
SENATE BILL 5852

State of Washington

63rd Legislature

2013 Regular Session

By Senators Litzow, Hill, and Tom

Read first time 02/25/13. Referred to Committee on Ways & Means.

1 AN ACT Relating to improved student achievement and student
2 outcomes; amending RCW 28A.400.200, 28A.150.220, 28A.195.010,
3 28A.305.140, 28A.305.140, 28A.310.240, 28A.330.100, 28A.340.030,
4 28A.400.300, and 28A.630.083; adding new sections to chapter 28A.405
5 RCW; creating a new section; repealing RCW 28A.305.141; making an
6 appropriation; providing an effective date; and providing an expiration
7 date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that research shows
10 that an inspiring and informed teacher is the most important school-
11 related factor influencing student achievement, so it is critical to
12 train and support both new and experienced educators. The legislature
13 also finds that the state has many experienced and exemplary teachers
14 who could help enrich the teaching experiences of other teachers in
15 their buildings, including beginning teachers. The legislature further
16 finds that the state lacks a career advancement structure that provides
17 administrative-level compensation for outstanding teachers who continue
18 classroom teaching while they act as instructional leaders for their
19 buildings. The legislature intends to establish a program designed to

1 keep master teachers working directly with students in the classroom
2 while they are providing instructional leadership and mentoring for
3 other teachers in their buildings.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.405
5 RCW to read as follows:

6 (1) By August 1, 2013, the office of the superintendent of public
7 instruction shall create the STEM AP master teacher pilot program for
8 the 2013-14 school year in five geographically diverse school
9 districts, including urban, rural, large, and small districts. Each of
10 the five districts may have no more than three designated STEM AP
11 master teachers during the pilot program.

12 (2) The purposes of the pilot program are to:

13 (a) Elevate the status of the STEM and AP teaching profession by
14 recognizing and rewarding outstanding STEM AP teachers thereby making
15 STEM and AP more attractive;

16 (b) Provide exemplary science, technology, engineering, and
17 mathematics teachers with opportunities to serve as master teachers
18 while they remain in their own classrooms working directly with
19 students;

20 (c) Provide an opportunity for experienced and exemplary teachers
21 to help and mentor new teachers and other teachers in the building; and

22 (d) Provide a career advancement structure that provides
23 administrative-level compensation for master teachers.

24 (3) As used in this section and sections 3 and 4 of this act,
25 "STEM" means science, technology, engineering, and mathematics.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.405
27 RCW to read as follows:

28 (1) STEM AP master teachers shall:

29 (a) Teach at least one AP course;

30 (b) Be assigned to teach in their own classrooms and act as
31 instructional leaders and mentors for other teachers in the building;

32 (c) Be expected to work beyond the districts' contracted days for
33 certificated instructional staff and must be on a year-round calendar
34 and contract;

35 (d) Create curriculum, provide demonstration lessons, and field
36 test new learning strategies for use by other teachers;

1 (e) Provide professional development training and coaching for
2 teachers;

3 (f) Receive a salary of no less than one hundred thousand dollars;
4 and

5 (g) Not be subject to the collective bargaining agreement of the
6 school district.

7 (2) Each school district in the STEM master teacher pilot program
8 shall select STEM master teachers who are exemplary STEM teachers at
9 the elementary school and secondary school levels who teach in a STEM
10 subject, which may also include special education teachers and teachers
11 of English language learners who teach a STEM subject. In selecting
12 the members, the school district shall make decisions based on multiple
13 measures, which may include the teacher's:

14 (a) Evaluations;

15 (b) Assessment of content knowledge;

16 (c) Demonstration of practical professional experience in the
17 teacher's discipline, such as having worked in industry or research;

18 (d) Ability to improve student academic achievement in the STEM
19 fields and the AP program, as demonstrated by, if applicable, student
20 academic growth in such fields;

21 (e) Ability to enhance student engagement in such fields;

22 (f) Record of leadership in the teacher's school and involvement in
23 professional and outreach activities; and

24 (g) Record of teaching students not on grade level, not on track to
25 graduate college, and not career ready.

