
SUBSTITUTE SENATE BILL 6761

State of Washington

61st Legislature

2010 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Ranker, McDermott, Oemig, Fairley, Hargrove, Kline, Murray, Hobbs, and Shin)

READ FIRST TIME 02/04/10.

1 AN ACT Relating to the recommendations of the quality education
2 council; amending RCW 28A.150.390, 28A.150.315, 43.41.398, 28A.290.010,
3 and 28A.150.410; amending 2009 c 548 s 112 (uncodified); amending 2009
4 c 548 s 302 (uncodified); amending 2009 c 548 s 805 (uncodified);
5 adding a new section to chapter 43.79 RCW; adding a new section to
6 chapter 28A.160 RCW; adding a new section to chapter 28A.290 RCW;
7 adding a new section to chapter 28A.400 RCW; creating a new section;
8 recodifying RCW 43.41.398; providing an effective date; providing an
9 expiration date; and declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** (1) The legislature intends not to reduce
12 the overall K-12 funding level in the 2010 supplemental operating
13 budget, including both basic and nonbasic education allocations. The
14 legislature intends to allocate at least fifty percent of any new state
15 revenue to the implementation of the basic education program as
16 established in chapter 548, Laws of 2009.

17 (2) It is the legislature's intent to adjust the timelines for
18 other working groups so that their expertise and advice can be received

1 as soon as possible and to make technical adjustments to certain
2 provisions of chapter 548, Laws of 2009.

3 (3) The legislature intends the quality education council to:

4 (a) Monitor progress of the K-12 data governance group and to
5 develop and recommend a process for how to adequately fund and use
6 research-based, empirical data analysis to analyze and drive evidence-
7 based practices through the education research and data center and data
8 governance group; and

9 (b) Evaluate the effectiveness of the beginning educator support
10 team pilot program and, if the program proves effective, to recommend
11 the phase-in of funding beginning in the 2011-12 school year.

12 (4) Finally, the legislature intends for the funding formula
13 technical working group to develop the details of a new component to
14 the prototype school funding formulas. The new component shall provide
15 funding for school districts designated as requiring action by the
16 state board of education to support transformation efforts in
17 persistently low-performing schools.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.79 RCW
19 to read as follows:

20 (1) The education stabilization account is created in the state
21 treasury. Moneys in the account may be spent only after appropriation
22 and solely for the purpose of implementing the basic education program
23 as established in chapter 548, Laws of 2009. All receipts from
24 subsection (3) of this section shall be deposited into the account.

25 (2) The appropriations in the 2009-11 supplemental appropriations
26 act, made for K-12 basic and nonbasic allocations for school years
27 2009-10 and 2010-11 shall be made in accordance with the statutory and
28 budget policies in effect as of June 1, 2009, and those allocations
29 shall not be reduced.

30 (3) In addition to the amount transferred to the education
31 stabilization account under subsection (2) of this section, by
32 September 30, 2011, and by September 30th of each odd-numbered year
33 thereafter, at least fifty percent of all general state revenues that
34 exceed the state revenues from the previous fiscal biennium shall be
35 transferred to the account to be used solely for the purpose of
36 implementing the basic education program established in chapter 548,
37 Laws of 2009.

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

4 **Sec. 3.** RCW 28A.150.390 and 2009 c 548 s 108 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction shall submit to each
7 regular session of the legislature during an odd-numbered year a
8 programmed budget request for special education programs for students
9 with disabilities. Funding for programs operated by local school
10 districts shall be on an excess cost basis from appropriations provided
11 by the legislature for special education programs for students with
12 disabilities and shall take account of state funds accruing through RCW
13 28A.150.260 (3) (b), (c)(i), and (d), (4), and (8) (~~and federal~~
14 ~~medical assistance and private funds accruing under RCW 74.09.5249~~
15 ~~through 74.09.5253 and 74.09.5254 through 74.09.5256~~)).

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

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

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

27 (3) As used in this section:

28 (a) "Base allocation" means the total state allocation to all
29 schools in the district generated by the distribution formula under RCW
30 28A.150.260 (3) (b), (c)(i), and (d), (4), and (8), to be divided by
31 the district's full-time equivalent enrollment.

