
HOUSE BILL 1669

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Santos, Parker, Dammeier, McCoy, Kenney, Hasegawa, Moscoso, and Maxwell

Read first time 01/28/11. Referred to Committee on Education.

1 AN ACT Relating to the educational opportunity gap, including
2 implementing recommendations made by the achievement gap oversight and
3 accountability committee; amending RCW 28A.150.198, 28A.175.025,
4 28A.300.136, 28A.300.1361, 28A.300.137, 28A.345.070, 28A.405.100,
5 28A.410.260, 28A.415.370, 28A.642.005, 28A.655.115, 28A.657.070,
6 28A.657.110, and 43.215.005; and reenacting and amending RCW
7 28A.290.010.

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

9 **Sec. 1.** RCW 28A.150.198 and 2009 c 548 s 1 are each amended to
10 read as follows:

11 (1) Public education in Washington state has evolved since the
12 enactment of the Washington basic education act of 1977. Decisions by
13 the courts have played a part in this evolution, as have studies and
14 research about education practices and education funding. The
15 legislature finds ample evidence of a need for continuing to refine the
16 program of basic education that is funded by the state and delivered by
17 school districts.

18 (2) The legislature reaffirms the work of Washington Learns and
19 other educational task forces that have been convened over the past

1 four years and their recommendations to make bold reforms to the entire
2 educational system in order to educate all students to a higher level;
3 to focus on the individualized instructional needs of students; to
4 strive towards closing the ((achievement)) educational opportunity gap
5 and reducing dropout rates; and to prepare students for a constantly
6 evolving workforce and increasingly demanding global economy. In
7 enacting this legislation, the legislature intends to continue to
8 review, evaluate, and revise the definition and funding of basic
9 education in order to continue to fulfill the state obligation under
10 Article IX of the state Constitution. The legislature also intends to
11 continue to strengthen and modify the structure of the entire K-12
12 educational system, including nonbasic education programmatic elements,
13 in order to build the capacity to anticipate and support potential
14 future enhancements to basic education as the educational needs of our
15 citizens continue to evolve.

16 (3) The legislature recognizes that the first step in revising the
17 definition and funding of basic education is to create a transparent
18 funding system for both allocations and expenditures so that not only
19 policymakers and educators understand how the state supports basic
20 education but also taxpayers. An adequate data system that enables the
21 legislature to make rational, data-driven decisions on which
22 educational programs impact student learning in order to more
23 effectively and efficiently deliver the resources necessary to provide
24 an ample program of basic education is also a necessity. A new
25 prototypical funding system will allow the legislature to better
26 understand how current resources are being used. A more complete and
27 accurate educational data system will allow the legislature to
28 understand whether current basic education programs are supporting
29 student learning. Only with both of these systems in place can the
30 legislature make informed decisions on how to best implement a dynamic
31 and evolving system of basic education.

32 (4) For practical and educational reasons, major changes of the
33 program of basic education and the funding formulas to support it
34 cannot occur instantaneously. The legislature intends to build upon
35 the previous efforts of the legislature and the basic education task
36 force in order to develop a realistic implementation strategy for a new
37 instructional program after technical experts develop the details of
38 the prototypical schools funding formulas and the data and reporting

1 system that will support a new instructional program. The legislature
2 also intends to establish a formal structure for monitoring the
3 implementation by the legislature of an evolving program of basic
4 education and the financing necessary to support such a program. The
5 legislature intends that the redefined program of basic education and
6 funding for the program be fully implemented by 2018.

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

10 **Sec. 2.** RCW 28A.175.025 and 2007 c 408 s 2 are each amended to
11 read as follows:

12 Subject to the availability of funds appropriated for this purpose,
13 the office of the superintendent of public instruction shall create a
14 grant program and award grants to local partnerships of schools,
15 families, and communities to begin the phase in of a statewide
16 comprehensive dropout prevention, intervention, and retrieval system.
17 This program shall be known as the building bridges program.

18 (1) For purposes of RCW 28A.175.025 through 28A.175.075, a
19 "building bridges program" means a local partnership of schools,
20 families, and communities that provides all of the following programs
21 or activities:

22 (a) A system that identifies individual students at risk of
23 dropping out from middle through high school based on local predictive
24 data, including state assessment data starting in the fourth grade, and
25 provides timely interventions for such students and for dropouts,
26 including a plan for educational success as already required by the
27 student learning plan as defined under RCW 28A.655.061. Students
28 identified shall include foster care youth, youth involved in the
29 juvenile justice system, and students receiving special education
30 services under chapter 28A.155 RCW;

31 (b) Coaches or mentors for students as necessary;

32 (c) Staff responsible for coordination of community partners that
33 provide a seamless continuum of academic and nonacademic support in
34 schools and communities;

35 (d) Retrieval or reentry activities; and

36 (e) Alternative educational programming, including, but not limited

1 to, career and technical education exploratory and preparatory programs
2 and online learning opportunities.

