
HOUSE BILL 2470

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Maxwell, Dahlquist, Sullivan, Dammeier, Santos, Upthegrove, Roberts, and Pollet

Read first time 01/16/12. Referred to Committee on Education.

1 AN ACT Relating to providing for educational opportunities for low-
2 income, at-risk, and diverse students based on the recommendations of
3 the quality education council; amending RCW 28A.150.260, 28A.657.050,
4 28C.18.162, 28A.660.042, 28A.660.050, and 28A.660.040; reenacting and
5 amending RCW 28A.150.260; adding new sections to chapter 28A.655 RCW;
6 providing effective dates; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.655
9 RCW to read as follows:

10 Before implementing revisions to the state essential academic
11 learning requirements as authorized under RCW 28A.655.070, the
12 superintendent of public instruction must ensure that a fairness and
13 bias review of the revisions has been conducted, including providing an
14 opportunity for input from the educational opportunity gap oversight
15 and accountability committee under RCW 28A.300.136 and from an
16 additional diverse group of community representatives, parents, and
17 educators to be convened by the superintendent.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.655
2 RCW to read as follows:

3 Within available state and federal funds for school and district
4 improvement, the office of the superintendent of public instruction
5 shall provide technical assistance to schools and districts
6 specifically targeted to reduce school dropouts and improve on-time and
7 extended high school graduation rates. The technical assistance shall
8 be more intensive for those high schools and school districts in
9 significant need of improvement.

10 **Sec. 3.** RCW 28A.150.260 and 2011 1st sp.s. c 34 s 9 and 2011 1st
11 sp.s. c 27 s 2 are each reenacted and amended to read as follows:

12 The purpose of this section is to provide for the allocation of
13 state funding that the legislature deems necessary to support school
14 districts in offering the minimum instructional program of basic
15 education under RCW 28A.150.220. The allocation shall be determined as
16 follows:

17 (1) The governor shall and the superintendent of public instruction
18 may recommend to the legislature a formula for the distribution of a
19 basic education instructional allocation for each common school
20 district.

21 (2) The distribution formula under this section shall be for
22 allocation purposes only. Except as may be required under chapter
23 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
24 regulations, nothing in this section requires school districts to use
25 basic education instructional funds to implement a particular
26 instructional approach or service. Nothing in this section requires
27 school districts to maintain a particular classroom teacher-to-student
28 ratio or other staff-to-student ratio or to use allocated funds to pay
29 for particular types or classifications of staff. Nothing in this
30 section entitles an individual teacher to a particular teacher planning
31 period.

32 (3)(a) To the extent the technical details of the formula have been
33 adopted by the legislature and except when specifically provided as a
34 school district allocation, the distribution formula for the basic
35 education instructional allocation shall be based on minimum staffing
36 and nonstaff costs the legislature deems necessary to support
37 instruction and operations in prototypical schools serving high,

1 middle, and elementary school students as provided in this section.
2 The use of prototypical schools for the distribution formula does not
3 constitute legislative intent that schools should be operated or
4 structured in a similar fashion as the prototypes. Prototypical
5 schools illustrate the level of resources needed to operate a school of
6 a particular size with particular types and grade levels of students
7 using commonly understood terms and inputs, such as class size, hours
8 of instruction, and various categories of school staff. It is the
9 intent that the funding allocations to school districts be adjusted
10 from the school prototypes based on the actual number of annual average
11 full-time equivalent students in each grade level at each school in the
12 district and not based on the grade-level configuration of the school
13 to the extent that data is available. The allocations shall be further
14 adjusted from the school prototypes with minimum allocations for small
15 schools and to reflect other factors identified in the omnibus
16 appropriations act.

17 (b) The total aggregate statewide allocations calculated under
18 subsections (4) through (12) of this section for full-time equivalent
19 student enrollment in alternative learning experience programs as
20 defined in RCW 28A.150.325 shall be reduced by fifteen percent for the
21 2011-12 and 2012-13 school years. The superintendent of public
22 instruction shall determine how to implement this aggregate fifteen
23 percent reduction among the different alternative learning experience
24 programs. No program may receive less than a ten percent reduction and
25 no program may receive greater than a twenty percent reduction. In
26 determining how to implement the reductions among the alternative
27 learning experience programs, the superintendent of public instruction
28 must look to both how a program is currently operating as well as how
29 it has operated in the past, to the extent that data is available, and
30 must give consideration to the following criteria:

- 31 (i) The category of program;
- 32 (ii) The certificated instructional staffing ratio maintained by
33 the program;
- 34 (iii) The amount and type of direct personal student-to-teacher
35 contact used by the program on a weekly basis;
- 36 (iv) Whether the program uses any classroom-based instructional
37 time to meet requirements in the written student learning plan for
38 enrolled students; and

1 (v) For online programs, whether the program is approved by the
2 superintendent of public instruction under RCW 28A.250.020.