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

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

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

8 **Sec. 4.** RCW 28A.150.315 and 2009 c 548 s 107 are each amended to
9 read as follows:

10 (1) Beginning with the 2007-08 school year, funding for voluntary
11 all-day kindergarten programs shall be phased-in beginning with schools
12 with the highest poverty levels, defined as those schools with the
13 highest percentages of students qualifying for free and reduced-price
14 lunch support in the prior school year. Beginning with the 2011-12
15 school year, funding shall continue to be phased-in incrementally each
16 year until full statewide implementation of all-day kindergarten is
17 achieved in the 2017-18 school year. Once a school receives funding
18 for the all-day kindergarten program, that school shall remain eligible
19 for funding in subsequent school years regardless of changes in the
20 school's percentage of students eligible for free and reduced-price
21 lunches as long as other program requirements are fulfilled.
22 Additionally, schools receiving all-day kindergarten program support
23 shall agree to the following conditions:

24 (a) Provide at least a one thousand-hour instructional program;

25 (b) Provide a curriculum that offers a rich, varied set of
26 experiences that assist students in:

27 (i) Developing initial skills in the academic areas of reading,
28 mathematics, and writing;

29 (ii) Developing a variety of communication skills;

30 (iii) Providing experiences in science, social studies, arts,
31 health and physical education, and a world language other than English;

32 (iv) Acquiring large and small motor skills;

33 (v) Acquiring social and emotional skills including successful
34 participation in learning activities as an individual and as part of a
35 group; and

36 (vi) Learning through hands-on experiences;

1 (c) Establish learning environments that are developmentally
2 appropriate and promote creativity;

3 (d) Demonstrate strong connections and communication with early
4 learning community providers; and

5 (e) Participate in kindergarten program readiness activities with
6 early learning providers and parents.

7 (2) Subject to funds appropriated for this purpose, the
8 superintendent of public instruction shall designate one or more school
9 districts to serve as resources and examples of best practices in
10 designing and operating a high-quality all-day kindergarten program.
11 Designated school districts shall serve as lighthouse programs and
12 provide technical assistance to other school districts in the initial
13 stages of implementing an all-day kindergarten program. Examples of
14 topics addressed by the technical assistance include strategic
15 planning, developing the instructional program and curriculum, working
16 with early learning providers to identify students and communicate with
17 parents, and developing kindergarten program readiness activities.

18 **Sec. 5.** 2009 c 548 s 112 (uncodified) is amended to read as
19 follows:

20 (1) The legislature intends to continue to redefine the
21 instructional program of education under RCW 28A.150.220 that fulfills
22 the obligations and requirements of Article IX of the state
23 Constitution. The funding formulas under RCW 28A.150.260 to support
24 the instructional program shall be implemented to the extent the
25 technical details of the formula have been established and according to
26 an implementation schedule to be adopted by the legislature. The
27 object of the schedule is to assure that any increases in funding
28 allocations are timely, predictable, and occur concurrently with any
29 increases in program or instructional requirements. It is the intent
30 of the legislature that no increased programmatic or instructional
31 expectations be imposed upon schools or school districts without an
32 accompanying increase in resources as necessary to support those
33 increased expectations.

34 (2) The office of financial management, with assistance and support
35 from the office of the superintendent of public instruction, shall
36 convene a technical working group to:

1 (a) Develop the details of the funding formulas under RCW
2 28A.150.260;

3 (b) Recommend to the legislature an implementation schedule for
4 phasing-in any increased program or instructional requirements
5 concurrently with increases in funding for adoption by the legislature;
6 and

7 (c) Examine possible sources of revenue to support increases in
8 funding allocations and present options to the legislature and the
9 quality education council created in (~~section 114 of this act~~) RCW
10 28A.290.010 for consideration.

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

22 (4) The working group shall be monitored and overseen by the
23 legislature and the quality education council established in (~~section~~
24 ~~114 of this act~~) RCW 28A.290.010. The working group shall submit its
25 recommendations to the legislature by December 1, 2009.