26 (3) The selection criteria for master teachers must be based on the
27 ability to demonstrate exemplary skills and knowledge about effective
28 instructional and classroom management practices. This is evidenced
29 by:

30 (a) A three-year rolling average of the percentage of students
31 taught by the teacher that complete an AP class, which must be at least
32 seventy-five percent of the teacher's students;

33 (b) A three-year rolling average of the percentage of students
34 taught by the teacher that score at least a three on an AP exam, which
35 must be at least seventy percent of the teacher's students; and

36 (c) The percentage of students that meet or exceed the state
37 standard on the state assessments, disaggregated by student subgroups,

1 including race, ethnicity, poverty, English language learners, and
2 special education, which must be at least seventy percent in the
3 aggregate.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.405
5 RCW to read as follows:

6 The superintendent of public instruction shall submit a report by
7 December 1, 2014, to the governor and the appropriate committees of the
8 legislature that summarizes the pilot program and its effectiveness and
9 identifies optimal strategies for the design and implementation of the
10 program statewide. The report must also include a recommendation as to
11 whether or not the pilot program should be continued, expanded, or
12 otherwise modified.

13 **Sec. 5.** RCW 28A.400.200 and 2010 c 235 s 401 are each amended to
14 read as follows:

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

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

22 (b) Salaries for certificated instructional staff with a master's
23 degree shall not be less than the salary provided in the appropriations
24 act in the statewide salary allocation schedule for an employee with a
25 master's degree and zero years of service.

26 (3)(a) The actual average salary paid to certificated instructional
27 staff shall not exceed the district's average certificated
28 instructional staff salary used for the state basic education
29 allocations for that school year as determined pursuant to RCW
30 28A.150.410.

31 (b) Fringe benefit contributions for certificated instructional
32 staff shall be included as salary under (a) of this subsection only to
33 the extent that the district's actual average benefit contribution
34 exceeds the amount of the insurance benefits allocation provided per
35 certificated instructional staff unit in the state operating
36 appropriations act in effect at the time the compensation is payable.

1 For purposes of this section, fringe benefits shall not include payment
2 for unused leave for illness or injury under RCW 28A.400.210; employer
3 contributions for old age survivors insurance, workers' compensation,
4 unemployment compensation, and retirement benefits under the Washington
5 state retirement system; or employer contributions for health benefits
6 in excess of the insurance benefits allocation provided per
7 certificated instructional staff unit in the state operating
8 appropriations act in effect at the time the compensation is payable.
9 A school district may not use state funds to provide employer
10 contributions for such excess health benefits.

11 (c) Salary and benefits for certificated instructional staff in
12 programs other than basic education shall be consistent with the salary
13 and benefits paid to certificated instructional staff in the basic
14 education program.

15 ~~(4) ((Salaries and benefits for certificated instructional staff
16 may exceed the limitations in subsection (3) of this section only by
17 separate contract for additional time, for additional responsibilities,
18 for incentives, or for implementing specific measurable innovative
19 activities, including professional development, specified by the school
20 district to: (a) Close one or more achievement gaps, (b) focus on
21 development of science, technology, engineering, and mathematics (STEM)
22 learning opportunities, or (c) provide arts education. Beginning
23 September 1, 2011, school districts shall annually provide a brief
24 description of the innovative activities included in any supplemental
25 contract to the office of the superintendent of public instruction.
26 The office of the superintendent of public instruction shall summarize
27 the district information and submit an annual report to the education
28 committees of the house of representatives and the senate.
29 Supplemental contracts)) Locally funded salary enhancements for
30 nonbasic education functions that are unique to the school district
31 shall be limited to no more than ten percent of the state amount for
32 the school district's state provided salaries. Such locally funded
33 salary enhancements shall not cause the state to incur any present or
34 future funding obligation. ((Supplemental contracts)) Locally funded
35 salary enhancements for nonbasic education functions shall be subject
36 to the collective bargaining provisions of chapter 41.59 RCW and the
37 provisions of RCW 28A.405.240, shall not exceed one year, and if not
38 renewed shall not constitute adverse change in accordance with RCW~~

1 28A.405.300 through 28A.405.380. No district may (~~enter into a~~
2 ~~supplemental contract~~) provide locally funded salary enhancements
3 under this subsection for the provision of services which are a part of
4 the basic education program required by Article IX, section 3 of the
5 state Constitution.

6 (5) Employee benefit plans offered by any district shall comply
7 with RCW 28A.400.350 (~~and~~), 28A.400.275, and 28A.400.280.