3 (c) The superintendent of public instruction shall report to the
4 legislature by December 31, 2011, regarding how the reductions in (b)
5 of this subsection were implemented.

6 (d) For the purposes of this section, prototypical schools are
7 defined as follows:

8 (i) A prototypical high school has six hundred average annual full-
9 time equivalent students in grades nine through twelve;

10 (ii) A prototypical middle school has four hundred thirty-two
11 average annual full-time equivalent students in grades seven and eight;
12 and

13 (iii) A prototypical elementary school has four hundred average
14 annual full-time equivalent students in grades kindergarten through
15 six.

16 (4)(a) The minimum allocation for each level of prototypical school
17 shall be based on the number of full-time equivalent classroom teachers
18 needed to provide instruction over the minimum required annual
19 instructional hours under RCW 28A.150.220 and provide at least one
20 teacher planning period per school day, and based on the following
21 general education average class size of full-time equivalent students
22 per teacher:

	General education average class size
23 Grades K-3	25.23
24 Grade 4	27.00
25 Grades 5-6	27.00
26 Grades 7-8	28.53
27 Grades 9-12	28.74

28 (b) During the 2011-2013 biennium and beginning with schools with
29 the highest percentage of students eligible for free and reduced-price
30 meals in the prior school year, the general education average class
31 size for grades K-3 shall be reduced until the average class size
32 funded under this subsection (4) is no more than 17.0 full-time
33 equivalent students per teacher beginning in the 2017-18 school year.

34 (c) The minimum allocation for each prototypical middle and high
35

1 school shall also provide for full-time equivalent classroom teachers
 2 based on the following number of full-time equivalent students per
 3 teacher in career and technical education:

	Career and technical education average class size
4 Approved career and technical education offered at	
5 the middle school and high school level	26.57
6 Skill center programs meeting the standards established	
7 by the office of the superintendent of public	
8 instruction	22.76

9 (d) In addition, the omnibus appropriations act shall at a minimum
 10 specify:

11 (i) A high-poverty average class size in schools where more than
 12 fifty percent of the students are eligible for free and reduced-price
 13 meals; and

14 (ii) A specialty average class size for laboratory science,
 15 advanced placement, and international baccalaureate courses.

16 (5) The minimum allocation for each level of prototypical school
 17 shall include allocations for the following types of staff in addition
 18 to classroom teachers:

	Elementary	Middle	High
	School	School	School
19 Principals, assistant principals, and other certificated building-level			
20 administrators	1.253	1.353	1.880
21 Teacher librarians, a function that includes information literacy, technology,			
22 and media to support school library media programs	0.663	0.519	0.523
23 Health and social services:			
24 School nurses	0.076	0.060	0.096
25 Social workers	0.042	0.006	0.015
26 Psychologists	0.017	0.002	0.007
27 Guidance counselors, a function that includes parent outreach and graduation			
28 advising	0.493	1.116	1.909
29 Teaching assistance, including any aspect of educational instructional			
30 services provided by classified employees	0.936	0.700	0.652

1	Office support and other noninstructional aides	2.012	2.325	3.269
2	Custodians	1.657	1.942	2.965
3	Classified staff providing student and staff safety	0.079	0.092	0.141
4	((Parent involvement)) Family engagement coordinators	0.00	0.00	0.00

5 (6)(a) The minimum staffing allocation for each school district to
6 provide district-wide support services shall be allocated per one
7 thousand annual average full-time equivalent students in grades K-12 as
8 follows:

9			Staff per 1,000
10			K-12 students
11	Technology		0.628
12	Facilities, maintenance, and grounds		1.813
13	Warehouse, laborers, and mechanics		0.332

14 (b) The minimum allocation of staff units for each school district
15 to support certificated and classified staffing of central
16 administration shall be 5.30 percent of the staff units generated under
17 subsections (4)(a) and (b) and (5) of this section and (a) of this
18 subsection.

19 (7) The distribution formula shall include staffing allocations to
20 school districts for career and technical education and skill center
21 administrative and other school-level certificated staff, as specified
22 in the omnibus appropriations act.

