

E2SSB 6696 - H COMM AMD
By Committee on Education

NOT CONSIDERED 03/05/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 ACCOUNTABILITY FRAMEWORK

5 NEW SECTION. **Sec. 101.** The legislature finds that it is the
6 state's responsibility to create a coherent and effective
7 accountability framework for the continuous improvement for all schools
8 and districts. This system must provide an excellent and equitable
9 education for all students; an aligned federal/state accountability
10 system; and the tools necessary for schools and districts to be
11 accountable. These tools include the necessary accounting and data
12 reporting systems, assessment systems to monitor student achievement,
13 and a system of general support, targeted assistance, and if necessary,
14 intervention.

15 The office of the superintendent of public instruction is
16 responsible for developing and implementing the accountability tools to
17 build district capacity and working within federal and state
18 guidelines. The legislature assigned the state board of education
19 responsibility and oversight for creating an accountability framework.
20 This framework provides a unified system of support for challenged
21 schools that aligns with basic education, increases the level of
22 support based upon the magnitude of need, and uses data for decisions.
23 Such a system will identify schools and their districts for recognition
24 as well as for additional state support. For a specific group of
25 challenged schools, defined as persistently lowest-achieving schools,
26 and their districts, it is necessary to provide a required action
27 process that creates a partnership between the state and local district
28 to target funds and assistance to turn around the identified lowest-
29 achieving schools.

1 Phase I of this accountability system will recognize schools that
2 have done an exemplary job of raising student achievement and closing
3 the achievement gaps using the state board of education's
4 accountability index. The state board of education shall have ongoing
5 collaboration with the achievement gap oversight and accountability
6 committee regarding the measures used to measure the closing of the
7 achievement gaps and the recognition provided to the school districts
8 for closing the achievement gaps. Phase I will also target the lowest
9 five percent of persistently lowest-achieving schools defined under
10 federal guidelines to provide federal funds and federal intervention
11 models through a voluntary option in 2010, and for those who do not
12 volunteer and have not improved student achievement, a required action
13 process beginning in 2011.

14 Phase II of this accountability system will work toward
15 implementing the state board of education's accountability index for
16 identification of schools in need of improvement, including those that
17 are not Title I schools, and the use of state and local intervention
18 models and state funds through a required action process beginning in
19 2013, in addition to the federal program. Federal approval of the
20 state board of education's accountability index must be obtained or
21 else the federal guidelines for persistently lowest-achieving schools
22 will continue to be used.

23 The expectation from implementation of this accountability system
24 is the improvement of student achievement for all students to prepare
25 them for postsecondary education, work, and global citizenship in the
26 twenty-first century.

27 NEW SECTION. **Sec. 102.** (1) Beginning in 2010, and each year
28 thereafter, by December 1st, the superintendent of public instruction
29 shall annually identify schools as one of the state's persistently
30 lowest-achieving schools if the school is a Title I school, or a school
31 that is eligible for but does not receive Title I funds, that is among
32 the lowest-achieving five percent of Title I or Title I eligible
33 schools in the state.

34 (2) The criteria for determining whether a school is among the
35 persistently lowest-achieving five percent of Title I schools, or Title
36 I eligible schools, under subsection (1) of this section shall be
37 established by the superintendent of public instruction. The criteria

1 must meet all applicable requirements for the receipt of a federal
2 school improvement grant under the American recovery and reinvestment
3 act of 2009 and Title I of the elementary and secondary education act
4 of 1965, and take into account both:

5 (a) The academic achievement of the "all students" group in a
6 school in terms of proficiency on the state's assessment, and any
7 alternative assessments, in reading and mathematics combined; and

8 (b) The school's lack of progress on the mathematics and reading
9 assessments over a number of years in the "all students" group.

10 NEW SECTION. **Sec. 103.** (1) Beginning in January 2011, the
11 superintendent of public instruction shall annually recommend to the
12 state board of education school districts for designation as required
13 action districts. A district with at least one school identified as a
14 persistently lowest-achieving school shall be designated as a required
15 action district if it meets the criteria developed by the
16 superintendent of public instruction. However, a school district shall
17 not be recommended for designation as a required action district if the
18 district was awarded a federal school improvement grant by the
19 superintendent in 2010 and for three consecutive years following
20 receipt of the grant implemented a federal school intervention model at
21 each school identified for improvement. The state board of education
22 may designate a district that received a school improvement grant in
23 2010 as a required action district if after three years of voluntarily
24 implementing a plan the district continues to have a school identified
25 as persistently lowest-achieving and meets the criteria for designation
26 established by the superintendent of public instruction.

