. The superintendent
35 of public instruction must accept for inclusion in any required action
36 plan the final decision by the superior court on any issue certified by
37 the executive director of the public employment relations commission

1 under the process in section 106 of this act. The superintendent of
2 public instruction shall approve a plan proposed by a school district
3 only if it meets the requirements set forth in section 106 of this act.
4 Any addendum or modification to an existing collective bargaining
5 agreement related to student achievement or school improvement and
6 negotiated under section 106 of this act or by agreement of the
7 district and the exclusive bargaining representative shall not go into
8 effect until approval of a required action plan by the superintendent
9 of public instruction.

10 (2) If the superintendent of public instruction does not approve a
11 proposed plan, the superintendent must notify the local school board
12 and local district's superintendent in writing with an explicit
13 rationale for why the plan was not approved. Nonapproval by the
14 superintendent of public instruction of the local school district's
15 initial required action plan submitted is not intended to trigger any
16 actions under section 108 of this act. With the assistance of the
17 office of the superintendent of public instruction, the superintendent
18 and school board of the required action district shall either: (a)
19 Submit a new plan to the superintendent of public instruction for
20 approval within forty days of the notification that the plan was
21 rejected, or (b) submit a request to the state board of education for
22 reconsideration of the superintendent's rejection within ten days of
23 the notification that the plan was rejected. The reconsideration by
24 the state board of education shall be based on whether the
25 superintendent of public instruction gave appropriate consideration to
26 the unique circumstances and characteristics of the local school
27 district whose plan was rejected. The state board may reaffirm the
28 decision of the superintendent of public instruction, recommend that
29 the superintendent reconsider the rejection, or recommend changes to
30 the plan that should be considered by the district and the
31 superintendent of public instruction to secure approval of the plan.
32 The superintendent of public instruction shall consider the
33 recommendations of the state board of education and issue a decision in
34 writing to the local school district and the state board of education.
35 If the school district must submit a new required action plan to the
36 superintendent of public instruction, the district must submit the plan
37 within forty days of the superintendent's decision. The state board of
38 education and superintendent of public instruction must develop

1 timelines and procedures for their deliberations so that school
2 districts can implement a required action plan within the time frame
3 required under this section.

4 (3) If federal funds are not available, the plan is not required to
5 be implemented until such funding becomes available. A required action
6 plan must be implemented in the immediate school year following the
7 district's designation as a required action district.

8 NEW SECTION. **Sec. 108.** The superintendent of public instruction
9 may require a school district that has not submitted a final required
10 action plan for approval, or has submitted but not received approval of
11 a required action plan by the beginning of the school year in which the
12 plan is intended to be implemented, to redirect the district's Title I
13 funds based on the academic performance audit findings.

14 NEW SECTION. **Sec. 109.** A school district must implement a
15 required action plan upon approval by the superintendent of public
16 instruction. The office of superintendent of public instruction must
17 provide the required action district with technical assistance and
18 federal school improvement grant funds, if available, to implement its
19 approved plan. The district must submit a report to the superintendent
20 of public instruction that provides the progress the district is making
21 in meeting the student achievement goals based on the state's
22 assessments, identifying strategies and assets used to solve audit
23 findings, and establishing evidence of meeting plan implementation
24 benchmarks, as set forth in the required action plan.

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

29 (2) The superintendent of public instruction must recommend to the
30 state board of education that a school district be released from the
31 designation as a required action district after the district implements
32 a required action plan for a period of three years, has made progress
33 as defined by the superintendent of public instruction in reading and
34 mathematics on the state's assessment over the past three consecutive
35 years, and no longer has a school within the district identified as

1 persistently lowest achieving. The state board shall release a school
2 district from the designation as a required action district upon
3 confirmation that the district has met the requirements for a release.

4 (3) If the state board of education determines that the required
5 action district has not met the requirements for release, the district
6 remains in required action and must submit a new or revised plan under
7 the process set forth in section 106 of this act.