23 (8)(a) Except as provided in (b) of this subsection, the minimum
24 allocation for each school district shall include allocations per
25 annual average full-time equivalent student for the following
26 materials, supplies, and operating costs, to be adjusted for inflation
27 from the 2008-09 school year:

28			Per annual average
29			full-time equivalent student
30			in grades K-12
31	Technology		\$54.43
32	Utilities and insurance		\$147.90
33	Curriculum and textbooks		\$58.44
34	Other supplies and library materials		\$124.07
35	Instructional professional development for certified and		
36	classified staff		\$9.04

1 Facilities maintenance \$73.27
 2 Security and central office \$50.76

3 (b) During the 2011-2013 biennium, the minimum allocation for
 4 maintenance, supplies, and operating costs shall be increased as
 5 specified in the omnibus appropriations act. The following
 6 allocations, adjusted for inflation from the 2007-08 school year, are
 7 provided in the 2015-16 school year, after which the allocations shall
 8 be adjusted annually for inflation as specified in the omnibus
 9 appropriations act:

	Per annual average full-time equivalent student in grades K-12
13 Technology	\$113.80
14 Utilities and insurance	\$309.21
15 Curriculum and textbooks	\$122.17
16 Other supplies and library materials	\$259.39
17 Instructional professional development for certificated and 18 classified staff	\$18.89
19 Facilities maintenance	\$153.18
20 Security and central office administration	\$106.12

21 (9) In addition to the amounts provided in subsection (8) of this
 22 section, the omnibus appropriations act shall provide an amount based
 23 on full-time equivalent student enrollment in each of the following:

24 (a) Exploratory career and technical education courses for students
 25 in grades seven through twelve;

26 (b) Laboratory science courses for students in grades nine through
 27 twelve;

28 (c) Preparatory career and technical education courses for students
 29 in grades nine through twelve offered in a high school; and

30 (d) Preparatory career and technical education courses for students
 31 in grades eleven and twelve offered through a skill center.

32 (10) In addition to the allocations otherwise provided under this
 33 section, amounts shall be provided to support the following programs
 34 and services:

35 (a) To provide supplemental instruction and services for
 36 underachieving students through the learning assistance program under
 37 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the

1 district percentage of students in grades K-12 who were eligible for
2 free or reduced-price meals in the prior school year. The minimum
3 allocation for the program shall provide for each level of prototypical
4 school resources to provide, on a statewide average, 1.5156 hours per
5 week in extra instruction with a class size of fifteen learning
6 assistance program students per teacher.

7 (b) To provide supplemental instruction and services for students
8 whose primary language is other than English, allocations shall be
9 based on the head count number of students in each school who are
10 eligible for and enrolled in the transitional bilingual instruction
11 program under RCW 28A.180.010 through 28A.180.080. The minimum
12 allocation for each level of prototypical school shall provide
13 resources to provide, on a statewide average, 4.7780 hours per week in
14 extra instruction with fifteen transitional bilingual instruction
15 program students per teacher. Notwithstanding other provisions of this
16 subsection (10), the actual per-student allocation may be scaled to
17 provide a larger allocation for students needing more intensive
18 intervention and a commensurate reduced allocation for students needing
19 less intensive intervention, as detailed in the omnibus appropriations
20 act.

21 (c) To provide additional allocations to support programs for
22 highly capable students under RCW 28A.185.010 through 28A.185.030,
23 allocations shall be based on two and three hundred fourteen one-
24 thousandths percent of each school district's full-time equivalent
25 basic education enrollment. The minimum allocation for the programs
26 shall provide resources to provide, on a statewide average, 2.1590
27 hours per week in extra instruction with fifteen highly capable program
28 students per teacher.

29 (11) The allocations under subsections (4)(a) and (b), (5), (6),
30 and (8) of this section shall be enhanced as provided under RCW
31 28A.150.390 on an excess cost basis to provide supplemental
32 instructional resources for students with disabilities.

33 (12)(a) For the purposes of allocations for prototypical high
34 schools and middle schools under subsections (4) and (10) of this
35 section that are based on the percent of students in the school who are
36 eligible for free and reduced-price meals, the actual percent of such
37 students in a school shall be adjusted by a factor identified in the

1 omnibus appropriations act to reflect underreporting of free and
2 reduced-price meal eligibility among middle and high school students.

