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**HOUSE BILL 1973**

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**State of Washington****62nd Legislature****2011 Regular Session****By Representative Sullivan; by request of Governor Gregoire**

1 AN ACT Relating to education governance; amending RCW 43.17.010,  
2 43.17.020, 42.17A.705, 43.215.005, 43.215.147, 28A.300.020,  
3 28A.300.030, 28A.300.035, 28A.300.040, 28A.300.041, 28A.300.042,  
4 28A.300.050, 28A.300.1361, 28A.300.160, 28A.300.250, 28A.300.500,  
5 28A.300.505, 28A.305.130, 28A.310.010, 28A.310.200, 28A.310.210,  
6 28A.310.270, 28A.310.280, 28A.310.340, 28A.310.400, 28A.315.005,  
7 28A.315.115, 28A.315.185, 28A.410.010, 28A.410.090, 28A.410.200,  
8 28A.410.210, 28A.410.220, 43.06B.010, 43.06B.030, 43.06B.050,  
9 72.40.010, 72.40.015, 72.40.019, 72.40.0191, 72.40.020, 72.40.024,  
10 72.41.010, 72.41.020, 72.41.040, 72.42.010, 72.42.021, 72.42.041,  
11 28A.300.041, 28A.310.010, 28A.310.280, 28A.310.340, 28A.315.005,  
12 28A.315.115, 28A.410.210, 28B.50.090, 28B.50.250, 28B.50.272,  
13 28B.50.536, 28B.76.020, 28B.76.030, 28B.76.110, 28B.76.210, 28B.76.230,  
14 28B.76.240, 28B.76.260, 28B.76.290, 28B.76.300, 28B.76.310, and  
15 43.41.400; reenacting and amending RCW 43.215.010, 43.215.020, and  
16 28B.50.030; adding a new section to chapter 41.06 RCW; adding a new  
17 section to chapter 41.80 RCW; adding a new section to chapter 28A.150  
18 RCW; adding a new title to the Revised Code of Washington; creating new  
19 sections; repealing RCW 43.215.030, 43.215.040, 43.215.090, 43.215.125,  
20 43.215.440, 43.215.445, 41.06.097, 28A.305.011, 28A.305.021,  
21 28A.305.035, 28A.305.902, 28A.310.480, 28A.345.010, 28A.345.020,

1 28A.345.030, 28A.345.040, 28A.345.050, 28A.345.060, 28A.345.070,  
2 28A.345.902, 28A.300.010, 28A.300.020, 28B.50.050, 28B.50.060,  
3 28B.50.070, 28B.50.080, 28B.50.085, 28B.50.254, 28B.76.010, 28B.76.040,  
4 28B.76.050, 28B.76.060, 28B.76.070, 28B.76.080, 28B.76.090, 28B.76.200,  
5 28B.76.270, and 28B.76.330; providing an effective date; and providing  
6 contingent effective dates.

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

8 **PART 1**  
9 **DEPARTMENT OF EDUCATION CREATED**

10 NEW SECTION. **Sec. 101.** The legislature finds that a growing  
11 number of agencies, each with their own priorities and activities, set  
12 education policy. The legislature further recognizes that while there  
13 is excellent work being pursued by individual entities in response to  
14 their specific duties, the focus and impact for student success would  
15 be magnified if these agencies were brought together. The legislature  
16 further finds that the consolidation of state-level education entities  
17 would result in a governance system with a unifying student-centered  
18 vision, common goals, shared priorities, and linked outcomes. The  
19 results for learners would be improved with an integrated system  
20 approach.

21 The legislature intends to create a seamless, cohesive state-level  
22 governance education system focused on students and learning from birth  
23 through career. This system will provide for integrated policies at  
24 the state level, the creation of a streamlined accountability system  
25 with clear measures and expectations, and consistent best practice  
26 guidance and technical assistance to local delivery systems. The  
27 accountability system will be based upon a strategic plan focusing on  
28 achievement, student growth, bridging existing learning gaps, and  
29 preparing students for their next steps in learning and career. By  
30 consolidating state-level planning, policies, accountability, and  
31 assistance, the legislature intends that outcomes for learners will  
32 improve and management burdens for local delivery systems will be  
33 lessened. The legislature further intends that chronic P-20 issues  
34 such as the opportunity gap and mathematics and science achievement be

1 addressed systemically and that best practices for teaching, leading,  
2 and learning be incorporated throughout the education system.

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

5 (1) "Department" means the department of education.

6 (2) "Secretary" means the secretary of education.

7 NEW SECTION. **Sec. 103.** (1) The department of education is created  
8 as an executive branch agency. The department is vested with all  
9 powers and duties transferred to it under chapter . . ., Laws of 2011  
10 (this act) and such other powers and duties as may be authorized by  
11 law.

12 (2) If a constitutional amendment abolishing the office of the  
13 superintendent of public instruction is not ratified at the November  
14 2011 election, the superintendent of public instruction shall be housed  
15 within the department of education. If the constitutional amendment  
16 becomes law, the powers and duties of the superintendent of public  
17 instruction will be transferred to the department.

18 (3) The department of education includes the professional educator  
19 standards board, the office of the education ombudsman, the state  
20 school for the blind, and the Washington state center for childhood  
21 deafness and hearing loss.

22 (4) In administering a seamless state-level system of education  
23 from birth through career, the primary duty of the department is to  
24 focus education policy development on implementing education programs  
25 and services that promote student achievement. The department shall  
26 deliver innovative and flexible services, implement best practices,  
27 increase efficiency in state-level administration, and provide  
28 systemwide accountability.

29 NEW SECTION. **Sec. 104.** (1) The executive head and appointing  
30 authority of the department is the secretary of education. The  
31 secretary shall be appointed by the governor, subject to confirmation  
32 by the senate. The secretary shall serve at the pleasure of the  
33 governor. The secretary shall be paid a salary fixed by the governor  
34 in accordance with RCW 43.03.040. If a vacancy occurs in the position  
35 of secretary while the senate is not in session, the governor shall

1 make a temporary appointment until the next meeting of the senate at  
2 which time he or she shall present to that body his or her nomination  
3 for the position.

4 (2) The secretary may employ staff members, who shall be exempt  
5 from chapter 41.06 RCW, and any additional staff members as are  
6 necessary to administer this chapter, and such other duties as may be  
7 authorized by law. The secretary may delegate any power or duty vested  
8 in him or her by this chapter or other law, including the authority to  
9 make final decisions and enter final orders in hearings conducted under  
10 chapter 34.05 RCW.

11 (3) The secretary may create such administrative structures as the  
12 secretary considers appropriate, except as otherwise specified by law.  
13 The department shall be organized into divisions. When first  
14 established, the department shall be organized into divisions for early  
15 learning, K-12 education, community college and career and technical  
16 education, and university education. Except as otherwise specified or  
17 as federal requirements may differently require, the secretary may  
18 change these divisions under plans prepared by the secretary and  
19 approved by the governor.

20 (4) The secretary may employ such personnel as necessary for the  
21 general administration of the department. This employment shall be in  
22 accordance with the state civil service law, chapter 41.06 RCW, except  
23 as otherwise provided.

24 NEW SECTION. **Sec. 105.** (1) The secretary shall administer the  
25 activities of the department of education.

26 (2) The secretary shall exercise all the powers and perform all the  
27 duties prescribed by law with respect to the state-level  
28 administration, as provided in this chapter.

29 (3) In addition to other powers and duties granted to the  
30 secretary, the secretary may:

31 (a) Enter into contracts on behalf of the state to carry out the  
32 purposes of this chapter;

33 (b) Accept and expend gifts and grants that are related to the  
34 purposes of this chapter, whether such grants are of federal or other  
35 funds;

36 (c) Appoint a deputy secretary and such assistant secretaries and

1 special assistants, exempt from chapter 41.06 RCW, as may be needed to  
2 administer the department;

3 (d) Appoint the executive director of the professional educator  
4 standards board, the education ombudsman, the superintendent of the  
5 school for the blind, and the director of the Washington state center  
6 for childhood deafness and hearing loss, each of which are exempt from  
7 chapter 41.06 RCW;

8 (e) Adopt rules in accordance with chapter 34.05 RCW and perform  
9 all other functions necessary and proper to carry out the purposes of  
10 this chapter;

11 (f) Delegate powers, duties, and functions as the secretary deems  
12 necessary for efficient administration, but the secretary shall be  
13 responsible for the official acts of the officers and employees of the  
14 department;

15 (g) Create such administrative structures as the secretary  
16 considers appropriate, except as otherwise specified by law; and

17 (h) Perform other duties as are necessary and consistent with the  
18 law.

19 (4) If a constitutional amendment abolishing the office of the  
20 superintendent of public instruction does not pass during the November  
21 2011 general election, the secretary shall coordinate and collaborate  
22 with the superintendent of public instruction and provide the  
23 administrative support services for the superintendent of public  
24 instruction.

25 NEW SECTION. **Sec. 106.** In administering the department of  
26 education, the secretary shall:

27 (1) Provide leadership for the education of the state's students  
28 by:

29 (a) Promoting and measuring achievement;

30 (b) Respecting diverse cultures, abilities, and learning styles;

31 (c) Focusing on learning improvement strategies informed by  
32 research and data; and

33 (d) Reviewing, changing, and implementing practices as necessary  
34 across and within the education sectors to further learner success;

35 (2) Improve the connections that facilitate students' transitions  
36 to and from different educational programs and the preparation for  
37 those transitions;

1 (3) Develop and implement and continuously evaluate and adjust a  
2 systemwide strategic plan that integrates the goals under section 107  
3 of this act, as well as policies, activities, and functions of the  
4 education sectors creating a powerful education system focused on  
5 student learning that transcends traditional organizational boundaries;

6 (4) Implement performance measures focused on learner outcomes that  
7 shall be used to continuously improve and evaluate student performance  
8 and programs focusing on improving learning;

9 (5) Focus on improving learning throughout the entire education  
10 delivery system including early learning, K-12 schools, community and  
11 technical colleges, and public and private colleges and universities;

12 (6) Improve the coordination and relationships among the state and  
13 parents, students, early learning educators and providers, local school  
14 districts, community and technical colleges, and public and private  
15 colleges and universities;

16 (7) Improve instructional quality and leadership practices in early  
17 learning through postsecondary classrooms;

18 (8) Promote partnerships with private and nonprofit organizations  
19 and other governmental entities to maximize the use of state and  
20 private resources and promote innovation; and

21 (9) Submit budget requests for the entities and programs within the  
22 department as required by law.

23 NEW SECTION. **Sec. 107.** (1) The strategic plan required by section  
24 106(3) of this act shall be based on the following system goals to  
25 provide an opportunity for:

26 (a) All students to enter kindergarten prepared for success in  
27 school and life;

28 (b) All students to compete in mathematics and science nationally  
29 and internationally, and for more students to graduate with degrees in  
30 science, technology, engineering, and mathematics;

31 (c) All students to attain high academic standards regardless of  
32 race, ethnicity, income, or gender, and for more students from  
33 underrepresented groups to earn certificates and degrees; and

34 (d) All students to graduate able to succeed in college, training,  
35 and careers, and for more students to graduate with certificates and  
36 degrees from Washington institutions of higher education.

1 (2) In developing the initial plan, the secretary shall review:  
2 (a) The plans created by the various education agencies and boards  
3 transferred to the department and those agencies coordinating with the  
4 department under chapter . . . , Laws of 2011 (this act); and (b) the  
5 plans developed for the federal race to the top application and related  
6 work, as well and the plans and recommendations of the quality  
7 education council.

8 (3) The strategic plan shall also include performance measures that  
9 address short and long-term progress in meeting the system goals.  
10 These measures shall be designed to be used for accountability  
11 purposes.

12 NEW SECTION. **Sec. 108.** (1) The P-20 education council is created.  
13 The council shall advise the secretary on broad policy issues affecting  
14 the state's education system focusing on improving student learning to  
15 include, but not be limited to, system goals, the state strategic plan,  
16 state accountability measures, and implementation of evidence-based  
17 best practices.

18 (2) The council shall consist of eleven members appointed by the  
19 governor representing the public and the public's interest in early  
20 learning, K-12 education, community college and career and technical  
21 education, and university education.

22 (3) The members shall serve four-year terms. However, to stagger  
23 the terms of the council, the initial appointments for five of the  
24 members shall be for two years. Once the initial two-year terms  
25 expire, all subsequent terms shall be for four years with the terms  
26 expiring on June 30th of the applicable year.

27 (4) The department shall provide staff support to the council.

28 NEW SECTION. **Sec. 109.** The secretary may appoint such advisory  
29 committees or councils as may be required by any federal legislation as  
30 a condition to the receipt of federal funds by the department. The  
31 secretary may also appoint statewide committees, councils, or work  
32 groups on such subject matters as are or come within the department's  
33 responsibilities. The committees, councils, or work groups shall be  
34 constituted as the secretary may determine or as required by federal  
35 law.

1        NEW SECTION.     **Sec. 110.**     (1) The governor shall appoint a  
2 transition team to plan the technical and practical steps required to  
3 bring the current state-level education agencies and structures into a  
4 new department as provided in this act. The transition team may  
5 include representatives from affected agencies. The governor shall  
6 appoint the lead of the transition team.

7        (2) The transition team shall complete the transition plan and  
8 implementation schedule by January 1, 2012. The plan shall be designed  
9 to phase-in the operation of the department of education to begin by  
10 July 1, 2012, and be completed by January 16, 2013.

11       NEW SECTION.     **Sec. 111.**     A new section is added to chapter 41.06  
12 RCW to read as follows:

13        In addition to the exemptions under RCW 41.06.070, the provisions  
14 of this chapter shall not apply in the department of education to the  
15 secretary, the secretary's confidential secretary, assistant  
16 secretaries, and any other exempt staff members provided for in  
17 sections 104 and 105 of this act.

18        **Sec. 112.**     RCW 43.17.010 and 2009 c 565 s 25 are each amended to  
19 read as follows:

20        There shall be departments of the state government which shall be  
21 known as (1) the department of social and health services, (2) the  
22 department of ecology, (3) the department of labor and industries, (4)  
23 the department of agriculture, (5) the department of fish and wildlife,  
24 (6) the department of transportation, (7) the department of licensing,  
25 (8) the department of general administration, (9) the department of  
26 commerce, (10) the department of veterans affairs, (11) the department  
27 of revenue, (12) the department of retirement systems, (13) the  
28 department of corrections, (14) the department of health, (15) the  
29 department of financial institutions, (16) the department of  
30 archaeology and historic preservation, (17) ~~((the department of early  
31 learning, and (18)))~~ the Puget Sound partnership, and (18) the  
32 department of education, which shall be charged with the execution,  
33 enforcement, and administration of such laws, and invested with such  
34 powers and required to perform such duties, as the legislature may  
35 provide.



1       **Sec. 113.** RCW 43.17.020 and 2009 c 565 s 26 are each amended to  
2 read as follows:

3       There shall be a chief executive officer of each department to be  
4 known as: (1) The secretary of social and health services, (2) the  
5 director of ecology, (3) the director of labor and industries, (4) the  
6 director of agriculture, (5) the director of fish and wildlife, (6) the  
7 secretary of transportation, (7) the director of licensing, (8) the  
8 director of general administration, (9) the director of commerce, (10)  
9 the director of veterans affairs, (11) the director of revenue, (12)  
10 the director of retirement systems, (13) the secretary of corrections,  
11 (14) the secretary of health, (15) the director of financial  
12 institutions, (16) the director of the department of archaeology and  
13 historic preservation, (17) ~~((the director of early learning, and~~  
14 ~~+18+))~~ the executive director of the Puget Sound partnership, and (18)  
15 the secretary of education.

16       Such officers, except the director of fish and wildlife, shall be  
17 appointed by the governor, with the consent of the senate, and hold  
18 office at the pleasure of the governor. The director of fish and  
19 wildlife shall be appointed by the fish and wildlife commission as  
20 prescribed by RCW 77.04.055.

21       **Sec. 114.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to  
22 read as follows:

23       For the purposes of RCW 42.17A.700, "executive state officer"  
24 includes:

25       (1) The chief administrative law judge, the director of  
26 agriculture, the director of the department of services for the blind,  
27 ~~((the director of the state system of community and technical~~  
28 ~~colleges,))~~ the director of commerce, the secretary of corrections,  
29 ~~((the director of early learning,))~~ the director of ecology, the  
30 secretary of education, the commissioner of employment security, the  
31 chair of the energy facility site evaluation council, the secretary of  
32 the state finance committee, the director of financial management, the  
33 director of fish and wildlife, the executive secretary of the forest  
34 practices appeals board, the director of the gambling commission, the  
35 director of general administration, the secretary of health, the  
36 administrator of the Washington state health care authority, the  
37 executive secretary of the health care facilities authority, the

1 executive secretary of the higher education facilities authority, the  
2 executive secretary of the horse racing commission, the executive  
3 secretary of the human rights commission, the executive secretary of  
4 the indeterminate sentence review board, the director of the department  
5 of information services, the executive director of the state investment  
6 board, the director of labor and industries, the director of licensing,  
7 the director of the lottery commission, the director of the office of  
8 minority and women's business enterprises, the director of parks and  
9 recreation, the director of personnel, the executive director of the  
10 public disclosure commission, the executive director of the Puget Sound  
11 partnership, the director of the recreation and conservation office,  
12 the director of retirement systems, the director of revenue, the  
13 secretary of social and health services, the chief of the Washington  
14 state patrol, the executive secretary of the board of tax appeals, the  
15 secretary of transportation, the secretary of the utilities and  
16 transportation commission, the director of veterans affairs, the  
17 president of each of the regional and state universities and the  
18 president of The Evergreen State College, and each district and each  
19 campus president of each state community college;

20 (2) Each professional staff member of the office of the governor;

21 (3) Each professional staff member of the legislature; and

22 (4) Central Washington University board of trustees, the boards of  
23 trustees of each community college and each technical college, (~~each~~  
24 ~~member of the state board for community and technical colleges,~~) state  
25 convention and trade center board of directors, Eastern Washington  
26 University board of trustees, Washington economic development finance  
27 authority, Washington energy northwest executive board, The Evergreen  
28 State College board of trustees, executive ethics board, fish and  
29 wildlife commission, forest practices appeals board, forest practices  
30 board, gambling commission, Washington health care facilities  
31 authority, (~~higher education coordinating board,~~) higher education  
32 facilities authority, horse racing commission, state housing finance  
33 commission, human rights commission, indeterminate sentence review  
34 board, board of industrial insurance appeals, information services  
35 board, state investment board, commission on judicial conduct,  
36 legislative ethics board, life sciences discovery fund authority board  
37 of trustees, liquor control board, lottery commission, Pacific  
38 Northwest electric power and conservation planning council, parks and

1 recreation commission, Washington personnel resources board, board of  
2 pilotage commissioners, pollution control hearings board, public  
3 disclosure commission, public employees' benefits board, recreation and  
4 conservation funding board, salmon recovery funding board, shorelines  
5 hearings board, board of tax appeals, transportation commission,  
6 University of Washington board of regents, utilities and transportation  
7 commission, Washington State University board of regents, and Western  
8 Washington University board of trustees.

9 NEW SECTION. **Sec. 115.** (1)(a) The powers, duties, and functions  
10 of the state school for the blind, the Washington state center for  
11 childhood deafness and hearing loss, the office of the education  
12 ombudsman, and the professional educator standards board are hereby  
13 transferred to the department of education. All references to the  
14 director or the state school for the blind, the Washington state center  
15 for childhood deafness and hearing loss, the office of the education  
16 ombudsman, or the professional educator standards board in the Revised  
17 Code of Washington shall be construed to mean the secretary or the  
18 department of education.

19 (b) The department of early learning, the state board of education,  
20 the state board for community and technical colleges, and the higher  
21 education coordinating board are hereby abolished and their powers,  
22 duties, and functions are hereby transferred to the department of  
23 education. All references to the director or the department of early  
24 learning, the state board of education, the state board for community  
25 and technical colleges, or the higher education coordinating board in  
26 the Revised Code of Washington shall be construed to mean the secretary  
27 or the department of education.

28 (2)(a) All reports, documents, surveys, books, records, files,  
29 papers, or written material in the possession of the state school for  
30 the blind, the Washington state center for childhood deafness and  
31 hearing loss, the department of early learning, the state board of  
32 education, the office of the education ombudsman, the professional  
33 educator standards board, the state board for community and technical  
34 colleges, or the higher education coordinating board shall be delivered  
35 to the custody of the department of education. All cabinets,  
36 furniture, office equipment, motor vehicles, and other tangible  
37 property employed by the state school for the blind, the Washington

1 state center for childhood deafness and hearing loss, the department of  
2 early learning, the state board of education, the office of the  
3 education ombudsman, the professional educator standards board, the  
4 state board for community and technical colleges, or the higher  
5 education coordinating board shall be made available to the department  
6 of education. All funds, credits, or other assets held by the state  
7 school for the blind, the Washington state center for childhood  
8 deafness and hearing loss, the department of early learning, the state  
9 board of education, the office of the education ombudsman, the  
10 professional educator standards board, the state board for community  
11 and technical colleges, or the higher education coordinating board  
12 shall be assigned to the department of education.

13 (b) Any appropriations made to the state school for the blind, the  
14 Washington state center for childhood deafness and hearing loss, the  
15 department of early learning, the state board of education, the office  
16 of the education ombudsman, the professional educator standards board,  
17 the state board for community and technical colleges, or the higher  
18 education coordinating board shall, on the effective date of this  
19 section, be transferred and credited to the department of education.

20 (c) If any question arises as to the transfer of any personnel,  
21 funds, books, documents, records, papers, files, equipment, or other  
22 tangible property used or held in the exercise of the powers and the  
23 performance of the duties and functions transferred, the director of  
24 financial management shall make a determination as to the proper  
25 allocation and certify the same to the state agencies concerned.

26 (3) All employees of the state school for the blind, the Washington  
27 state center for childhood deafness and hearing loss, the department of  
28 early learning, the state board of education, the office of the  
29 education ombudsman, the professional educator standards board, the  
30 state board for community and technical colleges, or the higher  
31 education coordinating board are transferred to the jurisdiction of the  
32 department of education. All employees classified under chapter 41.06  
33 RCW, the state civil service law, are assigned to the department of  
34 education to perform their usual duties upon the same terms as  
35 formerly, without any loss of rights, subject to any action that may be  
36 appropriate thereafter in accordance with the laws and rules governing  
37 state civil service.