8 **Sec. 6.** RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each
9 amended to read as follows:

10 (1) In order for students to have the opportunity to develop the
11 basic education knowledge and skills under RCW 28A.150.210, school
12 districts must provide instruction of sufficient quantity and quality
13 and give students the opportunity to complete graduation requirements
14 that are intended to prepare them for postsecondary education, gainful
15 employment, and citizenship. The program established under this
16 section shall be the annual minimum instructional program of basic
17 education offered by school districts.

18 (2) Each school district shall make available to students the
19 following minimum required instructional offering each school year:

20 (a) For students enrolled in grades one through twelve, at least a
21 district-wide annual average of one thousand hours, which shall be
22 increased to at least one thousand eighty instructional hours for
23 students enrolled in each of grades seven through twelve and at least
24 one thousand instructional hours for students in each of grades one
25 through six according to an implementation schedule adopted by the
26 legislature, but not before the 2014-15 school year; and

27 (b) For students enrolled in kindergarten, at least four hundred
28 fifty instructional hours, which shall be increased to at least one
29 thousand instructional hours according to the implementation schedule
30 under RCW 28A.150.315.

31 (3) The instructional program of basic education provided by each
32 school district shall include:

33 (a) Instruction in the essential academic learning requirements
34 under RCW 28A.655.070;

35 (b) Instruction that provides students the opportunity to complete
36 twenty-four credits for high school graduation, subject to a phased-in

1 implementation of the twenty-four credits as established by the
2 legislature. Course distribution requirements may be established by
3 the state board of education under RCW 28A.230.090;

4 (c) If the essential academic learning requirements include a
5 requirement of languages other than English, the requirement may be met
6 by students receiving instruction in one or more American Indian
7 languages;

8 (d) Supplemental instruction and services for underachieving
9 students through the learning assistance program under RCW 28A.165.005
10 through 28A.165.065;

11 (e) Supplemental instruction and services for eligible and enrolled
12 students whose primary language is other than English through the
13 transitional bilingual instruction program under RCW 28A.180.010
14 through 28A.180.080;

15 (f) The opportunity for an appropriate education at public expense
16 as defined by RCW 28A.155.020 for all eligible students with
17 disabilities as defined in RCW 28A.155.020; and

18 (g) Programs for highly capable students under RCW 28A.185.010
19 through 28A.185.030.

20 (4) Nothing contained in this section shall be construed to require
21 individual students to attend school for any particular number of hours
22 per day or to take any particular courses.

23 (5) Each school district's kindergarten through twelfth grade basic
24 educational program shall be accessible to all students who are five
25 years of age, as provided by RCW 28A.225.160, and less than twenty-one
26 years of age and shall consist of ((a)) the minimum (~~of one hundred~~
27 ~~eighty school days per school year in such grades as are conducted by~~
28 ~~a school district, and one hundred eighty half days of instruction, or~~
29 ~~equivalent, in kindergarten, to be increased to a minimum of one~~
30 ~~hundred eighty school days per school year according to the~~
31 ~~implementation schedule under RCW 28A.150.315)) required annual
32 instructional hours under this section. However, effective May 1,
33 1979, a school district may schedule the last five school days of the
34 (~~one hundred and eighty day~~) school year for noninstructional
35 purposes in the case of students who are graduating from high
36 school((7)) including, but not limited to, the observance of graduation
37 and early release from school upon the request of a student, and all~~

1 such students may be claimed as a full-time equivalent student to the
2 extent they could otherwise have been so claimed for the purposes of
3 RCW 28A.150.250 and 28A.150.260.

4 (6) Nothing in this section precludes a school district from
5 enriching the instructional program of basic education, such as
6 offering additional instruction or providing additional services,
7 programs, or activities that the school district determines to be
8 appropriate for the education of the school district's students.

9 (7) The state board of education shall adopt rules to implement and
10 ensure compliance with the program requirements imposed by this
11 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
12 program approval requirements as the state board may establish.

13 **Sec. 7.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended to
14 read as follows:

15 The legislature hereby recognizes that private schools should be
16 subject only to those minimum state controls necessary to insure the
17 health and safety of all the students in the state and to insure a
18 sufficient basic education to meet usual graduation requirements. The
19 state, any agency or official thereof, shall not restrict or dictate
20 any specific educational or other programs for private schools except
21 as hereinafter in this section provided.

