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**SUBSTITUTE SENATE BILL 6696**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin, and Kohl-Welles; by request of Governor Gregoire)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to education reform; amending RCW 28A.305.225,  
2 28A.150.230, 28A.405.100, 28A.405.220, 28A.400.200, 28A.660.020,  
3 28B.76.335, 28B.76.230, 28A.655.110, 41.56.100, 41.59.120, and  
4 28A.300.136; reenacting and amending RCW 28A.660.040 and 28A.660.050;  
5 adding new sections to chapter 28A.405 RCW; adding new sections to  
6 chapter 28A.410 RCW; adding a new section to chapter 28B.76 RCW; adding  
7 a new section to chapter 28A.605 RCW; adding new sections to chapter  
8 28A.655 RCW; adding a new section to chapter 28A.300 RCW; adding a new  
9 section to chapter 41.56 RCW; adding a new section to chapter 41.59  
10 RCW; adding a new chapter to Title 28A RCW; creating new sections;  
11 recodifying RCW 28A.305.225; and repealing RCW 28A.660.010,  
12 28A.415.100, 28A.415.105, 28A.415.130, 28A.415.135, and 28A.415.140.

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

14 **PART I**

15 **ACCOUNTABILITY FRAMEWORK**

16 NEW SECTION. **Sec. 101.** The legislature finds that it is the  
17 state's responsibility to create a coherent and effective  
18 accountability framework for the continuous improvement for all schools

1 and districts. This system must provide an excellent and equitable  
2 education for all students; an aligned federal/state accountability  
3 system; and the tools necessary for schools and districts to be  
4 accountable. These tools include the necessary accounting and data  
5 reporting systems, assessment systems to monitor student achievement,  
6 and a system of general support, targeted assistance, and if necessary,  
7 intervention.

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

23 Phase I of this accountability system will recognize schools that  
24 have done an exemplary job of raising student achievement and closing  
25 the achievement gaps using the state board of education's  
26 accountability index. The state board of education shall have ongoing  
27 collaboration with the achievement gap oversight and accountability  
28 committee regarding the measures used to measure the closing of the  
29 achievement gaps and the recognition provided to the school districts  
30 for closing the achievement gaps. Phase I will also target the lowest  
31 five percent of persistently lowest-achieving schools defined under  
32 federal guidelines to provide federal funds and federal intervention  
33 models through a voluntary option in 2010, and for those who do not  
34 volunteer and have not improved student achievement, a required action  
35 process beginning in 2011.

36 Phase II of this accountability system will work toward  
37 implementing the state board of education's accountability index for  
38 identification of schools in need of improvement, including those that

1 are not Title I schools, and the use of state and local intervention  
2 models and state funds through a required action process beginning in  
3 2013, in addition to the federal program. Federal approval of the  
4 state board of education's accountability index must be obtained or  
5 else the federal guidelines for persistently lowest-achieving schools  
6 will continue to be used.

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

11 NEW SECTION. **Sec. 102.** (1) Beginning in 2010, and each year  
12 thereafter, by December 1st, the superintendent of public instruction  
13 shall annually identify schools that are the persistently lowest-  
14 achieving schools in the state. A school shall be identified as one of  
15 the state's persistently lowest-achieving schools if the school is a  
16 Title I school, or a school that is eligible for, but does not receive  
17 Title I funds, that is among the lowest-achieving five percent of  
18 schools in the state.

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

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

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

32 NEW SECTION. **Sec. 103.** (1) Beginning in January 2011, the  
33 superintendent of public instruction shall annually recommend to the  
34 state board of education school districts for designation as required  
35 action districts. A district with at least one school identified as a  
36 persistently lowest-achieving school shall be designated as a required

1 action district if it meets the criteria developed by the  
2 superintendent of public instruction. However, a school district shall  
3 not be recommended for designation as a required action district if the  
4 district was awarded a federal school improvement grant by the  
5 superintendent in 2010 and for three consecutive years following  
6 receipt of the grant implemented a federal school intervention model at  
7 each school identified for improvement. The state board of education  
8 may designate a district that received a school improvement grant in  
9 2010 as a 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 104  
31 through 109 of this act.

32 NEW SECTION. **Sec. 104.** (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. 105.** (1) The local district superintendent and  
27 local school board of a school district designated as a required action  
28 district must submit a required action plan to the state board of  
29 education for approval. Unless otherwise required by subsection (3) of  
30 this section, the plan must be submitted under a schedule as required  
31 by the state board. A required action plan must be developed in  
32 collaboration with administrators, teachers, and other staff, parents,  
33 unions representing any employees within the district, students, and  
34 other representatives of the local community. The superintendent of  
35 public instruction shall provide a district with assistance in  
36 developing its plan if requested. The school board must conduct a  
37 public hearing to allow for comment on a proposed required action plan.

1 The local school district shall submit the plan first to the office of  
2 the superintendent of public instruction to review and approve that the  
3 plan is consistent with federal guidelines. After the office of the  
4 superintendent of public instruction has approved that the plan is  
5 consistent with federal guidelines, the local school district must  
6 submit its required action plan to the state board of education for  
7 approval.

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

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

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

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

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

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

36 (3)(a) For any district designated for required action, the parties  
37 to any collective bargaining agreement negotiated, renewed, or extended  
38 under chapter 41.59 or 41.56 RCW after the effective date of this

1 section must reopen the agreement, or negotiate an addendum, if needed,  
2 to make changes to terms and conditions of employment that are  
3 necessary to implement a required action plan.