1 (4) All rules and all pending business before the state school for  
2 the blind, the Washington state center for childhood deafness and  
3 hearing loss, the department of early learning, the state board of  
4 education, the office of the education ombudsman, the professional  
5 educator standards board, the state board for community and technical  
6 colleges, or the higher education coordinating board shall be continued  
7 and acted upon by the department of education. All existing contracts  
8 and obligations shall remain in full force and shall be performed by  
9 the department of education.

10 (5) The transfer of the powers, duties, functions, and personnel of  
11 the state school for the blind, the Washington state center for  
12 childhood deafness and hearing loss, the department of early learning,  
13 the state board of education, the office of the education ombudsman,  
14 the professional educator standards board, the state board for  
15 community and technical colleges, or the higher education coordinating  
16 board shall not affect the validity of any act performed before the  
17 effective date of this section.

18 (6) If apportionments of budgeted funds are required because of the  
19 transfers directed by this section, the director of financial  
20 management shall certify the apportionments to the agencies affected,  
21 the state auditor, and the state treasurer. Each of these shall make  
22 the appropriate transfer and adjustments in funds and appropriation  
23 accounts and equipment records in accordance with the certification.

24 (7) The treatment of all classified employees of the state school  
25 for the blind, the Washington center for childhood deafness and hearing  
26 loss, the department of early learning, the state board of education,  
27 the office of the education ombudsman, the professional educator  
28 standards board, the state board for community and technical colleges,  
29 or the higher education coordinating board within existing bargaining  
30 units assigned to the department of education under this section is as  
31 provided in sections 116 and 117, chapter ---, Laws of 2011 (sections  
32 116 and 117 of this act).

33 NEW SECTION. **Sec. 116.** This section provides for the transfer of  
34 employees in existing collective bargaining units to the department of  
35 education as provided for in section 115 of this act.

36 (1) Employees of the State School for the Blind. The existing  
37 bargaining units of the employees at the state school for the blind

1 shall be transferred in their entirety to the department of education  
2 without the merging of other bargaining units or the inclusion of  
3 employees from other bargaining units. Nothing contained in this  
4 section or section 115 of this act may be construed to alter any of the  
5 existing collective bargaining units unless and until the bargaining  
6 unit has been modified by action of the public employment relations  
7 commission as provided by law. Therefore, the certification of the  
8 existing bargaining units shall remain. However, the public employment  
9 relations commission may, upon request, amend the certification to  
10 reflect the name of the new agency. Nothing in this section or section  
11 115 of this act may be construed to alter the provisions of any  
12 existing collective bargaining agreement until the agreement has  
13 expired. The existing bargaining units of employees of the state  
14 school for the blind transferred under this section and section 115 of  
15 this act shall continue to be subject to the provisions of chapter  
16 41.80 RCW.

17 (2) Employees of the Washington State Center for Childhood Deafness  
18 and Hearing Loss. The existing bargaining units of the employees at  
19 the Washington state center for childhood deafness and hearing loss  
20 shall be transferred in their entirety to the department of education  
21 without the merging of other bargaining units or the inclusion of  
22 employees from other bargaining units. Nothing contained in this  
23 section or section 115 of this act may be construed to alter any of the  
24 existing collective bargaining units unless and until the bargaining  
25 unit has been modified by action of the public employment relations  
26 commission as provided by law. Therefore, the certification of the  
27 existing bargaining units shall remain. However, the public employment  
28 relations commission may, upon request, amend the certification to  
29 reflect the name of the new agency. Nothing in this section or section  
30 115 of this act may be construed to alter the provisions of any  
31 existing collective bargaining agreement until the agreement has  
32 expired. The existing bargaining units of employees of the Washington  
33 state center for childhood deafness and hearing loss transferred under  
34 this section and section 115 of this act shall continue to be subject  
35 to the provisions of chapter 41.80 RCW.

36 (3) Employees of the Department of Early Learning. Employees of  
37 the department of early learning engaged in performing the powers,  
38 functions, and duties transferred to the department of education under

1 section 115 of this act who are employees classified under chapter  
2 41.06 RCW, the state civil service law, are assigned to the department  
3 of education to perform their usual duties upon the same terms as  
4 formerly, without any loss of rights, subject to any action that may be  
5 appropriate thereafter in accordance with the laws and rules governing  
6 state civil service law.

7 (4) Employees of the State Board of Education. All employees of  
8 the state board of education engaged in performing the powers,  
9 functions, and duties transferred to the department of education under  
10 section 115 of this act who are employees classified under chapter  
11 41.06 RCW, the state civil service law, are assigned to the department  
12 of education to perform their usual duties upon the same terms as  
13 formerly, without any loss of rights, subject to any action that may be  
14 appropriate thereafter in accordance with the laws and rules governing  
15 state civil service law.

16 (5) Employees of the Office of the Education Ombudsman. Employees  
17 of the office of the education ombudsman engaged in performing the  
18 powers, functions, and duties transferred to the department of  
19 education under section 115 of this act who are employees classified  
20 under chapter 41.06 RCW, the state civil service law, are assigned to  
21 the department of education to perform their usual duties upon the same  
22 terms as formerly, without any loss of rights, subject to any action  
23 that may be appropriate thereafter in accordance with the laws and  
24 rules governing state civil service law.

25 (6) Employees of the State Board for Community and Technical  
26 Colleges. Employees of the state board for community and technical  
27 colleges transferred to the department of education under section 115  
28 of this act who are employees classified under chapter 41.06 RCW, the  
29 state civil service law, are assigned to the department of education to  
30 perform their usual duties upon the same terms as formerly, without any  
31 loss of rights, subject to any action that may be appropriate  
32 thereafter in accordance with the laws and rules governing state civil  
33 service law.

34 (7) Employees of the Higher Education Coordinating Board.  
35 Employees of the higher education coordinating board engaged in  
36 performing the powers, functions, and duties transferred to the  
37 department of education under section 115 of this act who are employees  
38 classified under chapter 41.06 RCW, the state civil service law, are

1 assigned to the department of education to perform their usual duties  
2 upon the same terms as formerly, without any loss of rights, subject to  
3 any action that may be appropriate thereafter in accordance with the  
4 laws and rules governing state civil service law.

5 NEW SECTION. **Sec. 117.** A new section is added to chapter 41.80  
6 RCW to read as follows:

7 (1) By July 1, 2012, the public employment relations commission  
8 shall review the existing collective bargaining units within the  
9 department of early learning to determine if these units would be  
10 appropriate units within the department of education. In determining  
11 appropriateness of bargaining units, the commission shall use and apply  
12 the organizational restructure detail created by the department of  
13 education transition team.

14 (2) If the commission determines that an existing collective  
15 bargaining unit is appropriate pursuant to RCW 41.80.070, the exclusive  
16 bargaining representative certified to represent the bargaining unit  
17 before July 1, 2012, shall continue as the exclusive bargaining  
18 representative without the necessity of an election and will be so  
19 certified by the commission.

20 (3) If the commission determines that existing collective  
21 bargaining units are not appropriate, the commission may modify those  
22 units and order an election pursuant to RCW 41.80.080. Certified  
23 exclusive bargaining representatives will not be required to  
24 demonstrate a showing of interest to be included on the ballot.

25 (4) The commission may require an election pursuant to RCW  
26 41.80.080 if similarly situated employees are represented by more than  
27 one employee organization. Certified exclusive bargaining  
28 representatives will not be required to demonstrate a showing of  
29 interest to be included on the ballot.

30 (5) Certification under this section does not preclude any  
31 subsequent actions allowable under this chapter.

32 **PART 2**  
33 **EARLY YEARS**

34 **Sec. 201.** RCW 43.215.005 and 2010 c 232 s 1 are each amended to  
35 read as follows:



1 (1) The legislature recognizes that:

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

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

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

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

16 (e) A more cohesive and integrated voluntary early learning system  
17 would result in greater efficiencies for the state, increased  
18 partnership between the state and the private sector, improved access  
19 to high quality early learning services, and better employment and  
20 early learning outcomes for families and all children.

21 (2) The legislature finds that:

22 (a) The early years of a child's life are critical to the child's  
23 healthy brain development and that the quality of caregiving during the  
24 early years can significantly impact the child's intellectual, social,  
25 and emotional development;

26 (b) A successful outcome for every child obtaining a K-12 education  
27 depends on children being prepared from birth for academic and social  
28 success in school. For children at risk of school failure, the  
29 achievement gap often emerges as early as eighteen months of age;

30 (c) There currently is a shortage of high quality services and  
31 supports for children ages birth to three and their parents and  
32 caregivers; and

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

36 (3) Therefore, the legislature intends to establish a robust birth-  
37 to-three continuum of services for parents and caregivers of young

1 children in order to provide education and support regarding the  
2 importance of early childhood development.

3 (4) The purpose of this chapter is:

4 (a) To establish the (~~department of~~) responsibilities for early  
5 learning within the department of education created in section 103 of  
6 this act, including maximizing the integration with K-12 and  
7 postsecondary education;

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

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

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

15 (i) Providing parents with access to information regarding child  
16 care providers;

17 (ii) Providing parents with child care licensing action histories  
18 regarding child care providers; and

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

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

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

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

31 (5) This chapter does not expand the state's authority to license  
32 or regulate activities or programs beyond those licensed or regulated  
33 under existing law.

34 **Sec. 202.** RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are  
35 each reenacted and amended to read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

1 (1) "Agency" means any person, firm, partnership, association,  
2 corporation, or facility that provides child care and early learning  
3 services outside a child's own home and includes the following  
4 irrespective of whether there is compensation to the agency:

5 (a) "Child day care center" means an agency that regularly provides  
6 child day care and early learning services for a group of children for  
7 periods of less than twenty-four hours;

8 (b) "Early learning" includes but is not limited to programs and  
9 services for child care; state, federal, private, and nonprofit  
10 preschool; child care subsidies; child care resource and referral;  
11 parental education and support; and training and professional  
12 development for early learning professionals;

13 (c) "Family day care provider" means a child day care provider who  
14 regularly provides child day care and early learning services for not  
15 more than twelve children in the provider's home in the family living  
16 quarters;

17 (d) "Nongovernmental private-public partnership" means an entity  
18 registered as a nonprofit corporation in Washington state with a  
19 primary focus on early learning, school readiness, and parental  
20 support, and an ability to raise a minimum of five million dollars in  
21 contributions;

22 (e) "Service provider" means the entity that operates a community  
23 facility.

24 (2) "Agency" does not include the following:

25 (a) Persons related to the child in the following ways:

26 (i) Any blood relative, including those of half-blood, and  
27 including first cousins, nephews or nieces, and persons of preceding  
28 generations as denoted by prefixes of grand, great, or great-great;

29 (ii) Stepfather, stepmother, stepbrother, and stepsister;

30 (iii) A person who legally adopts a child or the child's parent as  
31 well as the natural and other legally adopted children of such persons,  
32 and other relatives of the adoptive parents in accordance with state  
33 law; or

34 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
35 subsection (2)(a), even after the marriage is terminated;

36 (b) Persons who are legal guardians of the child;

37 (c) Persons who care for a neighbor's or friend's child or  
38 children, with or without compensation, where the person providing care

1 for periods of less than twenty-four hours does not conduct such  
2 activity on an ongoing, regularly scheduled basis for the purpose of  
3 engaging in business, which includes, but is not limited to,  
4 advertising such care;

5 (d) Parents on a mutually cooperative basis exchange care of one  
6 another's children;

7 (e) Nursery schools or kindergartens that are engaged primarily in  
8 educational work with preschool children and in which no child is  
9 enrolled on a regular basis for more than four hours per day;

10 (f) Schools, including boarding schools, that are engaged primarily  
11 in education, operate on a definite school year schedule, follow a  
12 stated academic curriculum, accept only school-age children, and do not  
13 accept custody of children;

14 (g) Seasonal camps of three months' or less duration engaged  
15 primarily in recreational or educational activities;

16 (h) Facilities providing care to children for periods of less than  
17 twenty-four hours whose parents remain on the premises to participate  
18 in activities other than employment;

19 (i) Any agency having been in operation in this state ten years  
20 before June 8, 1967, and not seeking or accepting moneys or assistance  
21 from any state or federal agency, and is supported in part by an  
22 endowment or trust fund;

23 (j) An agency operated by any unit of local, state, or federal  
24 government or an agency, located within the boundaries of a federally  
25 recognized Indian reservation, licensed by the Indian tribe;

26 (k) An agency located on a federal military reservation, except  
27 where the military authorities request that such agency be subject to  
28 the licensing requirements of this chapter;

29 (l) An agency that offers early learning and support services, such  
30 as parent education, and does not provide child care services on a  
31 regular basis.

32 (3) "Applicant" means a person who requests or seeks employment in  
33 an agency.

34 (4) "Department" means the department of (~~early learning~~)  
35 education created in section 103 of this act.

36 (5) "Director" means the (~~director~~) secretary of (~~the~~  
37 ~~department~~) education or the secretary's designee.

1 (6) "Employer" means a person or business that engages the services  
2 of one or more people, especially for wages or salary to work in an  
3 agency.

4 (7) "Enforcement action" means denial, suspension, revocation,  
5 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)  
6 or assessment of civil monetary penalties pursuant to RCW  
7 43.215.300(3).

8 (8) "Probationary license" means a license issued as a disciplinary  
9 measure to an agency that has previously been issued a full license but  
10 is out of compliance with licensing standards.

11 (9) "Requirement" means any rule, regulation, or standard of care  
12 to be maintained by an agency.

13 (10) "Secretary" means the secretary of education.

14 **Sec. 203.** RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and  
15 2010 c 231 s 6 are each reenacted and amended to read as follows:

16 (1) The department of (~~early learning is created as an executive~~  
17 ~~branch agency. The department is vested with all~~) education is  
18 responsible for the powers and duties transferred to it under this  
19 chapter and such other powers and duties as may be authorized by law.

20 (2) The primary duties of the department under this chapter are to  
21 implement state early learning policy maximizing the integration with  
22 K-12 and postsecondary education and to coordinate, consolidate, and  
23 integrate child care and early learning programs in order to administer  
24 programs and funding as efficiently as possible. The department's  
25 duties include, but are not limited to, the following:

26 (a) To support both public and private sectors toward a  
27 comprehensive and collaborative system of early learning that serves  
28 parents, children, and providers and to encourage best practices in  
29 child care and early learning programs;

30 (b) To make early learning resources available to parents and  
31 caregivers;

32 (c) To carry out activities, including providing clear and easily  
33 accessible information about quality and improving the quality of early  
34 learning opportunities for young children, in cooperation with the  
35 nongovernmental private-public partnership;

36 (d) To administer child care and early learning programs;

1 (e) To serve as the state lead agency for Part C of the federal  
2 individuals with disabilities education act (IDEA);

3 (f) To standardize internal financial audits, oversight visits,  
4 performance benchmarks, and licensing criteria, so that programs can  
5 function in an integrated fashion;

6 (g) To support the implementation of the nongovernmental private-  
7 public partnership and cooperate with that partnership in pursuing its  
8 goals including providing data and support necessary for the successful  
9 work of the partnership;

10 ~~(h) ((To work cooperatively and in coordination with the early  
11 learning council;~~

12 ~~(i))~~ To collaborate with the K-12 school system at the state and  
13 local levels to ensure appropriate connections and smooth transitions  
14 between early learning and K-12 programs;

15 ~~((j))~~ (i) To develop and adopt rules for administration of the  
16 program of early learning established in RCW 43.215.141; and

17 ~~((k) To develop a comprehensive birth to three plan to provide  
18 education and support through a continuum of options including, but not  
19 limited to, services such as: Home visiting; quality incentives for  
20 infant and toddler child care subsidies; quality improvements for  
21 family home and center based child care programs serving infants and  
22 toddlers; professional development; early literacy programs; and  
23 informal supports for family, friend, and neighbor caregivers; and~~

24 ~~(l))~~ (j) Upon the development of an early learning information  
25 system, to make available to parents timely inspection and licensing  
26 action information through the internet and other means.

27 (3) The department's programs shall be designed in a way that  
28 respects and preserves the ability of parents and legal guardians to  
29 direct the education, development, and upbringing of their children,  
30 and that recognizes and honors cultural and linguistic diversity. The  
31 department shall include parents and legal guardians in the development  
32 of policies and program decisions affecting their children.

33 **Sec. 204.** RCW 43.215.147 and 2008 c 152 s 6 are each amended to  
34 read as follows:

35 ~~((1))~~ Within available funds, the ~~((council for children and  
36 families))~~ department shall fund evidence-based and research-based home  
37 visitation programs for improving parenting skills and outcomes for

1 children. Home visitation programs must be voluntary and must address  
2 the needs of families to alleviate the effect on child development of  
3 factors such as poverty, single parenthood, parental unemployment or  
4 underemployment, parental disability, or parental lack of high school  
5 diploma, which research shows are risk factors for child abuse and  
6 neglect and poor educational outcomes.

7 ~~((2) The council for children and families shall develop a plan  
8 with the department of social and health services, the department of  
9 health, the department of early learning, and the family policy council  
10 to coordinate or consolidate home visitation services for children and  
11 families and report to the appropriate committees of the legislature by  
12 December 1, 2007, with their recommendations for implementation of the  
13 plan.))~~

14 NEW SECTION. **Sec. 205.** The following acts or parts of acts, as  
15 now existing or hereafter amended, are each repealed:

16 (1) RCW 43.215.030 (Director--Appointment--Salary) and 2006 c 265  
17 s 104;

18 (2) RCW 43.215.040 (Director--Power and duties) and 2006 c 265 s  
19 105;

20 (3) RCW 43.215.090 (Early learning advisory council--Statewide  
21 early learning plan) and 2010 c 234 s 3, 2010 c 12 s 1, & 2007 c 394 s  
22 3;

23 (4) RCW 43.215.125 (Washington head start program proposal--Report)  
24 and 2009 c 564 s 941 & 2008 c 164 s 2;

25 (5) RCW 43.215.440 (Early childhood education and assistance  
26 program--State support--Priorities--Program funding levels) and 1994 c  
27 166 s 10, 1990 c 33 s 214, 1987 c 518 s 102, & 1985 c 418 s 9;

28 (6) RCW 43.215.445 (Early childhood education and assistance  
29 program--Reimbursement of advisory committee expenses) and 1985 c 418  
30 s 10; and

31 (7) RCW 41.06.097 (Department of early learning--Certain personnel  
32 exempted from chapter) and 2006 c 265 s 110.

33 **PART 3**

34 **K-12 EDUCATION**

1       **Sec. 301.** RCW 28A.300.020 and 2005 c 497 s 403 are each amended to  
2 read as follows:

3       The superintendent of public instruction may appoint assistant  
4 superintendents of public instruction, a deputy superintendent of  
5 public instruction, and may employ such other assistants and clerical  
6 help as are necessary to carry out the supervisory duties of the  
7 superintendent (~~(and the state board of education. However, the~~  
8 ~~superintendent shall employ without undue delay the executive director~~  
9 ~~of the state board of education and other state board of education~~  
10 ~~office assistants and clerical help, appointed by the state board under~~  
11 ~~RCW 28A.305.130, whose positions are allotted and funded in accordance~~  
12 ~~with moneys appropriated exclusively for the operation of the state~~  
13 ~~board of education. The rate of compensation and termination of any~~  
14 ~~such executive director, state board office assistants, and clerical~~  
15 ~~help shall be subject to the prior consent of the state board of~~  
16 ~~education)). The assistant superintendents, deputy superintendent, and~~  
17 ~~such other officers and employees as are exempted from the provisions~~  
18 ~~of chapter 41.06 RCW, shall serve at the pleasure of the superintendent~~  
19 ~~((or at the pleasure of the superintendent and the state board of~~  
20 ~~education as provided in this section. Expenditures by the~~  
21 ~~superintendent of public instruction for direct and indirect support of~~  
22 ~~the state board of education are valid operational expenditures by and~~  
23 ~~in behalf of the office of the superintendent of public instruction)).~~

24       **Sec. 302.** RCW 28A.300.030 and 1975 1st ex.s. c 275 s 46 are each  
25 amended to read as follows:

26       The department of education or the superintendent of public  
27 instruction, by rule (~~(or regulation)~~), may require the assistance of  
28 educational service district boards and/or superintendents in the  
29 performance of any duty, authority, or power imposed upon or granted to  
30 the department of education or the superintendent of public instruction  
31 by law or by the Constitution of the state of Washington, upon such  
32 terms and conditions as the department of education or the  
33 superintendent of public instruction shall establish. Such authority  
34 to assist the superintendent of public instruction shall be limited to  
35 the service function of information collection and dissemination and  
36 the attestment to the accuracy and completeness of submitted  
37 information. Authority to assist the department of education shall



1 include provision of services to students, educators, and organizations  
2 in settings from early learning through postsecondary education as  
3 directed by the department of education.

4 **Sec. 303.** RCW 28A.300.035 and 1994 c 113 s 1 are each amended to  
5 read as follows:

6 If the superintendent of public instruction or the (~~state board~~)  
7 department of education, in carrying out their powers and duties under  
8 Title 28A RCW, request the service of any certificated or classified  
9 employee of a school district upon any committee formed for the purpose  
10 of furthering education within the state, or within any school district  
11 therein, and such service would result in a need for a school district  
12 to employ a substitute for such certificated or classified employee  
13 during such service, payment for such a substitute may be made by the  
14 superintendent of public instruction or the department of education  
15 from funds appropriated by the legislature for the current use of the  
16 common schools and such payments shall be construed as amounts needed  
17 for state support to the common schools under RCW 28A.150.380. If such  
18 substitute is paid by the superintendent of public instruction or the  
19 department of education, no deduction shall be made from the salary of  
20 the certificated or classified employee. In no event shall a school  
21 district deduct from the salary of a certificated or classified  
22 employee serving on such committee more than the amount paid the  
23 substitute employed by the district.