22 Principals of private schools or superintendents of private school
23 districts shall file each year with the state superintendent of public
24 instruction a statement certifying that the minimum requirements
25 hereinafter set forth are being met, noting any deviations. After
26 review of the statement, the state superintendent will notify schools
27 or school districts of those deviations which must be corrected. In
28 case of major deviations, the school or school district may request and
29 the state board of education may grant provisional status for one year
30 in order that the school or school district may take action to meet the
31 requirements. The state board of education shall not require private
32 school students to meet the student learning goals, obtain a
33 certificate of academic achievement, or a certificate of individual
34 achievement to graduate from high school, to master the essential
35 academic learning requirements, or to be assessed pursuant to RCW
36 28A.655.061. However, private schools may choose, on a voluntary
37 basis, to have their students master these essential academic learning

1 requirements, take the assessments, and obtain a certificate of
2 academic achievement or a certificate of individual achievement.
3 Minimum requirements shall be as follows:

4 (1) The minimum school year for instructional purposes shall
5 consist of no less than (~~one hundred eighty school days or the~~
6 ~~equivalent in~~) the annual minimum required instructional hour
7 offerings under RCW 28A.150.220, with a school-wide annual average
8 total instructional hour offering of one thousand hours for students
9 enrolled in grades one through twelve, and at least four hundred fifty
10 hours for students enrolled in kindergarten.

11 (2) The school day shall be the same as defined in RCW 28A.150.203.

12 (3) All classroom teachers shall hold appropriate Washington state
13 certification except as follows:

14 (a) Teachers for religious courses or courses for which no
15 counterpart exists in public schools shall not be required to obtain a
16 state certificate to teach those courses.

17 (b) In exceptional cases, people of unusual competence but without
18 certification may teach students so long as a certified person
19 exercises general supervision. Annual written statements shall be
20 submitted to the office of the superintendent of public instruction
21 reporting and explaining such circumstances.

22 (4) An approved private school may operate an extension program for
23 parents, guardians, or persons having legal custody of a child to teach
24 children in their custody. The extension program shall require at a
25 minimum that:

26 (a) The parent, guardian, or custodian be under the supervision of
27 an employee of the approved private school who is certified under
28 chapter 28A.410 RCW;

29 (b) The planning by the certified person and the parent, guardian,
30 or person having legal custody include objectives consistent with this
31 subsection and subsections (1), (2), (5), (6), and (7) of this section;

32 (c) The certified person spend a minimum average each month of one
33 contact hour per week with each student under his or her supervision
34 who is enrolled in the approved private school extension program;

35 (d) Each student's progress be evaluated by the certified person;
36 and

37 (e) The certified employee shall not supervise more than thirty
38 students enrolled in the approved private school's extension program.

1 (5) Appropriate measures shall be taken to safeguard all permanent
2 records against loss or damage.

3 (6) The physical facilities of the school or district shall be
4 adequate to meet the program offered by the school or district:
5 PROVIDED, That each school building shall meet reasonable health and
6 fire safety requirements. A residential dwelling of the parent,
7 guardian, or custodian shall be deemed to be an adequate physical
8 facility when a parent, guardian, or person having legal custody is
9 instructing his or her child under subsection (4) of this section.

10 (7) Private school curriculum shall include instruction of the
11 basic skills of occupational education, science, mathematics, language,
12 social studies, history, health, reading, writing, spelling, and the
13 development of appreciation of art and music, all in sufficient units
14 for meeting state board of education graduation requirements.

15 (8) Each school or school district shall be required to maintain
16 up-to-date policy statements related to the administration and
17 operation of the school or school district.

18 All decisions of policy, philosophy, selection of books, teaching
19 material, curriculum, except as in subsection (7) of this section
20 provided, school rules and administration, or other matters not
21 specifically referred to in this section, shall be the responsibility
22 of the administration and administrators of the particular private
23 school involved.