3 (2) One of the grants awarded under this section shall be for a
4 two-year demonstration project focusing on providing fifth through
5 twelfth grade students with a program that utilizes technology and is
6 integrated with state standards, basic academics, cross-cultural
7 exposures, and age-appropriate preemployment training. The project
8 shall:

9 (a) Establish programs in two western Washington and one eastern
10 Washington urban areas;

11 (b) Identify at-risk students in each of the distinct communities
12 and populations and implement strategies to close the ((achievement))
13 educational opportunity gap;

14 (c) Collect and report data on participant characteristics and
15 outcomes of the project, including the characteristics and outcomes
16 specified under RCW 28A.175.035(1)(e); and

17 (d) Submit a report to the legislature by December 1, 2009.

18 **Sec. 3.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4 are
19 each reenacted and amended to read as follows:

20 (1) The quality education council is created to recommend and
21 inform the ongoing implementation by the legislature of an evolving
22 program of basic education and the financing necessary to support such
23 program. The council shall develop strategic recommendations on the
24 program of basic education for the common schools. The council shall
25 take into consideration the capacity report produced under RCW
26 28A.300.172 and the availability of data and progress of implementing
27 the data systems required under RCW 28A.655.210. Any recommendations
28 for modifications to the program of basic education shall be based on
29 evidence that the programs effectively support student learning. The
30 council shall update the statewide strategic recommendations every four
31 years. The recommendations of the council are intended to:

32 (a) Inform future educational policy and funding decisions of the
33 legislature and governor;

34 (b) Identify measurable goals and priorities for the educational
35 system in Washington state for a ten-year time period, including the
36 goals of basic education and ongoing strategies for coordinating

1 statewide efforts to eliminate the ((achievement)) educational
2 opportunity gap and reduce student dropout rates; and

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

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

10 (3) The chair of the council shall be selected from the
11 councilmembers. The council shall be composed of the following
12 members:

13 (a) Four members of the house of representatives, with two members
14 representing each of the major caucuses and appointed by the speaker of
15 the house of representatives;

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

18 (c) One representative each from the office of the governor, office
19 of the superintendent of public instruction, state board of education,
20 professional educator standards board, and department of early
21 learning; and

22 (d) One nonlegislative representative from the ((achievement))
23 educational opportunity gap oversight and accountability committee
24 established under RCW 28A.300.136, to be selected by the members of the
25 committee.

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

29 (5)(a) The council shall submit an initial report to the governor
30 and the legislature by January 1, 2010, detailing its recommendations,
31 including recommendations for resolving issues or decisions requiring
32 legislative action during the 2010 legislative session, and
33 recommendations for any funding necessary to continue development and
34 implementation of chapter 548, Laws of 2009.

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

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

1 (ii) Recommendations for a program of early learning for at-risk
2 children;

3 (iii) A recommended schedule for the concurrent phase-in of the
4 changes to the instructional program of basic education and the
5 implementation of the funding formulas and allocations to support the
6 new instructional program of basic education as established under
7 chapter 548, Laws of 2009. The phase-in schedule shall have full
8 implementation completed by September 1, 2018; and

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

13 (6) The council shall submit a report to the legislature by January
14 1, 2012, detailing its recommendations for a comprehensive plan for a
15 voluntary program of early learning. Before submitting the report, the
16 council shall seek input from the early learning advisory council
17 created in RCW 43.215.090.

18 (7) The council shall submit a report to the governor and the
19 legislature by December 1, 2010, that includes:

20 (a) Recommendations for specific strategies, programs, and funding,
21 including funding allocations through the funding distribution formula
22 in RCW 28A.150.260, that are designed to close the ((achievement))
23 educational opportunity gap and increase the high school graduation
24 rate in Washington public schools. The council shall consult with the
25 ((achievement)) educational opportunity gap oversight and
26 accountability committee and the building bridges work group in
27 developing its recommendations; and

28 (b) Recommendations for assuring adequate levels of state-funded
29 classified staff to support essential school and district services.

30 (8) The council shall be staffed by the office of the
31 superintendent of public instruction and the office of financial
32 management. Additional staff support shall be provided by the state
33 entities with representatives on the council. Senate committee
34 services and the house of representatives office of program research
35 may provide additional staff support.

36 (9) Legislative members of the council shall serve without
37 additional compensation but may be reimbursed for travel expenses in
38 accordance with RCW 44.04.120 while attending sessions of the council

1 or on official business authorized by the council. Nonlegislative
2 members of the council may be reimbursed for travel expenses in
3 accordance with RCW 43.03.050 and 43.03.060.