27 (2) The superintendent of public instruction shall provide a school
28 district superintendent with written notice of the recommendation for
29 designation as a required action district by certified mail or personal
30 service. A school district superintendent may request reconsideration
31 of the superintendent of public instruction's recommendation. The
32 reconsideration shall be limited to a determination of whether the
33 school district met the criteria for being recommended as a required
34 action district. A request for reconsideration must be in writing and
35 served on the superintendent of public instruction within ten days of
36 service of the notice of the superintendent's recommendation.

1 (3) The state board of education shall annually designate those
2 districts recommended by the superintendent in subsection (1) of this
3 section as required action districts. A district designated as a
4 required action district shall be required to notify all parents of
5 students attending a school identified as a persistently lowest-
6 achieving school in the district of the state board of education's
7 designation of the district as a required action district and the
8 process for complying with the requirements set forth in sections 104
9 through 110 of this act.

10 NEW SECTION. **Sec. 104.** (1) The superintendent of public
11 instruction shall contract with an external review team to conduct an
12 academic performance audit of the district and each persistently
13 lowest-achieving school in a required action district to identify the
14 potential reasons for the school's low performance and lack of
15 progress. The review team must consist of persons under contract with
16 the superintendent who have expertise in comprehensive school and
17 district reform and may not include staff from the agency, the school
18 district that is the subject of the audit, or members or staff of the
19 state board of education.

20 (2) The audit must be conducted based on criteria developed by the
21 superintendent of public instruction and must include but not be
22 limited to an examination of the following:

- 23 (a) Student demographics;
- 24 (b) Mobility patterns;
- 25 (c) School feeder patterns;
- 26 (d) The performance of different student groups on assessments;
- 27 (e) Effective school leadership;
- 28 (f) Strategic allocation of resources;
- 29 (g) Clear and shared focus on student learning;
- 30 (h) High standards and expectations for all students;
- 31 (i) High level of collaboration and communication;
- 32 (j) Aligned curriculum, instruction, and assessment to state
33 standards;
- 34 (k) Frequency of monitoring of learning and teaching;
- 35 (l) Focused professional development;
- 36 (m) Supportive learning environment;
- 37 (n) High level of family and community involvement; and

1 (o) Alternative secondary schools best practices.

2 (3) Audit findings must be made available to the local school
3 district, its staff, the community, and the state board of education.

4 NEW SECTION. **Sec. 105.** (1) The local district superintendent and
5 local school board of a school district designated as a required action
6 district must submit a required action plan to the state board of
7 education for approval. Unless otherwise required by subsection (3) of
8 this section, the plan must be submitted under a schedule as required
9 by the state board. A required action plan must be developed in
10 collaboration with administrators, teachers, and other staff, parents,
11 unions representing any employees within the district, students, and
12 other representatives of the local community. The superintendent of
13 public instruction shall provide a district with assistance in
14 developing its plan if requested. The school board must conduct a
15 public hearing to allow for comment on a proposed required action plan.
16 The local school district shall submit the plan first to the office of
17 the superintendent of public instruction to review and approve that the
18 plan is consistent with federal guidelines. After the office of the
19 superintendent of public instruction has approved that the plan is
20 consistent with federal guidelines, the local school district must
21 submit its required action plan to the state board of education for
22 approval.

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

24 (a) Implementation of one of the four federal intervention models
25 required for the receipt of a federal school improvement grant, for
26 those persistently lowest-achieving schools that the district will be
27 focusing on for required action. However, a district may not establish
28 a charter school under a federal intervention model without express
29 legislative authority. The intervention models are the turnaround,
30 restart, school closure, and transformation models. The intervention
31 model selected must address the concerns raised in the academic
32 performance audit and be intended to improve student performance to
33 allow a school district to be removed from the list of districts
34 designated as a required action district by the state board of
35 education within three years of implementation of the plan;

36 (b) Submission of an application for a federal school improvement
37 grant to the superintendent of public instruction;

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

3 (d) A description of the changes in the district's or school's
4 existing policies, structures, agreements, processes, and practices
5 that are intended to attain significant achievement gains for all
6 students enrolled in the school;

7 (e) Identification of the measures that the school district will
8 use in assessing student achievement at a school identified as a
9 persistently lowest-achieving school, which include improving
10 mathematics and reading student achievement and graduation rates as
11 defined by the office of the superintendent of public instruction that
12 enable the school to no longer be identified as a persistently lowest-
13 achieving school.

14 (3)(a) For any district designated for required action, the parties
15 to any collective bargaining agreement negotiated, renewed, or extended
16 under chapter 41.59 or 41.56 RCW after the effective date of this
17 section must reopen the agreement, or negotiate an addendum, if needed,
18 to make changes to terms and conditions of employment that are
19 necessary to implement a required action plan.