24 **Sec. 8.** RCW 28A.305.140 and 2012 c 53 s 8 are each amended to read
25 as follows:

26 (1) Except as provided in subsection (3) of this section, the state
27 board of education may grant waivers to school districts from the
28 provisions of RCW 28A.150.200 through 28A.150.220 on the basis that
29 such waiver or waivers are necessary to:

30 (a) Implement successfully a local plan to provide for all students
31 in the district an effective education system that is designed to
32 enhance the educational program for each student. The local plan may
33 include alternative ways to provide effective educational programs for
34 students who experience difficulty with the regular education program;

35 (b) Implement an innovation school or innovation zone designated
36 under RCW 28A.630.081; or

1 (c) Implement a collaborative schools for innovation and success
2 pilot project approved under RCW 28A.630.104.

3 (2) The state board shall adopt criteria to evaluate the need for
4 the waiver or waivers.

5 (3) The state board shall not grant waivers from the minimum
6 required annual instructional hour offerings under RCW 28A.150.220.

7 **Sec. 9.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to
8 read as follows:

9 (1) Except as provided in subsection (3) of this section, the state
10 board of education may grant waivers to school districts from the
11 provisions of RCW 28A.150.200 through 28A.150.220 on the basis that
12 such waiver or waivers are necessary to implement successfully a local
13 plan to provide for all students in the district an effective education
14 system that is designed to enhance the educational program for each
15 student. The local plan may include alternative ways to provide
16 effective educational programs for students who experience difficulty
17 with the regular education program.

18 (2) The state board shall adopt criteria to evaluate the need for
19 the waiver or waivers.

20 (3) The state board shall not grant waivers from the minimum
21 required annual instructional hour offerings under RCW 28A.150.220.

22 **Sec. 10.** RCW 28A.310.240 and 2009 c 47 s 1 are each amended to
23 read as follows:

24 (1) Every educational service district board shall adopt written
25 policies granting leaves to persons under contracts of employment with
26 the district in positions requiring either certification or classified
27 qualifications, including but not limited to leaves for attendance at
28 official or private institutes and conferences and sabbatical leaves
29 for employees in positions requiring certification qualification, and
30 leaves for illness, injury, bereavement, and emergencies for both
31 certificated and classified employees, with such compensation as the
32 board prescribes. The board shall adopt written policies granting
33 annual leave with compensation for illness, injury, and emergencies as
34 follows:

35 (a) For persons under contract with the district for a full fiscal
36 year, at least ten days;

1 (b) For persons under contract with the district as part-time
2 employees, at least that portion of ten days as the total number of
3 days contracted for bears to (~~one hundred eighty days~~) the minimum
4 required annual instructional hour offerings under RCW 28A.150.220;

5 (c) For certificated and classified employees, annual leave with
6 compensation for illness, injury, and emergencies shall be granted and
7 accrue at a rate not to exceed twelve days per fiscal year. Provisions
8 of any contract in force on July 23, 1989, which conflict with
9 requirements of this subsection shall continue in effect until contract
10 expiration; after expiration, any new contract executed between the
11 parties shall be consistent with this subsection;

12 (d) Compensation for leave for illness or injury actually taken
13 shall be the same as the compensation the person would have received
14 had the person not taken the leave provided in this section;

15 (e) Leave provided in this section not taken shall accumulate from
16 fiscal year to fiscal year up to (~~a maximum of one hundred eighty~~
17 ~~days~~) the minimum required annual instructional hour offerings under
18 RCW 28A.150.220 for the purposes of RCW 28A.310.490, and for leave
19 purposes up to a maximum of the number of contract days agreed to in a
20 given contract, but not greater than one fiscal year. Such accumulated
21 time may be taken at any time during the fiscal year, or up to twelve
22 days per year may be used for the purpose of payments for unused sick
23 leave; and

24 (f) Accumulated leave under this section shall be transferred to
25 educational service districts, school districts, the office of the
26 superintendent of public instruction, the state school for the blind,
27 the (~~school for the deaf~~) Washington state center for childhood
28 deafness and hearing loss, institutions of higher education, and
29 community and technical colleges, and from any such district, school,
30 or office to another such district, school, office, institution of
31 higher education, or community or technical college. An intervening
32 customary summer break in employment or the performance of employment
33 duties shall not preclude such a transfer.

34 (2) Leave accumulated by a person in a district prior to leaving
35 the district may, under rules of the board, be granted to the person
36 when the person returns to the employment of the district.