4 **Sec. 4.** RCW 28A.300.136 and 2010 c 235 s 901 are each amended to
5 read as follows:

6 (1) An ((achievement)) educational opportunity gap oversight and
7 accountability committee is created to synthesize the findings and
8 recommendations from the 2008 achievement gap studies into an
9 implementation plan, and to recommend policies and strategies to the
10 superintendent of public instruction, the professional educator
11 standards board, and the state board of education to close the
12 ((achievement)) educational opportunity gap.

13 (2) The committee shall recommend specific policies and strategies
14 in at least the following areas:

15 (a) Supporting and facilitating parent and community involvement
16 and outreach;

17 (b) Enhancing the cultural competency of current and future
18 educators and the cultural relevance of curriculum and instruction;

19 (c) Expanding pathways and strategies to prepare and recruit
20 diverse teachers and administrators;

21 (d) Recommending current programs and resources that should be
22 redirected to narrow the gap;

23 (e) Identifying data elements and systems needed to monitor
24 progress in closing the gap;

25 (f) Making closing the ((achievement)) educational opportunity gap
26 part of the school and school district improvement process; and

27 (g) Exploring innovative school models that have shown success in
28 closing the ((achievement)) educational opportunity gap.

29 (3) Taking a multidisciplinary approach, the committee may seek
30 input and advice from other state and local agencies and organizations
31 with expertise in health, social services, gang and violence
32 prevention, substance abuse prevention, and other issues that
33 disproportionately affect student achievement and student success.

34 (4) The ((achievement)) educational opportunity gap oversight and
35 accountability committee shall be composed of the following members:

36 (a) The chairs and ranking minority members of the house and senate
37 education committees, or their designees;

1 (b) One additional member of the house of representatives appointed
2 by the speaker of the house and one additional member of the senate
3 appointed by the president of the senate;

4 (c) A representative of the office of the education ombudsman;

5 (d) A representative of the center for the improvement of student
6 learning in the office of the superintendent of public instruction;

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

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

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

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

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

27 (8) The superintendent of public instruction, the state board of
28 education, the professional educator standards board, and the quality
29 education council shall work collaboratively with the ((achievement))
30 educational opportunity gap oversight and accountability committee to
31 close the ((achievement)) educational opportunity gap.

32 **Sec. 5.** RCW 28A.300.1361 and 2009 c 468 s 7 are each amended to
33 read as follows:

34 The superintendent of public instruction shall take all actions
35 necessary to secure federal funds to support enhancing data collection
36 and data system capacity in order to monitor progress in closing the

1 ((achievement)) educational opportunity gap and to support other
2 innovations and model programs that align education reform and address
3 disproportionality in the public school system.

4 **Sec. 6.** RCW 28A.300.137 and 2009 c 468 s 3 are each amended to
5 read as follows:

6 Beginning in January 2010, the ((achievement)) educational
7 opportunity gap oversight and accountability committee shall report
8 annually to the superintendent of public instruction, the state board
9 of education, the professional educator standards board, the governor,
10 and the education committees of the legislature on the strategies to
11 address the ((achievement)) educational opportunity gap and on the
12 progress in improvement of education performance measures for African-
13 American, Hispanic, American Indian/Alaskan Native, Asian, and Pacific
14 Islander/Hawaiian Native students.

15 **Sec. 7.** RCW 28A.345.070 and 2005 c 205 s 2 are each amended to
16 read as follows:

17 (1) Beginning in 2006, and at least once annually through 2010, the
18 Washington state school directors' association is encouraged to convene
19 regional meetings and invite the tribal councils from the region for
20 the purpose of establishing government-to-government relationships and
21 dialogue between tribal councils and school district boards of
22 directors. Participants in these meetings should discuss issues of
23 mutual concern, and should work to:

24 (a) Identify the extent and nature of the ((achievement))
25 educational opportunity gap and strategies necessary to close it;

26 (b) Increase mutual awareness and understanding of the importance
27 of accurate, high-quality curriculum materials about the history,
28 culture, and government of local tribes; and

29 (c) Encourage school boards to identify and adopt curriculum that
30 includes tribal experiences and perspectives, so that Indian students
31 are more engaged and learn more successfully, and so that all students
32 learn about the history, culture, government, and experiences of their
33 Indian peers and neighbors.

34 (2) By December 1, 2008, and every two years thereafter through
35 2012, the school directors' association shall report to the education
36 committees of the legislature regarding the progress made in the

1 development of effective government-to-government relations, the
2 narrowing of the ((achievement)) educational opportunity gap, and the
3 identification and adoption of curriculum regarding tribal history,
4 culture, and government. The report shall include information about
5 any obstacles encountered, and any strategies under development to
6 overcome them.

7 **Sec. 8.** RCW 28A.405.100 and 2010 c 235 s 202 are each amended to
8 read as follows:

9 (1)(a) Except as provided in subsection (2) of this section, the
10 superintendent of public instruction shall establish and may amend from
11 time to time minimum criteria for the evaluation of the professional
12 performance capabilities and development of certificated classroom
13 teachers and certificated support personnel. For classroom teachers
14 the criteria shall be developed in the following categories:
15 Instructional skill; classroom management, professional preparation and
16 scholarship; effort toward improvement when needed; the handling of
17 student discipline and attendant problems; and interest in teaching
18 pupils and knowledge of subject matter.