24 **Sec. 304.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to  
25 read as follows:

26 In addition to any other powers and duties as provided by law, the  
27 powers and duties of the superintendent of public instruction shall be:

28 (1) To have supervision over all matters pertaining to the public  
29 schools of the state;

30 (2) To report to the governor and the legislature such information  
31 and data as may be required for the management and improvement of the  
32 schools;

33 (3) To maximize integration with early learning and postsecondary  
34 education and to coordinate and collaborate with the secretary of  
35 education and other department of education officials in carrying out  
36 the duties of the department of education;

1        (4) To prepare and have printed such forms, registers, courses of  
2 study, rules for the government of the common schools, and such other  
3 material and books as may be necessary for the discharge of the duties  
4 of teachers and officials charged with the administration of the laws  
5 relating to the common schools, and to distribute the same to  
6 educational service district superintendents;

7        ~~((+4))~~ (5) To travel, without neglecting his or her other official  
8 duties as superintendent of public instruction, for the purpose of  
9 attending educational meetings or conventions, of visiting schools, and  
10 of consulting educational service district superintendents or other  
11 school officials;

12        ~~((+5))~~ (6) To prepare and from time to time to revise a manual of  
13 the Washington state common school code, copies of which shall be made  
14 available online and which shall be sold at approximate actual cost of  
15 publication and distribution per volume to public and nonpublic  
16 agencies or individuals, said manual to contain Titles 28A and 28C RCW,  
17 rules related to the common schools, and such other matter as the state  
18 superintendent or the state board of education shall determine.  
19 Proceeds of the sale of such code shall be transmitted to the public  
20 printer who shall credit the state superintendent's account within the  
21 state printing plant revolving fund by a like amount;

22        ~~((+6))~~ (7) To file all papers, reports and public documents  
23 transmitted to the superintendent by the school officials of the  
24 several counties or districts of the state, each year separately.  
25 Copies of all papers filed in the superintendent's office, and the  
26 superintendent's official acts, may, or upon request, shall be  
27 certified by the superintendent and attested by the superintendent's  
28 official seal, and when so certified shall be evidence of the papers or  
29 acts so certified to;

30        ~~((+7))~~ (8) To require annually, on or before the 15th day of  
31 August, of the president, manager, or principal of every educational  
32 institution in this state, a report as required by the superintendent  
33 of public instruction; and it is the duty of every president, manager,  
34 or principal, to complete and return such forms within such time as the  
35 superintendent of public instruction shall direct;

36        ~~((+8))~~ (9) To keep in the superintendent's office a record of all  
37 teachers receiving certificates to teach in the common schools of this  
38 state;

1        ~~((9))~~ (10) To issue certificates as provided by law and the rules  
2 of the professional educator standards board;

3        ~~((10))~~ (11) To keep in the superintendent's office at the capital  
4 of the state, all books and papers pertaining to the business of the  
5 superintendent's office, and to keep and preserve in the  
6 superintendent's office a complete record of statistics, as well as a  
7 record of the meetings of the state board of education;

8        ~~((11))~~ (12) With the assistance of the office of the attorney  
9 general, to decide all points of law which may be submitted to the  
10 superintendent in writing by any educational service district  
11 superintendent, or that may be submitted to the superintendent by any  
12 other person, upon appeal from the decision of any educational service  
13 district superintendent; and the superintendent shall publish his or  
14 her rulings and decisions from time to time for the information of  
15 school officials and teachers; and the superintendent's decision shall  
16 be final unless set aside by a court of competent jurisdiction;

17        ~~((12))~~ (13) To administer oaths and affirmations in the discharge  
18 of the superintendent's official duties;

19        ~~((13))~~ (14) To deliver to his or her successor, at the expiration  
20 of the superintendent's term of office, all records, books, maps,  
21 documents and papers of whatever kind belonging to the superintendent's  
22 office or which may have been received by the superintendent's for the  
23 use of the superintendent's office;

24        ~~((14))~~ (15) To administer family services and programs to promote  
25 the state's policy as provided in RCW 74.14A.025;

26        ~~((15))~~ (16) To promote the adoption of school-based curricula and  
27 policies that provide quality, daily physical education for all  
28 students, and to encourage policies that provide all students with  
29 opportunities for physical activity outside of formal physical  
30 education classes;

31        ~~((16))~~ (17) To perform such other duties as may be required by  
32 law.

33        **Sec. 305.** RCW 28A.300.041 and 2009 c 310 s 1 are each amended to  
34 read as follows:

35        (1) The legislature finds that a statewide student assessment  
36 system should improve and inform classroom instruction, support  
37 accountability, and provide useful information to all levels of the

1 educational system, including students, parents, teachers, schools,  
2 school districts, and the state. The legislature intends to redesign  
3 the current statewide system, in accordance with the recommendations of  
4 the Washington assessment of student learning legislative work group,  
5 to:

6 (a) Include multiple assessment formats, including both formative  
7 and summative, as necessary to provide information to help improve  
8 instruction and inform accountability;

9 (b) Enable collection of data that allows both statewide and  
10 nationwide comparisons of student learning and achievement; and

11 (c) Be balanced so that the information used to make significant  
12 decisions that affect school accountability or student educational  
13 progress includes many data points and does not rely on solely the  
14 results of a single assessment.

15 (2) The legislature further finds that one component of the  
16 assessment system should be instructionally supportive formative  
17 assessments. The key design elements or characteristics of an  
18 instructionally supportive assessment must:

19 (a) Be aligned to state standards in areas that are being assessed;

20 (b) Measure student growth and competency at multiple points  
21 throughout the year in a manner that allows instructors to monitor  
22 student progress and have the necessary trend data with which to  
23 improve instruction;

24 (c) Provide rapid feedback;

25 (d) Link student growth with instructional elements in order to  
26 gauge the effectiveness of educators and curricula;

27 (e) Provide tests that are appropriate to the skill level of the  
28 student;

29 (f) Support instruction for students of all abilities, including  
30 highly capable students and students with learning disabilities;

31 (g) Be culturally, linguistically, and cognitively relevant,  
32 appropriate, and understandable to each student taking the assessment;

33 (h) Inform parents and draw parents into greater participation of  
34 the student's study plan;

35 (i) Provide a way to analyze the assessment results relative to  
36 characteristics of the student such as, but not limited to, English  
37 language learners, gender, ethnicity, poverty, age, and disabilities;

38 (j) Strive to be computer-based and adaptive; and

1 (k) Engage students in their learning.

2 (3) The legislature further finds that a second component of the  
3 assessment system should be a state-administered summative achievement  
4 assessment that can be used as a check on the educational system in  
5 order to guide state expectations for the instruction of children and  
6 satisfy legislative demands for accountability. The key design  
7 elements or characteristics of the state administered achievement  
8 assessment must:

9 (a) Be aligned to state standards in areas that are being assessed;

10 (b) Maintain and increase academic rigor;

11 (c) Measure student learning growth over years; and

12 (d) Strengthen curriculum.

13 (4) The legislature further finds that a third component of the  
14 assessment system should include classroom-based assessments, which may  
15 be formative, summative, or both. Depending on their use, classroom-  
16 based assessments should have the same design elements and  
17 characteristics described in this section for formative and summative  
18 assessments.

19 (5) The legislature further finds that to sustain a strong and  
20 viable assessment system, preservice and ongoing training should be  
21 provided for teachers and administrators on the effective use of  
22 different types of assessments.

23 (6) The legislature further finds that as the statewide data system  
24 is developed, data should be collected for all state-required statewide  
25 assessments to be used for accountability and to monitor overall  
26 student achievement.

27 (7) The superintendent of public instruction, in consultation with  
28 the (~~state board~~) department of education, shall begin design and  
29 development of an overall K-12 assessment system that meets the  
30 principles and characteristics described in this section. In designing  
31 formative and summative assessments, the superintendent shall solicit  
32 bids for the use of computerized adaptive testing methodologies.

33 (8) (~~Beginning December 1, 2009, and annually thereafter, the~~  
34 ~~superintendent and state board shall jointly report to the legislature~~  
35 ~~regarding the assessment system, including a cost analysis of any~~  
36 ~~changes and costs to expand availability and use of instructionally~~  
37 ~~supportive formative assessments.)) Beginning December 1, 2012, and  
38 annually thereafter, the department of education and the superintendent~~

1 of public instruction shall jointly report to the legislature regarding  
2 the K-12 assessment system, including a cost analysis of any changes  
3 and costs to expand availability and use of instructionally supportive  
4 formative assessments as well as efforts to align the K-12 assessment  
5 system with assessment development and implementation in early learning  
6 and higher education as appropriate.

7 **Sec. 306.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to  
8 read as follows:

9 All student data-related reports required of the superintendent of  
10 public instruction and the department of education in this title must  
11 be disaggregated by at least the following subgroups of students:  
12 White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific  
13 Islander/Hawaiian Native, low income, transitional bilingual, migrant,  
14 special education, and students covered by section 504 of the federal  
15 rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

16 **Sec. 307.** RCW 28A.300.050 and 2006 c 263 s 819 are each amended to  
17 read as follows:

18 The department of education and the superintendent of public  
19 instruction shall provide technical assistance to the professional  
20 educator standards board in the conduct of the activities described in  
21 RCW 28A.410.040 and 28A.410.050.

22 **Sec. 308.** RCW 28A.300.1361 and 2009 c 468 s 7 are each amended to  
23 read as follows:

24 The (~~superintendent of public instruction~~) department of  
25 education shall take all actions necessary to secure federal funds to  
26 support enhancing data collection and data system capacity in order to  
27 monitor progress in closing the achievement gap and to support other  
28 innovations and model programs that align education reform and address  
29 disproportionality in the public school system.

30 **Sec. 309.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to  
31 read as follows:

32 (1) The (~~office of the superintendent of public instruction~~)  
33 department of education shall be the lead agency and shall assist the  
34 department of social and health services, (~~the department of~~

1 ~~community, trade, and economic development~~) early learning providers,  
2 and school districts in establishing a coordinated primary prevention  
3 program for child abuse and neglect.

4 (2) In developing the program, consideration shall be given to the  
5 following:

6 (a) Parent, teacher, and children's workshops whose information and  
7 training is:

8 (i) Provided in a clear, age-appropriate, nonthreatening manner,  
9 delineating the problem and the range of possible solutions;

10 (ii) Culturally and linguistically appropriate to the population  
11 served;

12 (iii) Appropriate to the geographic area served; and

13 (iv) Designed to help counteract common stereotypes about child  
14 abuse victims and offenders;

15 (b) Training for school age children's parents and school staff,  
16 which includes:

17 (i) Physical and behavioral indicators of abuse;

18 (ii) Crisis counseling techniques;

19 (iii) Community resources;

20 (iv) Rights and responsibilities regarding reporting;

21 (v) School district procedures to facilitate reporting and apprise  
22 supervisors and administrators of reports; and

23 (vi) Caring for a child's needs after a report is made;

24 (c) Training for licensed day care providers and parents that  
25 includes:

26 (i) Positive child guidance techniques;

27 (ii) Physical and behavioral indicators of abuse;

28 (iii) Recognizing and providing safe, quality day care;

29 (iv) Community resources;

30 (v) Rights and responsibilities regarding reporting; and

31 (vi) Caring for the abused or neglected child;

32 (d) Training for children that includes:

33 (i) The right of every child to live free of abuse;

34 (ii) How to disclose incidents of abuse and neglect;

35 (iii) The availability of support resources and how to obtain help;

36 (iv) Child safety training and age-appropriate self-defense  
37 techniques; and

1 (v) A period for crisis counseling and reporting immediately  
2 following the completion of each children's workshop in a school  
3 setting which maximizes the child's privacy and sense of safety.

4 (3) The primary prevention program established under this section  
5 shall be a voluntary program and shall not be part of the basic program  
6 of education.

7 (4) Parents shall be given notice of the primary prevention program  
8 and may refuse to have their children participate in the program.

9 **Sec. 310.** RCW 28A.300.250 and 1991 c 366 s 402 are each amended to  
10 read as follows:

11 The department of education and the superintendent of public  
12 instruction shall aggressively solicit eligible schools, child and  
13 adult day care centers, and other organizations to participate in the  
14 nutrition programs authorized by the United States department of  
15 agriculture.

16 **Sec. 311.** RCW 28A.300.500 and 2007 c 401 s 2 are each amended to  
17 read as follows:

18 (1) The office of the superintendent of public instruction is  
19 authorized to establish a longitudinal student data system for and on  
20 behalf of school districts in the state that is integrated with the  
21 research and data work of the department of education. The primary  
22 purpose of the data system is to better aid research into programs and  
23 interventions that are most effective in improving student performance,  
24 better understand the state's public educator workforce, and provide  
25 information on areas within the educational system that need  
26 improvement.

27 (2) The confidentiality of personally identifiable student data  
28 shall be safeguarded consistent with the requirements of the federal  
29 family educational rights privacy act and applicable state laws.  
30 Consistent with the provisions of these federal and state laws, data  
31 may be disclosed for educational purposes and studies, including but  
32 not limited to:

33 (a) Educational studies authorized or mandated by the state  
34 legislature;

35 (b) Studies initiated by other state educational authorities and



1 authorized by the office of the superintendent of public instruction or  
2 the department of education, including analysis conducted by the  
3 education data center established under RCW 43.41.400; and

4 (c) Studies initiated by other public or private agencies and  
5 organizations and authorized by the office of the superintendent of  
6 public instruction or the department of education.

7 (3) Any agency or organization that is authorized by the office of  
8 the superintendent of public instruction or the department of education  
9 to access student-level data shall adhere to all federal and state laws  
10 protecting student data and safeguarding the confidentiality and  
11 privacy of student records.

12 (4) Nothing in this section precludes the office of the  
13 superintendent of public instruction or the department of education  
14 from collecting and distributing aggregate data about students or  
15 student-level data without personally identifiable information.

16 **Sec. 312.** RCW 28A.300.505 and 2007 c 401 s 5 are each amended to  
17 read as follows:

18 (1) The office of the superintendent of public instruction in  
19 collaboration with the department of education shall develop standards  
20 for school data systems that focus on validation and verification of  
21 data entered into the systems to ensure accuracy and compatibility of  
22 data. The standards shall address but are not limited to the following  
23 topics:

24 (a) Date validation;

25 (b) Code validation, which includes gender, race or ethnicity, and  
26 other code elements;

27 (c) Decimal and integer validation; and

28 (d) Required field validation as defined by state and federal  
29 requirements.

30 (2) The superintendent of public instruction in collaboration with  
31 the department of education shall develop a reporting format and  
32 instructions for school districts to collect and submit data on student  
33 demographics that is disaggregated by distinct ethnic categories within  
34 racial subgroups so that analyses may be conducted on student  
35 achievement using the disaggregated data.

1           **Sec. 313.** RCW 28A.305.130 and 2009 c 548 s 502 are each amended to  
2 read as follows:

3           ~~((The purpose of the state board of education is to provide  
4 advocacy and strategic oversight of public education; implement a  
5 standards-based accountability framework that creates a unified system  
6 of increasing levels of support for schools in order to improve student  
7 academic achievement; provide leadership in the creation of a system  
8 that personalizes education for each student and respects diverse  
9 cultures, abilities, and learning styles; and promote achievement of  
10 the goals of RCW 28A.150.210. In addition to any other powers and  
11 duties as provided by law, the state board of education shall:~~

12           ~~(1) Hold regularly scheduled meetings at such time and place within  
13 the state as the board shall determine and may hold such special  
14 meetings as may be deemed necessary for the transaction of public  
15 business;~~

16           ~~(2) Form committees as necessary to effectively and efficiently  
17 conduct the work of the board;~~

18           ~~(3) Seek advice from the public and interested parties regarding  
19 the work of the board;~~

20           ~~(4))~~ (1) For purposes of statewide kindergarten through grade  
21 twelve accountability, the secretary of education shall:

22           (a) Adopt and revise performance improvement goals in reading,  
23 writing, science, and mathematics, by subject and grade level, once  
24 assessments in these subjects are required statewide; academic and  
25 technical skills, as appropriate, in secondary career and technical  
26 education programs; and student attendance, ~~((as the board deems))~~  
27 appropriate to improve student learning. The goals shall be consistent  
28 with student privacy protection provisions of RCW 28A.655.090(7) and  
29 shall not conflict with requirements contained in Title I of the  
30 federal elementary and secondary education act of 1965, or the  
31 requirements of the Carl D. Perkins vocational education act of 1998,  
32 each as amended. The goals may be established for all students,  
33 economically disadvantaged students, limited English proficient  
34 students, students with disabilities, and students from  
35 disproportionately academically underachieving racial and ethnic  
36 backgrounds. The ~~((board))~~ secretary may establish school and school  
37 district goals addressing high school graduation rates and dropout  
38 reduction goals for students in grades seven through twelve. The

1 ((board)) secretary shall adopt the goals by rule. However, before  
2 each goal is implemented, the ((board)) secretary shall present the  
3 goal to the education committees of the house of representatives and  
4 the senate for the committees' review and comment in a time frame that  
5 will permit the legislature to take statutory action on the goal if  
6 such action is deemed warranted by the legislature;

7 (b) Identify the scores students must achieve in order to meet the  
8 standard on the Washington assessment of student learning and, for high  
9 school students, to obtain a certificate of academic achievement. The  
10 ((board)) secretary shall also determine student scores that identify  
11 levels of student performance below and beyond the standard. The  
12 ((board)) secretary shall consider the incorporation of the standard  
13 error of measurement into the decision regarding the award of the  
14 certificates. The ((board)) secretary shall set such performance  
15 standards and levels in consultation with the ((~~superintendent of~~  
16 ~~public instruction~~)) P-20 education council created in section 107 of  
17 this act and after consideration of any recommendations that may be  
18 developed by any advisory committees that may be established for this  
19 purpose. The initial performance standards and any changes recommended  
20 by the ((board)) secretary in the performance standards for the tenth  
21 grade assessment shall be presented to the education committees of the  
22 house of representatives and the senate by November 30th of the school  
23 year in which the changes will take place to permit the legislature to  
24 take statutory action before the changes are implemented if such action  
25 is deemed warranted by the legislature. The legislature shall be  
26 advised of the initial performance standards and any changes made to  
27 the elementary level performance standards and the middle school level  
28 performance standards;

29 (c) Annually review the assessment reporting system to ensure  
30 fairness, accuracy, timeliness, and equity of opportunity, especially  
31 with regard to schools with special circumstances and unique  
32 populations of students, and ((~~a recommendation to the superintendent~~  
33 ~~of public instruction of~~)) recommend any improvements needed to the  
34 system; ((and))

35 ((~~Include in the biennial report required under RCW~~  
36 ~~28A.305.035,~~)) Annually report to the legislature information on the  
37 progress that has been made in achieving adopted goals ((~~adopted by the~~  
38 ~~board~~));

1           ~~((5))~~ (e) Accredite, subject to such accreditation standards and  
2 procedures as may be established by the ~~((state board))~~ department of  
3 education, all private schools that apply for accreditation, and  
4 approve, subject to the provisions of RCW 28A.195.010, private schools  
5 carrying out a program for any or all of the grades kindergarten  
6 through twelve: PROVIDED, That no private school may be approved that  
7 operates a kindergarten program only: PROVIDED FURTHER, That no  
8 private schools shall be placed upon the list of accredited schools so  
9 long as secret societies are knowingly allowed to exist among its  
10 students by school officials; and

11           ~~((6))~~ (f) Articulate with the institutions of higher education,  
12 workforce representatives, and early learning policymakers and  
13 providers to coordinate and unify the work of the public school  
14 system(~~(7)~~

15           ~~(7) Hire an executive director and an administrative assistant to  
16 reside in the office of the superintendent of public instruction for  
17 administrative purposes. Any other personnel of the board shall be  
18 appointed as provided by RCW 28A.300.020. The board may delegate to  
19 the executive director by resolution such duties as deemed necessary to  
20 efficiently carry on the business of the board including, but not  
21 limited to, the authority to employ necessary personnel and the  
22 authority to enter into, amend, and terminate contracts on behalf of  
23 the board. The executive director, administrative assistant, and all  
24 but one of the other personnel of the board are exempt from civil  
25 service, together with other staff as now or hereafter designated as  
26 exempt in accordance with chapter 41.06 RCW; and~~

27           ~~(8) Adopt a seal that shall be kept in the office of the  
28 superintendent of public instruction)).~~

29           **Sec. 314.** RCW 28A.310.010 and 2009 c 381 s 25 are each amended to  
30 read as follows:

31           It shall be the intent and purpose of this chapter to establish  
32 educational service districts as regional agencies which are intended  
33 to:

34           (1) Provide cooperative and informational services to local school  
35 districts and to other education providers as appropriate;

36           (2) Assist the department of education and the superintendent of

1 public instruction (~~and the state board of education~~) in the  
2 performance of their respective statutory or constitutional duties; and  
3 (3) Provide services to school districts and to the Washington  
4 state center for childhood deafness and hearing loss and the school for  
5 the blind to assure equal educational opportunities and other education  
6 providers as appropriate.

7 **Sec. 315.** RCW 28A.310.200 and 2009 c 381 s 27 are each amended to  
8 read as follows:

9 In addition to other powers and duties as provided by law, every  
10 educational service district board shall:

11 (1) Approve the budgets of the educational service district in  
12 accordance with the procedures provided for in this chapter;

13 (2) Meet regularly according to the schedule adopted at the  
14 organization meeting and in special session upon the call of the chair  
15 or a majority of the board;

16 (3) Approve the selection of educational service district personnel  
17 and clerical staff as provided in RCW 28A.310.230;

18 (4) Fix the amount of and approve the bonds for those educational  
19 service district employees designated by the board as being in need of  
20 bonding;

21 (5) Keep in the educational service district office a full and  
22 correct transcript of the boundaries of each school district within the  
23 educational service district;

24 (6) Acquire by borrowing funds or by purchase, lease, devise,  
25 bequest, and gift and otherwise contract for real and personal property  
26 necessary for the operation of the educational service district and to  
27 the execution of the duties of the board and superintendent thereof and  
28 sell, lease, or otherwise dispose of that property not necessary for  
29 district purposes. No real property shall be acquired or alienated  
30 without the prior approval of the superintendent of public instruction  
31 and the acquisition or alienation of all such property shall be subject  
32 to such provisions as the superintendent may establish. When borrowing  
33 funds for the purpose of acquiring property, the educational service  
34 district board shall pledge as collateral the property to be acquired.  
35 Borrowing shall be evidenced by a note or other instrument between the  
36 district and the lender;

1 (7) Under RCW 28A.310.010, upon the written request of the board of  
2 directors of a local school district or districts served by the  
3 educational service district, the educational service district board of  
4 directors may provide cooperative and informational services not in  
5 conflict with other law that provide for the development and  
6 implementation of programs, activities, services, or practices that  
7 support the education of preschool through twelfth grade students in  
8 the public schools or that support the effective, efficient, or safe  
9 management and operation of the school district or districts served by  
10 the educational service district, or assist the department of education  
11 in providing services to students, educators, and organizations in  
12 settings from early learning through postsecondary education;

13 (8) Adopt such bylaws and rules for its own operation as it deems  
14 necessary or appropriate; and

15 (9) Enter into contracts, including contracts with common and  
16 educational service districts and the Washington state center for  
17 childhood deafness and hearing loss and the school for the blind for  
18 the joint financing of cooperative service programs conducted pursuant  
19 to RCW 28A.310.180(3), and employ consultants and legal counsel  
20 relating to any of the duties, functions, and powers of the educational  
21 service districts.