37 (3) Leave for illness or injury accumulated before July 23, 1989,
38 under the administrative practices of an educational service district,

1 and such leave transferred before July 23, 1989, to or from an
2 educational service district, school district, or the office of the
3 superintendent of public instruction under the administrative practices
4 of the district or office, is declared valid and shall be added to such
5 leave for illness or injury accumulated after July 23, 1989.

6 **Sec. 11.** RCW 28A.330.100 and 2006 c 263 s 417 are each amended to
7 read as follows:

8 Every board of directors of a school district of the first class,
9 in addition to the general powers for directors enumerated in this
10 title, shall have the power:

11 (1) To employ for a term of not exceeding three years a
12 superintendent of schools of the district, and for cause to dismiss him
13 or her, and to fix his or her duties and compensation;

14 (2) To employ, and for cause dismiss one or more assistant
15 superintendents and to define their duties and fix their compensation;

16 (3) To employ a business manager, attorneys, architects, inspectors
17 of construction, superintendents of buildings and a superintendent of
18 supplies, all of whom shall serve at the board's pleasure, and to
19 prescribe their duties and fix their compensation;

20 (4) To employ, and for cause dismiss, supervisors of instruction
21 and to define their duties and fix their compensation;

22 (5) To prescribe a course of study and a program of exercises which
23 shall be consistent with the course of study prepared by the
24 superintendent of public instruction for the use of the common schools
25 of this state;

26 (6) To, in addition to the minimum requirements imposed by this
27 title establish and maintain such grades and departments, including
28 night, high, kindergarten, vocational training and, except as otherwise
29 provided by law, industrial schools, and schools and departments for
30 the education and training of any class or classes of youth with
31 disabilities, as in the judgment of the board, best shall promote the
32 interests of education in the district;

33 (7) To determine the length of time over and above (~~one hundred~~
34 ~~eighty days~~) the minimum required annual instructional hour offerings
35 under RCW 28A.150.220 that school shall be maintained(~~(:—PROVIDED,~~
36 ~~That for purposes of apportionment no district shall be credited with~~
37 ~~more than one hundred and eighty three days' attendance in any school~~

1 ~~year~~)); and to fix the time for annual opening and closing of schools
2 and for the daily dismissal of pupils before the regular time for
3 closing schools;

4 (8) To maintain a shop and repair department, and to employ, and
5 for cause dismiss, a foreman and the necessary help for the maintenance
6 and conduct thereof;

7 (9) To provide free textbooks and supplies for all children
8 attending school;

9 (10) To require of the officers or employees of the district to
10 give a bond for the honest performance of their duties in such penal
11 sum as may be fixed by the board with good and sufficient surety, and
12 to cause the premium for all bonds required of all such officers or
13 employees to be paid by the district: PROVIDED, That the board may, by
14 written policy, allow that such bonds may include a deductible proviso
15 not to exceed two percent of the officer's or employee's annual salary;

16 (11) To prohibit all secret fraternities and sororities among the
17 students in any of the schools of the said districts; and

18 (12) To appoint a practicing physician, resident of the school
19 district, who shall be known as the school district medical inspector,
20 and whose duty it shall be to decide for the board of directors all
21 questions of sanitation and health affecting the safety and welfare of
22 the public schools of the district who shall serve at the board's
23 pleasure: PROVIDED, That children shall not be required to submit to
24 vaccination against the will of their parents or guardian.

25 **Sec. 12.** RCW 28A.340.030 and 1990 c 33 s 368 are each amended to
26 read as follows:

27 (1) Eligible school districts desiring to form a cooperative
28 project pursuant to RCW 28A.340.020 through 28A.340.070 shall submit to
29 the superintendent of public instruction an application for review as
30 a cooperative project. The application shall include, but not be
31 limited to, the following information:

32 (a) A description of the cooperative project, including the
33 programs, services, and administrative activities that will be operated
34 jointly;

35 (b) The improvements in curriculum offerings and educational
36 opportunities expected to result from the establishment of the proposed
37 cooperative project;

1 (c) A list of any statutory requirements or administrative rules
2 which are considered financial disincentives to the establishment of
3 cooperative projects and which would impede the operation of the
4 proposed cooperative project; and the financial impact to the school
5 districts and the state expected to result by the granting of a waiver
6 from such statutory requirements or administrative rules;

7 (d) An assessment of community support for the proposed
8 cooperative project, which assessment shall include each community
9 affected by the proposed cooperative project; and

10 (e) A plan for evaluating the educational and cost-effectiveness
11 of the proposed cooperative project, including curriculum offerings and
12 staffing patterns.