3 (b) Allocations or enhancements provided under subsections (4),
4 (7), and (9) of this section for exploratory and preparatory career and
5 technical education courses shall be provided only for courses approved
6 by the office of the superintendent of public instruction under chapter
7 28A.700 RCW.

8 (13)(a) This formula for distribution of basic education funds
9 shall be reviewed biennially by the superintendent and governor. The
10 recommended formula shall be subject to approval, amendment or
11 rejection by the legislature.

12 (b) In the event the legislature rejects the distribution formula
13 recommended by the governor, without adopting a new distribution
14 formula, the distribution formula for the previous school year shall
15 remain in effect.

16 (c) The enrollment of any district shall be the annual average
17 number of full-time equivalent students and part-time students as
18 provided in RCW 28A.150.350, enrolled on the first school day of each
19 month, including students who are in attendance pursuant to RCW
20 28A.335.160 and 28A.225.250 who do not reside within the servicing
21 school district. The definition of full-time equivalent student shall
22 be determined by rules of the superintendent of public instruction and
23 shall be included as part of the superintendent's biennial budget
24 request. The definition shall be based on the minimum instructional
25 hour offerings required under RCW 28A.150.220. Any revision of the
26 present definition shall not take effect until approved by the house
27 ways and means committee and the senate ways and means committee.

28 (d) The office of financial management shall make a monthly review
29 of the superintendent's reported full-time equivalent students in the
30 common schools in conjunction with RCW 43.62.050.

31 **Sec. 4.** RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each
32 amended to read as follows:

33 The purpose of this section is to provide for the allocation of
34 state funding that the legislature deems necessary to support school
35 districts in offering the minimum instructional program of basic
36 education under RCW 28A.150.220. The allocation shall be determined as
37 follows:

1 (1) The governor shall and the superintendent of public instruction
2 may recommend to the legislature a formula for the distribution of a
3 basic education instructional allocation for each common school
4 district.

5 (2) The distribution formula under this section shall be for
6 allocation purposes only. Except as may be required under chapter
7 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
8 regulations, nothing in this section requires school districts to use
9 basic education instructional funds to implement a particular
10 instructional approach or service. Nothing in this section requires
11 school districts to maintain a particular classroom teacher-to-student
12 ratio or other staff-to-student ratio or to use allocated funds to pay
13 for particular types or classifications of staff. Nothing in this
14 section entitles an individual teacher to a particular teacher planning
15 period.

16 (3)(a) To the extent the technical details of the formula have been
17 adopted by the legislature and except when specifically provided as a
18 school district allocation, the distribution formula for the basic
19 education instructional allocation shall be based on minimum staffing
20 and nonstaff costs the legislature deems necessary to support
21 instruction and operations in prototypical schools serving high,
22 middle, and elementary school students as provided in this section.
23 The use of prototypical schools for the distribution formula does not
24 constitute legislative intent that schools should be operated or
25 structured in a similar fashion as the prototypes. Prototypical
26 schools illustrate the level of resources needed to operate a school of
27 a particular size with particular types and grade levels of students
28 using commonly understood terms and inputs, such as class size, hours
29 of instruction, and various categories of school staff. It is the
30 intent that the funding allocations to school districts be adjusted
31 from the school prototypes based on the actual number of annual average
32 full-time equivalent students in each grade level at each school in the
33 district and not based on the grade-level configuration of the school
34 to the extent that data is available. The allocations shall be further
35 adjusted from the school prototypes with minimum allocations for small
36 schools and to reflect other factors identified in the omnibus
37 appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical
education average

Approved career and technical education offered at the middle school and high school level 26.57
 Skill center programs meeting the standards established by the office of the superintendent of public instruction 22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for laboratory science, advanced placement, and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
((Parent involvement)) Family engagement coordinators	0.00	0.00	0.00

1 (6)(a) The minimum staffing allocation for each school district to
 2 provide district-wide support services shall be allocated per one
 3 thousand annual average full-time equivalent students in grades K-12 as
 4 follows:

	Staff per 1,000 K-12 students
5 Technology	0.628
6 Facilities, maintenance, and grounds	1.813
7 Warehouse, laborers, and mechanics	0.332

10 (b) The minimum allocation of staff units for each school district
 11 to support certificated and classified staffing of central
 12 administration shall be 5.30 percent of the staff units generated under
 13 subsections (4)(a) and (b) and (5) of this section and (a) of this
 14 subsection.

15 (7) The distribution formula shall include staffing allocations to
 16 school districts for career and technical education and skill center
 17 administrative and other school-level certificated staff, as specified
 18 in the omnibus appropriations act.