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

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

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

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

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

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

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

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

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

1 (ii) Within seven days after the filing of the petition, each party  
2 shall file with the court the proposal it is asking the court to order  
3 be implemented in a required action plan for the district for each  
4 issue certified by the executive director. Contemporaneously with the  
5 filing of the proposal, a party must file a brief with the court  
6 setting forth the reasons why the court should order implementation of  
7 its proposal in the final plan.

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

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

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

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

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

35 NEW SECTION. **Sec. 106.** A required action plan developed by a  
36 district's school board and superintendent must be submitted to the  
37 state board of education for approval. The state board must accept for



1 inclusion in any required action plan the final decision by the  
2 superior court on any issue certified by the executive director of the  
3 public employment relations commission under the process in section 105  
4 of this act. The state board of education shall approve a plan  
5 proposed by a school district only if it meets the requirements set  
6 forth in section 105 of this act. Any addendum or modification to an  
7 existing collective bargaining agreement, negotiated under section 105  
8 of this act or by agreement of the district and the exclusive  
9 bargaining unit, related to student achievement or school improvement  
10 shall not go into effect until approval of a required action plan by  
11 the state board of education. If the state board does not approve a  
12 proposed plan, it must notify the local school board and local  
13 district's superintendent in writing with an explicit rationale for why  
14 the plan was not approved. Nonapproval by the state board of education  
15 of the local school district's initial required action plan submitted  
16 is not intended to trigger any actions under section 107 of this act.  
17 With the assistance of the office of the superintendent of public  
18 instruction, the superintendent and school board of the required action  
19 district shall submit a new plan to the state board of education for  
20 approval within forty days of notification that its plan was rejected.  
21 If federal funds are not available, the plan is not required to be  
22 implemented until such funding becomes available. If federal funds for  
23 this purpose are available, a required action plan must be implemented  
24 in the immediate school year following the district's designation as a  
25 required action district.

26 NEW SECTION. **Sec. 107.** The state board of education may direct  
27 the superintendent of public instruction to require a school district  
28 that has not submitted a final required action plan for approval, or  
29 has submitted but not received state board of education approval of a  
30 required action plan by the beginning of the school year in which the  
31 plan is intended to be implemented, to redirect the district's Title I  
32 funds based on the academic performance audit findings.

33 NEW SECTION. **Sec. 108.** A school district must implement a  
34 required action plan upon approval by the state board of education.  
35 The office of superintendent of public instruction must provide the  
36 required action district with technical assistance and federal school

1 improvement grant funds, if available, to implement an approved plan.  
2 The district must submit a report to the superintendent of public  
3 instruction that provides the progress the district is making in  
4 meeting the student achievement goals based on the state's assessments,  
5 identifying strategies and assets used to solve audit findings, and  
6 establishing evidence of meeting plan implementation benchmarks as set  
7 forth in the required action plan.

8 NEW SECTION. **Sec. 109.** (1) The superintendent of public  
9 instruction must provide a report twice per year to the state board of  
10 education regarding the progress made by all school districts  
11 designated as required action districts.

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

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

26 **Sec. 110.** RCW 28A.305.225 and 2009 c 548 s 503 are each amended to  
27 read as follows:

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

33 (2) The state board of education shall develop an accountability  
34 index to identify schools and districts for recognition, for continuous  
35 improvement, and for additional state support. The index shall be  
36 based on criteria that are fair, consistent, and transparent.

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

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

26 ~~(4)(a) The state board of education shall develop a proposal and  
27 implementation timeline for a more formalized comprehensive system  
28 improvement targeted to challenged schools and districts that have not  
29 demonstrated sufficient improvement through the voluntary system. The  
30 timeline must take into account and accommodate capacity limitations of  
31 the K-12 educational system. The proposal and timeline shall be  
32 submitted to the education committees of the legislature by December 1,  
33 2009, and shall include recommended legislation and recommended  
34 resources to implement the system according to the timeline developed.~~

35 ~~(b) The proposal shall outline a process for addressing performance  
36 challenges that will include the following features: (i) An academic  
37 performance audit using peer review teams of educators that considers  
38 school and community factors in addition to other factors in developing~~

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

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

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

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

33 NEW SECTION. Sec. 111. The definitions in this section apply  
34 throughout this chapter unless the context clearly requires otherwise.

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

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

3 NEW SECTION. **Sec. 112.** The superintendent of public instruction  
4 may adopt rules in accordance with chapter 34.05 RCW as necessary to  
5 implement this chapter.

6 **PART II**  
7 **EVALUATIONS**

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

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

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

24 (a) Establish performance criteria and an evaluation process for  
25 its superintendent, classified staff, certificated personnel, including  
26 administrative staff, and for all programs constituting a part of such  
27 district's curriculum. Each district shall report annually to the  
28 superintendent of public instruction the following for each employee  
29 group listed in this subsection (2)(a): (i) Evaluation criteria and  
30 rubrics; (ii) a description of each rating; and (iii) the number of  
31 staff in each rating;

32 (b) Determine the final assignment of staff, certificated or  
33 classified, according to board enumerated classroom and program needs  
34 and data, based upon a plan to ensure that the assignment policy: (i)

1 Supports the learning needs of all the students in the district; and  
2 (ii) gives specific attention to high-need schools and classrooms;

3 (c) Provide information to the local community and its electorate  
4 describing the school district's policies concerning hiring, assigning,  
5 terminating, and evaluating staff, including the criteria for  
6 evaluating teachers and principals;

