
SENATE BILL 6596

State of Washington

61st Legislature

2010 Regular Session

By Senator Kastama

Read first time 01/18/10. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to education; amending RCW 28A.150.010 and
2 41.59.080; adding a new section to chapter 41.56 RCW; adding a new
3 section to chapter 41.59 RCW; adding a new section to chapter 41.32
4 RCW; adding a new section to chapter 41.35 RCW; adding a new section to
5 chapter 41.40 RCW; adding a new chapter to Title 28A RCW; creating a
6 new section; providing an effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this
9 section apply throughout this chapter unless the context clearly
10 requires otherwise.

11 (1) "Applicant" means a nonprofit corporation that has submitted an
12 application to a sponsor to obtain approval to operate an innovation
13 partnership school. The nonprofit corporation must either be a public
14 benefit nonprofit corporation as defined in RCW 24.03.490, or a
15 nonprofit corporation as defined in RCW 24.03.005 that has applied for
16 tax-exempt status under section 501(c)(3) of the internal revenue code
17 of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not
18 be a sectarian or religious organization and must meet all of the

1 requirements for a public benefit nonprofit corporation before
2 receiving any funding under section 11 of this act.

3 (2) "Board of directors" means the board of directors of the public
4 benefit nonprofit corporation that manages and operates the innovation
5 partnership school.

6 (3) "Innovation partnership school" means a public school managed
7 by an applicant's board of directors and operating independently of any
8 school district board under a partnership agreement approved in
9 accordance with this chapter.

10 (4) "Partnership agreement" means a contract between an applicant
11 and a sponsor. The partnership agreement establishes, in accordance
12 with this chapter, the terms and conditions for the management,
13 operation, and educational program of the innovation partnership
14 school.

15 (5) "Sponsor" means:

16 (a) The school district in which the innovation partnership school
17 is located; or

18 (b) Any state or regional university as defined in RCW 28B.10.016.
19 Innovation partnership schools sponsored under this subsection (5)(b)
20 shall be approved by the governing board of the sponsoring institution
21 or by an official or agency designated by and accountable to the
22 governing board.

23 NEW SECTION. **Sec. 2.** INNOVATION PARTNERSHIP SCHOOLS--POWERS. (1)
24 The innovation partnership school's board of directors may hire,
25 manage, and discharge any innovation partnership school employee in
26 accordance with the terms of this chapter and that school's partnership
27 agreement.

28 (2) The innovation partnership school's board of directors may
29 enter into a contract with any school district, or any other public or
30 private entity, also empowered to enter into contracts, for any and all
31 real property, equipment, goods, supplies, and services, including
32 educational instructional services.

33 (3) Innovation partnership schools may rent, lease, or own
34 property, but may not acquire property by eminent domain. All
35 partnership agreements and innovation partnership school contracts with
36 other public and private entities must include provisions regarding the
37 disposition of the property if the innovation partnership school fails

1 to open as planned, closes, or the charter is revoked or not renewed.
2 Innovation partnership schools may accept gifts and donations from
3 other governmental and private entities, excluding sectarian or
4 religious organizations. Innovation partnership schools may not accept
5 any gifts or donations the conditions of which violate this chapter.

6 (4) Neither an innovation partnership school sponsor nor the school
7 district in which the innovation partnership school is located is
8 liable for acts or omissions of an innovation partnership school,
9 including acts or omissions related to the application, the partnership
10 agreement, the operation, and the performance of the innovation
11 partnership school.

12 (5) Innovation partnership schools may not charge tuition, levy
13 taxes, or issue tax-backed bonds, however they may charge fees for
14 optional noncredit extracurricular events.

15 (6) Innovation partnership schools may issue secured and unsecured
16 debt to manage cash flow, improve operations, or finance the
17 acquisition of real property or equipment. No such issuance
18 constitutes an obligation, either general, special, or moral of the
19 state, the innovation partnership school sponsor, the school district
20 in which the innovation partnership school is located, or any other
21 political subdivision or agency of the state. Neither the full faith
22 and credit nor the taxing power of (a) the state, (b) the innovation
23 partnership school sponsor, (c) the school district in which the
24 innovation partnership school is located or (d) any other political
25 subdivision or agency of the state may be pledged for the payment of
26 such debt.

27 NEW SECTION. **Sec. 3.** LEGAL STATUS. An innovation partnership
28 school is a public school including one or more grades, kindergarten
29 through twelve, operated by a public benefit nonprofit corporation,
30 according to the terms of a renewable five-year contract granted by a
31 sponsor.