19 (b) Every board of directors shall, in accordance with procedure
20 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920,
21 establish evaluative criteria and procedures for all certificated
22 classroom teachers and certificated support personnel. The evaluative
23 criteria must contain as a minimum the criteria established by the
24 superintendent of public instruction pursuant to this section and must
25 be prepared within six months following adoption of the superintendent
26 of public instruction's minimum criteria. The district must certify to
27 the superintendent of public instruction that evaluative criteria have
28 been so prepared by the district.

29 (2)(a) Pursuant to the implementation schedule established in
30 subsection (7)(b) of this section, every board of directors shall, in
31 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
32 41.59.910, and 41.59.920, establish revised evaluative criteria and a
33 four-level rating system for all certificated classroom teachers.

34 (b) The minimum criteria shall include: (i) Centering instruction
35 on high expectations for student achievement; (ii) demonstrating
36 effective teaching practices; (iii) recognizing individual student
37 learning needs and developing strategies to address those needs; (iv)

1 providing clear and intentional focus on subject matter content and
2 curriculum; (v) fostering and managing a safe, positive learning
3 environment; (vi) using multiple student data elements to modify
4 instruction and improve student learning; (vii) communicating and
5 collaborating with parents and (~~{the}~~) the school community; and
6 (viii) exhibiting collaborative and collegial practices focused on
7 improving instructional practice and student learning.

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

17 (3)(a) Except as provided in subsection (10) of this section, it
18 shall be the responsibility of a principal or his or her designee to
19 evaluate all certificated personnel in his or her school. During each
20 school year all classroom teachers and certificated support personnel
21 shall be observed for the purposes of evaluation at least twice in the
22 performance of their assigned duties. Total observation time for each
23 employee for each school year shall be not less than sixty minutes. An
24 employee in the third year of provisional status as defined in RCW
25 28A.405.220 shall be observed at least three times in the performance
26 of his or her duties and the total observation time for the school year
27 shall not be less than ninety minutes. Following each observation, or
28 series of observations, the principal or other evaluator shall promptly
29 document the results of the observation in writing, and shall provide
30 the employee with a copy thereof within three days after such report is
31 prepared. New employees shall be observed at least once for a total
32 observation time of thirty minutes during the first ninety calendar
33 days of their employment period.

34 (b) As used in this subsection and subsection (4) of this section,
35 "employees" means classroom teachers and certificated support
36 personnel.

37 (4)(a) At any time after October 15th, an employee whose work is
38 not judged satisfactory based on district evaluation criteria shall be

1 notified in writing of the specific areas of deficiencies along with a
2 reasonable program for improvement. During the period of probation,
3 the employee may not be transferred from the supervision of the
4 original evaluator. Improvement of performance or probable cause for
5 nonrenewal must occur and be documented by the original evaluator
6 before any consideration of a request for transfer or reassignment as
7 contemplated by either the individual or the school district. A
8 probationary period of sixty school days shall be established. The
9 establishment of a probationary period does not adversely affect the
10 contract status of an employee within the meaning of RCW 28A.405.300.
11 The purpose of the probationary period is to give the employee
12 opportunity to demonstrate improvements in his or her areas of
13 deficiency. The establishment of the probationary period and the
14 giving of the notice to the employee of deficiency shall be by the
15 school district superintendent and need not be submitted to the board
16 of directors for approval. During the probationary period the
17 evaluator shall meet with the employee at least twice monthly to
18 supervise and make a written evaluation of the progress, if any, made
19 by the employee. The evaluator may authorize one additional
20 certificated employee to evaluate the probationer and to aid the
21 employee in improving his or her areas of deficiency; such additional
22 certificated employee shall be immune from any civil liability that
23 might otherwise be incurred or imposed with regard to the good faith
24 performance of such evaluation. The probationer may be removed from
25 probation if he or she has demonstrated improvement to the satisfaction
26 of the principal in those areas specifically detailed in his or her
27 initial notice of deficiency and subsequently detailed in his or her
28 improvement program. Lack of necessary improvement during the
29 established probationary period, as specifically documented in writing
30 with notification to the probationer and shall constitute grounds for
31 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

32 (b) Immediately following the completion of a probationary period
33 that does not produce performance changes detailed in the initial
34 notice of deficiencies and improvement program, the employee may be
35 removed from his or her assignment and placed into an alternative
36 assignment for the remainder of the school year. This reassignment may
37 not displace another employee nor may it adversely affect the
38 probationary employee's compensation or benefits for the remainder of

1 the employee's contract year. If such reassignment is not possible,
2 the district may, at its option, place the employee on paid leave for
3 the balance of the contract term.