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

11 ~~((d))~~ (e) Determine the allocation of staff time, whether  
12 certificated or classified;

13 ~~((e))~~ (f) Establish final curriculum standards consistent with  
14 law and rules of the superintendent of public instruction, relevant to  
15 the particular needs of district students or the unusual  
16 characteristics of the district, and ensuring a quality education for  
17 each student in the district; and

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

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

24 (1)(a) Except as provided in subsection (2) of this section, the  
25 superintendent of public instruction shall establish and may amend from  
26 time to time minimum criteria for the evaluation of the professional  
27 performance capabilities and development of certificated classroom  
28 teachers and certificated support personnel. For classroom teachers  
29 the criteria shall be developed in the following categories:  
30 Instructional skill; classroom management, professional preparation and  
31 scholarship; effort toward improvement when needed; the handling of  
32 student discipline and attendant problems; and interest in teaching  
33 pupils and knowledge of subject matter.

34 (b) Every board of directors shall, in accordance with procedure  
35 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,  
36 establish evaluative criteria and procedures for all certificated  
37 classroom teachers and certificated support personnel. The evaluative

1 criteria must contain as a minimum the criteria established by the  
2 superintendent of public instruction pursuant to this section and must  
3 be prepared within six months following adoption of the superintendent  
4 of public instruction's minimum criteria. The district must certify to  
5 the superintendent of public instruction that evaluative criteria have  
6 been so prepared by the district.

7 (2)(a) Pursuant to the implementation schedule established in  
8 subsection (7)(b) of this section, every board of directors shall, in  
9 accordance with procedures provided in RCW 41.59.010 through 41.59.170,  
10 41.59.910, and 41.59.920, establish revised evaluative criteria and a  
11 four-level rating system for all certificated classroom teachers.

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

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

32 (3)(a) Except as provided in subsection ((+5+)) (10) of this  
33 section, it shall be the responsibility of a principal or his or her  
34 designee to evaluate all certificated personnel in his or her school.  
35 During each school year all classroom teachers and certificated support  
36 personnel(, hereinafter referred to as "employees" in this section,)  
37 shall be observed for the purposes of evaluation at least twice in the  
38 performance of their assigned duties. Total observation time for each

1 employee for each school year shall be not less than sixty minutes. An  
2 employee in the third year of provisional status as defined in RCW  
3 28A.405.220 shall be observed at least three times in the performance  
4 of his or her duties and the total observation time for the school year  
5 shall not be less than ninety minutes. Following each observation, or  
6 series of observations, the principal or other evaluator shall promptly  
7 document the results of the observation in writing, and shall provide  
8 the employee with a copy thereof within three days after such report is  
9 prepared. New employees shall be observed at least once for a total  
10 observation time of thirty minutes during the first ninety calendar  
11 days of their employment period.

12 (b) As used in this subsection and subsection (4) of this section,  
13 "employees" means classroom teachers and certificated support  
14 personnel.

15 (4)(a) At any time after October 15th, an employee whose work is  
16 not judged (~~(unsatisfactory)~~) satisfactory based on district evaluation  
17 criteria shall be notified in writing of the specific areas of  
18 deficiencies along with a reasonable program for improvement. During  
19 the period of probation, the employee may not be transferred from the  
20 supervision of the original evaluator. Improvement of performance or  
21 probable cause for nonrenewal must occur and be documented by the  
22 original evaluator before any consideration of a request for transfer  
23 or reassignment as contemplated by either the individual or the school  
24 district. A probationary period of sixty school days shall be  
25 established. The establishment of a probationary period does not  
26 adversely affect the contract status of an employee within the meaning  
27 of RCW 28A.405.300. The purpose of the probationary period is to give  
28 the employee opportunity to demonstrate improvements in his or her  
29 areas of deficiency. The establishment of the probationary period and  
30 the giving of the notice to the employee of deficiency shall be by the  
31 school district superintendent and need not be submitted to the board  
32 of directors for approval. During the probationary period the  
33 evaluator shall meet with the employee at least twice monthly to  
34 supervise and make a written evaluation of the progress, if any, made  
35 by the employee. The evaluator may authorize one additional  
36 certificated employee to evaluate the probationer and to aid the  
37 employee in improving his or her areas of deficiency; such additional  
38 certificated employee shall be immune from any civil liability that



1 might otherwise be incurred or imposed with regard to the good faith  
2 performance of such evaluation. The probationer may be removed from  
3 probation if he or she has demonstrated improvement to the satisfaction  
4 of the principal in those areas specifically detailed in his or her  
5 initial notice of deficiency and subsequently detailed in his or her  
6 improvement program. Lack of necessary improvement during the  
7 established probationary period, as specifically documented in writing  
8 with notification to the probationer and shall constitute grounds for  
9 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

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

20 ~~((+2))~~ (5) Every board of directors shall establish evaluative  
21 criteria and procedures for all superintendents, principals, and other  
22 administrators. It shall be the responsibility of the district  
23 superintendent or his or her designee to evaluate all administrators.  
24 Except as provided in subsection (6) of this section, such evaluation  
25 shall be based on the administrative position job description. Such  
26 criteria, when applicable, shall include at least the following  
27 categories: Knowledge of, experience in, and training in recognizing  
28 good professional performance, capabilities and development; school  
29 administration and management; school finance; professional preparation  
30 and scholarship; effort toward improvement when needed; interest in  
31 pupils, employees, patrons and subjects taught in school; leadership;  
32 and ability and performance of evaluation of school personnel.