26 (5) After the 2009 report to the legislature, the office of
27 financial management and the office of the superintendent of public
28 instruction shall periodically reconvene the working group to monitor
29 and provide advice on further development and implementation of the
30 funding formulas under RCW 28A.150.260 and provide technical assistance
31 to the ongoing work of the quality education council.

32 (6) By December 1, 2010, the working group shall recommend to the
33 quality education council the details of a new component to be included
34 in the prototypical school funding formula. The new component shall be
35 a struggling schools fund and shall also be known as the sos fund. The
36 fund shall provide state funding for school districts designated as
37 requiring action by the state board of education to support
38 transformation efforts in persistently low-performing schools.

1 **Sec. 6.** 2009 c 548 s 302 (uncodified) is amended to read as
2 follows:

3 (1) Beginning ~~((July))~~ April 1, 2010, the office of financial
4 management, with assistance and support from the office of the
5 superintendent of public instruction, shall convene a technical working
6 group to develop options for a new system of supplemental school
7 funding through local school levies and local effort assistance.

8 (2) The working group shall consider the impact on overall school
9 district revenues of the new basic education funding system established
10 under this act and shall recommend a phase-in plan that ensures that no
11 school district suffers a decrease in funding from one school year to
12 the next due to implementation of the new system of supplemental
13 funding.

14 (3) The working group shall also:

15 (a) Examine local school district capacity to address facility
16 needs associated with phasing-in full-day kindergarten across the state
17 and reducing class size in kindergarten through third grade; and

18 (b) Provide the quality education council with analysis on the
19 potential use of local funds that may become available for redeployment
20 and redirection as a result of increased state funding allocations for
21 pupil transportation and maintenance, supplies, and operating costs.

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

34 ~~((+4))~~ (5) The local funding working group shall be monitored and
35 overseen by the legislature and by the quality education council
36 created in ~~((section 114 of this act))~~ RCW 28A.290.010. The working
37 group shall report to the legislature ~~((December 1, 2011))~~ November 30,
38 2010.

1 **Sec. 7.** RCW 43.41.398 and 2009 c 548 s 601 are each amended to
2 read as follows:

3 (1) The legislature recognizes that providing students with the
4 opportunity to access a world-class educational system depends on our
5 continuing ability to provide students with access to world-class
6 educators. The legislature also understands that continuing to attract
7 and retain the highest quality educators will require increased
8 investments. The legislature intends to enhance the current salary
9 allocation model and recognizes that changes to the current model
10 cannot be imposed without great deliberation and input from teachers,
11 administrators, and classified employees. Therefore, it is the intent
12 of the legislature to begin the process of developing an enhanced
13 salary allocation model that is collaboratively designed to ensure the
14 rationality of any conclusions regarding what constitutes adequate
15 compensation.

16 (2) Beginning (~~(July 1, 2011)~~) April 1, 2010, the office of the
17 superintendent of public instruction, in collaboration with the office
18 of financial management, shall convene a technical working group to
19 recommend the details of an enhanced salary allocation model that
20 aligns state expectations for educator development and certification
21 with the compensation system and establishes recommendations for a
22 concurrent implementation schedule. In addition to any other details
23 the technical working group deems necessary, the technical working
24 group shall make recommendations on the following:

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

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

28 (c) How to account for different geographic regions of the state
29 where districts may encounter difficulty recruiting and retaining
30 teachers;

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

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

34 (f) Initial fiscal estimates for implementing the recommendations
35 including a recognition that staff on the existing salary allocation
36 model would have the option to grandfather in permanently to the
37 existing schedule.

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

8 (4) The analysis required under subsection (1) of this section
9 must:

10 (a) Examine salaries and other compensation for teachers, other
11 certificated instructional staff, principals, and other building-level
12 certificated administrators, and the types of classified employees for
13 whom salaries are allocated;

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

17 (c) Include a comparison of salaries and other compensation to the
18 appropriate labor market for at least the following subgroups of
19 educators: Beginning teachers and types of educational staff
20 associates.