4 (5) Every board of directors shall establish evaluative criteria
5 and procedures for all superintendents, principals, and other
6 administrators. It shall be the responsibility of the district
7 superintendent or his or her designee to evaluate all administrators.
8 Except as provided in subsection (6) of this section, such evaluation
9 shall be based on the administrative position job description. Such
10 criteria, when applicable, shall include at least the following
11 categories: Knowledge of, experience in, and training in recognizing
12 good professional performance, capabilities and development; school
13 administration and management; school finance; professional preparation
14 and scholarship; effort toward improvement when needed; interest in
15 pupils, employees, patrons and subjects taught in school; leadership;
16 and ability and performance of evaluation of school personnel.

17 (6)(a) Pursuant to the implementation schedule established by
18 subsection (7)(b) of this section, every board of directors shall
19 establish revised evaluative criteria and a four-level rating system
20 for principals.

21 (b) The minimum criteria shall include: (i) Creating a school
22 culture that promotes the ongoing improvement of learning and teaching
23 for students and staff; (ii) demonstrating commitment to closing the
24 (~~achievement~~) educational opportunity gap; (iii) providing for school
25 safety; (iv) leading the development, implementation, and evaluation of
26 a data-driven plan for increasing student achievement, including the
27 use of multiple student data elements; (v) assisting instructional
28 staff with alignment of curriculum, instruction, and assessment with
29 state and local district learning goals; (vi) monitoring, assisting,
30 and evaluating effective instruction and assessment practices; (vii)
31 managing both staff and fiscal resources to support student achievement
32 and legal responsibilities; and (viii) partnering with the school
33 community to promote student learning.

34 (c) The four-level rating system used to evaluate the principal
35 must describe performance along a continuum that indicates the extent
36 to which the criteria have been met or exceeded. When available,
37 student growth data that is referenced in the evaluation process must
38 be based on multiple measures that can include classroom-based, school-

1 based, district-based, and state-based tools. As used in this
2 subsection, "student growth" means the change in student achievement
3 between two points in time.

4 (7)(a) The superintendent of public instruction, in collaboration
5 with state associations representing teachers, principals,
6 administrators, and parents, shall create models for implementing the
7 evaluation system criteria, student growth tools, professional
8 development programs, and evaluator training for certificated classroom
9 teachers and principals. Human resources specialists, professional
10 development experts, and assessment experts must also be consulted.
11 Due to the diversity of teaching assignments and the many developmental
12 levels of students, classroom teachers and principals must be
13 prominently represented in this work. The models must be available for
14 use in the 2011-12 school year.

15 (b) A new certificated classroom teacher evaluation system that
16 implements the provisions of subsection (2) of this section and a new
17 principal evaluation system that implements the provisions of
18 subsection (6) of this section shall be phased-in beginning with the
19 2010-11 school year by districts identified in (c) of this subsection
20 and implemented in all school districts beginning with the 2013-14
21 school year.

22 (c) A set of school districts shall be selected by the
23 superintendent of public instruction to participate in a collaborative
24 process resulting in the development and piloting of new certificated
25 classroom teacher and principal evaluation systems during the 2010-11
26 and 2011-12 school years. These school districts must be selected
27 based on: (i) The agreement of the local associations representing
28 classroom teachers and principals to collaborate with the district in
29 this developmental work and (ii) the agreement to participate in the
30 full range of development and implementation activities, including:
31 Development of rubrics for the evaluation criteria and ratings in
32 subsections (2) and (6) of this section; identification of or
33 development of appropriate multiple measures of student growth in
34 subsections (2) and (6) of this section; development of appropriate
35 evaluation system forms; participation in professional development for
36 principals and classroom teachers regarding the content of the new
37 evaluation system; participation in evaluator training; and
38 participation in activities to evaluate the effectiveness of the new

1 systems and support programs. The school districts must submit to the
2 office of the superintendent of public instruction data that is used in
3 evaluations and all district-collected student achievement, aptitude,
4 and growth data regardless of whether the data is used in evaluations.
5 If the data is not available electronically, the district may submit it
6 in nonelectronic form. The superintendent of public instruction must
7 analyze the districts' use of student data in evaluations, including
8 examining the extent that student data is not used or is underutilized.
9 The superintendent of public instruction must also consult with
10 participating districts and stakeholders, recommend appropriate
11 changes, and address statewide implementation issues. The
12 superintendent of public instruction shall report evaluation system
13 implementation status, evaluation data, and recommendations to
14 appropriate committees of the legislature and governor by July 1, 2011,
15 and at the conclusion of the development phase by July 1, 2012. In the
16 July 1, 2011, report, the superintendent shall include recommendations
17 for whether a single statewide evaluation model should be adopted,
18 whether modified versions developed by school districts should be
19 subject to state approval, and what the criteria would be for
20 determining if a school district's evaluation model meets or exceeds a
21 statewide model. The report shall also identify challenges posed by
22 requiring a state approval process.