33 ~~((+3))~~ (6)(a) Pursuant to the implementation schedule established  
34 by subsection (7)(b) of this section, every board of directors shall  
35 establish revised evaluative criteria and a four-level rating system  
36 for principals.

37 (b) The minimum criteria shall include: (i) Creating a school  
38 culture that promotes the ongoing improvement of learning and teaching

1 for students and staff; (ii) demonstrable commitment to closing the  
2 achievement gap; (iii) providing for school safety; (iv) leading the  
3 development, implementation, and evaluation of a data-driven plan for  
4 increasing student achievement, including the use of multiple student  
5 data elements; (v) assisting instructional staff with alignment of  
6 curriculum, instruction, and assessment with state and local district  
7 learning goals; (vi) monitoring, assisting, and evaluating effective  
8 instruction and assessment practices; (vii) managing both staff and  
9 fiscal resources to support student achievement and legal  
10 responsibilities; and (viii) partnering with the school community to  
11 promote student learning.

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

20 (7)(a) The superintendent of public instruction, in collaboration  
21 with state professional associations representing teachers, principals,  
22 administrators, and at least one parent who is not a teacher,  
23 principal, administrator, or employee of a school district, educational  
24 service district, or state educational agency, association, or  
25 organization shall create models for implementing the evaluation system  
26 criteria, student growth tools, professional development programs, and  
27 evaluator training for certificated classroom teachers and principals.  
28 The statewide parent-teacher organization shall solicit interest to  
29 serve. Individuals who apply must have demonstrated an interest in  
30 public schools, be supportive of educational improvement, and be  
31 willing to devote sufficient time to create the models, programs, and  
32 tools. The parent representative shall be chosen from the applicant  
33 pool by the statewide parent-teacher organization using a lottery  
34 system. Human resources specialists, professional development experts,  
35 and assessment experts must also be consulted. Due to the diversity of  
36 teaching assignments and the many developmental levels of students,  
37 classroom teachers and principals must be prominently represented in

1 this work. The models must be available for use in the 2011-12 school  
2 year.

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

10 (c) A set of school districts shall be selected by the  
11 superintendent of public instruction to participate in a collaborative  
12 process resulting in the development and piloting of new certificated  
13 classroom teacher and principal evaluation systems during the 2010-11  
14 and 2011-12 school years. These school districts must be selected  
15 based on: (i) The agreement of the local associations representing  
16 classroom teachers and principals to collaborate with the district in  
17 this developmental work and (ii) the agreement to participate in the  
18 full range of development and implementation activities, including:  
19 Development of rubrics for the evaluation criteria and ratings in  
20 subsections (2) and (6) of this section; identification of or  
21 development of appropriate multiple measures of student growth in  
22 subsections (2) and (6) of this section; development of appropriate  
23 evaluation system forms; participation in professional development for  
24 principals and classroom teachers regarding the content of the new  
25 evaluation system; participation in evaluator training; and  
26 participation in activities to evaluate the effectiveness of the new  
27 systems and support programs. The school districts must submit all  
28 student data available to the office of the superintendent of public  
29 instruction, preferably in electronic form. The superintendent of  
30 public instruction must analyze the districts' evaluative data,  
31 including data that is not used or is underutilized in the evaluations,  
32 consult with participating districts and stakeholders, recommend  
33 appropriate changes, and address statewide implementation issues. The  
34 superintendent of public instruction shall report evaluation system  
35 implementation status, evaluation data, and recommendations to  
36 appropriate committees of the legislature and governor by July 1, 2011,  
37 and at the conclusion of the development phase by July 1, 2012.

1        (8) Each certificated (~~(employee)~~) classroom teacher and  
2 certificated support personnel shall have the opportunity for  
3 confidential conferences with his or her immediate supervisor on no  
4 less than two occasions in each school year. Such confidential  
5 conference shall have as its sole purpose the aiding of the  
6 administrator in his or her assessment of the employee's professional  
7 performance.

8        ~~((+4))~~ (9) The failure of any evaluator to evaluate or supervise  
9 or cause the evaluation or supervision of certificated (~~(employees)~~)  
10 classroom teachers and certificated support personnel or administrators  
11 in accordance with this section, as now or hereafter amended, when it  
12 is his or her specific assigned or delegated responsibility to do so,  
13 shall be sufficient cause for the nonrenewal of any such evaluator's  
14 contract under RCW 28A.405.210, or the discharge of such evaluator  
15 under RCW 28A.405.300.

16        ~~((+5))~~ (10) After (~~(an employee)~~) a certificated classroom teacher  
17 or certificated support personnel has four years of satisfactory  
18 evaluations under subsection (1) of this section or has received one of  
19 the two top ratings for four years under subsection (2) of this  
20 section, a school district may use a short form of evaluation, a  
21 locally bargained evaluation emphasizing professional growth, an  
22 evaluation under subsection (1) or (2) of this section, or any  
23 combination thereof. The short form of evaluation shall include either  
24 a thirty minute observation during the school year with a written  
25 summary or a final annual written evaluation based on the criteria in  
26 subsection (1) or (2) of this section and based on at least two  
27 observation periods during the school year totaling at least sixty  
28 minutes without a written summary of such observations being prepared.  
29 A locally bargained short-form evaluation emphasizing professional  
30 growth must provide that the professional growth activity conducted by  
31 the certificated classroom teacher be specifically linked to one or  
32 more of the certificated classroom teacher evaluation criteria.  
33 However, the evaluation process set forth in subsection (1) or (2) of  
34 this section shall be followed at least once every three years unless  
35 this time is extended by a local school district under the bargaining  
36 process set forth in chapter 41.59 RCW. The employee or evaluator may  
37 require that the evaluation process set forth in subsection (1) or (2)  
38 of this section be conducted in any given school year. No evaluation