22 **Sec. 316.** RCW 28A.310.210 and 1975 1st ex.s. c 275 s 19 are each  
23 amended to read as follows:

24 In addition to other powers and duties prescribed by law every  
25 educational service district board shall be authorized to((+  
26 (+)) pay the expenses of its members in accordance with law for  
27 attendance at statewide meetings of educational service district board  
28 members.

29 ~~((2) Pay dues from educational service district funds in an amount~~  
30 ~~not to exceed one hundred dollars per board member per year for~~  
31 ~~membership in a statewide association of educational service district~~  
32 ~~board members: PROVIDED, That dues to such an association shall not be~~  
33 ~~paid unless the formation of such an association, including its~~  
34 ~~constitution and bylaws, is approved by a resolution passed by at least~~  
35 ~~two thirds of the educational service district boards within the state:~~  
36 ~~PROVIDED FURTHER, That such association if formed shall not employ any~~

1 ~~staff but shall contract either with the Washington state school~~  
2 ~~directors' association or with the superintendent of public instruction~~  
3 ~~for staff and informational services.))~~

4 **Sec. 317.** RCW 28A.310.270 and 1975 1st ex.s. c 275 s 24 are each  
5 amended to read as follows:

6 In addition to other powers and duties as provided by law, each  
7 educational service district superintendent shall:

8 (1) Serve as chief executive officer of the educational service  
9 district and secretary of the educational service district board.

10 (2) Visit the schools in the educational service district, counsel  
11 with directors and staff, and assist in every possible way to advance  
12 the educational ~~((interest in))~~ interests of the department of  
13 education and the educational service district.

14 **Sec. 318.** RCW 28A.310.280 and 1975 1st ex.s. c 275 s 25 are each  
15 amended to read as follows:

16 In addition to other powers and duties as provided by law, each  
17 educational service district superintendent shall:

18 (1) Perform such record keeping, including such annual reports as  
19 may be required, and liaison and informational services to local school  
20 districts, the department of education, and the superintendent of  
21 public instruction as required by rule ~~((or regulation))~~ of the  
22 department of education or the superintendent of public instruction  
23 ~~((or state board of education))~~: PROVIDED, That the department of  
24 education and the superintendent of public instruction ~~((and the state~~  
25 ~~board of education))~~ may require some or all of the school districts to  
26 report information directly when such reporting procedures are deemed  
27 desirable or feasible.

28 (2) Keep records of official acts of the educational service  
29 district board and superintendents in accordance with RCW ~~((28A.21.120,~~  
30 ~~as now or hereafter amended))~~ 28A.310.310.

31 (3) Preserve carefully all reports of school officers and teachers  
32 and deliver to the successor of the office all records, books,  
33 documents, and papers belonging to the office either personally or  
34 through a personal representative, taking a receipt for the same, which  
35 shall be filed in the office of the county auditor in the county where  
36 the office is located.

1       **Sec. 319.** RCW 28A.310.340 and 1990 c 33 s 286 are each amended to  
2 read as follows:

3       It is the intent of the legislature that a basic core of uniform  
4 services be provided by educational service districts and be identified  
5 in statute so that biennial budget requests for educational service  
6 districts may be based upon measurable goals and needs. Educational  
7 service districts as noted in RCW 28A.310.010, are intended primarily  
8 to:

9       (1) Provide cooperative and informational services to local  
10 districts and to perform functions for those districts when such  
11 functions are more effectively or economically administered from the  
12 regional level;

13       (2) Assist the state educational agencies, the department of  
14 education, and the office of the superintendent of public instruction  
15 (~~and the state board of education~~) in the legal performance of their  
16 duties; and

17       (3) Assist in providing pupils with equal educational  
18 opportunities.

19       The purpose of RCW 28A.310.350 and 28A.310.360 is to further  
20 identify those core services in order to prepare educational service  
21 district budgets for the 1979-81 biennium, and those bienniums beyond.

22       **Sec. 320.** RCW 28A.310.400 and 1975 1st ex.s. c 275 s 35 are each  
23 amended to read as follows:

24       The (~~superintendent of public instruction~~) department of  
25 education shall be responsible for the provision of legal services to  
26 all educational service districts: PROVIDED, That any educational  
27 service district board may contract with any county for the legal  
28 services of its prosecuting attorney.

29       **Sec. 321.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to  
30 read as follows:

31       (1) Under the constitutional framework and the laws of the state of  
32 Washington, the governance structure for the state's public common  
33 school system is comprised of the following bodies: The legislature,  
34 the governor, the superintendent of public instruction, the (~~state~~  
35 ~~board~~) department of education, the educational service district



1 boards of directors, and local school district boards of directors.  
2 The respective policy and administrative roles of each body are  
3 determined by the state Constitution and statutes.

4 (2) Local school districts are political subdivisions of the state  
5 and the organization of such districts, including the powers, duties,  
6 and boundaries thereof, may be altered or abolished by laws of the  
7 state of Washington.

8 **Sec. 322.** RCW 28A.315.115 and 1985 c 385 s 3 are each amended to  
9 read as follows:

10 Persons possessing the status of any of the following positions  
11 shall not be eligible to be a member of a regional committee: The  
12 secretary of education, the superintendent of public instruction, ((a  
13 ~~member of the state board of education,~~) an educational service  
14 district superintendent, a member of a board of directors of a school  
15 district, a member of an educational service district board, a member  
16 of a governing board of either a private school or a private school  
17 district which conducts any grades kindergarten through twelve,  
18 officers appointed by any such governing board, and employees of a  
19 school district, an educational service district, the ((~~office of the~~  
20 ~~superintendent of public instruction~~)) department of education, a  
21 private school, or a private school district.

22 **Sec. 323.** RCW 28A.315.185 and 2006 c 263 s 509 are each amended to  
23 read as follows:

24 To the extent funds are appropriated, the superintendent of public  
25 instruction, in cooperation with the educational service districts and  
26 the ((~~Washington state school directors' association~~)) state  
27 association representing the school district boards of directors, shall  
28 conduct an annual training meeting for the regional committees,  
29 educational service district superintendents, and local school district  
30 superintendents and boards of directors. Training may also be provided  
31 upon request.

32 **Sec. 324.** RCW 28A.410.010 and 2005 c 497 s 203 are each amended to  
33 read as follows:

34 The Washington professional educator standards board shall  
35 establish, publish, and enforce rules determining eligibility for and

1 certification of personnel employed in the common schools of this  
2 state, including certification for emergency or temporary, substitute  
3 or provisional duty and under such certificates or permits as the board  
4 shall deem proper or as otherwise prescribed by law. The rules shall  
5 require that the initial application for certification shall require a  
6 record check of the applicant through the Washington state patrol  
7 criminal identification system and through the federal bureau of  
8 investigation at the applicant's expense. The record check shall  
9 include a fingerprint check using a complete Washington state criminal  
10 identification fingerprint card. (~~The superintendent of public~~  
11 ~~instruction may waive~~) Professional educator standards board rules may  
12 provide for a waiver of the record check for any applicant who has had  
13 a record check within the two years before application. The rules  
14 shall permit a holder of a lapsed certificate but not a revoked or  
15 suspended certificate to be employed on a conditional basis by a school  
16 district with the requirement that the holder must complete any  
17 certificate renewal requirements established by the (~~state board of~~  
18 ~~education~~) professional educator standards board within two years of  
19 initial reemployment.

20 In establishing rules pertaining to the qualifications of  
21 instructors of American sign language the board shall consult with the  
22 national association of the deaf, "sign instructors guidance network"  
23 (s.i.g.n.), and the Washington state association of the deaf for  
24 evaluation and certification of sign language instructors.

25 The superintendent of public instruction shall act as the  
26 administrator of any such rules and have the power to issue any  
27 certificates or permits and revoke the same in accordance with  
28 professional educator standards board rules.

29 **Sec. 325.** RCW 28A.410.090 and 2009 c 396 s 5 are each amended to  
30 read as follows:

31 (1)(a) Any certificate or permit authorized under the provisions of  
32 this chapter, chapter 28A.405 RCW, or rules (~~promulgated~~) adopted  
33 thereunder by the professional educator standards board, may be revoked  
34 or suspended by the authority authorized to grant the same based upon  
35 a criminal records report authorized by law, or upon the complaint of  
36 any school district superintendent, educational service district  
37 superintendent, or private school administrator for immorality,

1 violation of written contract, unprofessional conduct, intemperance, or  
2 crime against the law of the state. School district superintendents,  
3 educational service district superintendents, or private school  
4 administrators may file a complaint concerning any certificated  
5 employee of a school district, educational service district, or private  
6 school and this filing authority is not limited to employees of the  
7 complaining superintendent or administrator. Such written complaint  
8 shall state the grounds and summarize the factual basis upon which a  
9 determination has been made that an investigation by the superintendent  
10 of public instruction is warranted.

11 (b) If the superintendent of public instruction has reasonable  
12 cause to believe that an alleged violation of this chapter or rules  
13 adopted under it has occurred based on a written complaint alleging  
14 physical abuse or sexual misconduct by a certificated school employee  
15 filed by a parent or another person, but no complaint has been  
16 forwarded to the superintendent by a school district superintendent,  
17 educational service district superintendent, or private school  
18 administrator, and that a school district superintendent, educational  
19 service district superintendent, or private school administrator has  
20 sufficient notice of the alleged violation and opportunity to file a  
21 complaint, the superintendent of public instruction may cause an  
22 investigation to be made of the alleged violation, together with such  
23 other matters that may be disclosed in the course of the investigation  
24 related to certificated personnel.

25 (2) A parent or another person may file a written complaint with  
26 the superintendent of public instruction alleging physical abuse or  
27 sexual misconduct by a certificated school employee if:

28 (a) The parent or other person has already filed a written  
29 complaint with the educational service district superintendent  
30 concerning that employee;

31 (b) The educational service district superintendent has not caused  
32 an investigation of the allegations and has not forwarded the complaint  
33 to the superintendent of public instruction for investigation; and

34 (c) The written complaint states the grounds and factual basis upon  
35 which the parent or other person believes an investigation should be  
36 conducted.

37 (3)(a) Any such certificate or permit authorized under this chapter  
38 or chapter 28A.405 RCW shall be revoked by the authority authorized to

1 grant the certificate upon a guilty plea or the conviction of any  
2 felony crime specified under RCW 28A.400.322, in accordance with this  
3 section. The person whose certificate is in question shall be given an  
4 opportunity to be heard.

5 (b) Mandatory permanent revocation upon a guilty plea or the  
6 conviction of felony crimes specified under RCW 28A.400.322(1) shall  
7 apply to such convictions or guilty pleas which occur after July 23,  
8 1989, and before July 26, 2009.

9 (c) Mandatory permanent revocation upon a guilty plea or conviction  
10 of felony crimes specified under RCW 28A.400.322(2) shall apply to such  
11 convictions or guilty pleas that occur on or after July 26, 2009.

12 (d) Revocation of any certificate or permit authorized under this  
13 chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction  
14 of a crime specified under RCW 28A.400.322 occurring prior to July 23,  
15 1989, shall be subject to the provisions of subsection (1) of this  
16 section.

17 (4)(a) Any such certificate or permit authorized under this chapter  
18 or chapter 28A.405 RCW shall be suspended or revoked, according to the  
19 provisions of this subsection, by the authority authorized to grant the  
20 certificate upon a finding that an employee has engaged in an  
21 unauthorized use of school equipment to intentionally access material  
22 depicting sexually explicit conduct or has intentionally possessed on  
23 school grounds any material depicting sexually explicit conduct; except  
24 for material used in conjunction with established curriculum. A first  
25 time violation of this subsection shall result in either suspension or  
26 revocation of the employee's certificate or permit as determined by the  
27 office of the superintendent of public instruction. A second violation  
28 shall result in a mandatory revocation of the certificate or permit.

29 (b) In all cases under this subsection (4), the person whose  
30 certificate is in question shall be given an opportunity to be heard  
31 (~~and has the right to appeal as established in RCW 28A.410.100~~).  
32 Certificates or permits shall be suspended or revoked under this  
33 subsection only if findings are made on or after July 24, 2005. For  
34 the purposes of this subsection, "sexually explicit conduct" has the  
35 same definition as provided in RCW 9.68A.011.

36 (5) Any such certificate or permit authorized under this chapter or  
37 chapter 28A.405 RCW shall be revoked by the authority authorized to  
38 grant the certificate upon a finding that the certificate holder

1 obtained the certificate through fraudulent means, including fraudulent  
2 misrepresentation of required academic credentials or prior criminal  
3 record. In all cases under this subsection, the person whose  
4 certificate is in question shall be given an opportunity to be heard  
5 (~~and has the right to appeal as established in RCW 28A.410.100~~).  
6 Certificates or permits shall be revoked under this subsection only if  
7 findings are made on or after July 26, 2009.

8 **Sec. 326.** RCW 28A.410.200 and 2009 c 531 s 2 are each amended to  
9 read as follows:

10 (1)(a) The Washington professional educator standards board is  
11 created, consisting of (~~twelve~~) thirteen members to be appointed by  
12 the governor to four-year terms (~~and the superintendent of public~~  
13 ~~instruction. On August 1, 2009, the board shall be reduced to twelve~~  
14 ~~members~~)).

15 (b) Vacancies on the board shall be filled by appointment or  
16 reappointment by the governor to terms of four years.

17 (c) No person may serve as a member of the board for more than two  
18 consecutive full four-year terms.

19 (d) The governor shall biennially appoint the chair of the board.  
20 No board member may serve as chair for more than four consecutive  
21 years.

22 (2) A majority of the members of the board shall be active  
23 practitioners with the majority being classroom based. Membership on  
24 the board shall include individuals having one or more of the  
25 following:

26 (a) Experience in one or more of the education roles for which  
27 state preparation program approval is required and certificates issued;

28 (b) Experience providing or leading a state-approved teacher or  
29 educator preparation program;

30 (c) Experience providing mentoring and coaching to education  
31 professionals or others; and

32 (d) Education-related community experience.

33 (3) In appointing board members, the governor shall consider the  
34 individual's commitment to quality education and the ongoing  
35 improvement of instruction, experiences in the public schools or  
36 private schools, involvement in developing quality teaching preparation

1 and support programs, and vision for the most effective yet practical  
2 system of assuring teaching quality. The governor shall also consider  
3 the diversity of the population of the state.

4 (4) All appointments to the board made by the governor are subject  
5 to confirmation by the senate.

6 (5) Each member of the board shall be compensated in accordance  
7 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred  
8 in carrying out the duties of the board in accordance with RCW  
9 43.03.050 and 43.03.060.

10 (6) The governor may remove a member of the board for neglect of  
11 duty, misconduct, malfeasance or misfeasance in office, or for  
12 incompetency or unprofessional conduct as defined in chapter 18.130  
13 RCW. In such a case, the governor shall file with the secretary of  
14 state a statement of the causes for and the order of removal from  
15 office, and the secretary of state shall send a certified copy of the  
16 statement of causes and order of removal to the last known post office  
17 address of the member.

18 (7) (~~Members of the board shall hire an executive director and an~~  
19 ~~administrative assistant to reside in the office of the superintendent~~  
20 ~~of public instruction for administrative purposes only~~) The board  
21 shall perform the following activities related to the executive  
22 director of the board: (a) Develop a process for recommending  
23 candidates for the position of executive director and, upon a vacancy  
24 occurring, submit a list of three qualified candidates for executive  
25 director to the secretary; and (b) submit an annual evaluation of the  
26 executive director to the secretary of education.

27 (8) Members of the board may create informal advisory groups as  
28 needed to inform the board's work.

29 **Sec. 327.** RCW 28A.410.210 and 2009 c 531 s 4 are each amended to  
30 read as follows:

31 The purpose of the professional educator standards board is to  
32 establish policies and requirements for the preparation and  
33 certification of educators that provide standards for competency in  
34 professional knowledge and practice in the areas of certification; a  
35 foundation of skills, knowledge, and attitudes necessary to help  
36 students with diverse needs, abilities, cultural experiences, and  
37 learning styles meet or exceed the learning goals outlined in RCW

1 28A.150.210; knowledge of research-based practice; and professional  
2 development throughout a career. The Washington professional educator  
3 standards board shall:

4 (1) Establish policies and practices for the approval of programs  
5 of courses, requirements, and other activities leading to educator  
6 certification including teacher, school administrator, and educational  
7 staff associate certification;

8 (2) Establish policies and practices for the approval of the  
9 character of work required to be performed as a condition of entrance  
10 to and graduation from any educator preparation program including  
11 teacher, school administrator, and educational staff associate  
12 preparation program as provided in subsection (1) of this section;

13 (3) Establish a list of accredited institutions of higher education  
14 of this and other states whose graduates may be awarded educator  
15 certificates as teacher, school administrator, and educational staff  
16 associate and establish criteria and enter into agreements with other  
17 states to acquire reciprocal approval of educator preparation programs  
18 and certification, including teacher certification from the national  
19 board for professional teaching standards;

20 (4) Establish policies for approval of nontraditional educator  
21 preparation programs;

22 (5) Conduct a review of educator program approval standards at  
23 least every five years, beginning in 2006, to reflect research findings  
24 and assure continued improvement of preparation programs for teachers,  
25 administrators, and school specialized personnel;

26 (6) Specify the types and kinds of educator certificates to be  
27 issued and conditions, including certificate suspension and revocation,  
28 for certification in accordance with subsection (1) of this section  
29 (~~and~~), RCW 28A.410.010, and as authorized by law;

30 (7) Apply for and receive federal or other funds on behalf of the  
31 state for purposes related to the duties of the board;

32 (8) Adopt rules under chapter 34.05 RCW that are necessary for the  
33 effective and efficient implementation of this chapter;

34 (9) Maintain data concerning educator preparation programs and  
35 their quality, educator certification, educator employment trends and  
36 needs, and other data deemed relevant by the board;

37 (10) Serve as an advisory body to the department of education and  
38 the superintendent of public instruction on issues related to educator

1 recruitment, hiring, mentoring and support, professional growth,  
2 retention, educator evaluation including but not limited to peer  
3 evaluation, and revocation and suspension of licensure;

4 (11) Submit, by October 15th of each even-numbered year, a  
5 ((joint)) report ((with the state board of education)) to the  
6 legislative education committees((7)) and the governor((7, and the  
7 superintendent of public instruction. The report shall address the  
8 progress the boards have made and the obstacles they have encountered,  
9 individually and collectively, in the work of achieving the goals set  
10 out in RCW 28A.150.210)) regarding the work accomplished by the board  
11 as directed by this chapter and any recommendations for improvements  
12 related to the effective and efficient discharge of these duties and  
13 the programs administered;

14 (12) Establish the prospective teacher assessment system for basic  
15 skills and subject knowledge that shall be required to obtain residency  
16 certification pursuant to RCW 28A.410.220 through 28A.410.240;

17 (13) By January 2010, set performance standards and develop, pilot,  
18 and implement a uniform and externally administered professional-level  
19 certification assessment based on demonstrated teaching skill. In the  
20 development of this assessment, consideration shall be given to changes  
21 in professional certification program components such as the  
22 culminating seminar; and

23 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

24 **Sec. 328.** RCW 28A.410.220 and 2008 c 176 s 2 are each amended to  
25 read as follows:

26 (1)(a) Beginning not later than September 1, 2001, the Washington  
27 professional educator standards board shall make available and pilot a  
28 means of assessing an applicant's knowledge in the basic skills. For  
29 the purposes of this section, "basic skills" means the subjects of at  
30 least reading, writing, and mathematics. Beginning September 1, 2002,  
31 except as provided in (c) of this subsection and subsection (4) of this  
32 section, passing this assessment shall be required for admission to  
33 approved teacher preparation programs and for persons from out-of-state  
34 applying for a Washington state residency teaching certificate.

35 (b) On an individual student basis, approved teacher preparation  
36 programs may admit into their programs a candidate who has not achieved  
37 the minimum basic skills assessment score established by the Washington



1 professional educator standards board. Individuals so admitted may not  
2 receive residency certification without passing the basic skills  
3 assessment under this section.

4 (c) The Washington professional educator standards board may  
5 establish criteria to ensure that persons from out-of-state who are  
6 applying for residency certification and persons applying to master's  
7 degree level teacher preparation programs can demonstrate to the  
8 board's satisfaction that they have the requisite basic skills based  
9 upon having completed another basic skills assessment acceptable to the  
10 Washington professional educator standards board or by some other  
11 alternative approved by the Washington professional educator standards  
12 board.

13 (2) The professional educator standards board shall set performance  
14 standards and develop, pilot, and implement a uniform and externally  
15 administered professional-level certification assessment based on  
16 demonstrated teaching skill. In the development of this assessment,  
17 consideration shall be given to changes in professional certification  
18 program components such as the culminating seminar.

19 (3) Beginning not later than September 1, 2002, the Washington  
20 professional educator standards board shall provide for the initial  
21 piloting and implementation of a means of assessing an applicant's  
22 knowledge in the subjects for which the applicant has applied for an  
23 endorsement to his or her residency or professional teaching  
24 certificate. The assessment of subject knowledge shall not include  
25 instructional methodology. Beginning September 1, 2005, passing this  
26 assessment shall be required to receive an endorsement for  
27 certification purposes.

28 (4) The Washington professional educator standards board may permit  
29 exceptions from the assessment requirements under subsections (1), (2),  
30 and (3) of this section on a case-by-case basis.

31 (5) The Washington professional educator standards board shall  
32 provide for reasonable accommodations for individuals who are required  
33 to take the assessments in subsection (1), (2), or (3) of this section  
34 if the individuals have learning or other disabilities.

35 (6) With the exception of applicants exempt from the requirements  
36 of subsections (1), (2), and (3) of this section, an applicant must  
37 achieve a minimum assessment score or scores established by the

1 Washington professional educator standards board on each of the  
2 assessments under subsections (1), (2), and (3) of this section.

3 (7) The Washington professional educator standards board and  
4 (~~superintendent of public instruction~~) the department of education,  
5 as determined by the Washington professional educator standards board,  
6 may contract with one or more third parties for:

7 (a) The development, purchase, administration, scoring, and  
8 reporting of scores of the assessments established by the Washington  
9 professional educator standards board under subsections (1), (2), and  
10 (3) of this section;

11 (b) Related clerical and administrative activities; or

12 (c) Any combination of the purposes in this subsection.