19 (8)(a) Except as provided in (b) of this subsection, the minimum
 20 allocation for each school district shall include allocations per
 21 annual average full-time equivalent student for the following
 22 materials, supplies, and operating costs, to be adjusted for inflation
 23 from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
24 Technology	\$54.43
25 Utilities and insurance	\$147.90
26 Curriculum and textbooks	\$58.44
27 Other supplies and library materials	\$124.07
28 Instructional professional development for certified and 29 classified staff	\$9.04
30 Facilities maintenance	\$73.27
31 Security and central office	\$50.76

35 (b) During the 2011-2013 biennium, the minimum allocation for
 36 maintenance, supplies, and operating costs shall be increased as
 37 specified in the omnibus appropriations act. The following

1 allocations, adjusted for inflation from the 2007-08 school year, are
2 provided in the 2015-16 school year, after which the allocations shall
3 be adjusted annually for inflation as specified in the omnibus
4 appropriations act:

	Per annual average full-time equivalent student in grades K-12
5	
6	
7	
8 Technology	\$113.80
9 Utilities and insurance	\$309.21
10 Curriculum and textbooks	\$122.17
11 Other supplies and library materials	\$259.39
12 Instructional professional development for certificated and 13 classified staff	\$18.89
14 Facilities maintenance	\$153.18
15 Security and central office administration	\$106.12

16 (9) In addition to the amounts provided in subsection (8) of this
17 section, the omnibus appropriations act shall provide an amount based
18 on full-time equivalent student enrollment in each of the following:

19 (a) Exploratory career and technical education courses for students
20 in grades seven through twelve;

21 (b) Laboratory science courses for students in grades nine through
22 twelve;

23 (c) Preparatory career and technical education courses for students
24 in grades nine through twelve offered in a high school; and

25 (d) Preparatory career and technical education courses for students
26 in grades eleven and twelve offered through a skill center.

27 (10) In addition to the allocations otherwise provided under this
28 section, amounts shall be provided to support the following programs
29 and services:

30 (a) To provide supplemental instruction and services for
31 underachieving students through the learning assistance program under
32 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
33 district percentage of students in grades K-12 who were eligible for
34 free or reduced-price meals in the prior school year. The minimum
35 allocation for the program shall provide for each level of prototypical
36 school resources to provide, on a statewide average, 1.5156 hours per
37 week in extra instruction with a class size of fifteen learning
38 assistance program students per teacher.

1 (b) To provide supplemental instruction and services for students
2 whose primary language is other than English, allocations shall be
3 based on the head count number of students in each school who are
4 eligible for and enrolled in the transitional bilingual instruction
5 program under RCW 28A.180.010 through 28A.180.080. The minimum
6 allocation for each level of prototypical school shall provide
7 resources to provide, on a statewide average, 4.7780 hours per week in
8 extra instruction with fifteen transitional bilingual instruction
9 program students per teacher. Notwithstanding other provisions of this
10 subsection (10), the actual per-student allocation may be scaled to
11 provide a larger allocation for students needing more intensive
12 intervention and a commensurate reduced allocation for students needing
13 less intensive intervention, as detailed in the omnibus appropriations
14 act.

15 (c) To provide additional allocations to support programs for
16 highly capable students under RCW 28A.185.010 through 28A.185.030,
17 allocations shall be based on two and three hundred fourteen one-
18 thousandths percent of each school district's full-time equivalent
19 basic education enrollment. The minimum allocation for the programs
20 shall provide resources to provide, on a statewide average, 2.1590
21 hours per week in extra instruction with fifteen highly capable program
22 students per teacher.

23 (11) The allocations under subsections (4)(a) and (b), (5), (6),
24 and (8) of this section shall be enhanced as provided under RCW
25 28A.150.390 on an excess cost basis to provide supplemental
26 instructional resources for students with disabilities.

27 (12)(a) For the purposes of allocations for prototypical high
28 schools and middle schools under subsections (4) and (10) of this
29 section that are based on the percent of students in the school who are
30 eligible for free and reduced-price meals, the actual percent of such
31 students in a school shall be adjusted by a factor identified in the
32 omnibus appropriations act to reflect underreporting of free and
33 reduced-price meal eligibility among middle and high school students.

34 (b) Allocations or enhancements provided under subsections (4),
35 (7), and (9) of this section for exploratory and preparatory career and
36 technical education courses shall be provided only for courses approved
37 by the office of the superintendent of public instruction under chapter
38 28A.700 RCW.