1 other than the evaluation authorized under subsection (1) or (2) of  
2 this section may be used as a basis for determining that an employee's  
3 work is (~~unsatisfactory~~) not satisfactory under subsection (1) or (2)  
4 of this section or as probable cause for the nonrenewal of an  
5 employee's contract under RCW 28A.405.210 unless an evaluation process  
6 developed under chapter 41.59 RCW determines otherwise.

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

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

24 (2) In the event the superintendent of the school district  
25 determines that the employment contract of any provisional employee  
26 should not be renewed by the district for the next ensuing term such  
27 provisional employee shall be notified thereof in writing on or before  
28 May 15th preceding the commencement of such school term, or if the  
29 omnibus appropriations act has not passed the legislature by May 15th,  
30 then notification shall be no later than June 15th, which notification  
31 shall state the reason or reasons for such determination. Such notice  
32 shall be served upon the provisional employee personally, or by  
33 certified or registered mail, or by leaving a copy of the notice at the  
34 place of his or her usual abode with some person of suitable age and  
35 discretion then resident therein. The determination of the  
36 superintendent shall be subject to the evaluation requirements of RCW  
37 28A.405.100.

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

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

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

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

36       NEW SECTION. Sec. 204. A new section is added to chapter 28A.405  
37 RCW to read as follows:

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

6 (2) The analysis shall be conducted during each of the phase-in  
7 years of the certificated classroom teacher and principal evaluation  
8 systems. The analysis shall include: Procedures, timelines,  
9 probationary periods, appeal procedures, and other items related to the  
10 timely exercise of employment decisions and due process provisions for  
11 certificated classroom teachers and principals.

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

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

19 **PART III**

20 **ENCOURAGING INNOVATIONS AND PERFORMANCE BY ADDRESSING THE ACHIEVEMENT**  
21 **GAP AND SCIENCE TECHNOLOGY, ENGINEERING, AND MATHEMATICS**

22 **Sec. 301.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to  
23 read as follows:

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

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

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

1 (3)(a) The actual average salary paid to certificated instructional  
2 staff shall not exceed the district's average certificated  
3 instructional staff salary used for the state basic education  
4 allocations for that school year as determined pursuant to RCW  
5 28A.150.410.

6 (b) Fringe benefit contributions for certificated instructional  
7 staff shall be included as salary under (a) of this subsection only to  
8 the extent that the district's actual average benefit contribution  
9 exceeds the amount of the insurance benefits allocation provided per  
10 certificated instructional staff unit in the state operating  
11 appropriations act in effect at the time the compensation is payable.  
12 For purposes of this section, fringe benefits shall not include payment  
13 for unused leave for illness or injury under RCW 28A.400.210; employer  
14 contributions for old age survivors insurance, workers' compensation,  
15 unemployment compensation, and retirement benefits under the Washington  
16 state retirement system; or employer contributions for health benefits  
17 in excess of the insurance benefits allocation provided per  
18 certificated instructional staff unit in the state operating  
19 appropriations act in effect at the time the compensation is payable.  
20 A school district may not use state funds to provide employer  
21 contributions for such excess health benefits.

22 (c) Salary and benefits for certificated instructional staff in  
23 programs other than basic education shall be consistent with the salary  
24 and benefits paid to certificated instructional staff in the basic  
25 education program.

26 (4) Salaries and benefits for certificated instructional staff may  
27 exceed the limitations in subsection (3) of this section only by  
28 separate contract for additional time, for additional responsibilities,  
29 ~~((or))~~ for incentives, or for implementing specific measurable  
30 innovative activities, including professional development, specified by  
31 the school district to: (a) Close one or more achievement gaps, (b)  
32 focus on development of science, technology, engineering, and  
33 mathematics (STEM) learning opportunities, or (c) provide arts  
34 education. Beginning September 1, 2011, school districts shall  
35 annually provide a brief description of the innovative activities  
36 included in any supplemental contract to the office of the  
37 superintendent of public instruction. The superintendent of public  
38 instruction shall annually summarize the district information and



1 submit a report to the education committees of the house of  
2 representatives and the senate. Supplemental contracts shall not cause  
3 the state to incur any present or future funding obligation.  
4 Supplemental contracts shall be subject to the collective bargaining  
5 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,  
6 shall not exceed one year, and if not renewed shall not constitute  
7 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.  
8 No district may enter into a supplemental contract under this  
9 subsection for the provision of services which are a part of the basic  
10 education program required by Article IX, section 3 of the state  
11 Constitution.

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

14 **PART IV**  
15 **EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION**

16 NEW SECTION. Sec. 401. A new section is added to chapter 28A.410  
17 RCW to read as follows:

18 Beginning with the 2011-12 school year, all professional educator  
19 standards board-approved teacher preparation programs must administer  
20 to all preservice candidates the evidence-based assessment of teaching  
21 effectiveness adopted by the professional educator standards board.  
22 Candidates completing teacher preparation programs in the 2012-13  
23 school year and thereafter must successfully pass this assessment.  
24 Assessment results from persons completing each preparation program  
25 must be reported annually by the professional educator standards board  
26 to the governor and the education and fiscal committees of the  
27 legislature by December 1st.