23 (8) Each certificated classroom teacher and certificated support
24 personnel shall have the opportunity for confidential conferences with
25 his or her immediate supervisor on no less than two occasions in each
26 school year. Such confidential conference shall have as its sole
27 purpose the aiding of the administrator in his or her assessment of the
28 employee's professional performance.

29 (9) The failure of any evaluator to evaluate or supervise or cause
30 the evaluation or supervision of certificated classroom teachers and
31 certificated support personnel or administrators in accordance with
32 this section, as now or hereafter amended, when it is his or her
33 specific assigned or delegated responsibility to do so, shall be
34 sufficient cause for the nonrenewal of any such evaluator's contract
35 under RCW 28A.405.210, or the discharge of such evaluator under RCW
36 28A.405.300.

37 (10) After a certificated classroom teacher or certificated support
38 personnel has four years of satisfactory evaluations under subsection

1 (1) of this section or has received one of the two top ratings for four
2 years under subsection (2) of this section, a school district may use
3 a short form of evaluation, a locally bargained evaluation emphasizing
4 professional growth, an evaluation under subsection (1) or (2) of this
5 section, or any combination thereof. The short form of evaluation
6 shall include either a thirty minute observation during the school year
7 with a written summary or a final annual written evaluation based on
8 the criteria in subsection (1) or (2) of this section and based on at
9 least two observation periods during the school year totaling at least
10 sixty minutes without a written summary of such observations being
11 prepared. A locally bargained short-form evaluation emphasizing
12 professional growth must provide that the professional growth activity
13 conducted by the certificated classroom teacher be specifically linked
14 to one or more of the certificated classroom teacher evaluation
15 criteria. However, the evaluation process set forth in subsection (1)
16 or (2) of this section shall be followed at least once every three
17 years unless this time is extended by a local school district under the
18 bargaining process set forth in chapter 41.59 RCW. The employee or
19 evaluator may require that the evaluation process set forth in
20 subsection (1) or (2) of this section be conducted in any given school
21 year. No evaluation other than the evaluation authorized under
22 subsection (1) or (2) of this section may be used as a basis for
23 determining that an employee's work is not satisfactory under
24 subsection (1) or (2) of this section or as probable cause for the
25 nonrenewal of an employee's contract under RCW 28A.405.210 unless an
26 evaluation process developed under chapter 41.59 RCW determines
27 otherwise.

28 **Sec. 9.** RCW 28A.410.260 and 2009 c 468 s 5 are each amended to
29 read as follows:

30 (1) The professional educator standards board, in consultation and
31 collaboration with the (~~achievement~~) educational opportunity gap
32 oversight and accountability committee established under RCW
33 28A.300.136, shall identify a list of model standards for cultural
34 competency and make recommendations to the education committees of the
35 legislature on the strengths and weaknesses of those standards.

36 (2) For the purposes of this section, "cultural competency"
37 includes knowledge of student cultural histories and contexts, as well

1 as family norms and values in different cultures; knowledge and skills
2 in accessing community resources and community and parent outreach; and
3 skills in adapting instruction to students' experiences and identifying
4 cultural contexts for individual students.

5 **Sec. 10.** RCW 28A.415.370 and 2007 c 402 s 10 are each amended to
6 read as follows:

7 (1) The recruiting Washington teachers program is established to
8 recruit and provide training and support for high school students to
9 enter the teaching profession, especially in teacher shortage areas and
10 among underrepresented groups and multilingual, multicultural students.
11 The program shall be administered by the professional educator
12 standards board.

13 (2) The program shall consist of the following components:

14 (a) Targeted recruitment of diverse students, including but not
15 limited to students from underrepresented groups and multilingual,
16 multicultural students in grades nine through twelve through outreach
17 and communication strategies. The focus of recruitment efforts shall
18 be on encouraging students to consider and explore becoming future
19 teachers in mathematics, science, bilingual education, special
20 education, and English as a second language. Program enrollment is not
21 limited to students from underrepresented groups or multilingual,
22 multicultural students;

23 (b) A curriculum that provides future teachers with opportunities
24 to observe classroom instruction at all grade levels; includes
25 preteaching internships at all grade levels with a focus on shortage
26 areas; and covers such topics as lesson planning, learning styles,
27 student learning data and information, the ((achievement)) educational
28 opportunity gap, cultural competency, and education policy;

29 (c) Academic and community support services for students to help
30 them overcome possible barriers to becoming future teachers, such as
31 supplemental tutoring; advising on college readiness, applications, and
32 financial aid processes; and mentoring; and

33 (d) Future teacher camps held on college campuses where students
34 can attend workshops and interact with college faculty and current
35 teachers.