13 (8) Applicants for admission to a Washington teacher preparation  
14 program and applicants for residency and professional certificates who  
15 are required to successfully complete one or more of the assessments  
16 under subsections (1), (2), and (3) of this section, and who are  
17 charged a fee for the assessment by a third party contracted with under  
18 subsection (7) of this section, shall pay the fee charged by the  
19 contractor directly to the contractor. Such fees shall be reasonably  
20 related to the actual costs of the contractor in providing the  
21 assessment.

22 (9) (~~The superintendent of public instruction is responsible for~~  
23 ~~supervision and providing support services to administer this section.~~

24 ~~(10)~~) The Washington professional educator standards board shall  
25 ~~(collaboratively)~~ select or develop and implement the assessments and  
26 minimum assessment scores required under this section (~~with the~~  
27 ~~superintendent of public instruction~~) and shall provide opportunities  
28 for representatives of other interested educational organizations to  
29 participate in the selection or development and implementation of such  
30 assessments in a manner deemed appropriate by the Washington  
31 professional educator standards board.

32 ~~((11))~~ (10) The Washington professional educator standards board  
33 shall adopt rules under chapter 34.05 RCW that are reasonably necessary  
34 for the effective and efficient implementation of this section.

35 **Sec. 329.** RCW 43.06B.010 and 2006 c 116 s 3 are each amended to  
36 read as follows:

37 (1) There is hereby created the office of the education ombudsman

1 within the (~~office of the governor~~) department of education for the  
2 purposes of providing information to parents, students, and others  
3 regarding their rights and responsibilities with respect to the state's  
4 public elementary and secondary education system, and advocating on  
5 behalf of elementary and secondary students.

6 (2)(a) The governor shall appoint an ombudsman who shall be a  
7 person of recognized judgment, independence, objectivity, and integrity  
8 and shall be qualified by training or experience or both in the  
9 following areas:

10 (i) Public education law and policy in this state;

11 (ii) Dispute resolution or problem resolution techniques, including  
12 mediation and negotiation; and

13 (iii) Community outreach.

14 (b) The education ombudsman may not be an employee of any school  
15 district(~~(, the office of the superintendent of public instruction, or~~  
16 ~~the state board of education)~~) while serving as an education ombudsman.

17 (3) Before the appointment of the education ombudsman, the governor  
18 shall share information regarding the appointment to a six-person  
19 legislative committee appointed and comprised as follows:

20 (a) The committee shall consist of three senators and three members  
21 of the house of representatives from the legislature.

22 (b) The senate members of the committee shall be appointed by the  
23 president of the senate. Two members shall represent the majority  
24 caucus and one member the minority caucus.

25 (c) The house of representatives members of the committee shall be  
26 appointed by the speaker of the house of representatives. Two members  
27 shall represent the majority caucus and one member the minority caucus.

28 (4) If sufficient appropriations are provided, the education  
29 ombudsman shall delegate and certify regional education ombudsmen. The  
30 education ombudsman shall ensure that the regional ombudsmen selected  
31 are appropriate to the community in which they serve and hold the same  
32 qualifications as in subsection (2)(a) of this section. The education  
33 ombudsman may not contract with (~~the superintendent of public~~  
34 ~~instruction, or~~) any school, school district, or current employee of  
35 a school(~~(, )~~) or school district(~~(, or the office of the superintendent~~  
36 ~~of public instruction)~~) for the provision of regional ombudsman  
37 services.

1           **Sec. 330.** RCW 43.06B.030 and 2006 c 116 s 5 are each amended to  
2 read as follows:

3           (1) Neither the education ombudsman nor any regional educational  
4 ombudsmen are liable for good faith performance of responsibilities  
5 under this chapter.

6           (2) No discriminatory, disciplinary, or retaliatory action may be  
7 taken against any student or employee of any school district, the  
8 office of the superintendent of public (~~education [instruction], or~~  
9 ~~the state board~~) instruction, or the department of education, for any  
10 communication made, or information given or disclosed, to aid the  
11 education ombudsman in carrying out his or her duties and  
12 responsibilities, unless the same was done without good faith or  
13 maliciously. This subsection is not intended to infringe upon the  
14 rights of a school district to supervise, discipline, or terminate an  
15 employee for other reasons or to discipline a student for other  
16 reasons.

17           (3) All communications by the education ombudsman or the  
18 ombudsman's staff or designee, if reasonably related to the education  
19 ombudsman's duties and responsibilities and done in good faith, are  
20 privileged and that privilege shall serve as a defense to any action in  
21 libel or slander.

22           **Sec. 331.** RCW 43.06B.050 and 2006 c 116 s 7 are each amended to  
23 read as follows:

24           The education ombudsman shall report on the work and accomplishment  
25 of the office and advise and make recommendations to the governor((~~7~~))  
26 and the legislature(~~(, and the state board of education annually. The~~  
27 ~~initial report to the governor, the legislature, and the state board of~~  
28 ~~education shall be made by September 1, 2007, and there shall be annual~~  
29 ~~reports~~)) annually by September 1st of each year ((~~thereafter~~)). The  
30 annual reports shall provide at least the following information:

31           (1) How the education ombudsman's services have been used and by  
32 whom;

33           (2) Methods for the education ombudsman to increase and enhance  
34 family and community involvement in public education;

35           (3) Recommendations to eliminate barriers and obstacles to  
36 meaningful family and community involvement in public education; and

1 (4) Strategies to improve the educational opportunities for all  
2 students in the state, including recommendations from organizations and  
3 groups provided in RCW 43.06B.020(8).

4 **Sec. 332.** RCW 72.40.010 and 2009 c 381 s 3 are each amended to  
5 read as follows:

6 There are established at Vancouver, Clark county, a school which  
7 shall be known as the state school for the blind, and a separate school  
8 which shall be known as the state school for the deaf. The primary  
9 purpose of the state school for the blind and the state school for the  
10 deaf is to educate and train hearing and visually impaired children.

11 The school for the blind shall be under the direction of the  
12 superintendent with the advice of the board of trustees. The  
13 superintendent shall report to the secretary of education. The school  
14 for the deaf shall be under the direction of the director of the center  
15 for childhood deafness and hearing loss or the director's designee  
16 ((and)) with the advice of the board of trustees. The director shall  
17 report to the secretary of education.

18 **Sec. 333.** RCW 72.40.015 and 2009 c 381 s 2 are each amended to  
19 read as follows:

20 (1) The Washington state center for childhood deafness and hearing  
21 loss is established within the department of education to provide  
22 statewide leadership for the coordination and delivery of educational  
23 services to children who are deaf or hard of hearing. The activities  
24 of the center shall be under the ~~((authority))~~ direction of the  
25 director and advice of the board of trustees. ~~((The superintendent and~~  
26 ~~board of trustees of the state school for the deaf as of July 26, 2009,~~  
27 ~~shall be the director and board of trustees of the center.))~~

28 (2) The center's primary functions are:

29 (a) Managing and directing the supervision of the state school for  
30 the deaf;

31 (b) Providing statewide leadership and support for the coordination  
32 of regionally delivered educational services in the full range of  
33 communication modalities, for children who are deaf or hard of hearing;  
34 and

35 (c) Collaborating with appropriate public and private partners for

1 the training and professional development of educators serving children  
2 who are deaf or hard of hearing.

3 **Sec. 334.** RCW 72.40.019 and 2009 c 381 s 4 are each amended to  
4 read as follows:

5 The (~~governor~~) secretary of education shall appoint a director  
6 for the Washington state center for childhood deafness and hearing  
7 loss. The director shall have a master's or higher degree from an  
8 accredited college or university in school administration or deaf  
9 education, five or more years of experience teaching or providing  
10 habilitative services to deaf or hard of hearing students, and three or  
11 more years administrative or supervisory experience in programs for  
12 deaf or hard of hearing students.

13 **Sec. 335.** RCW 72.40.0191 and 2009 c 381 s 5 are each amended to  
14 read as follows:

15 In addition to any other powers and duties prescribed by law, the  
16 director of the Washington state center for childhood deafness and  
17 hearing loss:

18 (1) Shall be responsible for the supervision and management of the  
19 center, including the state school for the deaf, and the property of  
20 various kinds. The director may designate an individual to oversee the  
21 day-to-day operation and supervision of students at the school;

22 (2) Shall employ members of the faculty, administrative officers,  
23 and other employees, who shall all be subject to chapter 41.06 RCW, the  
24 state civil service law, unless specifically exempted by other  
25 provisions of law;

26 (3) Shall provide technical assistance and support as appropriate  
27 to local and regional efforts to build critical mass and  
28 communication-rich networking opportunities for children who are deaf  
29 or hard of hearing and their families;

30 (4) Shall establish the course of study including vocational  
31 training, with the assistance of the faculty and the approval of the  
32 board of trustees;

33 (5) Shall(~~, as approved by the board of trustees,~~) control and  
34 authorize the use of the facilities for night school, summer school,  
35 public meetings, applied research and training for the instruction of

1 students who are deaf or hard of hearing, outreach and support to  
2 families of children who are deaf or hard of hearing, or other purposes  
3 consistent with the purposes of the center;

4 (6) Shall purchase all supplies and lease or purchase equipment and  
5 other personal property needed for the operation or maintenance of the  
6 center;

7 (7) Shall prepare(~~(, submit to the board of trustees for~~  
8 ~~approval,)~~) and administer the budget consistent with RCW 43.88.160 and  
9 the budget and accounting act, chapter 43.88 RCW generally, as  
10 applicable;

11 (8) Shall provide technical assistance and support to educational  
12 service districts for the regional delivery of a full range of  
13 educational services to students who are deaf or hard of hearing,  
14 including but not limited to services relying on American Sign  
15 Language, auditory oral education, total communication, and signed  
16 exact English;

17 (9) As requested by educational service districts, shall recruit,  
18 employ, and deploy itinerant teachers to provide in-district services  
19 to children who are deaf or hard of hearing;

20 (10) May establish criteria, in addition to state certification,  
21 for the teachers at the school and employees of the center;

22 (11) May establish(~~(, with the approval of the board of trustees,)~~)  
23 new facilities as needs demand;

24 (12) May adopt rules, under chapter 34.05 RCW, (~~(as approved by the~~  
25 ~~board of trustees and)~~) as deemed necessary for the governance,  
26 management, and operation of the center;

27 (13) May adopt rules(~~(, as approved by the board of trustees,)~~) for  
28 pedestrian and vehicular traffic on property owned, operated, and  
29 maintained by the center;

30 (14) Except as otherwise provided by law, may enter into contracts  
31 as the director deems essential to the purpose of the center;

32 (15) May receive gifts, grants, conveyances, devises, and bequests  
33 of real or personal property from whatever source, as may be made from  
34 time to time, in trust or otherwise, whenever the terms and conditions  
35 will aid in carrying out the programs of the center; sell, lease, or  
36 exchange, invest, or expend the same or the proceeds, rents, profits,  
37 and income thereof except as limited by the terms and conditions

1    thereof; and adopt rules to govern the receipt and expenditure of the  
2    proceeds, rents, profits, and income thereof;

3           (16) May adopt rules(~~(, as approved by the board of trustees,)~~)  
4    providing for the transferability of employees between the center and  
5    the school for the blind consistent with collective bargaining  
6    agreements in effect; and

7           (17) May adopt rules under chapter 34.05 RCW(~~(, as approved by the~~  
8    ~~board of trustees,)~~) and perform all other acts not forbidden by law as  
9    the director deems necessary or appropriate to the administration of  
10   the center.

11           **Sec. 336.** RCW 72.40.020 and 1985 c 378 s 13 are each amended to  
12   read as follows:

13           The (~~governor~~) secretary of education shall appoint a  
14   superintendent for the state school for the blind. The superintendent  
15   shall have a master's degree from an accredited college or university  
16   in school administration or blind education, five years of experience  
17   teaching blind students in the classroom, and three years  
18   administrative or supervisory experience in programs for blind  
19   students.

20           **Sec. 337.** RCW 72.40.024 and 2009 c 381 s 6 are each amended to  
21   read as follows:

22           In addition to the powers and duties under RCW 72.40.022 and  
23   72.40.0191, the superintendent of the school for the blind and the  
24   director of the Washington state center for childhood deafness and  
25   hearing loss, or the director's designee, shall:

26           (1) Monitor the location and educational placement of each student  
27   reported to the superintendent and the director, or the director's  
28   designee, by the educational service district superintendents;

29           (2) Provide information about educational programs, instructional  
30   techniques, materials, equipment, and resources available to students  
31   with visual or auditory impairments to the parent or guardian,  
32   educational service district superintendent, and the superintendent of  
33   the school district where the student resides; and

34           (3) Serve as a consultant to the department of education and the  
35   office of the superintendent of public instruction, provide



1 instructional leadership, and assist school districts in improving  
2 their instructional programs for students with visual or hearing  
3 impairments.

4 **Sec. 338.** RCW 72.41.010 and 1985 c 378 s 28 are each amended to  
5 read as follows:

6 It is the intention of the legislature in creating a board of  
7 trustees for the state school for the blind to perform the duties set  
8 forth in this chapter, that the board of trustees perform needed  
9 advisory services to the legislature, to the secretary of education,  
10 and to the superintendent of the Washington state school for the blind,  
11 in the development of programs for the visually impaired, and in the  
12 operation of the Washington state school for the blind.

13 **Sec. 339.** RCW 72.41.020 and 1993 c 147 s 7 are each amended to  
14 read as follows:

15 There is hereby created a board of trustees for the state school  
16 for the blind to be composed of a resident from each of the state's  
17 congressional districts now or hereafter existing. Trustees with  
18 voting privileges shall be appointed by the (~~governor with the consent~~  
19 ~~of the senate~~) secretary of education. A representative of the  
20 parent-teachers association of the Washington state school for the  
21 blind, a representative of the Washington council of the blind, a  
22 representative of the national federation of the blind of Washington,  
23 one representative designated by the teacher association of the  
24 Washington state school for the blind, and a representative of the  
25 classified staff designated by his or her exclusive bargaining  
26 representative shall each be ex officio and nonvoting members of the  
27 board of trustees and shall serve during their respective tenures in  
28 such positions.

29 Trustees shall be appointed by the (~~governor~~) secretary of  
30 education to serve for a term of five years except that any person  
31 appointed to fill a vacancy occurring prior to the expiration of any  
32 term shall be appointed within sixty days of the vacancy and appointed  
33 only for the remainder of the term.

34 One trustee shall be a resident and qualified elector from each of  
35 the state's congressional districts. The board shall not be deemed to  
36 be unlawfully constituted and a trustee shall not be deemed ineligible

1 to serve the remainder of the trustee's unexpired term on the board  
2 solely by reason of the establishment of new or revised boundaries for  
3 congressional districts. No voting trustee may be an employee of the  
4 state school for the blind, a member of the board of directors of any  
5 school district, a member of the governing board of any public or  
6 private educational institution, a school district or educational  
7 service district administrator, appointed after July 1, 1986, or an  
8 elected officer or member of the legislative authority or any municipal  
9 corporation.

10 The board of trustees shall organize itself by electing a chairman  
11 from its members. The board shall adopt a seal and may adopt such  
12 bylaws, rules, and regulations as it deems necessary for its own  
13 government. A majority of the voting members of the board in office  
14 shall constitute a quorum, but a lesser number may convene from time to  
15 time and may compel the attendance of absent members in such manner as  
16 prescribed in its bylaws, rules, or regulations. The superintendent of  
17 the state school for the blind shall serve as, or may designate another  
18 person to serve as, the secretary of the board, who shall not be deemed  
19 to be a member of the board.

20 **Sec. 340.** RCW 72.41.040 and 1985 c 378 s 30 are each amended to  
21 read as follows:

22 The board of trustees of the state school for the blind:

23 (1) Shall monitor and inspect all existing facilities of the state  
24 school for the blind, and report its findings to the superintendent;

25 (2) Shall study and recommend comprehensive programs of education  
26 and training and review the admission policy as set forth in RCW  
27 72.40.040 and 72.40.050, and make appropriate recommendations to the  
28 superintendent;

29 (3) Shall submit a list of three qualified candidates for  
30 superintendent to the (~~governor~~) secretary of education and shall  
31 advise the superintendent about the criteria and policy to be used in  
32 the selection of members of the faculty and such other administrative  
33 officers and other employees, who shall with the exception of the  
34 superintendent all be subject to chapter 41.06 RCW, the state civil  
35 service law, unless specifically exempted by other provisions of law.  
36 All employees and personnel classified under chapter 41.06 RCW shall  
37 continue, after July 1, 1986, to perform their usual duties upon the

1 same terms as formerly, without any loss of rights, subject to any  
2 action that may be appropriate thereafter in accordance with the laws  
3 and rules governing the state civil service law;

4 (4) Shall submit an evaluation of the superintendent to the  
5 (~~governor~~) secretary of education by July 1<sup>st</sup> of each odd-numbered  
6 year and may recommend to the (~~governor~~) secretary of education that  
7 the superintendent be removed for misfeasance, malfeasance, or  
8 (~~wilful~~) willful neglect of duty;

9 (5) May recommend to the superintendent the establishment of new  
10 facilities as needs demand;

11 (6) May recommend to the superintendent rules and regulations for  
12 the government, management, and operation of such housing facilities  
13 deemed necessary or advisable;

14 (7) May make recommendations to the superintendent concerning  
15 classrooms and other facilities to be used for summer or night schools,  
16 or for public meetings and for any other uses consistent with the use  
17 of such classrooms or facilities for the school for the blind;

18 (8) May make recommendations to the superintendent for adoption of  
19 rules and regulations for pedestrian and vehicular traffic on property  
20 owned, operated, or maintained by the school for the blind;

21 (9) Shall recommend to the superintendent, with the assistance of  
22 the faculty, the course of study including vocational training in the  
23 school for the blind, in accordance with other applicable provisions of  
24 law and rules and regulations;

25 (10) May grant to every student, upon graduation or completion of  
26 a program or course of study, a suitable diploma, nonbaccalaureate  
27 degree, or certificate;

28 (11) Shall participate in the development of, and monitor the  
29 enforcement of the rules and regulations pertaining to the school for  
30 the blind;

31 (12) Shall perform any other duties and responsibilities prescribed  
32 by the superintendent.

33 **Sec. 341.** RCW 72.42.010 and 2009 c 381 s 13 are each amended to  
34 read as follows:

35 It is the intention of the legislature, in creating a board of  
36 trustees for the Washington state center for childhood deafness and  
37 hearing loss to perform the duties set forth in this chapter, that the

1 board of trustees perform needed (~~oversight~~) advisory services to the  
2 (~~governor and~~) the legislature, the secretary of education, and the  
3 director of the center in the development of programs for the hard of  
4 hearing, and in the operation of the center, including the school for  
5 the deaf.

6 **Sec. 342.** RCW 72.42.021 and 2009 c 381 s 16 are each amended to  
7 read as follows:

8 (1) The governance of the center and the school shall be vested in  
9 a board of trustees. The board shall consist of nine members appointed  
10 by the (~~governor, with the consent of the senate~~) secretary of  
11 education. The board shall be composed of a resident from each of the  
12 state's congressional districts and may include:

- 13 (a) One member who is deaf or hard of hearing;  
14 (b) Two members who are experienced educational professionals;  
15 (c) One member who is experienced in providing residential services  
16 to youth; and

17 (d) One member who is the parent of a child who is deaf or hard of  
18 hearing and who is receiving or has received educational services  
19 related to deafness or hearing impairment from a public educational  
20 institution.

21 (2) No voting trustee may be an employee of the school or the  
22 center, a member of the board of directors of any school district, a  
23 member of the governing board of any public or private educational  
24 institution or an elected officer or member of the legislative  
25 authority of any municipal corporation. No more than two voting  
26 trustees may be school district or educational service district  
27 administrators appointed after July 1, 1986.

28 (3) Trustees shall be appointed by the (~~governor~~) secretary of  
29 education to serve a term of five years, except that any person  
30 appointed to fill a vacancy occurring prior to the expiration of a term  
31 shall be appointed within sixty days of the vacancy and appointed only  
32 for the remainder of the term. Of the initial members, three must be  
33 appointed for two-year terms, three must be appointed for three-year  
34 terms, and the remainder must be appointed for five-year terms.

35 (4) The board shall not be deemed unlawfully constituted and a  
36 trustee shall not be deemed ineligible to serve the remainder of the  
37 trustee's unexpired term on the board solely by reason of the

1 establishment of new or revised boundaries for congressional districts.  
2 In such an event, each trustee may continue to serve in office for the  
3 balance of the term for which he or she was appointed so long as the  
4 trustee continues to reside within the boundaries of the congressional  
5 district as they existed at the time of his or her appointment.  
6 Vacancies which occur in a trustee position during the balance of any  
7 term shall be filled pursuant to subsection (3) of this section by a  
8 successor who resides within the boundaries of the congressional  
9 district from which the member whose office was vacated was appointed  
10 as they existed at the time of his or her appointment. At the  
11 completion of such term, and thereafter, a successor shall be appointed  
12 from the congressional district which corresponds in number with the  
13 congressional district from which the incumbent was appointed.

14 **Sec. 343.** RCW 72.42.041 and 2009 c 381 s 17 are each amended to  
15 read as follows:

16 The board of trustees of the center:

17 (1) Shall adopt (~~(rules and regulations)~~) procedures for its own  
18 governance;

19 (2) Shall (~~(direct)~~) advise the director regarding the development  
20 of, (~~(approve)~~) and monitor the enforcement of, policies(~~(r)~~) and  
21 rules(~~(r and regulations)~~) pertaining to the school and the center,  
22 including but not limited to:

23 (a) The use of classrooms and other facilities for summer or night  
24 schools or for public meetings and any other uses consistent with the  
25 mission of the center;

26 (b) Pedestrian and vehicular traffic on property owned, operated,  
27 or maintained by the center;

28 (c) Governance, management, and operation of the residential  
29 facilities;

30 (d) Transferability of employees between the center and the school  
31 for the blind consistent with collective bargaining agreements in  
32 effect; and

33 (e) Compliance with state and federal education civil rights laws  
34 at the school;

35 (3) Shall develop a process for recommending candidates for the  
36 position of director and upon a vacancy shall submit a list of three

1 qualified candidates for director to the ((governor)) secretary of  
2 education;

3 (4) Shall submit an evaluation of the director to the ((governor))  
4 secretary of education by July 1st of each odd-numbered year that  
5 includes a recommendation regarding the retention of the director;

6 (5) May recommend to the ((governor)) secretary of education at any  
7 time that the director be removed for conduct deemed by the board to be  
8 detrimental to the interests of the center;

9 (6) Shall prepare and submit by July 1st of each even-numbered year  
10 a report to the ((governor)) secretary of education and the appropriate  
11 committees of the legislature which contains a detailed summary of the  
12 center's progress on performance objectives and the center's work,  
13 facility conditions, and revenues and costs of the center for the  
14 previous year and which contains those recommendations it deems  
15 necessary and advisable for the ((governor)) secretary of education and  
16 the legislature to act on;

17 (7) (~~Shall approve~~) May make recommendations to the director  
18 regarding the center's budget and all funding requests, both operating  
19 and capital, submitted to the ((governor)) secretary of education;

20 (8) (~~Shall direct and approve~~) May make recommendations to the  
21 director regarding the development and implementation of comprehensive  
22 programs of education, training, and as needed residential living, such  
23 that students served by the school receive a challenging and quality  
24 education in a safe school environment;

25 (9) Shall (~~direct,~~) monitor(~~, and approve~~) the implementation  
26 of a comprehensive continuous quality improvement system for the  
27 center;

28 (10) Shall monitor and inspect all existing facilities of the  
29 center and report its findings in its biennial report to the  
30 ((governor)) secretary of education and appropriate committees of the  
31 legislature; and

32 (11) May grant to every student of the school, upon graduation or  
33 completion of a program or course of study, a suitable diploma,  
34 nonbaccalaureate degree, or certificate.