13 (2) The superintendent of public instruction shall review the
14 application before the applicant school districts may commence the
15 proposed cooperative project.

16 (3)(a) In reviewing applications, the superintendent shall be
17 limited to:

18 ~~((+a))~~ (i) The granting of waivers from statutory requirements,
19 for which the superintendent of public instruction has the express
20 power to implement pursuant to the adoption of rules, or administrative
21 rules that need to be waived in order for the proposed cooperative
22 project to be implemented: PROVIDED, That no statutory requirement or
23 administrative rule dealing with health, safety, or civil rights may be
24 waived and the minimum required annual instructional hour offerings
25 under RCW 28A.150.220 shall not be waived; and

26 ~~((+b))~~ (ii) ensuring the technical accuracy of the application.

27 (b) Any waiver granted by the superintendent of public instruction
28 shall be reviewed and may be renewed by the superintendent every five
29 years subject to the participating districts submitting a new
30 application pursuant to this section.

31 ~~((+3))~~ (4) If additional eligible school districts wish to
32 participate in an existing cooperative project the cooperative project
33 as a whole shall reapply for review by the superintendent of public
34 instruction.

35 **Sec. 13.** RCW 28A.400.300 and 2012 c 186 s 20 are each amended to
36 read as follows:

1 (1) Every board of directors, unless otherwise specially provided
2 by law, shall:

3 (a) Except as provided in subsection (3) of this section, employ
4 for not more than one year, and for sufficient cause discharge all
5 certificated and classified employees;

6 (b) Adopt written policies granting leaves to persons under
7 contracts of employment with the school district(s) in positions
8 requiring either certification or classified qualifications, including
9 but not limited to leaves for attendance at official or private
10 institutes and conferences and sabbatical leaves for employees in
11 positions requiring certification qualification, and leaves for
12 illness, injury, bereavement and, emergencies for both certificated and
13 classified employees, and with such compensation as the board of
14 directors prescribe: PROVIDED, That the board of directors shall adopt
15 written policies granting to such persons annual leave with
16 compensation for illness, injury and emergencies as follows:

17 (i) For such persons under contract with the school district for a
18 full year, at least ten days;

19 (ii) For such persons under contract with the school district as
20 part time employees, at least that portion of ten days as the total
21 number of days contracted for bears to (~~one hundred eighty days~~) the
22 minimum required annual instructional hour offerings under RCW
23 28A.150.220;

24 (iii) For certificated and classified employees, annual leave with
25 compensation for illness, injury, and emergencies shall be granted and
26 accrue at a rate not to exceed twelve days per year; provisions of any
27 contract in force on June 12, 1980, which conflict with requirements of
28 this subsection shall continue in effect until contract expiration;
29 after expiration, any new contract executed between the parties shall
30 be consistent with this subsection;

31 (iv) Compensation for leave for illness or injury actually taken
32 shall be the same as the compensation such person would have received
33 had such person not taken the leave provided in this proviso;

34 (v) Leave provided in this proviso not taken shall accumulate from
35 year to year up to a maximum of (~~one hundred eighty days~~) the minimum
36 required annual instructional hour offerings under RCW 28A.150.220 for
37 the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes
38 up to a maximum of the number of contract days agreed to in a given

1 contract, but not greater than one year. Such accumulated time may be
2 taken at any time during the school year or up to twelve days per year
3 may be used for the purpose of payments for unused sick leave;

4 (vi) Sick leave heretofore accumulated under section 1, chapter
5 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated
6 under administrative practice of school districts prior to the
7 effective date of section 1, chapter 195, Laws of 1959 (former RCW
8 28.58.430) is hereby declared valid, and shall be added to leave for
9 illness or injury accumulated under this proviso;

10 (vii) Any leave for injury or illness accumulated up to a maximum
11 of forty-five days shall be creditable as service rendered for the
12 purpose of determining the time at which an employee is eligible to
13 retire, if such leave is taken it may not be compensated under the
14 provisions of RCW 28A.400.210 and 28A.310.490;

15 (viii) Accumulated leave under this proviso shall be transferred to
16 and from one district to another, the office of superintendent of
17 public instruction, offices of educational service district
18 superintendents and boards, the state school for the blind, the
19 Washington state center for childhood deafness and hearing loss,
20 institutions of higher education, and community and technical colleges,
21 to and from such districts, schools, offices, institutions of higher
22 education, and community and technical colleges;

23 (ix) Leave accumulated by a person in a district prior to leaving
24 said district may, under rules of the board, be granted to such person
25 when the person returns to the employment of the district.