32 NEW SECTION. **Sec. 4.** INNOVATION PARTNERSHIP SCHOOLS--EXEMPTIONS.

33 (1) An innovation partnership school shall operate independently of any
34 school district board, under a partnership agreement approved by a
35 sponsor under this chapter.

1 (2) Innovation partnership schools are exempt from all state
2 statutes and rules applicable to school districts and school district
3 boards of directors except as provided in this chapter and in the
4 school's approved partnership agreement.

5 (3) An innovation partnership school's board of directors may elect
6 to comply with one or more provisions of the statutes or rules that are
7 applicable to school districts and school district boards of directors.

8 (4) All approved innovation partnership schools must:

9 (a) Comply with state and federal health, safety, and civil rights
10 laws applicable to school districts;

11 (b) Participate in the elementary, middle school, and high school
12 standards, requirements, and assessment examinations as required in
13 chapter 28A.655 RCW;

14 (c) Employ certificated instructional staff as required in RCW
15 28A.410.010, however innovation partnership schools may, like other
16 public schools, hire noncertificated instructional staff of unusual
17 competence and in exceptional cases as specified in RCW 28A.150.260;

18 (d) Comply with the employee record check requirements in RCW
19 28A.400.303;

20 (e) Be subject to the same financial and audit requirements as a
21 school district;

22 (f) Comply with the annual school performance report under RCW
23 28A.655.110;

24 (g) Report at least annually to its sponsor and to parents of
25 children enrolled at the innovation partnership school on progress
26 toward the student performance goals specified in the partnership
27 agreement; and

28 (h) Comply with the open public meetings act in chapter 42.30 RCW.

29 NEW SECTION. **Sec. 5.** ADMISSION REQUIREMENTS. (1) An innovation
30 partnership school must enroll all students who submit a timely
31 application. If capacity is insufficient to enroll all students who
32 submit a timely application, the innovation partnership school must
33 give enrollment priority to students who reside within the school
34 district boundaries in which the innovation partnership school is
35 physically located. Priority also must be given to siblings of
36 students who are currently enrolled in the school. Schools that
37 convert to innovation partnership schools must also give priority to

1 the students who are currently enrolled in the school. When too many
2 students of equal priority have applied, a lottery shall be used to
3 select the specific students who are offered admission.

4 (2) An innovation partnership school may not limit admission based
5 on race, religion, ethnicity, national origin, gender, income level,
6 intellectual ability, disabling condition, proficiency in the English
7 language, or athletic ability. An innovation partnership school may
8 limit admission to students within a given age group or grade level.

9 NEW SECTION. **Sec. 6.** PARTNERSHIP AGREEMENT APPLICATION--
10 PARTNERING PROCESS. (1) An applicant may apply to a sponsor to

11 establish an innovation partnership school as provided in this section.

12 (2) An application for an innovation partnership school may be
13 submitted to any qualified sponsor.

14 (3) If an applicant applies to the local school district for
15 sponsorship, the local school district board of directors must hold a
16 public hearing in the school district on the application within sixty
17 days of receipt of the application. The school board must either
18 accept or reject the application within thirty days after the hearing.
19 The thirty-day deadline for acceptance or rejection of the innovation
20 partnership school application may be extended for an additional thirty
21 days if both parties agree in writing.

22 (4) If the local school board rejects the application, the school
23 board must notify the applicant in writing of the reasons for the
24 rejection. The applicant may submit a revised application for the
25 school board's reconsideration. The school board may provide
26 assistance to improve the application. If the school board rejects the
27 application after submission of a revised application, the school board
28 must notify the applicant in writing of the reasons for the rejection.

29 (5) If an applicant applies to a state or regional university as
30 identified in section 1(5) of this act, the state or regional
31 university must comply with the procedures specified in subsections (1)
32 through (4) of this section for consideration of innovation partnership
33 school applications. Such a state or regional university sponsor is
34 not bound by another sponsor's findings or decision to deny the
35 application, if any.

36 (6) The superintendent of public instruction shall maintain copies

1 of all approved innovation partnership school applications. Any
2 interested person may obtain copies of those applications from the
3 office of the superintendent of public instruction.

4 (7) Only the local school district may sponsor the conversion of a
5 conventional public school to an innovation partnership school.