35 NEW SECTION. Sec. 344. The following acts or parts of acts, as  
36 now existing or hereafter amended, are each repealed:

- 1 (1) RCW 28A.305.011 (Board membership--Terms--Compensation) and  
2 2006 c 263 s 105 & 2005 c 497 s 101;
- 3 (2) RCW 28A.305.021 (Election of board members--Restrictions) and  
4 2005 c 497 s 102;
- 5 (3) RCW 28A.305.035 (Joint report to the legislature) and 2006 c  
6 263 s 103 & 2005 c 497 s 103;
- 7 (4) RCW 28A.305.902 (Transfer of duties--Review and  
8 recommendation--2006 c 263) and 2006 c 263 s 101;
- 9 (5) RCW 28A.310.480 (Delegation to ESD of state board of education  
10 program, project or service--Contract) and 1977 ex.s. c 283 s 6;
- 11 (6) RCW 28A.345.010 (Association created) and 1969 ex.s. c 223 s  
12 28A.61.010;
- 13 (7) RCW 28A.345.020 (Membership) and 1969 ex.s. c 223 s 28A.61.020;
- 14 (8) RCW 28A.345.030 (Powers of association) and 1991 c 66 s 1, 1990  
15 c 33 s 372, 1989 c 325 s 1, 1983 c 187 s 1, 1979 c 151 s 13, 1974 ex.s.  
16 c 101 s 1, 1969 ex.s. c 184 s 4, & 1969 ex.s. c 223 s 28A.61.030;
- 17 (9) RCW 28A.345.040 (Coordination of policies--Report) and 1969  
18 ex.s. c 223 s 28A.61.040;
- 19 (10) RCW 28A.345.050 (Association dues--Payment) and 1983 c 187 s  
20 2, 1969 c 125 s 2, & 1969 ex.s. c 223 s 28A.61.050;
- 21 (11) RCW 28A.345.060 (Audit of staff classifications and employees'  
22 salaries--Contract with department of personnel--Copies) and 1986 c 158  
23 s 3 & 1983 c 187 s 4;
- 24 (12) RCW 28A.345.070 (Tribal relationships--Achievement gap--  
25 Curriculum--Reports to the legislature) and 2005 c 205 s 2; and
- 26 (13) RCW 28A.345.902 (Effective date--1983 c 187) and 1983 c 187 s  
27 8.

28 **PART 4**

29 **K-12 EFFECTIVE WITH PASSAGE OF CONSTITUTIONAL AMENDMENT**

30 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.150  
31 RCW to read as follows:

32 The definitions in this section apply throughout this title unless  
33 the context clearly requires otherwise.

34 (1) "Office of the superintendent of public instruction" means the  
35 department of education created in section 103 of this act.

1 (2) "Superintendent of public instruction" means the secretary of  
2 education as defined in section 102 of this act.

3 **Sec. 402.** RCW 28A.300.041 and 2009 c 310 s 1 are each amended to  
4 read as follows:

5 (1) The legislature finds that a statewide student assessment  
6 system should improve and inform classroom instruction, support  
7 accountability, and provide useful information to all levels of the  
8 educational system, including students, parents, teachers, schools,  
9 school districts, and the state. The legislature intends to redesign  
10 the current statewide system, in accordance with the recommendations of  
11 the Washington assessment of student learning legislative work group,  
12 to:

13 (a) Include multiple assessment formats, including both formative  
14 and summative, as necessary to provide information to help improve  
15 instruction and inform accountability;

16 (b) Enable collection of data that allows both statewide and  
17 nationwide comparisons of student learning and achievement; and

18 (c) Be balanced so that the information used to make significant  
19 decisions that affect school accountability or student educational  
20 progress includes many data points and does not rely on solely the  
21 results of a single assessment.

22 (2) The legislature further finds that one component of the  
23 assessment system should be instructionally supportive formative  
24 assessments. The key design elements or characteristics of an  
25 instructionally supportive assessment must:

26 (a) Be aligned to state standards in areas that are being assessed;

27 (b) Measure student growth and competency at multiple points  
28 throughout the year in a manner that allows instructors to monitor  
29 student progress and have the necessary trend data with which to  
30 improve instruction;

31 (c) Provide rapid feedback;

32 (d) Link student growth with instructional elements in order to  
33 gauge the effectiveness of educators and curricula;

34 (e) Provide tests that are appropriate to the skill level of the  
35 student;

36 (f) Support instruction for students of all abilities, including  
37 highly capable students and students with learning disabilities;



1 (g) Be culturally, linguistically, and cognitively relevant,  
2 appropriate, and understandable to each student taking the assessment;

3 (h) Inform parents and draw parents into greater participation of  
4 the student's study plan;

5 (i) Provide a way to analyze the assessment results relative to  
6 characteristics of the student such as, but not limited to, English  
7 language learners, gender, ethnicity, poverty, age, and disabilities;

8 (j) Strive to be computer-based and adaptive; and

9 (k) Engage students in their learning.

10 (3) The legislature further finds that a second component of the  
11 assessment system should be a state-administered summative achievement  
12 assessment that can be used as a check on the educational system in  
13 order to guide state expectations for the instruction of children and  
14 satisfy legislative demands for accountability. The key design  
15 elements or characteristics of the state administered achievement  
16 assessment must:

17 (a) Be aligned to state standards in areas that are being assessed;

18 (b) Maintain and increase academic rigor;

19 (c) Measure student learning growth over years; and

20 (d) Strengthen curriculum.

21 (4) The legislature further finds that a third component of the  
22 assessment system should include classroom-based assessments, which may  
23 be formative, summative, or both. Depending on their use, classroom-  
24 based assessments should have the same design elements and  
25 characteristics described in this section for formative and summative  
26 assessments.

27 (5) The legislature further finds that to sustain a strong and  
28 viable assessment system, preservice and ongoing training should be  
29 provided for teachers and administrators on the effective use of  
30 different types of assessments.

31 (6) The legislature further finds that as the statewide data system  
32 is developed, data should be collected for all state-required statewide  
33 assessments to be used for accountability and to monitor overall  
34 student achievement.

35 (7) The (~~superintendent of public instruction, in consultation~~  
36 ~~with the state board~~) department of education((7)) shall begin design  
37 and development of an overall K-12 assessment system that meets the  
38 principles and characteristics described in this section. In designing

1 formative and summative assessments, the (~~superintendent~~) department  
2 shall solicit bids for the use of computerized adaptive testing  
3 methodologies.

4 (8) Beginning December 1, 2009, and annually thereafter, the  
5 superintendent and state board shall jointly report to the legislature  
6 regarding the K-12 assessment system, including a cost analysis of any  
7 changes and costs to expand availability and use of instructionally  
8 supportive formative assessments. Beginning December 1, 2013, and  
9 annually thereafter, the department of education shall report to the  
10 legislature regarding the K-12 assessment system, including a cost  
11 analysis of any changes and costs to expand availability and use of  
12 instructionally supportive formative assessments as well as efforts to  
13 align the K-12 assessment system with assessment development and  
14 implementation in early learning and higher education as appropriate.

15 **Sec. 403.** RCW 28A.310.010 and 2009 c 381 s 25 are each amended to  
16 read as follows:

17 It shall be the intent and purpose of this chapter to establish  
18 educational service districts as regional agencies which are intended  
19 to:

20 (1) Provide cooperative and informational services to local school  
21 districts and to other education providers as appropriate;

22 (2) Assist the (~~superintendent of public instruction and the state~~  
23 ~~board~~) department of education in the performance of (~~their~~  
24 ~~respective~~) its statutory (~~or constitutional~~) duties; and

25 (3) Provide services to school districts and to the Washington  
26 state center for childhood deafness and hearing loss and the school for  
27 the blind to assure equal educational opportunities and to other  
28 education providers as appropriate.

29 **Sec. 404.** RCW 28A.310.280 and 1975 1st ex.s. c 275 s 25 are each  
30 amended to read as follows:

31 In addition to other powers and duties as provided by law, each  
32 educational service district superintendent shall:

33 (1) Perform such record keeping, including such annual reports as  
34 may be required, and liaison and informational services to local school  
35 districts and the (~~superintendent of public instruction~~) department  
36 of education as required by rule (~~or regulation of the superintendent~~

1 ~~of public instruction or state board))~~ of the department of education:  
2 PROVIDED, That the (~~superintendent of public instruction and the state~~  
3 ~~board))~~ department of education may require some or all of the school  
4 districts to report information directly when such reporting procedures  
5 are deemed desirable or feasible.

6 (2) Keep records of official acts of the educational service  
7 district board and superintendents in accordance with RCW (~~28A.21.120,~~  
8 ~~as now or hereafter amended~~) 28A.310.310.

9 (3) Preserve carefully all reports of school officers and teachers  
10 and deliver to the successor of the office all records, books,  
11 documents, and papers belonging to the office either personally or  
12 through a personal representative, taking a receipt for the same, which  
13 shall be filed in the office of the county auditor in the county where  
14 the office is located.

15 **Sec. 405.** RCW 28A.310.340 and 1990 c 33 s 286 are each amended to  
16 read as follows:

17 It is the intent of the legislature that a basic core of uniform  
18 services be provided by educational service districts and be identified  
19 in statute so that biennial budget requests for educational service  
20 districts may be based upon measurable goals and needs. Educational  
21 service districts as noted in RCW 28A.310.010, are intended primarily  
22 to:

23 (1) Provide cooperative and informational services to local  
24 districts and to perform functions for those districts when such  
25 functions are more effectively or economically administered from the  
26 regional level;

27 (2) Assist the (~~state educational agencies, office of~~  
28 ~~superintendent of public instruction and the state board))~~ department  
29 of education in the legal performance of (~~their~~) its duties; and

30 (3) Assist in providing pupils with equal educational  
31 opportunities.

32 The purpose of RCW 28A.310.350 and 28A.310.360 is to further  
33 identify those core services in order to prepare educational service  
34 district budgets for the 1979-81 biennium, and those bienniums beyond.

35 **Sec. 406.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to  
36 read as follows:

1 (1) Under the (~~constitutional framework and the~~) laws of the  
2 state of Washington, the governance structure for the state's public  
3 common school system is comprised of the following bodies: The  
4 legislature, the governor, the (~~superintendent of public instruction,  
5 the state board~~) department of education, the educational service  
6 district boards of directors, and local school district boards of  
7 directors. The respective policy and administrative roles of each body  
8 are determined by the state Constitution and statutes.

9 (2) Local school districts are political subdivisions of the state  
10 and the organization of such districts, including the powers, duties,  
11 and boundaries thereof, may be altered or abolished by laws of the  
12 state of Washington.

13 **Sec. 407.** RCW 28A.315.115 and 1985 c 385 s 3 are each amended to  
14 read as follows:

15 Persons possessing the status of any of the following positions  
16 shall not be eligible to be a member of a regional committee: The  
17 (~~superintendent of public instruction, a member of the state board~~)  
18 secretary of education, an educational service district superintendent,  
19 a member of a board of directors of a school district, a member of an  
20 educational service district board, a member of a governing board of  
21 either a private school or a private school district which conducts any  
22 grades kindergarten through twelve, officers appointed by any such  
23 governing board, and employees of a school district, an educational  
24 service district, the (~~office of the superintendent of public  
25 instruction~~) department of education, a private school, or a private  
26 school district.

27 **Sec. 408.** RCW 28A.410.210 and 2009 c 531 s 4 are each amended to  
28 read as follows:

29 The purpose of the professional educator standards board is to  
30 establish policies and requirements for the preparation and  
31 certification of educators that provide standards for competency in  
32 professional knowledge and practice in the areas of certification; a  
33 foundation of skills, knowledge, and attitudes necessary to help  
34 students with diverse needs, abilities, cultural experiences, and  
35 learning styles meet or exceed the learning goals outlined in RCW

1 28A.150.210; knowledge of research-based practice; and professional  
2 development throughout a career. The Washington professional educator  
3 standards board shall:

4 (1) Establish policies and practices for the approval of programs  
5 of courses, requirements, and other activities leading to educator  
6 certification including teacher, school administrator, and educational  
7 staff associate certification;

8 (2) Establish policies and practices for the approval of the  
9 character of work required to be performed as a condition of entrance  
10 to and graduation from any educator preparation program including  
11 teacher, school administrator, and educational staff associate  
12 preparation program as provided in subsection (1) of this section;

13 (3) Establish a list of accredited institutions of higher education  
14 of this and other states whose graduates may be awarded educator  
15 certificates as teacher, school administrator, and educational staff  
16 associate and establish criteria and enter into agreements with other  
17 states to acquire reciprocal approval of educator preparation programs  
18 and certification, including teacher certification from the national  
19 board for professional teaching standards;

20 (4) Establish policies for approval of nontraditional educator  
21 preparation programs;

22 (5) Conduct a review of educator program approval standards at  
23 least every five years, beginning in 2006, to reflect research findings  
24 and assure continued improvement of preparation programs for teachers,  
25 administrators, and school specialized personnel;

26 (6) Specify the types and kinds of educator certificates to be  
27 issued and conditions for certification, including certificate  
28 suspension and revocation, in accordance with subsection (1) of this  
29 section (~~and~~), RCW 28A.410.010, and as authorized by law;

30 (7) Apply for and receive federal or other funds on behalf of the  
31 state for purposes related to the duties of the board;

32 (8) Adopt rules under chapter 34.05 RCW that are necessary for the  
33 effective and efficient implementation of this chapter;

34 (9) Maintain data concerning educator preparation programs and  
35 their quality, educator certification, educator employment trends and  
36 needs, and other data deemed relevant by the board;

37 (10) Serve as an advisory body to the (~~superintendent of public~~  
38 ~~instruction~~) department of education on issues related to educator

1 recruitment, hiring, mentoring and support, professional growth,  
2 retention, educator evaluation including but not limited to peer  
3 evaluation, and revocation and suspension of licensure;

4 (11) Submit, by October 15th of each even-numbered year, a  
5 (~~joint~~) report (~~with the state board of education~~) to the  
6 legislative education committees(~~(7)~~) and the governor(~~(7, and the~~  
7 ~~superintendent of public instruction. The report shall address the~~  
8 ~~progress the boards have made and the obstacles they have encountered,~~  
9 ~~individually and collectively, in the work of achieving the goals set~~  
10 ~~out in RCW 28A.150.210)) regarding the work accomplished by the board  
11 as directed by chapter 28A.410 RCW and any recommendations for  
12 improvements related to the effective and efficient discharge of these  
13 duties and the programs administered;~~

14 (12) Establish the prospective teacher assessment system for basic  
15 skills and subject knowledge that shall be required to obtain residency  
16 certification pursuant to RCW 28A.410.220 through 28A.410.240;

17 (13) By January 2010, set performance standards and develop, pilot,  
18 and implement a uniform and externally administered professional-level  
19 certification assessment based on demonstrated teaching skill. In the  
20 development of this assessment, consideration shall be given to changes  
21 in professional certification program components such as the  
22 culminating seminar; and

23 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

24 NEW SECTION. Sec. 409. The following acts or parts of acts, as  
25 now existing or hereafter amended, are each repealed:

26 (1) RCW 28A.300.010 (Election--Term of office) and 1990 c 33 s 250  
27 & 1969 ex.s. c 223 s 28A.03.010; and

28 (2) RCW 28A.300.020 (Assistant superintendents, deputy  
29 superintendent, assistants--Terms for exempt personnel) and 2005 c 497  
30 s 403, 1996 c 25 s 2, & 1969 ex.s. c 223 s 28A.03.020.

31 NEW SECTION. Sec. 410. (1)(a) All reports, documents, surveys,  
32 books, records, files, papers, or written material in the possession of  
33 the office of the superintendent of public instruction shall be  
34 delivered to the custody of the department of education. All cabinets,  
35 furniture, office equipment, motor vehicles, and other tangible  
36 property employed by the office of the superintendent of public

1 instruction shall be made available to the department of education.  
2 All funds, credits, or other assets held by the office of the  
3 superintendent of public instruction shall be assigned to the  
4 department of education.

5 (b) Any appropriations made to the office of the superintendent of  
6 public instruction shall, on the effective date of this section, be  
7 transferred and credited to the department of education.

8 (c) If any question arises as to the transfer of any personnel,  
9 funds, books, documents, records, papers, files, equipment, or other  
10 tangible property used or held in the exercise of the powers and the  
11 performance of the duties and functions transferred, the director of  
12 financial management shall make a determination as to the proper  
13 allocation and certify the same to the state agencies concerned.

14 (2) All employees of the office of the superintendent of public  
15 instruction engaged in performing the powers, functions, and duties  
16 transferred to the department of education are transferred to the  
17 jurisdiction of the department of education. All employees classified  
18 under chapter 41.06 RCW, the state civil service law, are assigned to  
19 the department of education to perform their usual duties upon the same  
20 terms as formerly, without any loss of rights, subject to any action  
21 that may be appropriate thereafter in accordance with the laws and  
22 rules governing state civil service.

23 (3) All rules and all pending business before the office of the  
24 superintendent of public instruction shall be continued and acted upon  
25 by the department of education. All existing contracts and obligations  
26 shall remain in full force and shall be performed by the department of  
27 education.

28 (4) The transfer of the powers, duties, functions, and personnel of  
29 the office of the superintendent of public instruction shall not affect  
30 the validity of any act performed before the effective date of this  
31 section.

32 (5) If apportionments of budgeted funds are required because of the  
33 transfers directed by this section, the director of financial  
34 management shall certify the apportionments to the agencies affected,  
35 the state auditor, and the state treasurer. Each of these shall make  
36 the appropriate transfer and adjustments in funds and appropriation  
37 accounts and equipment records in accordance with the certification.

PART 5

COMMUNITY AND TECHNICAL COLLEGE AND CAREER AND TECHNICAL EDUCATION

**Sec. 501.** RCW 28B.50.030 and 2009 c 353 s 1, 2009 c 151 s 3, and 2009 c 64 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult education" means all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four-year public institution of higher education.

(2) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(3) "Board" means the workforce training and education coordinating board.

(4) "Board of trustees" means the local community and technical college board of trustees established for each college district within the state.

(5) "Center of excellence" means a community or technical college designated by the (~~college board~~) department as a statewide leader in industry-specific, community and technical college workforce education and training.

(6) "College board" means the (~~state board for community and technical colleges created by this chapter~~) department.



1 (7) "Common school board" means a public school district board of  
2 directors.

3 (8) "Community college" includes those higher education  
4 institutions that conduct education programs under RCW 28B.50.020.

5 (9) "Department" means the department of education.

6 (10) "Director" means the ((administrative director for the state  
7 system of community and technical colleges)) secretary of education or  
8 the secretary's designee.

9 ((+10)) (11) "Dislocated forest product worker" means a forest  
10 products worker who: (a)(i) Has been terminated or received notice of  
11 termination from employment and is unlikely to return to employment in  
12 the individual's principal occupation or previous industry because of  
13 a diminishing demand for his or her skills in that occupation or  
14 industry; or (ii) is self-employed and has been displaced from his or  
15 her business because of the diminishing demand for the business'  
16 services or goods; and (b) at the time of last separation from  
17 employment, resided in or was employed in a rural natural resources  
18 impact area.

19 ((+11)) (12) "Dislocated salmon fishing worker" means a finfish  
20 products worker who: (a)(i) Has been terminated or received notice of  
21 termination from employment and is unlikely to return to employment in  
22 the individual's principal occupation or previous industry because of  
23 a diminishing demand for his or her skills in that occupation or  
24 industry; or (ii) is self-employed and has been displaced from his or  
25 her business because of the diminishing demand for the business's  
26 services or goods; and (b) at the time of last separation from  
27 employment, resided in or was employed in a rural natural resources  
28 impact area.

29 ((+12)) (13) "District" means any one of the community and  
30 technical college districts created by this chapter.

31 ((+13)) (14) "Forest products worker" means a worker in the forest  
32 products industries affected by the reduction of forest fiber  
33 enhancement, transportation, or production. The workers included  
34 within this definition shall be determined by the employment security  
35 department, but shall include workers employed in the industries  
36 assigned the major group standard industrial classification codes "24"  
37 and "26" and the industries involved in the harvesting and management  
38 of logs, transportation of logs and wood products, processing of wood

1 products, and the manufacturing and distribution of wood processing and  
2 logging equipment. The commissioner may adopt rules further  
3 interpreting these definitions. For the purposes of this subsection,  
4 "standard industrial classification code" means the code identified in  
5 RCW 50.29.025(3).

6 ~~((+14+))~~ (15) "High employer demand program of study" means an  
7 apprenticeship, or an undergraduate or graduate certificate or degree  
8 program in which the number of students prepared for employment per  
9 year from in-state institutions is substantially less than the number  
10 of projected job openings per year in that field, statewide or in a  
11 substate region.

12 ~~((+15+))~~ (16) "K-12 system" means the public school program  
13 including kindergarten through the twelfth grade.

14 ~~((+16+))~~ (17) "Occupational education" means education or training  
15 that will prepare a student for employment that does not require a  
16 baccalaureate degree, and education and training that will prepare a  
17 student for transfer to bachelor's degrees in professional fields,  
18 subject to rules adopted by the college board.

19 ~~((+17+))~~ (18) "Qualified institutions of higher education" means:  
20 (a) Washington public community and technical colleges;  
21 (b) Private career schools that are members of an accrediting  
22 association recognized by rule of the higher education coordinating  
23 board for the purposes of chapter 28B.92 RCW; and  
24 (c) Washington state apprenticeship and training council-approved  
25 apprenticeship programs.