36 (3) As part of its administration of the program, the professional
37 educator standards board shall:

1 (a) Develop the curriculum and program guidelines in consultation
2 with an advisory group of teachers, representatives of teacher
3 preparation programs, teacher candidates, students, and representatives
4 of diverse communities;

5 (b) Subject to funds appropriated for this purpose, allocate grant
6 funds through a competitive process to partnerships of high schools,
7 teacher preparation programs, and community-based organizations to
8 design and deliver programs that include the components under
9 subsection (2) of this section; and

10 (c) Conduct an evaluation of the effectiveness of current
11 strategies and programs for recruiting teachers, especially
12 multilingual, multicultural teachers, in Washington and in other
13 states. The board shall use the findings from the evaluation to revise
14 the recruiting Washington teachers program as necessary and make other
15 recommendations to teacher preparation programs or the legislature.

16 **Sec. 11.** RCW 28A.642.005 and 2010 c 240 s 1 are each amended to
17 read as follows:

18 The legislature finds that in 1975 legislation was adopted,
19 codified as chapter 28A.640 RCW, recognizing the deleterious effect of
20 discrimination on the basis of sex, specifically prohibiting such
21 discrimination in Washington public schools, and requiring the office
22 of the superintendent of public instruction to monitor and enforce
23 compliance. The legislature further finds that, while numerous state
24 and federal laws prohibit discrimination on other bases in addition to
25 sex, the common school provisions in this title (~~((28A-RCW))~~) do not
26 include specific acknowledgment of the right to be free from
27 discrimination because of race, creed, color, national origin,
28 honorably discharged veteran or military status, sexual orientation,
29 the presence of any sensory, mental, or physical disability, or the use
30 of a trained dog guide or service animal by a person with a disability,
31 nor do any common school provisions specifically direct the office of
32 the superintendent of public instruction to monitor and enforce
33 compliance with these laws. The legislature finds that one of the
34 recommendations made to the legislature by the (~~((achievement))~~)
35 educational opportunity gap oversight and accountability committee
36 created in chapter 468, Laws of 2009, was that the office of the
37 superintendent of public instruction should be specifically authorized

1 to take affirmative steps to ensure that school districts comply with
2 all civil rights laws, similar to what has already been authorized in
3 chapter 28A.640 RCW with respect to discrimination on the basis of sex.

4 **Sec. 12.** RCW 28A.655.115 and 2010 c 235 s 702 are each amended to
5 read as follows:

6 (1) Beginning with the 2010-11 school year, each school shall
7 conduct outreach and seek feedback from a broad and diverse range of
8 parents, other individuals, and organizations in the community
9 regarding their experiences with the school. The school shall
10 summarize the responses in its annual report under RCW 28A.655.110.

11 (2) The office of the superintendent of public instruction shall
12 create a working group with representatives of organizations
13 representing parents, teachers, and principals as well as diverse
14 communities. The working group shall also include a representative
15 from the (~~achievement~~) educational opportunity gap oversight and
16 accountability committee. By September 1, 2010, the working group
17 shall develop model feedback tools and strategies that school districts
18 may use to facilitate the feedback process required in subsection (1)
19 of this section. The model tools and strategies are intended to
20 provide assistance to school districts. School districts are
21 encouraged to adapt the models or develop unique tools and strategies
22 that best fit the circumstances in their communities.

23 **Sec. 13.** RCW 28A.657.070 and 2010 c 235 s 107 are each amended to
24 read as follows:

25 (1) A required action plan review panel shall be established to
26 offer an objective, external review of a request from a school district
27 for reconsideration of the state board of education's rejection of the
28 district's required action plan. The review and reconsideration by the
29 panel shall be based on whether the state board of education gave
30 appropriate consideration to the unique circumstances and
31 characteristics identified in the academic performance audit of the
32 local school district whose required action plan was rejected.

33 (2)(a) The panel shall be composed of five individuals with
34 expertise in school improvement, school and district restructuring, or
35 parent and community involvement in schools. Two of the panel members

1 shall be appointed by the speaker of the house of representatives; two
2 shall be appointed by the president of the senate; and one shall be
3 appointed by the governor.

4 (b) The speaker of the house of representatives, president of the
5 senate, and governor shall solicit recommendations for possible panel
6 members from the Washington association of school administrators, the
7 Washington state school directors' association, the association of
8 Washington school principals, the ((achievement)) educational
9 opportunity gap oversight and accountability committee, and
10 associations representing certificated teachers, classified school
11 employees, and parents.

12 (c) Members of the panel shall be appointed no later than December
13 1, 2010, but the superintendent of public instruction shall convene the
14 panel only as needed to consider a school district's request for
15 reconsideration. Appointments shall be for a four-year term, with
16 opportunity for reappointment. Reappointments in the case of a vacancy
17 shall be made expeditiously so that all requests are considered in a
18 timely manner.