21 (5) The working group shall include representatives of the
22 department of personnel, the professional educator standards board, the
23 office of the superintendent of public instruction, the Washington
24 education association, the Washington association of school
25 administrators, the association of Washington school principals, the
26 Washington state school directors' association, the public school
27 employees of Washington, and other interested stakeholders with
28 appropriate expertise in compensation related matters. The working
29 group may convene advisory subgroups on specific topics as necessary to
30 assure participation and input from a broad array of diverse
31 stakeholders.

32 (6) The working group shall be monitored and overseen by the
33 legislature and the quality education council created in RCW
34 28A.290.010. The working group shall make an initial report to the
35 legislature by (~~December 1, 2012~~) November 30, 2010, and shall
36 include in its report recommendations for whether additional further
37 work of the group is necessary.

1 **Sec. 8.** RCW 28A.290.010 and 2009 c 548 s 114 are each amended to
2 read as follows:

3 (1) The quality education council is created to recommend and
4 inform the ongoing implementation by the legislature of an evolving
5 program of basic education and the financing necessary to support such
6 program. The council shall develop strategic recommendations on the
7 program of basic education for the common schools. The council shall
8 take into consideration the capacity report produced under RCW
9 28A.300.172 and the availability of data and progress of implementing
10 the data systems required under RCW 28A.655.210. Any recommendations
11 for modifications to the program of basic education shall be based on
12 evidence that the programs effectively support student learning. The
13 council shall update the statewide strategic recommendations every four
14 years. The recommendations of the council are intended to:

15 (a) Inform future educational policy and funding decisions of the
16 legislature and governor;

17 (b) Identify measurable goals and priorities for the educational
18 system in Washington state for a ten-year time period, including the
19 goals of basic education and ongoing strategies for coordinating
20 statewide efforts to eliminate the achievement gap and reduce student
21 dropout rates; and

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

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

29 (3) The chair of the council shall be selected from the
30 councilmembers. The council shall be composed of the following
31 members:

32 (a) Four members of the house of representatives, with two members
33 representing each of the major caucuses and appointed by the speaker of
34 the house of representatives;

35 (b) Four members of the senate, with two members representing each
36 of the major caucuses and appointed by the president of the senate; and

37 (c) One representative each from the office of the governor, office

1 of the superintendent of public instruction, state board of education,
2 professional educator standards board, and department of early
3 learning.

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

7 (5)(a) The council shall submit an initial report to the governor
8 and the legislature by January 1, 2010, detailing its recommendations,
9 including recommendations for resolving issues or decisions requiring
10 legislative action during the 2010 legislative session, and
11 recommendations for any funding necessary to continue development and
12 implementation of chapter 548, Laws of 2009.

13 (b) The initial report shall, at a minimum, include:

14 (i) Consideration of how to establish a statewide beginning teacher
15 mentoring and support system;

16 (ii) Recommendations for a program of early learning for at-risk
17 children;

18 (iii) A recommended schedule for the concurrent phase-in of the
19 changes to the instructional program of basic education and the
20 implementation of the funding formulas and allocations to support the
21 new instructional program of basic education as established under
22 chapter 548, Laws of 2009. The phase-in schedule shall have full
23 implementation completed by September 1, 2018; and

24 (iv) A recommended schedule for phased-in implementation of the new
25 distribution formula for allocating state funds to school districts for
26 the transportation of students to and from school, with phase-in
27 beginning no later than September 1, 2013.

28 (6) By December 1, 2010, the council must:

29 (a) Evaluate the effectiveness of the beginning educator support
30 team program, and if effective recommend to the legislature to phased-
31 in funding for the program beginning in the 2011-12 school year in an
32 amount sufficient to cover all first-year teachers and increased until
33 an amount sufficient to serve all teachers in their initial three years
34 of teaching;

35 (b) Monitor progress of the K-12 data governance group and provide
36 input to the group so that the final report fully addresses the data
37 needed for financial and program accountability;

1 (c) Develop and recommend to the legislature a process for how to
2 adequately fund and use research-based, empirical data analysis to
3 analyze and drive evidence-based practices through the education data
4 center and the data governance group.