8 NEW SECTION. **Sec. 111.** The superintendent of public instruction
9 and the state board of education each have the authority to adopt rules
10 in accordance with chapter 34.05 RCW as necessary to implement this
11 chapter.

12 **Sec. 112.** RCW 28A.305.225 and 2009 c 548 s 503 are each amended to
13 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, for continuous
21 improvement, and for additional state support. The index shall be
22 based on criteria that are fair, consistent, and transparent.
23 Performance shall be measured using multiple outcomes and indicators
24 including, but not limited to, graduation rates and results from
25 statewide assessments. The index shall be developed in such a way as
26 to be easily understood by both employees within the schools and
27 districts, as well as parents and community members. It is the
28 legislature's intent that the index provide feedback to schools and
29 districts to self-assess their progress, and enable the identification
30 of schools with exemplary student performance and those that need
31 assistance to overcome challenges in order to achieve exemplary student
32 performance. (~~Once the accountability index has identified schools~~
33 ~~that need additional help, a more thorough analysis will be done to~~
34 ~~analyze specific conditions in the district including but not limited~~
35 ~~to the level of state resources a school or school district receives in~~

1 support of the basic education system, achievement gaps for different
2 groups of students, and community support.

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

13 (4)(a) The state board of education shall develop a proposal and
14 implementation timeline for a more formalized comprehensive system
15 improvement targeted to challenged schools and districts that have not
16 demonstrated sufficient improvement through the voluntary system. The
17 timeline must take into account and accommodate capacity limitations of
18 the K-12 educational system. The proposal and timeline shall be
19 submitted to the education committees of the legislature by December 1,
20 2009, and shall include recommended legislation and recommended
21 resources to implement the system according to the timeline developed.

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

36 (5)) (3) The state board of education, in cooperation with the
37 office of the superintendent of public instruction, shall annually

1 recognize schools for exemplary performance as measured on the state
2 board of education accountability index.

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

9 ((+6)) (5) The state board of education shall work with the
10 education data center established within the office of financial
11 management and the technical working group established in section 112,
12 chapter 548, Laws of 2009 to determine the feasibility of using the
13 prototypical funding allocation model as not only a tool for allocating
14 resources to schools and districts but also as a tool for schools and
15 districts to report to the state legislature and the state board of
16 education on how the state resources received are being used.

17 NEW SECTION. Sec. 113. (1) The legislature finds that a unified
18 and equitable system of education accountability must include
19 expectations and benchmarks for improvement, along with support for
20 schools and districts to make the necessary changes that will lead to
21 success for all students. Such a system must also clearly address the
22 consequences for persistent lack of improvement. Establishing a
23 process for school districts to prepare and implement a required action
24 plan is one such consequence. However, to be truly accountable to
25 students, parents, the community, and taxpayers, the legislature must
26 also consider what should happen if a required action district
27 continues not to make improvement after an extended period of time.
28 Without an answer to this significant question, the state's system of
29 education accountability is incomplete. Furthermore, accountability
30 must be appropriately shared among various levels of decision makers,
31 including in the building, in the district, and at the state.

32 (2)(a) A joint select committee on education accountability is
33 established with the following members:

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

36 (ii) The speaker of the house of representatives shall appoint two

1 members from each of the two largest caucuses of the house of
2 representatives.

3 (b) The committee shall choose its cochairs from among its
4 membership.

5 (3) The committee shall:

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

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

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

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

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

17 (4) Staff support for the committee must be provided by the senate
18 committee services and the house of representatives office of program
19 research.

20 (5) The committee shall submit an interim report to the education
21 committees of the legislature by September 1, 2011, and a final report
22 with recommendations by September 1, 2012.

23 (6) This section expires June 30, 2013.