6 NEW SECTION. **Sec. 7.** APPLICATION REQUIREMENTS. (1) The
7 innovation partnership school application is a proposed contract and
8 must include:

9 (a) The identification and description of the nonprofit corporation
10 submitting the application, including the names and descriptions of the
11 individuals who will operate the school;

12 (b) The nonprofit corporation's articles of incorporation, bylaws,
13 and most recent financial statement and balance sheet;

14 (c) A mission statement for the proposed school, consistent with
15 the description of legislative intent in this chapter;

16 (d) A description of the school's educational program, including
17 curriculum and instructional strategies;

18 (e) A description of the school's admissions policy and marketing
19 program, including deadlines for applications or admission;

20 (f) A description of student performance standards that must meet
21 those established in chapter 28A.655 RCW;

22 (g) A description of the plan for evaluating student performance
23 and the procedures for taking corrective action in the event that
24 student performance at the innovation partnership school falls below
25 standards established in its partnership agreement;

26 (h) A description of the financial plan for the school. The plan
27 shall include: (i) A proposed five-year budget of projected revenues
28 and expenditures; (ii) a plan for starting the school; (iii) a
29 five-year facilities plan; (iv) evidence supporting student enrollment
30 projections of at least twenty students; and (v) a description of major
31 contracts planned for equipment and services, leases, improvements,
32 purchases of real property, and insurance;

33 (i) A description of the proposed financial management procedures,
34 including annual audits of the school's financial and administrative
35 operations, which shall meet or exceed generally accepted standards of
36 management and public accounting;

1 (j) An assessment of the school's potential legal liability and a
2 description of the types and limits of insurance coverage the nonprofit
3 corporation plans to obtain that are adequate. For purposes of this
4 subsection, a liability policy of between one million and five million
5 dollars is required;

6 (k) A description of the procedures to discipline and dismiss
7 students; and

8 (l) A description of the procedures to assure the health and safety
9 of students, employees, and guests of the school and to comply with
10 applicable federal and state health and safety laws, rules, and
11 regulations.

12 (2) Additional consideration must be given to applications that
13 include collaboration with innovation partnership zones established in
14 RCW 43.330.270.

15 NEW SECTION. **Sec. 8.** APPROVAL CRITERIA. A sponsor or alternate
16 sponsor may approve an application for an innovation partnership
17 school, if in its reasonable judgment, after exercising due diligence
18 and good faith, the sponsor or alternate sponsor finds:

19 (1) The applicant is a public benefit nonprofit corporation and the
20 individuals it proposes to manage the school are qualified to operate
21 an innovation partnership school and implement the proposed educational
22 program;

23 (2) The mission statement is consistent with the description of
24 legislative intent and restrictions on innovation partnership school
25 operations in this chapter;

26 (3) The school's proposed educational program is free from
27 religious or sectarian influence;

28 (4) The school's proposed educational program includes student
29 academic performance standards that meet those determined under chapter
30 28A.655 RCW;

31 (5) The application includes a viable plan for evaluating pupil
32 performance and procedures for taking appropriate corrective action in
33 the event that pupil performance at the innovation partnership school
34 falls below standards established in its charter;

35 (6) The school's educational program, including curriculum and
36 instructional strategies, is likely to improve student performance as
37 measured under section 4 of this act;

1 (7) The application includes school performance standards, which
2 must meet those determined under the statewide accountability system
3 adopted by the legislature pursuant to RCW 28A.305.130;

4 (8) The school's admissions policy and marketing program is
5 consistent with state and federal law;

6 (9) The financial plan for the school is designed to reasonably
7 support the innovation partnership school's educational program based
8 on a review of the proposed five-year budget of projected revenues,
9 expenditures, and facilities;

10 (10) The school's financial and administrative operations,
11 including its annual audits, meet or exceed generally accepted
12 standards of accounting and management;

13 (11) The assessment of the school's potential legal liability, and
14 the types and limits of insurance coverage the school plans to obtain,
15 are adequate. For purposes of this subsection, a liability policy of
16 between one million and five million dollars is required;

17 (12) The procedures the school plans to follow for discipline and
18 dismissal of students are reasonable and comply with federal law;

19 (13) The procedures the school plans to follow to assure the health
20 and safety of students, employees, and guests of the school comply with
21 applicable state and federal health and safety laws and regulations;
22 and

23 (14) The public benefit nonprofit corporation has been approved or
24 conditionally approved by the internal revenue service for tax exempt
25 status under section 501(c)(3) of the internal revenue code of 1986 (26
26 U.S.C. Sec. 501(c)(3)).