1 (13)(a) This formula for distribution of basic education funds
2 shall be reviewed biennially by the superintendent and governor. The
3 recommended formula shall be subject to approval, amendment or
4 rejection by the legislature.

5 (b) In the event the legislature rejects the distribution formula
6 recommended by the governor, without adopting a new distribution
7 formula, the distribution formula for the previous school year shall
8 remain in effect.

9 (c) The enrollment of any district shall be the annual average
10 number of full-time equivalent students and part-time students as
11 provided in RCW 28A.150.350, enrolled on the first school day of each
12 month, including students who are in attendance pursuant to RCW
13 28A.335.160 and 28A.225.250 who do not reside within the servicing
14 school district. The definition of full-time equivalent student shall
15 be determined by rules of the superintendent of public instruction and
16 shall be included as part of the superintendent's biennial budget
17 request. The definition shall be based on the minimum instructional
18 hour offerings required under RCW 28A.150.220. Any revision of the
19 present definition shall not take effect until approved by the house
20 ways and means committee and the senate ways and means committee.

21 (d) The office of financial management shall make a monthly review
22 of the superintendent's reported full-time equivalent students in the
23 common schools in conjunction with RCW 43.62.050.

24 **Sec. 5.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to
25 read as follows:

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

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

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

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

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

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

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

30 (e) Use of the state kindergarten readiness assessment process if
31 the school is an elementary school;

32 (f) Use of family engagement coordinators to build relationships
33 between families, the school, and the community to improve student
34 achievement; and

35 (g) Identification of the measures that the school district will
36 use in assessing student achievement at a school identified as a
37 persistently lowest-achieving school, which include improving
38 mathematics and reading student achievement and graduation rates as

1 defined by the office of the superintendent of public instruction that
2 enable the school to no longer be identified as a persistently lowest-
3 achieving school.

4 (3)(a) For any district designated for required action, the parties
5 to any collective bargaining agreement negotiated, renewed, or extended
6 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the
7 agreement, or negotiate an addendum, if needed, to make changes to
8 terms and conditions of employment that are necessary to implement a
9 required action plan.

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

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

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

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

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

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

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

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

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

8 (ii) Within seven days after the filing of the petition, each party
9 shall file with the court the proposal it is asking the court to order
10 be implemented in a required action plan for the district for each
11 issue certified by the executive director. Contemporaneously with the
12 filing of the proposal, a party must file a brief with the court
13 setting forth the reasons why the court should order implementation of
14 its proposal in the final plan.

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

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

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

36 (f) Any party that proceeds with the process in this section after
37 knowledge that any provision of this section has not been complied with

1 and who fails to state its objection in writing is deemed to have
2 waived its right to object.

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

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

9 To the extent permitted by federal law and regulations, the office
10 of the superintendent of public instruction may require elementary
11 schools receiving federal school improvement grants to use the state
12 kindergarten readiness assessment, and may require a school to use
13 family engagement coordinators to build relationships between families,
14 the school, and the community to improve student achievement.

15 **Sec. 7.** RCW 28C.18.162 and 2009 c 238 s 3 are each amended to read
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this section and RCW 28C.18.160 and
19 28C.18.164 through 28C.18.168.

20 (1) "High-demand occupation" means an occupation with a substantial
21 number of current or projected employment opportunities. For the
22 purposes of opportunity internships, the teaching of mathematics,
23 science, bilingual education, special education, or English as a second
24 language is considered a high-demand occupation.

25 (2) "Low-income high school student" means a student who is
26 enrolled in grade((s)) ten, eleven, or twelve in a public high school
27 and who qualifies for federal free or reduced-price meals. If a
28 student qualifies at the time the student begins participating in the
29 opportunity internship program, the student remains eligible even if
30 the student does not receive free or reduced-price meals thereafter.
31 To participate in the program, the student must remain enrolled in high
32 school until the student receives a high school diploma.

33 (3) "Opportunity internship consortium" means a local consortium
34 formed for the purpose of participating in the opportunity internship
35 program and which may be composed of a local workforce development
36 council, economic development council, area high schools, community or

1 technical colleges, apprenticeship councils, preapprenticeship programs
2 such as running start for the trades, private vocational schools
3 licensed under chapter 28C.10 RCW, public and private four-year
4 institutions of higher education, employers in targeted industries, and
5 labor organizations. Partnerships of high schools, teacher preparation
6 programs, and community-based organizations offering the program under
7 RCW 28A.415.370 may be considered opportunity internship consortia.