24 **PART II**

25 **COMMON CORE STANDARDS ADOPTION**

26 NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.655
27 RCW to read as follows:

28 (1) By August 2, 2010, the superintendent of public instruction may
29 revise the state essential academic learning requirements authorized
30 under RCW 28A.655.070 for mathematics, reading, writing, and
31 communication by provisionally adopting a common set of standards for
32 students in grades kindergarten through twelve. The revised state
33 essential academic learning requirements shall be substantially
34 identical with the standards developed by a multistate consortium in
35 which Washington participated, be consistent with the requirements of
36 RCW 28A.655.070, and may include additional standards if the additional

1 standards do not exceed fifteen percent of the standards for each
2 content area. However, the superintendent of public instruction shall
3 not take steps to implement the provisionally adopted standards until
4 the education committees of the house of representatives and the senate
5 have an opportunity to review the standards.

6 (2) By January 1, 2011, the superintendent of public instruction
7 shall submit to the education committees of the house of
8 representatives and the senate:

9 (a) A detailed comparison of the provisionally adopted standards
10 and the state essential academic learning requirements as of the
11 effective date of this section, including the comparative level of
12 rigor and specificity of the standards and the implications of any
13 identified differences; and

14 (b) An estimated timeline and costs to the state and to school
15 districts to implement the provisionally adopted standards, including
16 providing necessary training, realignment of curriculum, adjustment of
17 state assessments, and other actions.

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

21 **PART III**

22 **ACCOUNTABILITY TO PARENTS AND COMMUNITY**

23 NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.655
24 RCW to read as follows:

25 Beginning with the 2010-11 school year, each school shall conduct
26 outreach and seek feedback from a broad and diverse range of parents,
27 other individuals, and organizations in the community regarding their
28 experiences with the school. The school shall summarize the responses
29 in its annual report under RCW 28A.655.110.

30 **Sec. 302.** RCW 28A.655.110 and 1999 c 388 s 303 are each amended to
31 read as follows:

32 (1) Beginning with the 1994-95 school year, to provide the local
33 community and electorate with access to information on the educational
34 programs in the schools in the district, each school shall publish
35 annually a school performance report and deliver the report to each

1 parent with children enrolled in the school and make the report
2 available to the community served by the school. The annual
3 performance report shall be in a form that can be easily understood and
4 be used by parents, guardians, and other members of the community who
5 are not professional educators to make informed educational decisions.
6 As data from the assessments in RCW 28A.655.060 becomes available, the
7 annual performance report should enable parents, educators, and school
8 board members to determine whether students in the district's schools
9 are attaining mastery of the student learning goals under RCW
10 28A.150.210, and other important facts about the schools' performance
11 in assisting students to learn. The annual report shall make
12 comparisons to a school's performance in preceding years (~~and shall~~
13 ~~include school level goals under RCW 28A.655.050~~), student performance
14 relative to the goals and the percentage of students performing at each
15 level of the assessment, a comparison of student performance at each
16 level of the assessment to the previous year's performance, and
17 information regarding school-level plans to achieve the goals.

18 (2) The annual performance report shall include, but not be limited
19 to: (a) A brief statement of the mission of the school and the school
20 district; (b) enrollment statistics including student demographics; (c)
21 expenditures per pupil for the school year; (d) a summary of student
22 scores on all mandated tests; (e) a concise annual budget report; (f)
23 student attendance, graduation, and dropout rates; (g) information
24 regarding the use and condition of the school building or buildings;
25 (h) a brief description of the learning improvement plans for the
26 school; (i) a summary of the feedback from parents and community
27 members obtained under section 301 of this act; and ~~((+i+))~~ (j) an
28 invitation to all parents and citizens to participate in school
29 activities.

30 (3) The superintendent of public instruction shall develop by June
31 30, 1994, and update periodically, a model report form, which shall
32 also be adapted for computers, that schools may use to meet the
33 requirements of subsections (1) and (2) of this section. In order to
34 make school performance reports broadly accessible to the public, the
35 superintendent of public instruction, to the extent feasible, shall
36 make information on each school's report available on or through the
37 superintendent's internet web site.