26 ~~((+18+))~~ (19) "Rural natural resources impact area" means:  
27 (a) A nonmetropolitan county, as defined by the 1990 decennial  
28 census, that meets three of the five criteria set forth in subsection  
29 ~~((+19+))~~ (20) of this section;  
30 (b) A nonmetropolitan county with a population of less than forty  
31 thousand in the 1990 decennial census, that meets two of the five  
32 criteria as set forth in subsection ~~((+19+))~~ (20) of this section; or  
33 (c) A nonurbanized area, as defined by the 1990 decennial census,  
34 that is located in a metropolitan county that meets three of the five  
35 criteria set forth in subsection ~~((+19+))~~ (20) of this section.

36 ~~((+19+))~~ (20) For the purposes of designating rural natural  
37 resources impact areas, the following criteria shall be considered:

1 (a) A lumber and wood products employment location quotient at or  
2 above the state average;

3 (b) A commercial salmon fishing employment location quotient at or  
4 above the state average;

5 (c) Projected or actual direct lumber and wood products job losses  
6 of one hundred positions or more;

7 (d) Projected or actual direct commercial salmon fishing job losses  
8 of one hundred positions or more; and

9 (e) An unemployment rate twenty percent or more above the state  
10 average. The counties that meet these criteria shall be determined by  
11 the employment security department for the most recent year for which  
12 data is available. For the purposes of administration of programs  
13 under this chapter, the United States post office five-digit zip code  
14 delivery areas will be used to determine residence status for  
15 eligibility purposes. For the purpose of this definition, a zip code  
16 delivery area of which any part is ten miles or more from an urbanized  
17 area is considered nonurbanized. A zip code totally surrounded by zip  
18 codes qualifying as nonurbanized under this definition is also  
19 considered nonurbanized. The office of financial management shall make  
20 available a zip code listing of the areas to all agencies and  
21 organizations providing services under this chapter.

22 ~~((+20))~~ (21) "Salmon fishing worker" means a worker in the finfish  
23 industry affected by 1994 or future salmon disasters. The workers  
24 included within this definition shall be determined by the employment  
25 security department, but shall include workers employed in the  
26 industries involved in the commercial and recreational harvesting of  
27 finfish including buying and processing finfish. The commissioner may  
28 adopt rules further interpreting these definitions.

29 ~~((+21))~~ (22) "Secretary" means the secretary of education.

30 (23) "System" means the state system of community and technical  
31 colleges, which shall be a system of higher education.

32 ~~((+22))~~ (24) "Technical college" includes those higher education  
33 institutions with the mission of conducting occupational education,  
34 basic skills, literacy programs, and offering on short notice, when  
35 appropriate, programs that meet specific industry needs. For purposes  
36 of this chapter, technical colleges shall include Lake Washington  
37 Vocational-Technical Institute, Renton Vocational-Technical Institute,

1 Bates Vocational-Technical Institute, Clover Park Vocational Institute,  
2 and Bellingham Vocational-Technical Institute.

3 **Sec. 502.** RCW 28B.50.090 and 2010 c 246 s 3 are each amended to  
4 read as follows:

5 The (~~college board~~) department shall have general supervision and  
6 control over the state system of community and technical colleges. In  
7 exercising the powers and duties under this chapter, the secretary  
8 shall maximize the integration with early learning, K-12, and other  
9 postsecondary education. In addition to the other powers and duties  
10 imposed upon the (~~college board~~) department by this chapter, the  
11 (~~college board~~) department shall be charged with the following  
12 powers, duties and responsibilities:

13 (1) Review the budgets prepared by the boards of trustees, prepare  
14 a single budget for the support of the state system of community and  
15 technical colleges and adult education, and submit this budget as part  
16 of the department's budget submittal to the governor as provided in RCW  
17 43.88.090;

18 (2) Establish guidelines for the disbursement of funds; and receive  
19 and disburse such funds for adult education and maintenance and  
20 operation and capital support of the college districts in conformance  
21 with the state and district budgets, and in conformance with chapter  
22 43.88 RCW;

23 (3) Ensure, through the full use of its authority:

24 (a) That each college district, in coordination with colleges,  
25 within a regional area, shall offer thoroughly comprehensive  
26 educational, training, and service programs to meet the needs of both  
27 the communities and students served by combining high standards of  
28 excellence in academic transfer courses; realistic and practical  
29 courses in occupational education, both graded and ungraded; and  
30 community services of an educational, cultural, and recreational  
31 nature; and adult education, including basic skills and general,  
32 family, and workforce literacy programs and services;

33 (b) That each college district shall maintain an open-door policy,  
34 to the end that no student will be denied admission because of the  
35 location of the student's residence or because of the student's  
36 educational background or ability; that, insofar as is practical in the  
37 judgment of the (~~college board~~) department, curriculum offerings will

1 be provided to meet the educational and training needs of the community  
2 generally and the students thereof; and that all students, regardless  
3 of their differing courses of study, will be considered, known and  
4 recognized equally as members of the student body: PROVIDED, That the  
5 administrative officers of a community or technical college may deny  
6 admission to a prospective student or attendance to an enrolled student  
7 if, in their judgment, the student would not be competent to profit  
8 from the curriculum offerings of the college, or would, by his or her  
9 presence or conduct, create a disruptive atmosphere within the college  
10 not consistent with the purposes of the institution. This subsection  
11 (3)(b) shall not apply to competency, conduct, or presence associated  
12 with a disability in a person twenty-one years of age or younger  
13 attending a technical college;

14 ~~(4) ((Prepare a comprehensive master plan for the development of~~  
15 ~~community and technical college education and training in the state;~~  
16 ~~and assist the office of financial management in the preparation of~~  
17 ~~enrollment projections to support plans for providing adequate college~~  
18 ~~facilities in all areas of the state. The master plan shall include~~  
19 ~~implementation of the vision, goals, priorities, and strategies in the~~  
20 ~~statewide strategic master plan for higher education under RCW~~  
21 ~~28B.76.200 based on the community and technical college system's role~~  
22 ~~and mission. The master plan shall also contain measurable performance~~  
23 ~~indicators and benchmarks for gauging progress toward achieving the~~  
24 ~~goals and priorities;~~

25 ~~(5))~~ Define and administer criteria and guidelines for the  
26 establishment of new community and technical colleges or campuses  
27 within the existing districts;

28 ~~((6))~~ (5) Establish criteria and procedures for modifying  
29 district boundary lines and consolidating district structures to form  
30 multiple campus districts consistent with the purposes set forth in RCW  
31 28B.50.020 as now or hereafter amended and in accordance therewith make  
32 such changes as it deems advisable;

33 ~~((7))~~ (6) Establish minimum standards to govern the operation of  
34 the community and technical colleges with respect to:

35 (a) Qualifications and credentials of instructional and key  
36 administrative personnel, except as otherwise provided in the state  
37 plan for vocational education,

1 (b) Internal budgeting, accounting, auditing, and financial  
2 procedures as necessary to supplement the general requirements  
3 prescribed pursuant to chapter 43.88 RCW,

4 (c) The content of the curriculums and other educational and  
5 training programs, and the requirement for degrees and certificates  
6 awarded by the colleges,

7 (d) Standard admission policies,

8 (e) Eligibility of courses to receive state fund support;

9 ~~((+8+))~~ (7) Establish and administer criteria and procedures for  
10 all capital construction including the establishment, installation, and  
11 expansion of facilities within the various college districts;

12 ~~((+9+))~~ (8) Encourage innovation in the development of new  
13 educational and training programs and instructional methods; coordinate  
14 research efforts to this end; and disseminate the findings thereof;

15 ~~((+10+))~~ (9) Exercise any other powers, duties and responsibilities  
16 necessary to carry out the purposes of this chapter;

17 ~~((+11+))~~ (10) Authorize the various community and technical  
18 colleges to offer programs and courses in other districts when it  
19 determines that such action is consistent with the purposes set forth  
20 in RCW 28B.50.020 as now or hereafter amended;

21 ~~((+12+))~~ (11) Notwithstanding any other law or statute regarding  
22 the sale of state property, sell or exchange and convey any or all  
23 interest in any community and technical college real and personal  
24 property, except such property as is received by a college district in  
25 accordance with RCW 28B.50.140(8), when it determines that such  
26 property is surplus or that such a sale or exchange is in the best  
27 interests of the community and technical college system;

28 ~~((+13+))~~ (12) In order that the ~~((treasurer for the state board for  
29 community and technical colleges appointed in accordance with RCW  
30 28B.50.085))~~ department may make vendor payments, the state treasurer  
31 will honor warrants drawn by the ~~((state board providing for an initial  
32 advance on July 1, 1982, of the current biennium and))~~ department on  
33 July 1<sup>st</sup> of each succeeding biennium from the state general fund in an  
34 amount equal to twenty-four percent of the average monthly allotment  
35 for such budgeted biennium expenditures ~~((for the state board))~~ to the  
36 department for community and technical colleges as certified by the  
37 office of financial management; and at the conclusion of such initial  
38 month and for each succeeding month of any biennium, the state

1 treasurer will reimburse expenditures incurred and reported monthly by  
2 the (~~state board treasurer~~) department in accordance with chapter  
3 43.88 RCW: PROVIDED, That the reimbursement to the (~~state board~~)  
4 department for actual expenditures incurred in the final month of each  
5 biennium shall be less the initial advance made in such biennium;

6 (~~(14)~~) (13) Notwithstanding the provisions of subsection (~~(12)~~)  
7 (11) of this section, may receive such gifts, grants, conveyances,  
8 devises, and bequests of real or personal property from private sources  
9 as may be made from time to time, in trust or otherwise, whenever the  
10 terms and conditions thereof will aid in carrying out the community and  
11 technical college programs and may sell, lease or exchange, invest or  
12 expend the same or the proceeds, rents, profits and income thereof  
13 according to the terms and conditions thereof; and adopt regulations to  
14 govern the receipt and expenditure of the proceeds, rents, profits and  
15 income thereof; and

16 (~~(15)~~) (14) The (~~college board~~) department shall have the power  
17 of eminent domain for the purposes of this chapter.

18 **Sec. 503.** RCW 28B.50.250 and 1991 c 238 s 46 are each amended to  
19 read as follows:

20 The (~~state board for community and technical colleges and the~~  
21 ~~state board of education are hereby authorized to~~) department may  
22 permit, on an ad hoc basis, the common school districts to conduct  
23 pursuant to RCW 28B.50.530 a program in adult education in behalf of a  
24 college district when such program will not conflict with existing  
25 programs of the same nature and in the same geographical area conducted  
26 by the college districts: PROVIDED, That federal programs for adult  
27 education shall be administered by the (~~state board for community and~~  
28 ~~technical colleges~~) department, which agency is hereby declared to be  
29 the state educational agency primarily responsible for supervision of  
30 adult education in the public schools as defined by RCW (~~28B.50.020~~)  
31 28B.50.030.

32 **Sec. 504.** RCW 28B.50.272 and 2007 c 277 s 102 are each amended to  
33 read as follows:

34 (1) To be eligible for participation in the opportunity grant  
35 program established in RCW 28B.50.271, a student must:

1 (a) Be a Washington resident student as defined in RCW 28B.15.012  
2 enrolled in an opportunity grant-eligible program of study;

3 (b) Have a family income that is at or below two hundred percent of  
4 the federal poverty level using the most current guidelines available  
5 from the United States department of health and human services, and be  
6 determined to have financial need based on the free application for  
7 federal student aid; and

8 (c) Meet such additional selection criteria as the ((college  
9 board)) department shall establish in order to operate the program  
10 within appropriated funding levels.

11 (2) Upon enrolling, the student must provide evidence of commitment  
12 to complete the program. The student must make satisfactory progress  
13 and maintain a cumulative 2.0 grade point average for continued  
14 eligibility. If a student's cumulative grade point average falls below  
15 2.0, the student may petition the institution of higher education of  
16 attendance. The qualified institution of higher education has the  
17 authority to establish a probationary period until such time as the  
18 student's grade point average reaches required standards.

19 (3) Subject to funds appropriated for this specific purpose, public  
20 qualified institutions of higher education shall receive an enhancement  
21 of one thousand five hundred dollars for each full-time equivalent  
22 student enrolled in the opportunity grant program whose income is below  
23 two hundred percent of the federal poverty level. The funds shall be  
24 used for individualized support services which may include, but are not  
25 limited to, college and career advising, tutoring, emergency child  
26 care, and emergency transportation. The qualified institution of  
27 higher education is expected to help students access all financial  
28 resources and support services available to them through alternative  
29 sources.

30 (4) The ((college-board)) department shall be accountable for  
31 student retention and completion of opportunity grant-eligible programs  
32 of study. It shall set annual performance measures and targets and  
33 monitor the performance at all qualified institutions of higher  
34 education. The ((college-board)) department must reduce funding at  
35 institutions of higher education that do not meet targets for two  
36 consecutive years, based on criteria developed by the ((college-board))  
37 department.



1           (5) The ~~((college board and higher education coordinating board))~~  
2 department shall work ~~((together))~~ to ensure that students  
3 participating in the opportunity grant program are informed of all  
4 other state and federal financial aid to which they may be entitled  
5 while receiving an opportunity grant.

6           (6) The ~~((college board and higher education coordinating board))~~  
7 department shall document the amount of opportunity grant assistance  
8 and the types and amounts of other sources of financial aid received by  
9 participating students. Annually, ~~((they))~~ the department shall  
10 produce a summary of the data.

11           (7) The ~~((college board shall:~~

12           ~~(a) Begin developing the program no later than August 1, 2007, with~~  
13 ~~student enrollment to begin no later than January 14, 2008; and~~

14           ~~(b) Submit a progress report to the legislature by December 1,~~  
15 ~~2008.~~

16           ~~(8) The college board))~~ department may, in implementing the  
17 opportunity grant program, accept, use, and expend or dispose of  
18 contributions of money, services, and property. All such moneys  
19 received by the ~~((college board))~~ department for the program must be  
20 deposited in an account at a depository approved by the state  
21 treasurer. Only the ~~((college board))~~ department or a duly authorized  
22 representative thereof may authorize expenditures from this account.  
23 In order to maintain an effective expenditure and revenue control, the  
24 account is subject in all respects to chapter 43.88 RCW, but no  
25 appropriation is required to permit expenditure of moneys in the  
26 account.

27           **Sec. 505.** RCW 28B.50.536 and 1993 c 218 s 3 are each amended to  
28 read as follows:

29           ~~((Subject to rules adopted by the state board of education under~~  
30 ~~RCW 28A.305.190, the state board for community and technical colleges))~~  
31 The department shall adopt rules governing the eligibility of persons  
32 sixteen years of age and older to take the general educational  
33 development test, rules governing the administration of the test, and  
34 rules governing the issuance of a certificate of educational competence  
35 to persons who successfully complete the test. Certificates of  
36 educational competence issued under this section shall be issued in

1 such form and substance as (~~agreed upon by the state board for~~  
2 ~~community and technical colleges and superintendent of public~~  
3 ~~instruction~~)) established by the department.

4 NEW SECTION. **Sec. 506.** The following acts or parts of acts, as  
5 now existing or hereafter amended, are each repealed:

6 (1) RCW 28B.50.050 (State board for community and technical  
7 colleges) and 1991 c 238 s 30, 1988 c 76 s 1, 1984 c 287 s 64, 1982 1st  
8 ex.s. c 30 s 9, 1975-'76 2nd ex.s. c 34 s 74, 1973 c 62 s 13, 1969  
9 ex.s. c 261 s 19, & 1969 ex.s. c 223 s 28B.50.050;

10 (2) RCW 28B.50.060 (Director of the state system of community and  
11 technical colleges--Appointment--Term--Qualifications--Salary and  
12 travel expenses--Duties) and 1994 c 154 s 306, 1991 c 238 s 31,  
13 1975-'76 2nd ex.s. c 34 s 75, 1973 1st ex.s. c 46 s 8, 1973 c 62 s 14,  
14 1969 ex.s. c 261 s 20, & 1969 ex.s. c 223 s 28B.50.060;

15 (3) RCW 28B.50.070 (College board--Organization--Meetings--Quorum--  
16 Biennial report--Fiscal year) and 1987 c 505 s 15, 1986 c 130 s 1, 1977  
17 c 75 s 26, 1973 c 62 s 15, & 1969 ex.s. c 223 s 28B.50.070;

18 (4) RCW 28B.50.080 (College board--Offices and office equipment,  
19 including necessary expenses) and 1969 ex.s. c 223 s 28B.50.080;

20 (5) RCW 28B.50.085 (College board--Treasurer--Appointment, duties,  
21 bond--Depository) and 1991 c 238 s 32 & 1981 c 246 s 4; and

22 (6) RCW 28B.50.254 (Advisory council on adult education--Workforce  
23 training and education coordinating board to monitor) and 1991 c 238 s  
24 19.

25 **PART 6**

26 **HIGHER EDUCATION COORDINATING BOARD**

27 **Sec. 601.** RCW 28B.76.020 and 2010 c 245 s 4 are each amended to  
28 read as follows:

29 The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

31 (1) "Board" means the (~~higher education coordinating board~~)  
32 department of education.

33 (2) "Department" means the department of education.

34 (3) "Four-year institutions" means the University of Washington,

1 Washington State University, Central Washington University, Eastern  
2 Washington University, Western Washington University, and The Evergreen  
3 State College.

4 ~~((+3))~~ (4) "Major expansion" means expansion of the higher  
5 education system that requires significant new capital investment,  
6 including building new institutions, campuses, branches, or centers or  
7 conversion of existing campuses, branches, or centers that would result  
8 in a mission change.

9 ~~((+4))~~ (5) "Mission change" means a change in the level of degree  
10 awarded or institutional type not currently authorized in statute.

11 (6) "Secretary" means the secretary of education.

12 **Sec. 602.** RCW 28B.76.030 and 2004 c 275 s 1 are each amended to  
13 read as follows:

14 The purpose of the ~~((board))~~ department under this chapter is to:

15 ~~(1) ((Develop a statewide strategic master plan for higher))~~  
16 Integrate within the strategic statewide plan for education under  
17 section 106(3) of this act planning for postsecondary education and  
18 continually monitor state and institution progress in meeting the  
19 vision, goals, priorities, and strategies articulated in the plan;

20 (2) Based on objective data analysis, develop and recommend  
21 statewide policies to enhance the availability, quality, efficiency,  
22 and accountability of public higher education in Washington state;

23 (3) Administer state and federal financial aid and other education  
24 services programs in a cost-effective manner;

25 ~~(4) ((Serve as an advocate on behalf of students and the overall~~  
26 ~~system of higher education to the governor, the legislature, and the~~  
27 ~~public;~~

28 ~~(5))~~ Represent the broad public interest above the interests of  
29 the individual colleges and universities; and

30 ~~((+6))~~ (5) Coordinate with the governing boards of the two and  
31 four-year institutions of higher education, ~~((the state board for~~  
32 ~~community and technical colleges,))~~ the workforce training and  
33 education coordinating board, and if applicable, the superintendent of  
34 public instruction to create a seamless system of public education for  
35 the citizens of Washington state geared toward student success.

1       **Sec. 603.** RCW 28B.76.110 and 2004 c 275 s 5 are each amended to  
2 read as follows:

3       The (~~higher education coordinating board~~) department is  
4 designated as the state commission as provided for in Section 1202 of  
5 the education amendments of 1972 (Public Law 92-318), as now or  
6 hereafter amended; and shall perform such functions as is necessary to  
7 comply with federal directives pertaining to the provisions of such  
8 law.

9       **Sec. 604.** RCW 28B.76.210 and 2010 c 245 s 10 are each amended to  
10 read as follows:

11       (1) The (~~board~~) department shall collaborate with the four-year  
12 institutions including the council of presidents, (~~the community and~~  
13 ~~technical college system,~~) and when appropriate the workforce training  
14 and education coordinating board(~~, the superintendent of public~~  
15 ~~instruction,~~) and the independent higher educational institutions to  
16 identify budget priorities and levels of funding for higher education,  
17 including the two and four-year institutions of higher education and  
18 state financial aid programs. It is the intent of the legislature that  
19 recommendations from the (~~board~~) department reflect not merely the  
20 sum of budget requests from multiple institutions, but prioritized  
21 funding needs for the overall system of higher education as part of the  
22 department's budget request for the education system.

23       (2) By December of each odd-numbered year, the (~~board~~) department  
24 shall distribute guidelines which outline the (~~board's~~) department's  
25 fiscal priorities to the institutions (~~and the state board for~~  
26 ~~community and technical colleges~~) of higher education.

27       (a) The institutions (~~and the state board for community and~~  
28 ~~technical colleges~~) shall submit an outline of their proposed  
29 operating budgets to the (~~board~~) department no later than July 1st of  
30 each even-numbered year. Pursuant to guidelines developed by the  
31 (~~board~~) department, operating budget outlines submitted by the  
32 institutions (~~and the state board for community and technical colleges~~  
33 ~~after January 1, 2007~~) after July 1, 2012, shall include all policy  
34 changes and enhancements that will be requested by the institutions  
35 (~~and the state board for community and technical colleges~~) in their  
36 respective biennial budget requests. Operating budget outlines shall

1 include a description of each policy enhancement, the dollar amount  
2 requested, and the fund source being requested.

3 (b) Capital budget outlines for the two-year institutions shall be  
4 submitted by August 15th of each even-numbered year, and shall include  
5 the prioritized ranking of the capital projects being requested, a  
6 description of each capital project, and the amount and fund source  
7 being requested.

8 (c) Capital budget outlines for the four-year institutions must be  
9 submitted by August 15th of each even-numbered year, and must include:  
10 The institutions' priority ranking of the project; the capital budget  
11 category within which the project will be submitted to the office of  
12 financial management in accordance with RCW 43.88D.010; a description  
13 of each capital project; and the amount and fund source being  
14 requested.

15 (d) The office of financial management shall reference these  
16 reporting requirements in its budget instructions.

17 (3) The ((board)) department shall review and evaluate the  
18 operating and capital budget requests from four-year institutions and  
19 the community and technical college system under RCW 28B.50.090 based  
20 on how the requests align with the ((board's)) department's budget  
21 priorities((,)) and the missions of the institutions((, and the  
22 ~~statewide strategic master plan for higher education under RCW~~  
23 ~~28B.76.200))~~)).

24 (4) The ((board)) department shall submit recommendations on the  
25 proposed operating budget and priorities to the office of financial  
26 management by October 1st of each even-numbered year((, and to the  
27 legislature by January 1st of each odd-numbered year)).