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

30 By September 30, 2010, the professional educator standards board  
31 shall review and revise teacher and administrator preparation program  
32 approval standards and proposal review procedures at the residency  
33 certificate level to ensure they are rigorous and appropriate standards  
34 for an expanded range of potential providers, including community  
35 college and nonhigher education providers.

1 Beginning September 30, 2010, the professional educator standards  
2 board must accept proposals for community college and nonhigher  
3 education providers of educator preparation programs. Proposals must  
4 be processed and considered by the board as expeditiously as possible.

5 By September 1, 2011, all professional educator standards board-  
6 approved residency teacher preparation programs at institutions of  
7 higher education as defined in RCW 28B.10.016 not currently a partner  
8 in an alternative route program approved by the professional educator  
9 standards board must submit to the board a proposal to offer one or  
10 more of the alternative route programs that meet the requirements of  
11 RCW 28A.660.020 and 28A.660.040.

12 **Sec. 403.** RCW 28A.660.020 and 2006 c 263 s 816 are each amended to  
13 read as follows:

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

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

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

29 (b) The estimated number of candidates that will be enrolled per  
30 route;

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

34 (d) An assurance ~~((of))~~ that the district ~~((provision—of))~~ or  
35 approved preparation program provider will provide adequate training  
36 for mentor teachers ~~((either through participation in a state mentor~~

1 ~~training academy or district provided training that meets state-~~  
2 ~~established mentor training standards))~~ specific to the mentoring of  
3 alternative route candidates;

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

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

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

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

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

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

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

1 (iv) A description of strategies for assessing candidate  
2 performance on the benchmarks;

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

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

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

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

18 **Sec. 404.** RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1  
19 are each reenacted and amended to read as follows:

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

30 (1) ~~((Partnership grant programs seeking funds to operate))~~  
31 Alternative route programs operating route one programs shall enroll  
32 currently employed classified instructional employees with transferable  
33 associate degrees seeking residency teacher certification with  
34 endorsements in special education, bilingual education, or English as  
35 a second language. It is anticipated that candidates enrolled in this  
36 route will complete both their baccalaureate degree and requirements

1 for residency certification in two years or less, including a mentored  
2 internship to be completed in the final year. In addition, partnership  
3 programs shall uphold entry requirements for candidates that include:

4 (a) District or building validation of qualifications, including  
5 one year of successful student interaction and leadership as a  
6 classified instructional employee;

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

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

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

23 (a) District or building validation of qualifications, including  
24 one year of successful student interaction and leadership as classified  
25 staff;

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

29 (c) Successful completion of the (~~content test, once the state~~  
30 ~~content test is available~~) subject matter assessment required by RCW  
31 28A.410.220(3);

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

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

36 (3) (~~Partnership grant~~) Alternative route programs seeking funds  
37 to operate route three programs shall enroll individuals with  
38 baccalaureate degrees, who are not employed in the district at the time

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

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

19 (b) Successful completion of the (~~content test, once the state~~  
20 ~~content test is available~~) subject matter assessment required by RCW  
21 28A.410.220(3);

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

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

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

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

1 addition, partnership programs shall uphold entry requirements for  
2 candidates that include:

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

6 (b) Successful completion of the (~~content test, once the state~~  
7 ~~content test is available~~) subject matter assessment required by RCW  
8 28A.410.220(3);

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

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

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

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

20 **Sec. 405.** RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2  
21 are each reenacted and amended to read as follows:

22 Subject to the availability of amounts appropriated for these  
23 purposes, the conditional scholarship programs in this chapter are  
24 created under the following guidelines:

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

28 (a) To adopt necessary rules and develop guidelines to administer  
29 the programs;

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

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

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

36 (a) The alternative route conditional scholarship program is  
37 limited to interns of (~~the partnership grant~~) professional educator

1 standards board-approved alternative routes to teaching programs under  
2 RCW 28A.660.040. For fiscal year 2011, priority must be given to  
3 fiscal year 2010 participants in the alternative route partnership  
4 program. In order to receive conditional scholarship awards,  
5 recipients shall:

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

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

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

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

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

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

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

37 (c) The retooling to teach mathematics and science conditional  
38 scholarship program is limited to current K-12 teachers (~~and~~



1 ~~individuals having an elementary education certificate but who are not~~  
2 ~~employed in positions requiring an elementary education certificate as~~  
3 ~~provided by RCW 28A.660.045)).~~ In order to receive conditional  
4 scholarship awards:

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

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 406.** A new section is added to chapter 28A.410  
6 RCW to read as follows:

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

15 **Sec. 407.** RCW 28B.76.335 and 2007 c 396 s 17 are each amended to  
16 read as follows:

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

26 **Sec. 408.** RCW 28B.76.230 and 2005 c 258 s 11 are each amended to  
27 read as follows:

28 (1) The board shall develop a comprehensive and ongoing assessment  
29 process to analyze the need for additional degrees and programs,  
30 additional off-campus centers and locations for degree programs, and  
31 consolidation or elimination of programs by the four-year institutions.

32 (2) As part of the needs assessment process, the board shall  
33 examine:

34 (a) Projections of student, employer, and community demand for

1 education and degrees, including liberal arts degrees, on a regional  
2 and statewide basis;

3 (b) Current and projected degree programs and enrollment at public  
4 and private institutions of higher education, by location and mode of  
5 service delivery; (~~and~~)

6 (c) Data from the workforce training and education coordinating  
7 board and the state board for community and technical colleges on the  
8 supply and demand for workforce education and certificates and  
9 associate degrees; and

10 (d) Data from the professional educator standards board.