8 (4) "Opportunity internship graduate" means a low-income high
9 school student who successfully completes an opportunity internship
10 program and graduates from high school.

11 (5) "Postsecondary program of study" means an undergraduate or
12 graduate certificate, apprenticeship, or degree program.

13 (6) "Preapprenticeship" means a program of at least ninety hours
14 and not more than one hundred eighty hours in length that provides
15 practical experience, education, preparation, and the development of
16 skills that would be beneficial for entry into state-approved
17 apprenticeship programs, including but not limited to construction
18 industry structure and the construction process; orientation to state-
19 approved apprenticeship; tools of the various trades and safe handling
20 of power tools; and industry standards of safety, responsibility, and
21 craft excellence.

22 (7) "Targeted industry" means a business or industry identified by
23 a local workforce development council as having high-demand occupations
24 that require candidates to have completed a postsecondary program of
25 study.

26 **Sec. 8.** RCW 28A.660.042 and 2007 c 396 s 6 are each amended to
27 read as follows:

28 (1) The pipeline for paraeducators conditional scholarship program
29 is created.

30 (2)(a) Except as provided under subsection (3) of this section,
31 participation is limited to paraeducators without a college degree who
32 have at least three years of classroom experience. It is anticipated
33 that candidates enrolled in this program will complete their associate
34 of arts degree at a community and technical college in two years or
35 less and become eligible for a mathematics, special education, or
36 English as a second language endorsement via route one in the

1 alternative routes to teacher certification program provided in this
2 chapter.

3 ~~((+2))~~ (b) Entry requirements for candidates under this subsection
4 (2) include district or building validation of qualifications,
5 including three years of successful student interaction and leadership
6 as a classified instructional employee.

7 (3) Subject to the availability of funds for the pipeline for
8 paraeducators conditional scholarship program under RCW 28A.660.050,
9 after qualified candidates under subsection (2) of this section have
10 been accepted, individuals who participated in one of the recruiting
11 Washington teachers grant programs under RCW 28A.415.370 may
12 participate in the pipeline for paraeducators conditional scholarship
13 program if the individual meets the criteria for the scholarship under
14 RCW 28A.660.050.

15 **Sec. 9.** RCW 28A.660.050 and 2011 1st sp.s. c 11 s 134 are each
16 amended to read as follows:

17 Subject to the availability of amounts appropriated for these
18 purposes, the conditional scholarship programs in this chapter are
19 created under the following guidelines:

20 (1) The programs shall be administered by the office of student
21 financial assistance. In administering the programs, the office has
22 the following powers and duties:

23 (a) To adopt necessary rules and develop guidelines to administer
24 the programs;

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

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

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

31 (a) The alternative route conditional scholarship program is
32 limited to interns of professional educator standards board-approved
33 alternative routes to teaching programs under RCW 28A.660.040. For
34 fiscal year 2011, priority must be given to fiscal year 2010
35 participants in the alternative route partnership program. In order to
36 receive conditional scholarship awards, recipients shall:

1 (i) Be accepted and maintain enrollment in alternative
2 certification routes through a professional educator standards board-
3 approved program;

4 (ii) Continue to make satisfactory progress toward completion of
5 the alternative route certification program and receipt of a residency
6 teaching certificate; and

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

15 (b) The pipeline for paraeducators conditional scholarship program
16 is limited to qualified ((paraeducators)) individuals as provided by
17 RCW 28A.660.042. Paraeducators who apply for the program under RCW
18 28A.660.042(2) shall receive first priority in scholarship awards. In
19 order to receive conditional scholarship awards, recipients shall:

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

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

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

35 (c) The retooling to teach mathematics and science conditional
36 scholarship program is limited to current K-12 teachers. In order to
37 receive conditional scholarship awards:

1 (i) Individuals currently employed as teachers shall pursue a
2 middle level mathematics or science, or secondary mathematics or
3 science endorsement; or

4 (ii) Individuals who are certificated with an elementary education
5 endorsement shall pursue an endorsement in middle level mathematics or
6 science, or both; and

7 (iii) Individuals shall use one of the pathways to endorsement
8 processes to receive a mathematics or science endorsement, or both,
9 which shall include passing a mathematics or science endorsement test,
10 or both tests, plus observation and completing applicable coursework to
11 attain the proper endorsement; and

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

16 (3) The Washington professional educator standards board shall
17 select individuals to receive conditional scholarships. In selecting
18 recipients, preference shall be given to eligible veterans or national
19 guard members.