27 NEW SECTION. **Sec. 9.** PARTNERSHIP AGREEMENT--AMENDMENT. (1) A
28 partnership agreement application approved by a sponsor with any
29 changes constitutes a partnership agreement.

30 (2) A partnership agreement may be amended during its term at the
31 request of the innovation partnership school board of directors and on
32 the approval of the sponsor.

33 NEW SECTION. **Sec. 10.** PARTNERSHIP AGREEMENT RENEWAL AND
34 REVOCATION. (1) An approved plan to establish an innovation
35 partnership school is effective for five years from the first day of
36 operation. At the conclusion of the first three years of operation,

1 the innovation partnership school may apply for renewal to its sponsor
2 or an eligible sponsor under section 1(5) of this act. A request for
3 renewal must be submitted no later than six months before the
4 expiration of the partnership agreement. If the request is to a
5 potentially new sponsor, the new sponsor shall follow the procedures in
6 section 6 of this act.

7 (2) Within the first three years of operation, and at least once
8 every three years thereafter, an innovation partnership school shall
9 apply to the Washington state quality award program established in RCW
10 43.06.335, or for the Malcolm Baldrige national quality award.

11 (3) An innovation partnership school renewal application must
12 include:

13 (a) A report on the progress of the innovation partnership school
14 in achieving the goals, student performance standards, and other terms
15 of the partnership agreement; and

16 (b) A financial statement that discloses the costs of
17 administration, instruction, and other expenditure objects and
18 activities of the innovation partnership school.

19 (4) The sponsor may reject the application for renewal if any of
20 the following occurred:

21 (a) The innovation partnership school materially violated its
22 contract with the sponsor, as set forth in the partnership agreement;

23 (b) The students enrolled in the innovation partnership school
24 failed to meet student performance standards identified in the
25 partnership agreement;

26 (c) The innovation partnership school failed to meet generally
27 accepted standards of fiscal management; or

28 (d) The innovation partnership school violated provisions in law
29 that have not been waived in accordance with this chapter.

30 (5) A sponsor shall give written notice of its decision to grant or
31 deny the innovation partnership school's request for renewal within
32 three months of receiving the request for renewal. If its decision is
33 to deny the request, the sponsor shall provide the innovation
34 partnership school with a reasonable opportunity to correct each
35 identified deficiency in its operation. At the request of the board of
36 directors of the innovation partnership school, the sponsor shall
37 review its denial of the request for renewal after the innovation

1 partnership school has corrected any identified deficiencies, and may,
2 in its discretion, reverse its previous decision and grant the
3 innovation partnership school's request for renewal.

4 (6) The sponsor may revoke a previously approved partnership
5 agreement before the expiration of the term of the partnership
6 agreement, and before application for renewal, for any of the reasons
7 specified in subsection (4) of this section. Except in cases of
8 emergency where the health and safety of children are at risk, a
9 partnership agreement may not be revoked unless the sponsor first
10 provides written notice of the specific violations alleged, a public
11 hearing, and a reasonable opportunity for the innovation partnership
12 school to correct the identified areas of concern. The sponsor of an
13 innovation partnership school shall provide for an appeal process upon
14 a determination by the sponsor that grounds exist to revoke a
15 partnership agreement.

16 NEW SECTION. **Sec. 11.** FUNDING. (1) If the sponsor is a school
17 district:

18 (a) For purposes of funding, students in innovation partnership
19 schools shall be considered students of the sponsoring district for
20 general fund apportionment purposes. Without violating the provisions
21 of section 12 of this act, the sponsoring school district shall provide
22 prompt and timely funding for innovation partnership schools on a per
23 student basis in amounts the schools would have received if the
24 students were enrolled in a conventional public school in the district
25 except that an innovation partnership school shall not generate
26 eligibility for small school assistance. Funding for innovation
27 partnership schools shall include regular apportionment, categorical,
28 and nonbasic education funds, as appropriate and shall be based on
29 enrollment and other financial information submitted by the innovation
30 partnership school to the school district as is required to determine
31 state apportionment amounts;

32 (b) Local levy moneys approved by the voters before the effective
33 date of a partnership agreement between a school district and an
34 applicant shall not be allocated to an innovation partnership school
35 unless the sponsoring school district determines it has received
36 sufficient authority from voters to allocate maintenance and operation
37 excess tax levy money to the innovation partnership school. For levies

1 approved after the effective date of a partnership agreement,
2 innovation partnership schools shall be included in levy planning,
3 budgets, and funding distribution in the same manner as other schools
4 in the district; and

5 (c) An innovation partnership school is eligible for state matching
6 funds for common school construction if a sponsoring school district
7 determines it has received voter approval of local capital funds for
8 the project.