11 (3) Every two years the board shall produce, jointly with the state  
12 board for community and technical colleges, the professional educator  
13 standards board, and the workforce training and education coordinating  
14 board, an assessment of the number and type of higher education and  
15 training credentials required to match employer demand for a skilled  
16 and educated workforce. The assessment shall include the number of  
17 forecasted net job openings at each level of higher education and  
18 training and the number of credentials needed to match the forecast of  
19 net job openings.

20 (4) The board shall determine whether certain major lines of study  
21 or types of degrees, including applied degrees or research-oriented  
22 degrees, shall be assigned uniquely to some institutions or  
23 institutional sectors in order to create centers of excellence that  
24 focus resources and expertise.

25 (5) The following activities are subject to approval by the board:

26 (a) New degree programs by a four-year institution;

27 (b) Creation of any off-campus program by a four-year institution;

28 (c) Purchase or lease of major off-campus facilities by a four-year  
29 institution or a community or technical college;

30 (d) Creation of higher education centers and consortia;

31 (e) New degree programs and creation of off-campus programs by an  
32 independent college or university in collaboration with a community or  
33 technical college; and

34 (f) Applied baccalaureate degree programs developed by colleges  
35 under RCW 28B.50.810.

36 (6) Institutions seeking board approval under this section must  
37 demonstrate that the proposal is justified by the needs assessment

1 developed under this section. Institutions must also demonstrate how  
2 the proposals align with or implement the statewide strategic master  
3 plan for higher education under RCW 28B.76.200.

4 (7) The board shall develop clear guidelines and objective  
5 decision-making criteria regarding approval of proposals under this  
6 section, which must include review and consultation with the  
7 institution and other interested agencies and individuals.

8 (8) The board shall periodically recommend consolidation or  
9 elimination of programs at the four-year institutions, based on the  
10 needs assessment analysis.

11 NEW SECTION. **Sec. 409.** A new section is added to chapter 28B.76  
12 RCW to read as follows:

13 (1) The board must establish boundaries for service regions for  
14 institutions of higher education as defined in RCW 28B.10.016  
15 implementing professional educator standards board-approved educator  
16 preparation programs.

17 (2) Based on the data in the assessment in RCW 28B.76.230 and  
18 28B.76.335, the board shall determine whether reasonable teacher  
19 preparation program access for prospective teachers is available in  
20 each region. If access is determined to be inadequate in a region, the  
21 institution of higher education responsible for the region shall submit  
22 a plan for meeting the access need to the board.

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

27 NEW SECTION. **Sec. 410.** The following acts or parts of acts are  
28 each repealed:

29 (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1  
30 & 2001 c 158 s 2;

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

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

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

1 (5) RCW 28A.415.135 (Alternative means of teacher placement) and  
2 1991 c 258 s 8; and  
3 (6) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9.

4 **PART V**  
5 **COMMON CORE ADOPTION**

6 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.655  
7 RCW to read as follows:

8 By August 2, 2010, the superintendent of public instruction shall  
9 revise the essential academic learning requirements and standards  
10 authorized under RCW 28A.655.070 for mathematics, reading, writing, and  
11 communication by adopting a common set of standards for students in  
12 kindergarten through grade twelve. The revised essential academic  
13 learning requirements and standards: (1) Shall be consistent with the  
14 requirements of RCW 28A.655.070; (2) shall define what students must  
15 know and be able to do and be substantially identical with the  
16 standards developed by a multistate consortium in which Washington  
17 participated; and (3) may include additional standards, if the  
18 additional standards do not exceed fifteen percent of the standards for  
19 each content area.

20 **PART VI**  
21 **PARENTS AND COMMUNITY**

22 NEW SECTION. **Sec. 601.** A new section is added to chapter 28A.605  
23 RCW to read as follows:

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

29 NEW SECTION. **Sec. 602.** A new section is added to chapter 28A.655  
30 RCW to read as follows:

31 (1) Beginning with the 2010-11 school year, each school shall  
32 annually invite parents and community members to provide feedback

1 regarding their experiences with the school. The school shall  
2 summarize the responses in its annual report under RCW 28A.655.110.

3 (2) The office of the superintendent of public instruction shall  
4 create a working group with at least one representative from the  
5 statewide parent-teacher organization, and each of the state-level  
6 associations representing teachers and principals. By September 1,  
7 2010, the working group shall develop a model feedback tool that school  
8 districts may use to facilitate the feedback process required in  
9 subsection (1) of this section.

10 **Sec. 603.** RCW 28A.655.110 and 1999 c 388 s 303 are each amended to  
11 read as follows:

12 (1) Beginning with the 1994-95 school year, to provide the local  
13 community and electorate with access to information on the educational  
14 programs in the schools in the district, each school shall publish  
15 annually a school performance report and deliver the report to each  
16 parent with children enrolled in the school and make the report  
17 available to the community served by the school. The annual  
18 performance report shall be in a form that can be easily understood and  
19 be used by parents, guardians, and other members of the community who  
20 are not professional educators to make informed educational decisions.  
21 As data from the assessments in RCW 28A.655.060 becomes available, the  
22 annual performance report should enable parents, educators, and school  
23 board members to determine whether students in the district's schools  
24 are attaining mastery of the student learning goals under RCW  
25 28A.150.210, and other important facts about the schools' performance  
26 in assisting students to learn. The annual report shall make  
27 comparisons to a school's performance in preceding years (~~and shall~~  
28 ~~include school level goals under RCW 28A.655.050~~), student performance  
29 relative to the goals and the percentage of students performing at each  
30 level of the assessment, a comparison of student performance at each  
31 level of the assessment to the previous year's performance, and  
32 information regarding school-level plans to achieve the goals.