PART IV
TECHNICAL PROVISIONS

Sec. 401. RCW 41.56.100 and 1989 c 45 s 1 are each amended to read as follows:

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

(2) Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the commission. This subsection does not apply to negotiations and mediations conducted between a school district employer and an exclusive bargaining representative under section 106 of this act. If a public employer implements its last and best offer where there is no contract settlement, allegations that either party is violating the terms of the implemented offer shall be subject to grievance arbitration procedures if and as such procedures are set forth in the implemented offer, or, if not in the implemented offer, if and as such procedures are set forth in the parties' last contract.

NEW SECTION. **Sec. 402.** A new section is added to chapter 41.56 RCW to read as follows:

All collective bargaining agreements entered into after the effective date of this section between a school district employer and school district employees under this chapter, as well as bargaining agreements existing on the effective date of this section but renewed or extended after the effective date of this section, shall be consistent with section 106 of this act.

Sec. 403. RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each amended to read as follows:

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

22 (2) If the mediator is unable to effect settlement of the
23 controversy within ten days after his or her appointment, either party,
24 by written notification to the other, may request that their
25 differences be submitted to fact-finding with recommendations, except
26 that the time for mediation may be extended by mutual agreement between
27 the parties. Within five days after receipt of the aforesaid written
28 request for fact-finding, the parties shall select a person to serve as
29 fact finder and obtain a commitment from that person to serve. If they
30 are unable to agree upon a fact finder or to obtain such a commitment
31 within that time, either party may request the commission to designate
32 a fact finder. The commission, within five days after receipt of such
33 request, shall designate a fact finder in accordance with rules and
34 regulations for such designation prescribed by the commission. The
35 fact finder so designated shall not be the same person who was
36 appointed mediator pursuant to subsection (1) of this section without
37 the consent of both parties.

1 The fact finder, within five days after his appointment, shall meet
2 with the parties or their representatives, or both, either jointly or
3 separately, and make inquiries and investigations, hold hearings, and
4 take such other steps as he may deem appropriate. For the purpose of
5 such hearings, investigations and inquiries, the fact finder shall have
6 the power to issue subpoenas requiring the attendance and testimony of
7 witnesses and the production of evidence. If the dispute is not
8 settled within ten days after his appointment, the fact finder shall
9 make findings of fact and recommend terms of settlement within thirty
10 days after his appointment, which recommendations shall be advisory
11 only.

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

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

22 (5) Nothing in this section shall be construed to prohibit an
23 employer and an exclusive bargaining representative from agreeing to
24 substitute, at their own expense, their own procedure for resolving
25 impasses in collective bargaining for that provided in this section or
26 from agreeing to utilize for the purposes of this section any other
27 governmental or other agency or person in lieu of the commission.

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

31 (7) This section does not apply to negotiations and mediations
32 conducted under section 106 of this act.

33 **Sec. 404.** RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each
34 amended to read as follows:

35 (1) This chapter shall supersede existing statutes not expressly
36 repealed to the extent that there is a conflict between a provision of
37 this chapter and those other statutes. Except as otherwise expressly

1 provided herein, nothing in this chapter shall be construed to annul,
2 modify or preclude the renewal or continuation of any lawful agreement
3 entered into prior to January 1, 1976 between an employer and an
4 employee organization covering wages, hours, and terms and conditions
5 of employment. Where there is a conflict between any collective
6 bargaining agreement and any resolution, rule, policy or regulation of
7 the employer or its agents, the terms of the collective bargaining
8 agreement shall prevail.

9 (2) All collective bargaining agreements entered into after the
10 effective date of this section between an employer and educational
11 employees under this chapter, as well as bargaining agreements existing
12 on the effective date of this section but renewed or extended after the
13 effective date of this section, shall be consistent with section 106 of
14 this act.

15 NEW SECTION. Sec. 405. Sections 101 through 111 of this act
16 constitute a new chapter in Title 28A RCW.

17 NEW SECTION. Sec. 406. RCW 28A.305.225 is recodified as a section
18 in the chapter created in section 405 of this act.

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