9 (2) Conventional public schools that convert to innovation
10 partnership schools shall receive funding in the same manner as other
11 district-sponsored innovation partnership schools.

12 (3) If the sponsor is not a school district, students in the
13 innovation partnership school shall still be considered students of the
14 district in which the innovation partnership school is located for
15 general fund apportionment purposes. Without violating the provisions
16 of section 12 of this act, the superintendent of public instruction
17 shall provide prompt and timely funding for innovation partnership
18 schools on a per student basis in amounts the schools would have
19 received if the students were enrolled in a conventional public school
20 in the district except that an innovation partnership school shall not
21 generate eligibility for small school assistance. The funding shall
22 include regular apportionment, categorical, and nonbasic education
23 funds and shall be based on enrollment and other financial information
24 submitted by the innovation partnership school to the school district
25 and the superintendent of public instruction, as is required to
26 determine state apportionment amounts.

27 (4) No local levy money may be allocated to an innovation
28 partnership school if the innovation partnership school is sponsored by
29 any public agency other than the local school district.

30 NEW SECTION. **Sec. 12.** ADMINISTRATION FEE. To offset costs of
31 oversight and administering the partnership agreement, a sponsor may
32 retain up to three percent of state funding and local excess levy
33 funding, if applicable, that is being driven to the innovation
34 partnership school. Except for the administration fee in this section,
35 no other offsets or deductions are allowed, whether for central
36 administration or other off-site support services, from an innovation
37 partnership school's per-pupil share of state appropriations, local

1 levies, or other funds, unless the innovation partnership school has
2 voluntarily contracted with its sponsor to obtain specific additional
3 services.

4 NEW SECTION. **Sec. 13.** INNOVATION PARTNERSHIP SCHOOL ASSISTANCE
5 ACCOUNT. The innovation partnership school assistance account is
6 created in the custody of the state treasurer. All receipts from
7 appropriations shall be deposited into the account. Expenditures from
8 the account may be used only to provide financial grants to approved
9 innovation partnership schools for start-up costs. Innovation
10 partnership schools may receive up to two hundred fifty dollars per
11 student for start-up costs. Only the superintendent of public
12 instruction or the superintendent's designee may authorize expenditures
13 from the account. The account is subject to allotment procedures under
14 chapter 43.88 RCW, but no appropriation is required for expenditures.
15 Start-up moneys shall be distributed to schools with approved
16 partnership agreements on a first-come, first-served basis.

17 NEW SECTION. **Sec. 14.** RULES--GRANTS. The office of the
18 superintendent of public instruction shall adopt rules to implement
19 section 13 of this act. If an applicant for an innovation partnership
20 school receives a grant under section 13 of this act and fails to begin
21 operating an innovation partnership school within the next eighteen
22 months, the applicant must immediately reimburse the office of the
23 superintendent of public instruction for the amount of the grant.

24 NEW SECTION. **Sec. 15.** LEAVES OF ABSENCE. If a school district
25 employee makes a written request for an extended leave of absence to
26 work at an innovation partnership school, the school district shall
27 grant the request. The school district may require that the request
28 for a leave be made up to ninety days before the employee would
29 otherwise have to report for duty. The leave shall be granted for up
30 to three years. If the employee returns to the school district within
31 the three-year period, the employee shall be hired before the district
32 hires anyone else with fewer years of service, with respect to any
33 position for which the returning employee is certificated or otherwise
34 qualified.

1 NEW SECTION. **Sec. 16.** STUDY OF INNOVATION PARTNERSHIP SCHOOLS.

2 The Washington institute for public policy shall study the
3 implementation and effectiveness of chapter . . . , Laws of 2010 (this
4 act). The institute shall make recommendations to the legislature
5 about the effectiveness of innovation partnership schools and the
6 impact of innovation partnership schools. The institute shall also
7 recommend changes to this chapter including improvements that could be
8 made to the application and approval process. A preliminary report of
9 the study is due to the legislature by September 1, 2012, and a final
10 report is due September 1, 2014.