19 (3) The required action plan review panel may reaffirm the decision
20 of the state board of education, recommend that the state board
21 reconsider the rejection, or recommend changes to the required action
22 plan that should be considered by the district and the state board of
23 education to secure approval of the plan. The state board of education
24 shall consider the recommendations of the panel and issue a decision in
25 writing to the local school district and the panel. If the school
26 district must submit a new required action plan to the state board of
27 education, the district must submit the plan within forty days of the
28 board's decision.

29 (4) The state board of education and superintendent of public
30 instruction must develop timelines and procedures for the deliberations
31 under this section so that school districts can implement a required
32 action plan within the time frame required under RCW 28A.657.060.

33 **Sec. 14.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to
34 read as follows:

35 (1) The state board of education shall continue to refine the
36 development of an accountability framework that creates a unified

1 system of support for challenged schools, that aligns with basic
2 education, increases the level of support based upon the magnitude of
3 need, and uses data for decisions.

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

18 (3) The state board of education, in cooperation with the office of
19 the superintendent of public instruction, shall annually recognize
20 schools for exemplary performance as measured on the state board of
21 education accountability index. The state board of education shall
22 have ongoing collaboration with the ((achievement)) educational
23 opportunity gap oversight and accountability committee regarding the
24 measures used to measure the closing of the ((achievement)) educational
25 opportunity gaps and the recognition provided to the school districts
26 for closing the ((achievement)) educational opportunity gaps.

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

33 (5) The state board of education shall work with the education data
34 center established within the office of financial management and the
35 technical working group established in section 112, chapter 548, Laws
36 of 2009 to determine the feasibility of using the prototypical funding
37 allocation model as not only a tool for allocating resources to schools

1 and districts but also as a tool for schools and districts to report to
2 the state legislature and the state board of education on how the state
3 resources received are being used.

4 **Sec. 15.** RCW 43.215.005 and 2010 c 232 s 1 are each amended to
5 read as follows:

6 (1) The legislature recognizes that:

7 (a) Parents are their children's first and most important teachers
8 and decision makers;

9 (b) Research across disciplines now demonstrates that what happens
10 in the earliest years makes a critical difference in children's
11 readiness to succeed in school and life;

12 (c) Washington's competitiveness in the global economy requires a
13 world-class education system that starts early and supports life-long
14 learning;

15 (d) Washington state currently makes substantial investments in
16 voluntary child care and early learning services and supports, but
17 because services are fragmented across multiple state agencies, and
18 early learning providers lack the supports and incentives needed to
19 improve the quality of services they provide, many parents have
20 difficulty accessing high quality early learning services;

21 (e) A more cohesive and integrated voluntary early learning system
22 would result in greater efficiencies for the state, increased
23 partnership between the state and the private sector, improved access
24 to high quality early learning services, and better employment and
25 early learning outcomes for families and all children.

26 (2) The legislature finds that:

27 (a) The early years of a child's life are critical to the child's
28 healthy brain development and that the quality of caregiving during the
29 early years can significantly impact the child's intellectual, social,
30 and emotional development;

31 (b) A successful outcome for every child obtaining a K-12 education
32 depends on children being prepared from birth for academic and social
33 success in school. For children at risk of school failure, the
34 (~~achievement~~) educational opportunity gap often emerges as early as
35 eighteen months of age;

36 (c) There currently is a shortage of high quality services and

1 supports for children ages birth to three and their parents and
2 caregivers; and

3 (d) Increasing the availability of high quality services for
4 children ages birth to three and their parents and caregivers will
5 result in improved school and life outcomes.

6 (3) Therefore, the legislature intends to establish a robust birth-
7 to-three continuum of services for parents and caregivers of young
8 children in order to provide education and support regarding the
9 importance of early childhood development.

10 (4) The purpose of this chapter is:

11 (a) To establish the department of early learning;

12 (b) To coordinate and consolidate state activities relating to
13 child care and early learning programs;

14 (c) To safeguard and promote the health, safety, and well-being of
15 children receiving child care and early learning assistance, which is
16 paramount over the right of any person to provide care;

17 (d) To provide tools to promote the hiring of suitable providers of
18 child care by:

19 (i) Providing parents with access to information regarding child
20 care providers;

21 (ii) Providing parents with child care licensing action histories
22 regarding child care providers; and

23 (iii) Requiring background checks of applicants for employment in
24 any child care facility licensed or regulated under current law;

25 (e) To promote linkages and alignment between early learning
26 programs and elementary schools and support the transition of children
27 and families from prekindergarten environments to kindergarten;

28 (f) To promote the development of a sufficient number and variety
29 of adequate child care and early learning facilities, both public and
30 private; and

31 (g) To license agencies and to assure the users of such agencies,
32 their parents, the community at large and the agencies themselves that
33 adequate minimum standards are maintained by all child care and early
34 learning facilities.

35 (5) This chapter does not expand the state's authority to license
36 or regulate activities or programs beyond those licensed or regulated

1 under existing law.

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