5 (7) The council shall be staffed by the office of the
6 superintendent of public instruction and the office of financial
7 management. Additional staff support shall be provided by the state
8 entities with representatives on the committee. Senate committee
9 services and the house of representatives office of program research
10 may provide additional staff support.

11 ~~((7))~~ (8) Legislative members of the council shall serve without
12 additional compensation but may be reimbursed for travel expenses in
13 accordance with RCW 44.04.120 while attending sessions of the council
14 or on official business authorized by the council. Nonlegislative
15 members of the council may be reimbursed for travel expenses in
16 accordance with RCW 43.03.050 and 43.03.060.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.160
18 RCW to read as follows:

19 (1) The superintendent of public instruction shall develop,
20 implement, and provide a copy of the rules specifying the student
21 transportation reporting requirements to the legislature and school
22 districts no later than December 1, 2010.

23 (2) Beginning in December 2010, and continuing until December 2014,
24 the superintendent shall provide quarterly updates and progress reports
25 to the fiscal committees of the legislature on the implementation and
26 testing of the distribution formula.

27 (3) This section expires June 30, 2015.

28 **Sec. 10.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
29 read as follows:

30 (1) The legislature shall establish for each school year in the
31 appropriations act a statewide salary allocation schedule, for
32 allocation purposes only, to be used to distribute funds for basic
33 education certificated instructional staff salaries under RCW
34 28A.150.260. For the purposes of this section, the staff allocations
35 for classroom teachers, teacher librarians, professional development

1 coaches, guidance counselors, and student health services staff under
2 RCW 28A.150.260 are considered allocations for certificated
3 instructional staff.

4 (2) Salary allocations for state-funded basic education
5 certificated instructional staff shall be calculated by the
6 superintendent of public instruction by determining the district's
7 average salary for certificated instructional staff, using the
8 statewide salary allocation schedule and related documents, conditions,
9 and limitations established by the omnibus appropriations act.

10 (3) Beginning January 1, 1992, no more than ninety college quarter-
11 hour credits received by any employee after the baccalaureate degree
12 may be used to determine compensation allocations under the state
13 salary allocation schedule and LEAP documents referenced in the omnibus
14 appropriations act, or any replacement schedules and documents, unless:

- 15 (a) The employee has a master's degree; or
- 16 (b) The credits were used in generating state salary allocations
17 before January 1, 1992.

18 (4) Beginning in the 2007-08 school year, the calculation of years
19 of service for occupational therapists, physical therapists, speech-
20 language pathologists, audiologists, nurses, social workers,
21 counselors, and psychologists regulated under Title 18 RCW may include
22 experience in schools and other nonschool positions as occupational
23 therapists, physical therapists, speech-language pathologists,
24 audiologists, nurses, social workers, counselors, or psychologists.
25 The calculation shall be that one year of service in a nonschool
26 position counts as one year of service for purposes of this chapter, up
27 to a limit of two years of nonschool service. Nonschool years of
28 service included in calculations under this subsection shall not be
29 applied to service credit totals for purposes of any retirement benefit
30 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement
31 system benefits.

32 **Sec. 11.** 2009 c 548 s 805 (uncodified) is amended to read as
33 follows:

34 Sections 304 through 311 of this act take effect September 1,
35 ((2013)) 2011.

1 NEW SECTION. **Sec. 12.** 2009 c 548 s 112, as amended by section 5
2 of this act, is codified as a section in chapter 28A.290 RCW.

3 NEW SECTION. **Sec. 13.** RCW 43.41.398 is recodified as a section in
4 chapter 28A.400 RCW.

5 NEW SECTION. **Sec. 14.** Sections 3, 4, and 10 of this act take
6 effect September 1, 2011.

7 NEW SECTION. **Sec. 15.** Sections 6 and 7 of this act are necessary
8 for the immediate preservation of the public peace, health, or safety,
9 or support of the state government and its existing public
10 institutions, and take effect immediately.

--- END ---