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

29 (5) Recipients who fail to fulfill the required teaching obligation
30 are required to repay the remaining loan principal with interest and
31 any other applicable fees. The office of student financial assistance
32 shall adopt rules to define the terms for repayment, including
33 applicable interest rates, fees, and deferments.

34 (6) The office of student financial assistance may deposit all
35 appropriations, collections, and any other funds received for the
36 program in this chapter in the future teachers conditional scholarship
37 account authorized in RCW 28B.102.080.

1 **Sec. 10.** RCW 28A.660.040 and 2010 c 235 s 504 are each amended to
2 read as follows:

3 Alternative route programs under this chapter shall operate one to
4 four specific route programs. Successful completion of the program
5 shall make a candidate eligible for residency teacher certification.
6 The mentor of the teacher candidate at the school and the supervisor of
7 the teacher candidate from the teacher preparation program must both
8 agree that the teacher candidate has successfully completed the
9 program.

10 (1) Alternative route programs operating route one programs shall
11 enroll currently employed classified instructional employees with
12 transferable associate degrees or former participants in the recruiting
13 Washington teachers program who enter through the pipeline for
14 paraeducators conditional scholarship program under RCW 28A.660.042 who
15 are seeking residency teacher certification with endorsements in
16 mathematics, special education, bilingual education, or English as a
17 second language. It is anticipated that candidates enrolled in this
18 route will complete both their baccalaureate degree and requirements
19 for residency certification in two years or less, including a mentored
20 internship to be completed in the final year. In addition, partnership
21 programs shall uphold entry requirements for candidates that include:

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

25 (b) Successful passage of the statewide basic skills exam; and

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

28 (2) Alternative route programs operating route two programs shall
29 enroll currently employed classified staff with baccalaureate degrees
30 seeking residency teacher certification in subject matter shortage
31 areas and areas with shortages due to geographic location. Candidates
32 enrolled in this route must complete a mentored internship complemented
33 by flexibly scheduled training and coursework offered at a local site,
34 such as a school or educational service district, or online or via
35 video-conference over the K-20 network, in collaboration with the
36 partnership program's higher education partner. In addition,
37 partnership grant programs shall uphold entry requirements for
38 candidates that include:

1 (a) District or building validation of qualifications, including
2 one year of successful student interaction and leadership as classified
3 staff;

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

7 (c) Successful completion of the subject matter assessment required
8 by RCW 28A.410.220(3);

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

11 (e) Successful passage of the statewide basic skills exam.

12 (3) Alternative route programs seeking funds to operate route three
13 programs shall enroll individuals with baccalaureate degrees, who are
14 not employed in the district at the time of application. When
15 selecting candidates for certification through route three, districts
16 and approved preparation program providers shall give priority to
17 individuals who are seeking residency teacher certification in subject
18 matter shortage areas or shortages due to geographic locations.
19 Cohorts of candidates for this route shall attend an intensive summer
20 teaching academy, followed by a full year employed by a district in a
21 mentored internship, followed, if necessary, by a second summer
22 teaching academy. In addition, partnership programs shall uphold entry
23 requirements for candidates that include:

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

27 (b) Successful completion of the subject matter assessment required
28 by RCW 28A.410.220(3);

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

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

34 (e) Successful passage of statewide basic skills exam.

35 (4) Alternative route programs operating route four programs shall
36 enroll individuals with baccalaureate degrees, who are employed in the
37 district at the time of application, or who hold conditional teaching
38 certificates or emergency substitute certificates. Cohorts of

1 candidates for this route shall attend an intensive summer teaching
2 academy, followed by a full year employed by a district in a mentored
3 internship. If employed on a conditional certificate, the intern may
4 serve as the teacher of record, supported by a well-trained mentor. In
5 addition, partnership programs shall uphold entry requirements for
6 candidates that include:

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

10 (b) Successful completion of the subject matter assessment required
11 by RCW 28A.410.220(3);

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

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

17 (e) Successful passage of statewide basic skills exam.

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

22 NEW SECTION. **Sec. 11.** Section 3 of this act expires July 1, 2013.

23 NEW SECTION. **Sec. 12.** Section 4 of this act takes effect July 1,
24 2013.

25 NEW SECTION. **Sec. 13.** Section 9 of this act takes effect July 1,
26 2012.

--- END ---