33 (2) The annual performance report shall include, but not be limited  
34 to: (a) A brief statement of the mission of the school and the school  
35 district; (b) enrollment statistics including student demographics; (c)  
36 expenditures per pupil for the school year; (d) a summary of student  
37 scores on all mandated tests; (e) a concise annual budget report; (f)

1 student attendance, graduation, and dropout rates; (g) information  
2 regarding the use and condition of the school building or buildings;  
3 (h) a brief description of the learning improvement plans for the  
4 school; (i) a summary of the feedback from parents and community  
5 members obtained under section 602 of this act; and ~~((+i))~~ (j) an  
6 invitation to all parents and citizens to participate in school  
7 activities.

8 (3) The superintendent of public instruction shall develop by June  
9 30, 1994, and update periodically, a model report form, which shall  
10 also be adapted for computers, that schools may use to meet the  
11 requirements of subsections (1) and (2) of this section. In order to  
12 make school performance reports broadly accessible to the public, the  
13 superintendent of public instruction, to the extent feasible, shall  
14 make information on each school's report available on or through the  
15 superintendent's internet web site.

16 NEW SECTION. Sec. 604. A new section is added to chapter 28A.300  
17 RCW to read as follows:

18 There is a sizeable body of research positively supporting the  
19 involvement of parents taking an engaged and active role in their  
20 child's education. Therefore, the legislature intends to provide state  
21 recognition by the center for the improvement of student learning  
22 within the office of the superintendent of public instruction for  
23 schools that increase the level of direct parental involvement with  
24 their child's education. By September 1, 2010, the center for the  
25 improvement of student learning shall determine the measures to be used  
26 to evaluate the level of parental involvement in a school, including  
27 the number and hours of parents and community members who volunteer,  
28 and the recognition to be provided to schools that are successfully  
29 involving parents in their child's education. The center for the  
30 improvement of student learning shall begin recognizing school  
31 districts using the measures beginning in the 2010-11 school year.

32 **PART VII**  
33 **COLLECTIVE BARGAINING**

34 **Sec. 701.** RCW 41.56.100 and 1989 c 45 s 1 are each amended to read  
35 as follows:

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

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

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

23       NEW SECTION. Sec. 702. A new section is added to chapter 41.56  
24 RCW to read as follows:

25       All collective bargaining agreements entered into between a school  
26 district employer and school district employees under this chapter  
27 after the effective date of this section, as well as bargaining  
28 agreements existing on the effective date of this section but renewed  
29 or extended after the effective date of this section, shall be  
30 consistent with section 105 of this act.

31       NEW SECTION. Sec. 703. A new section is added to chapter 41.59  
32 RCW to read as follows:

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



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

4 **Sec. 704.** RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each  
5 amended to read as follows:

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

27 (2) If the mediator is unable to effect settlement of the  
28 controversy within ten days after his or her appointment, either party,  
29 by written notification to the other, may request that their  
30 differences be submitted to fact-finding with recommendations, except  
31 that the time for mediation may be extended by mutual agreement between  
32 the parties. Within five days after receipt of the aforesaid written  
33 request for fact-finding, the parties shall select a person to serve as  
34 fact finder and obtain a commitment from that person to serve. If they  
35 are unable to agree upon a fact finder or to obtain such a commitment  
36 within that time, either party may request the commission to designate  
37 a fact finder. The commission, within five days after receipt of such

1 request, shall designate a fact finder in accordance with rules and  
2 regulations for such designation prescribed by the commission. The  
3 fact finder so designated shall not be the same person who was  
4 appointed mediator pursuant to subsection (1) of this section without  
5 the consent of both parties.

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

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

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

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

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

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



1 (c) A representative of the office of the education ombudsman;  
2 (d) A representative of the center for the improvement of student  
3 learning in the office of the superintendent of public instruction;

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

7 (f) Four members appointed by the governor in consultation with the  
8 state ethnic commissions, who represent the following populations:  
9 African-Americans, Hispanic Americans, Asian Americans, and Pacific  
10 Islander Americans.

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

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

17 (7) The chair or cochairs of the committee shall be selected by the  
18 members of the committee. Staff support for the committee shall be  
19 provided by the center for the improvement of student learning.  
20 Members of the committee shall serve without compensation but must be  
21 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative  
22 members of the committee shall be reimbursed for travel expenses in  
23 accordance with RCW 44.04.120.

24 (8) The superintendent of public instruction, the state board of  
25 education, the professional educator standards board, and the quality  
26 education council shall work collaboratively with the achievement gap  
27 oversight and accountability committee to close the achievement gap.

28 **PART IX**

29 **MISCELLANEOUS PROVISIONS**

30 NEW SECTION. **Sec. 901.** RCW 28A.305.225 is recodified as a section  
31 in the chapter created in section 902 of this act.

32 NEW SECTION. **Sec. 902.** Sections 101 through 109 and 111 and 112  
33 of this act constitute a new chapter in Title 28A RCW.

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