11 NEW SECTION. **Sec. 17.** NUMBER OF INNOVATION PARTNERSHIP SCHOOLS.

12 (1) The maximum number of partnership agreements that can be granted
13 under this chapter is twenty in any given year commencing January 1,
14 2011, for the first four years. These annual allocations shall be
15 cumulative so that if the maximum is not reached in any given year the
16 maximum shall be increased accordingly for the successive years.

17 (2) A sponsor may not sponsor an innovation partnership school in
18 a school district with a student enrollment of less than one thousand
19 students until January 1, 2013.

20 (3) For purposes of monitoring compliance with this section and
21 providing information to new innovation partnership school applicants,
22 the superintendent of public instruction shall maintain a running total
23 of the projected and actual enrollment at innovation partnership
24 schools and the number of partnership agreements granted.

25 (4) For purposes of implementing this subsection, a sponsor shall
26 notify the office of the superintendent of public instruction when it
27 receives an innovation partnership school application, when it approves
28 an innovation partnership school, and when an innovation partnership
29 school is renewed or terminated.

30 (5) The maximum number of innovation partnership schools allowed
31 under this section does not include conventional public schools
32 converting to innovation partnership schools.

33 **Sec. 18.** RCW 28A.150.010 and 1969 ex.s. c 223 s 28A.01.055 are
34 each amended to read as follows:

35 Public schools (~~shall~~) means the common schools as referred to in
36 Article IX of the state Constitution and those schools and institutions

1 of learning having a curriculum below the college or university level
2 as now or may be established by law and maintained at public expense,
3 including innovation partnership schools under chapter 28A. . . . RCW
4 (the new chapter created in section 25 of this act).

5 NEW SECTION. **Sec. 19.** A new section is added to chapter 41.56 RCW
6 to read as follows:

7 COLLECTIVE BARGAINING RIGHTS OF INNOVATION PARTNERSHIP SCHOOL
8 EMPLOYEES. This chapter applies to charter public schools under
9 chapter 28A. . . . RCW (the new chapter created in section 25 of this
10 act) and the innovation partnership school's employees included in the
11 bargaining unit. The bargaining unit of employees of innovation
12 partnership schools must be limited to the employees of the innovation
13 partnership school and must be separate from other bargaining units in
14 the school district or educational service district.

15 NEW SECTION. **Sec. 20.** A new section is added to chapter 41.59 RCW
16 to read as follows:

17 COLLECTIVE BARGAINING RIGHTS OF INNOVATION PARTNERSHIP SCHOOL
18 EMPLOYEES. This chapter applies to collective bargaining agreements
19 between innovation partnership schools and the employees of innovation
20 partnership schools included in the bargaining unit. The bargaining
21 unit of employees of innovation partnership schools must be limited to
22 the employees of the innovation partnership school and must be separate
23 from other bargaining units in the school district or educational
24 service district.

25 **Sec. 21.** RCW 41.59.080 and 1998 c 244 s 11 are each amended to
26 read as follows:

27 The commission, upon proper application for certification as an
28 exclusive bargaining representative or upon petition for change of unit
29 definition by the employer or any employee organization within the time
30 limits specified in RCW 41.59.070(3), and after hearing upon reasonable
31 notice, shall determine the unit appropriate for the purpose of
32 collective bargaining. In determining, modifying or combining the
33 bargaining unit, the commission shall consider the duties, skills, and
34 working conditions of the educational employees; the history of

1 collective bargaining; the extent of organization among the educational
2 employees; and the desire of the educational employees; except that:

3 (1) A unit including nonsupervisory educational employees shall not
4 be considered appropriate unless it includes all such nonsupervisory
5 educational employees of the employer; and

6 (2) A unit that includes only supervisors may be considered
7 appropriate if a majority of the employees in such category indicate by
8 vote that they desire to be included in such a unit; and

9 (3) A unit that includes only principals and assistant principals
10 may be considered appropriate if a majority of such employees indicate
11 by vote that they desire to be included in such a unit; and

12 (4) A unit that includes both principals and assistant principals
13 and other supervisory employees may be considered appropriate if a
14 majority of the employees in each category indicate by vote that they
15 desire to be included in such a unit; and

16 (5) A unit that includes supervisors and/or principals and
17 assistant principals and nonsupervisory educational employees may be
18 considered appropriate if a majority of the employees in each category
19 indicate by vote that they desire to be included in such a unit; and