28 (5) The ((board's)) department's capital budget recommendations for  
29 the community and technical college system and the four-year  
30 institutions must be submitted to the office of financial management  
31 ((and to the legislature by November 15th of each even-numbered year)).  
32 The ((board's)) department's recommendations for the four-year  
33 institutions must include a single, prioritized list of the major  
34 projects that the ((board)) department recommends be funded with state  
35 bond and building account appropriations during the forthcoming fiscal  
36 biennium. In developing this single prioritized list, the ((board))  
37 department shall:

1 (a) Seek to identify the combination of projects that will most  
2 cost-effectively achieve the state's goals. These goals include  
3 increasing baccalaureate and graduate degree production, particularly  
4 in high-demand fields; promoting economic development through research  
5 and innovation; providing quality, affordable educational environments;  
6 preserving existing assets; and maximizing the efficient utilization of  
7 instructional space;

8 (b) Be guided by the objective analysis and scoring of capital  
9 budget projects completed by the office of financial management  
10 pursuant to chapter 43.88D RCW;

11 (c) Anticipate (i) that state bond and building account  
12 appropriations continue at the same level during each of the two  
13 subsequent fiscal biennia as has actually been appropriated for the  
14 baccalaureate institutions during the current one; (ii) that major  
15 projects funded for design during a biennium are funded for  
16 construction during the subsequent one before state appropriations are  
17 provided for new major projects; and (iii) that minor health, safety,  
18 code, and preservation projects are funded at the same average level as  
19 in recent biennia before state appropriations are provided for new  
20 major projects.

21 (6) Four-year institutions (~~((and the state board for community and~~  
22 ~~technical colleges))~~) shall submit any supplemental budget requests and  
23 revisions to the (~~(board)~~) department at the same time they are  
24 submitted to the office of financial management. The (~~(board)~~)  
25 department shall submit recommendations on the proposed supplemental  
26 budget requests to the office of financial management (~~((by November 1st~~  
27 ~~and to the legislature by January 1st))~~).

28 **Sec. 605.** RCW 28B.76.230 and 2010 c 245 s 5 are each amended to  
29 read as follows:

30 (1) The (~~(board)~~) department shall develop a comprehensive and  
31 ongoing assessment process to analyze the need for additional degrees  
32 and programs, additional off-campus centers and locations for degree  
33 programs, and consolidation or elimination of programs by the four-year  
34 institutions. (~~(Board)~~) Department recommendations regarding proposed  
35 major expansion shall be limited to determinations of whether the major  
36 expansion is within the scope indicated in the most recent strategic  
37 (~~(master)~~) plan for (~~(higher)~~) education or most recent system design

1 plan. Recommendations regarding existing capital prioritization  
2 processes are not within the scope of the evaluation of major  
3 expansion. Major expansion and proposed mission changes may be  
4 proposed by the ((~~board~~)) department, any public institution of higher  
5 education, or by a state or local government.

6 (2) As part of the needs assessment process, the ((~~board~~))  
7 department shall examine:

8 (a) Projections of student, employer, and community demand for  
9 education and degrees, including liberal arts degrees, on a regional  
10 and statewide basis;

11 (b) Current and projected degree programs and enrollment at public  
12 and private institutions of higher education, by location and mode of  
13 service delivery;

14 (c) Data from the workforce training and education coordinating  
15 board ((~~and the state board for community and technical colleges~~)) on  
16 the supply and demand for workforce education and certificates and  
17 associate degrees; and

18 (d) Recommendations from the technology transformation task force  
19 created in chapter 407, Laws of 2009, and institutions of higher  
20 education relative to the strategic and operational use of technology  
21 in higher education. These and other reports, reviews, and audits  
22 shall allow for: The development of enterprise-wide digital  
23 information technology across educational sectors, systems, and  
24 delivery methods; the integration and streamlining of administrative  
25 tools including but not limited to student information management,  
26 financial management, payroll, human resources, data collection,  
27 reporting, and analysis; and a determination of the costs of multiple  
28 technology platforms, systems, and models.

29 (3) Every two years the ((~~board~~)) department shall produce, jointly  
30 with the ((~~state board for community and technical colleges and the~~))  
31 workforce training and education coordinating board, an assessment of  
32 the number and type of higher education and training credentials  
33 required to match employer demand for a skilled and educated workforce.  
34 The assessment shall include the number of forecasted net job openings  
35 at each level of higher education and training and the number of  
36 credentials needed to match the forecast of net job openings.

37 (4) The ((~~board~~)) department shall determine whether certain major  
38 lines of study or types of degrees, including applied degrees or

1 research-oriented degrees, shall be assigned uniquely to some  
2 institutions or institutional sectors in order to create centers of  
3 excellence that focus resources and expertise.

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

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

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

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

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

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

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

16 (6) Institutions seeking ((board)) department approval under this  
17 section must demonstrate that the proposal is justified by the needs  
18 assessment developed under this section. Institutions must also  
19 demonstrate how the proposals align with or implement the statewide  
20 strategic ((master)) plan for ((higher)) education under ((RCW  
21 28B.76.200)) section 106(3) of this act.

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

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

29 (9) In the case of a proposed major expansion or mission change,  
30 the needs assessment process under subsection (2) of this section  
31 constitutes a threshold inquiry. If the ((board)) department  
32 determines that the need for the proposed major expansion or mission  
33 change has not been justified, the inquiry is concluded. If the  
34 ((board)) department determines that the need for the proposed major  
35 expansion or mission change has been sufficiently established, the  
36 ((board)) department, in consultation with any directly involved  
37 institutions and other interested agencies and individuals, shall



1 proceed to examine the viability of the proposal using criteria  
2 including, but not limited to:

3 (a) The specific scope of the project including the capital  
4 investment requirements, the number of full-time equivalent students  
5 anticipated, and the number of academic programs planned;

6 (b) The existence of an efficient and sustainable financial plan;

7 (c) The extent to which existing resources can be leveraged;

8 (d) The current and five-year projected student population,  
9 faculty, and staff to support the proposed programs, institution, or  
10 innovation;

11 (e) The plans to accommodate expected growth over a twenty-year  
12 time frame;

13 (f) The extent to which new or existing partnerships and  
14 collaborations are a part of the proposal; and

15 (g) The feasibility of any proposed innovations to accelerate  
16 degree production.

17 (10) After the ((board)) department completes its evaluation of the  
18 proposed major expansion or mission change using the needs assessment  
19 under subsection (2) of this section and viability determination under  
20 subsection (9) of this section, the ((board)) department shall make a  
21 recommendation to either proceed, modify, or not proceed with the  
22 proposed major expansion or mission change. The ((board's))  
23 department's recommendation shall be presented to the governor and the  
24 legislature.

25 **Sec. 606.** RCW 28B.76.240 and 2004 c 275 s 10 are each amended to  
26 read as follows:

27 The ((board)) department shall adopt statewide transfer and  
28 articulation policies that ensure efficient transfer of credits and  
29 courses across public two and four-year institutions of higher  
30 education. The intent of the policies is to create a statewide system  
31 of articulation and alignment between two and four-year institutions.  
32 Policies may address but are not limited to creation of a statewide  
33 system of course equivalency, creation of transfer associate degrees,  
34 statewide articulation agreements, applicability of technical courses  
35 toward baccalaureate degrees, and other issues. The institutions of  
36 higher education ((and the state board for community and technical  
37 colleges)) shall cooperate with the ((board)) department in developing

1 the statewide policies and shall provide support and staff resources as  
2 necessary to assist in maintaining the policies. (~~The board shall~~  
3 ~~submit a progress report to the higher education committees of the~~  
4 ~~senate and house of representatives by December 1, 2006, by which time~~  
5 ~~the legislature expects measurable improvement in alignment and~~  
6 ~~transfer efficiency.))~~

7 **Sec. 607.** RCW 28B.76.260 and 2004 c 55 s 3 are each amended to  
8 read as follows:

9 (~~(1)~~) The (~~higher education coordinating board~~) department must  
10 create a statewide system of course equivalency for public institutions  
11 of higher education, so that courses from one institution can be  
12 transferred and applied toward academic majors and degrees in the same  
13 manner as equivalent courses at the receiving institution.

14 (~~(2)~~) ~~The board must convene a work group including representatives~~  
15 ~~from the state board for community and technical colleges and the~~  
16 ~~council of presidents, as well as faculty from two and four-year~~  
17 ~~institutions, to:~~

18 ~~(a) Identify equivalent courses between community and technical~~  
19 ~~colleges and public four-year institutions and among public four-year~~  
20 ~~institutions, including identifying how courses meet requirements for~~  
21 ~~academic majors and degrees; and~~

22 ~~(b) Develop strategies for communicating course equivalency to~~  
23 ~~students, faculty, and advisors.~~

24 ~~(3) The work group may include representatives from independent~~  
25 ~~four-year institutions. The work group must take into account the~~  
26 ~~unique nature of the curriculum of The Evergreen State College in~~  
27 ~~developing the course equivalency system.~~

28 ~~(4) The higher education coordinating board must make a progress~~  
29 ~~report on the development of the course equivalency system to the~~  
30 ~~higher education committees of the senate and house of representatives~~  
31 ~~by January 10, 2005. The report must include options and cost~~  
32 ~~estimates for ongoing maintenance of the system.))~~

33 **Sec. 608.** RCW 28B.76.290 and 1993 c 77 s 2 are each amended to  
34 read as follows:

35 The (~~board~~) department shall coordinate educational activities  
36 among all segments of higher education taking into account the

1 educational programs, facilities, and other resources of both public  
2 and independent two and four-year colleges and universities. The four-  
3 year institutions (~~and the state board for community and technical~~  
4 ~~colleges~~) shall coordinate information and activities with the  
5 ((board)) department. The ((board)) department shall have the  
6 following additional responsibilities:

- 7 (1) Promote interinstitutional cooperation;
- 8 (2) Establish minimum admission standards for four-year  
9 institutions, including a requirement that coursework in American sign  
10 language or an American Indian language shall satisfy any requirement  
11 for instruction in a language other than English that the ((board))  
12 department or the institutions may establish as a general undergraduate  
13 admissions requirement;
- 14 (3) Establish transfer policies;
- 15 (4) Adopt rules implementing statutory residency requirements;
- 16 (5) Develop and administer reciprocity agreements with bordering  
17 states and the province of British Columbia;
- 18 (6) Review and recommend compensation practices and levels for  
19 administrative employees, exempt under chapter 28B.16 RCW, and faculty  
20 using comparative data from peer institutions;
- 21 (7) Monitor higher education activities for compliance with all  
22 relevant state policies for higher education;
- 23 (8) Arbitrate disputes between and among four-year institutions or  
24 between and among four-year institutions and community colleges at the  
25 request of one or more of the institutions involved, or at the request  
26 of the governor, or from a resolution adopted by the legislature. The  
27 decision of the ((board)) department shall be binding on the  
28 participants in the dispute;
- 29 (9) Establish and implement a state system for collecting,  
30 analyzing, and distributing information;
- 31 (10) Recommend to the governor and the legislature ways to remove  
32 any economic incentives to use off-campus program funds for on-campus  
33 activities; and
- 34 (11) Make recommendations to increase minority participation, and  
35 monitor and report on the progress of minority participation in higher  
36 education.

1           **Sec. 609.** RCW 28B.76.300 and 2004 c 275 s 14 are each amended to  
2 read as follows:

3           (1) The ~~((board))~~ department shall annually develop information on  
4 the approximate amount of state support that students receive. For  
5 students at state-supported colleges and universities, the information  
6 shall include the approximate level of support received by students in  
7 each tuition category. That information may include consideration of  
8 the following: Expenditures included in the educational cost formula,  
9 revenue forgiven from waived tuition and fees, state-funded financial  
10 aid awarded to students at public institutions, and all or a portion of  
11 appropriated amounts not reflected in the educational cost formula for  
12 institutional programs and services that may affect or enhance the  
13 educational experience of students at a particular institution. For  
14 students attending a private college, university, or proprietary  
15 school, the information shall include the amount of state-funded  
16 financial aid awarded to students attending the institution.

17           (2) ~~((Beginning July 30, 1993,))~~ The ~~((board))~~ department shall  
18 annually provide information appropriate to each institution's student  
19 body to each state-supported ~~((four-year))~~ institution of higher  
20 education ~~((and to the state board for community and technical colleges  
21 for distribution to community colleges and technical colleges))~~.

22           (3) ~~((Beginning July 30, 1993,))~~ The ~~((board))~~ department shall  
23 annually provide information on the level of financial aid received by  
24 students at that institution to each private university, college, or  
25 proprietary school, that enrolls students receiving state-funded  
26 financial aid.

27           (4) Beginning with the 1997 fall academic term, each institution of  
28 higher education described in subsection (2) or (3) of this section  
29 shall provide to students at the institution information on the  
30 approximate amount that the state is contributing to the support of  
31 their education. Information provided to students at each state-  
32 supported college and university shall include the approximate amount  
33 of state support received by students in each tuition category at that  
34 institution. The amount of state support shall be based on the  
35 information provided by the ~~((board))~~ department under subsections (1)  
36 through (3) of this section. The information shall be provided to  
37 students at the beginning of each academic term through one or more of

1 the following: Registration materials, class schedules, tuition and  
2 fee billing packets, student newspapers, or via e-mail or kiosk.

3 **Sec. 610.** RCW 28B.76.310 and 2004 c 275 s 15 are each amended to  
4 read as follows:

5 (1) The ((board)) department, in consultation with the house of  
6 representatives and senate committees responsible for higher education,  
7 the respective fiscal committees of the house of representatives and  
8 senate, the office of financial management, ((the state board for  
9 community and technical colleges,)) and the state institutions of  
10 higher education, shall develop standardized methods and protocols for  
11 measuring the undergraduate and graduate educational costs for the  
12 state universities, regional universities, and community colleges,  
13 including but not limited to the costs of instruction, costs to provide  
14 degrees in specific fields, and costs for precollege remediation.

15 (2) ((By December 1, 2004, the board must propose a schedule of  
16 regular cost study reports intended to meet the information needs of  
17 the governor's office and the legislature and the requirements of RCW  
18 28B.76.300 and submit the proposed schedule to the higher education and  
19 fiscal committees of the house of representatives and the senate for  
20 their review.

21 (+3)) The institutions of higher education shall participate in the  
22 development of cost study methods and shall provide all necessary data  
23 in a timely fashion consistent with the protocols developed.

24 NEW SECTION. **Sec. 611.** The following acts or parts of acts, as  
25 now existing or hereafter amended, are each repealed:

26 (1) RCW 28B.76.010 (Board created) and 1985 c 370 s 1;

27 (2) RCW 28B.76.040 (Members--Appointment) and 2002 c 348 s 1, 2002  
28 c 129 s 1, & 1985 c 370 s 10;

29 (3) RCW 28B.76.050 (Members--Terms) and 2007 c 458 s 101, 2004 c  
30 275 s 3, 2002 c 129 s 2, & 1985 c 370 s 11;

31 (4) RCW 28B.76.060 (Members--Vacancies) and 1985 c 370 s 12;

32 (5) RCW 28B.76.070 (Bylaws--Meetings) and 1985 c 370 s 13;

33 (6) RCW 28B.76.080 (Members--Compensation and travel expenses) and  
34 1985 c 370 s 16, 1984 c 287 s 65, 1975-'76 2nd ex.s. c 34 s 77, & 1969  
35 ex.s. c 277 s 12;

1 (7) RCW 28B.76.090 (Director--Duties--Board use of state agencies)  
2 and 2007 c 458 s 102, 2004 c 275 s 4, 1987 c 330 s 301, & 1985 c 370 s  
3 14;

4 (8) RCW 28B.76.200 (Statewide strategic master plan for higher  
5 education--Institution-level strategic plans) and 2007 c 458 s 201,  
6 2004 c 275 s 6, & 2003 c 130 s 2;

7 (9) RCW 28B.76.270 (Accountability monitoring and reporting  
8 system--Institution biennial plans and performance targets--Biennial  
9 reports to the legislature) and 2004 c 275 s 11; and

10 (10) RCW 28B.76.330 (Coordination, articulation, and transitions  
11 among systems of education--Biennial updates to legislature) and 2004  
12 c 275 s 17 & 1994 c 222 s 3.

13 **PART 7**

14 **MISCELLANEOUS TECHNICAL REVISIONS**

15 **Sec. 701.** RCW 43.41.400 and 2009 c 548 s 201 are each amended to  
16 read as follows:

17 (1) An education data center shall be established in the office of  
18 financial management. The education data center shall jointly, with  
19 the legislative evaluation and accountability program committee,  
20 conduct collaborative analyses of early learning, K-12, and higher  
21 education programs and education issues across the P-20 system within  
22 the department of education, which also includes (~~the department of~~  
23 ~~early learning,~~) the superintendent of public instruction unless its  
24 powers and duties are transferred, (~~the professional educator~~  
25 ~~standards board, the state board of education, the state board for~~  
26 ~~community and technical colleges,~~) the workforce training and  
27 education coordinating board, (~~the higher education coordinating~~  
28 ~~board,~~) public and private nonprofit four-year institutions of higher  
29 education, and the employment security department. The education data  
30 center shall conduct collaborative analyses under this section with the  
31 legislative evaluation and accountability program committee and provide  
32 data electronically to the legislative evaluation and accountability  
33 program committee, to the extent permitted by state and federal  
34 confidentiality requirements. The education data center shall be  
35 considered an authorized representative of the state educational

1 agencies in this section under applicable federal and state statutes  
2 for purposes of accessing and compiling student record data for  
3 research purposes.

4 (2) The education data center shall:

5 (a) In consultation with the legislative evaluation and  
6 accountability program committee and the agencies and organizations  
7 participating in the education data center, identify the critical  
8 research and policy questions that are intended to be addressed by the  
9 education data center and the data needed to address the questions;

10 (b) Coordinate with other state education agencies to compile and  
11 analyze education data, including data on student demographics that is  
12 disaggregated by distinct ethnic categories within racial subgroups,  
13 and complete P-20 research projects;

14 (c) Collaborate with the legislative evaluation and accountability  
15 program committee and the education and fiscal committees of the  
16 legislature in identifying the data to be compiled and analyzed to  
17 ensure that legislative interests are served;

18 (d) Annually provide to the K-12 data governance group a list of  
19 data elements and data quality improvements that are necessary to  
20 answer the research and policy questions identified by the education  
21 data center and have been identified by the legislative committees in  
22 (c) of this subsection. Within three months of receiving the list, the  
23 K-12 data governance group shall develop and transmit to the education  
24 data center a feasibility analysis of obtaining or improving the data,  
25 including the steps required, estimated time frame, and the financial  
26 and other resources that would be required. Based on the analysis, the  
27 education data center shall submit, if necessary, a recommendation to  
28 the legislature regarding any statutory changes or resources that would  
29 be needed to collect or improve the data;

30 (e) Monitor and evaluate the education data collection systems of  
31 the organizations and agencies represented in the education data center  
32 ensuring that data systems are flexible, able to adapt to evolving  
33 needs for information, and to the extent feasible and necessary,  
34 include data that are needed to conduct the analyses and provide  
35 answers to the research and policy questions identified in (a) of this  
36 subsection;

37 (f) Track enrollment and outcomes through the public centralized  
38 higher education enrollment system;

1 (g) Assist other state educational agencies' collaborative efforts  
2 to develop a long-range enrollment plan for higher education including  
3 estimates to meet demographic and workforce needs;

4 (h) Provide research that focuses on student transitions within and  
5 among the early learning, K-12, and higher education sectors in the P-  
6 20 system; and

7 (i) Make recommendations to the legislature as necessary to help  
8 ensure the goals and objectives of this section and RCW 28A.655.210 and  
9 28A.300.507 are met.

10 (3) The department of (~~early learning,~~) education, superintendent  
11 of public instruction unless its powers and duties are transferred,  
12 (~~professional educator standards board, state board of education,~~  
13 ~~state board for community and technical colleges,~~) workforce training  
14 and education coordinating board, (~~higher education coordinating~~  
15 ~~board,~~) public four-year institutions of higher education, and  
16 employment security department shall work with the education data  
17 center to develop data-sharing and research agreements, consistent with  
18 applicable security and confidentiality requirements, to facilitate the  
19 work of the center. Private, nonprofit institutions of higher  
20 education that provide programs of education beyond the high school  
21 level leading at least to the baccalaureate degree and are accredited  
22 by the Northwest association of schools and colleges or their peer  
23 accreditation bodies may also develop data-sharing and research  
24 agreements with the education data center, consistent with applicable  
25 security and confidentiality requirements. The education data center  
26 shall make data from collaborative analyses available to the education  
27 agencies and institutions that contribute data to the education data  
28 center to the extent allowed by federal and state security and  
29 confidentiality requirements applicable to the data of each  
30 contributing agency or institution.

31 **PART 8**

32 **MISCELLANEOUS PROVISIONS**

33 NEW SECTION. **Sec. 801.** The code reviser shall prepare legislation  
34 for the 2012 session to correct obsolete references resulting from the  
35 enactment of this bill.



1        NEW SECTION.    **Sec. 802.**    Sections 101 through 110 and 115 of this  
2 act constitute a new title in the Revised Code of Washington.

3        NEW SECTION.    **Sec. 803.**    Sections 101 through 109, 111 through 117,  
4 201 through 205, 313, 315, 316, 317, 320, 323 through 326, 328, 329,  
5 331 through 344, 501 through 506, 601 through 611, and 701 of this act  
6 take effect July 1, 2012.

7        NEW SECTION.    **Sec. 804.**    (1) Sections 301 through 312, 314, 318,  
8 319, 321, 322, 327, and 330 of this act take effect July 1, 2012, if  
9 the proposed amendments to Article III of the state Constitution  
10 eliminating the superintendent of public instruction as a statewide  
11 elected official (Z-..../11), is validly submitted to and is not  
12 approved and ratified by the voters at the next general election.

13        (2) If the proposed amendment is approved and ratified, the  
14 sections listed in subsection (1) of this section are void in their  
15 entirety.

16        NEW SECTION.    **Sec. 805.**    (1) Sections 401 through 410 of this act  
17 take effect January 16, 2013, if the proposed amendments to Article III  
18 of the state Constitution eliminating the superintendent of public  
19 instruction as a statewide elected official (Z-..../11), is validly  
20 submitted to and is approved and ratified by the voters at the next  
21 general election.

22        (2) If the proposed amendment is not approved and ratified,  
23 sections 118 and 401 through 410 of this act are void in their  
24 entirety.

--- END ---