26 (2) When any certificated or classified employee leaves one school
27 district within the state and commences employment with another school
28 district within the state, the employee shall retain the same
29 seniority, leave benefits and other benefits that the employee had in
30 his or her previous position: PROVIDED, That classified employees who
31 transfer between districts after July 28, 1985, shall not retain any
32 seniority rights other than longevity when leaving one school district
33 and beginning employment with another. If the school district to which
34 the person transfers has a different system for computing seniority,
35 leave benefits, and other benefits, then the employee shall be granted
36 the same seniority, leave benefits and other benefits as a person in
37 that district who has similar occupational status and total years of
38 service.

1 (3) Notwithstanding subsection (1)(a) of this section, discharges
2 of certificated and classified employees in school districts that are
3 dissolved due to financial insolvency shall be conducted in accordance
4 with RCW 28A.315.229.

5 **Sec. 14.** RCW 28A.630.083 and 2011 c 260 s 5 are each amended to
6 read as follows:

7 (1)(a) The superintendent of public instruction and the state board
8 of education, each within the scope of their statutory authority, may
9 grant waivers of state statutes and administrative rules for designated
10 innovation schools and innovation zones as follows:

11 (i) Waivers may be granted under RCW 28A.655.180 and 28A.305.140;

12 (ii) Waivers may be granted to permit the commingling of funds
13 appropriated by the legislature on a categorical basis for such
14 programs as, but not limited to, highly capable students, transitional
15 bilingual instruction, and learning assistance; (~~and~~)

16 (iii) Waivers may be granted of other administrative rules that in
17 the opinion of the superintendent of public instruction or the state
18 board of education are necessary to be waived to implement an
19 innovation school or innovation zone; and

20 (iv) Waivers from the minimum required annual instructional hour
21 offerings under RCW 28A.150.220 shall not be granted.

22 (b) State administrative rules dealing with public health, safety,
23 and civil rights, including accessibility for individuals with
24 disabilities, may not be waived.

25 (2) At the request of a school district, the superintendent of
26 public instruction may petition the United States department of
27 education or other federal agencies to waive federal regulations
28 necessary to implement an innovation school or innovation zone.

29 (3) The state board of education may grant waivers for innovation
30 schools or innovation zones of administrative rules pertaining to
31 calculation of course credits for high school courses.

32 (4) Waivers may be granted under this section for a period not to
33 exceed the duration of the designation of the innovation school or
34 innovation zone.

35 (5) The superintendent of public instruction and the state board of
36 education shall provide an expedited review of requests for waivers for

1 designated innovation schools and innovation zones. Requests may be
2 denied if the superintendent of public instruction or the state board
3 of education conclude that the waiver:

4 (a) Is likely to result in a decrease in academic achievement in
5 the innovation school or innovation zone;

6 (b) Would jeopardize the receipt of state or federal funds that a
7 school district would otherwise be eligible to receive, unless the
8 school district submits a written authorization for the waiver
9 acknowledging that receipt of these funds could be jeopardized; or

10 (c) Would violate state or federal laws or rules that are not
11 authorized to be waived.

12 NEW SECTION. **Sec. 15.** RCW 28A.305.141 (Waiver from one hundred
13 eighty-day school year requirement--Criteria--Recommendation to the
14 legislature) and 2009 c 543 s 2 are each repealed.

15 NEW SECTION. **Sec. 16.** Sections 8 and 14 of this act expire June
16 30, 2019.

17 NEW SECTION. **Sec. 17.** Section 9 of this act takes effect June 30,
18 2019.

19 NEW SECTION. **Sec. 18.** The sum of fifteen million dollars, or as
20 much thereof as may be necessary, is appropriated for the biennium
21 ending June 30, 2015, from the general fund to the office of the
22 superintendent of public instruction for the purposes of paying
23 salaries of the STEM AP master teachers under section 3 of this act.

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