20 (6) A unit that includes only employees in vocational-technical
21 institutes or occupational skill centers may be considered to
22 constitute an appropriate bargaining unit if the history of bargaining
23 in any such school district so justifies; and

24 (7) Notwithstanding the definition of collective bargaining, a unit
25 that contains only supervisors and/or principals and assistant
26 principals shall be limited in scope of bargaining to compensation,
27 hours of work, and the number of days of work in the annual employment
28 contracts; and

29 (8) The bargaining unit of certificated employees of school
30 districts, educational service districts, or institutions of higher
31 education that are education providers under chapter 28A.193 RCW must
32 be limited to the employees working as education providers to juveniles
33 in each adult correctional facility maintained by the department of
34 corrections and must be separate from other bargaining units in school
35 districts, educational service districts, or institutions of higher
36 education; and

37 (9) The bargaining unit for employees of innovation partnership
38 schools as defined in section 1 of this act must be limited to the

1 employees of the innovation partnership school and must be separate
2 from other bargaining units in the school district or educational
3 service district.

4 NEW SECTION. Sec. 22. A new section is added to chapter 41.32 RCW
5 under the subchapter heading "Provisions applicable to plan 1, plan 2,
6 and plan 3" to read as follows:

7 RETIREMENT PLAN BENEFITS OF INNOVATION PARTNERSHIP SCHOOL
8 EMPLOYEES. (1) Innovation partnership schools are employers and
9 innovation partnership school teachers are members under this chapter.

10 (2) This section takes effect only if the department receives
11 determinations from the internal revenue service and the United States
12 department of labor that such participation does not jeopardize the
13 status of these retirement systems as governmental plans under the
14 federal employees' retirement income security act and the internal
15 revenue code.

16 (3) "Innovation partnership school" has the definition in section
17 1 of this act.

18 NEW SECTION. Sec. 23. A new section is added to chapter 41.35 RCW
19 under the subchapter heading "Provisions applicable to plan 2 and plan
20 3" to read as follows:

21 RETIREMENT PLAN BENEFITS OF INNOVATION PARTNERSHIP SCHOOL
22 EMPLOYEES. (1) Innovation partnership schools are employers and
23 innovation partnership school employees other than teachers are members
24 under this chapter.

25 (2) This section takes effect only if the department receives
26 determinations from the internal revenue service and the United States
27 department of labor that such participation does not jeopardize the
28 status of these retirement systems as governmental plans under the
29 federal employees' retirement income security act and the internal
30 revenue code.

31 (3) "Innovation partnership school" has the definition in section
32 1 of this act.

33 NEW SECTION. Sec. 24. A new section is added to chapter 41.40 RCW
34 under the subchapter heading "Provisions applicable to plan 1, plan 2,
35 and plan 3" to read as follows:

1 RETIREMENT PLAN BENEFITS OF INNOVATION PARTNERSHIP SCHOOL
2 EMPLOYEES. (1) Innovation partnership schools are employers and
3 innovation partnership school employees other than teachers are members
4 under this chapter. RCW 41.40.750 applies to innovation partnership
5 school employees who are not in plan 1 under this chapter on September
6 1, 2010.

7 (2) This section takes effect only if the department receives
8 determinations from the internal revenue service and the United States
9 department of labor that such participation does not jeopardize the
10 status of these retirement systems as governmental plans under the
11 federal employees' retirement income security act and the internal
12 revenue code.

13 (3) "Innovation partnership school" has the definition in section
14 1 of this act.

15 NEW SECTION. **Sec. 25.** Sections 1 through 17 of this act
16 constitute a new chapter in Title 28A RCW.

17 NEW SECTION. **Sec. 26.** 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.

21 NEW SECTION. **Sec. 27.** INTEGRATION WITH OTHER STATUTES. Within
22 one year of the effective date of this section, the office of the
23 superintendent of public instruction shall develop and recommend
24 legislation, if any is necessary, to bring Title 28A RCW into
25 compliance with this act. Any failure to pass any such legislation
26 does not, however, affect the validity and enforceability of this act.

27 NEW SECTION. **Sec. 28.** Section 23 of this act takes effect
28 September 1, 2010.

29 NEW SECTION. **Sec. 29.** Except for section 23 of this act, this act
30 is necessary for the immediate preservation of the public peace,
31 health, or safety, or support of the state government and its existing

1 public institutions, and takes effect immediately.

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