20 (b) If the school district and the employee organizations are
21 unable to agree on the terms of an addendum or modification to an
22 existing collective bargaining agreement, the parties, including all
23 labor organizations affected under the required action plan, shall
24 request the public employment relations commission to, and the
25 commission shall, appoint an employee of the commission to act as a
26 mediator to assist in the resolution of a dispute between the school
27 district and the employee organizations. Beginning in 2011, and each
28 year thereafter, mediation shall commence no later than April 15th.
29 All mediations held under this section shall include the employer and
30 representatives of all affected bargaining units.

31 (c) If the executive director of the public employment relations
32 commission, upon the recommendation of the assigned mediator, finds
33 that the employer and any affected bargaining unit are unable to reach
34 agreement following a reasonable period of negotiations and mediation,
35 but by no later than May 15th of the year in which mediation occurred,
36 the executive director shall certify any disputed issues for a decision
37 by the superior court in the county where the school district is

1 located. The issues for determination by the superior court must be
2 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

18 (ii) Within seven days after the filing of the petition, each party
19 shall file with the court the proposal it is asking the court to order
20 be implemented in a required action plan for the district for each
21 issue certified by the executive director. Contemporaneously with the
22 filing of the proposal, a party must file a brief with the court
23 setting forth the reasons why the court should order implementation of
24 its proposal in the final plan.

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

30 (iv) The court must enter an order selecting the proposal for
31 inclusion in a required action plan that best responds to the issues
32 raised in the school district's academic performance audit, and allows
33 for the award of a federal school improvement grant to the district
34 from the office of the superintendent of public instruction to
35 implement one of the four federal intervention models. The court's
36 decision must be issued no later than June 15th of the year in which
37 the petition is filed and is final and binding on the parties; however
38 the court's decision is subject to appeal only in the case where it

1 does not allow the school district to implement a required action plan
2 consistent with the requirements for the award of a federal school
3 improvement grant by the superintendent of public instruction.

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

6 (f) Any party that proceeds with the process in this section after
7 knowledge that any provision of this section has not been complied with
8 and who fails to state its objection in writing is deemed to have
9 waived its right to object.

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

14 NEW SECTION. **Sec. 106.** A required action plan developed by a
15 district's school board and superintendent must be submitted to the
16 state board of education for approval. The state board must accept for
17 inclusion in any required action plan the final decision by the
18 superior court on any issue certified by the executive director of the
19 public employment relations commission under the process in section 105
20 of this act. The state board of education shall approve a plan
21 proposed by a school district only if it meets the requirements set
22 forth in section 105 of this act. Any addendum or modification to an
23 existing collective bargaining agreement, negotiated under section 105
24 of this act or by agreement of the district and the exclusive
25 bargaining unit, related to student achievement or school improvement
26 shall not go into effect until approval of a required action plan by
27 the state board of education. If the state board does not approve a
28 proposed plan, it must notify the local school board and local
29 district's superintendent in writing with an explicit rationale for why
30 the plan was not approved. Nonapproval by the state board of education
31 of the local school district's initial required action plan submitted
32 is not intended to trigger any actions under section 108 of this act.
33 With the assistance of the office of the superintendent of public
34 instruction, the superintendent and school board of the required action
35 district shall either: (a) Submit a new plan to the state board of
36 education for approval within forty days of notification that its plan
37 was rejected, or (b) submit a request to the required action plan

1 review panel established under section 107 of this act for
2 reconsideration of the state board's rejection within ten days of the
3 notification that the plan was rejected. If federal funds are not
4 available, the plan is not required to be implemented until such
5 funding becomes available. If federal funds for this purpose are
6 available, a required action plan must be implemented in the immediate
7 school year following the district's designation as a required action
8 district.

9 NEW SECTION. **Sec. 107.** (1) A required action plan review panel
10 shall be established to offer an objective, external review of a
11 request from a school district for reconsideration of the state board
12 of education's rejection of the district's required action plan. The
13 review and reconsideration by the panel shall be based on whether the
14 state board of education gave appropriate consideration to the unique
15 circumstances and characteristics of the local school district whose
16 required action plan was rejected.

17 (2)(a) The panel shall be composed of five individuals with
18 expertise in school improvement, school and district restructuring, or
19 parent and community involvement in schools. Two of the panel members
20 shall be appointed by the speaker of the house of representatives; two
21 shall be appointed by the president of the senate; and one shall be
22 appointed by the governor.

23 (b) The speaker of the house of representatives, president of the
24 senate, and governor shall solicit recommendations for possible panel
25 members from the Washington association of school administrators, the
26 Washington state school directors' association, the association of
27 Washington school principals, the achievement gap oversight and
28 accountability committee, and associations representing certificated
29 teachers, classified school employees, and parents.

30 (c) Members of the panel shall be appointed no later than December
31 1, 2010, but the superintendent of public instruction shall convene the
32 panel only as needed to consider a school district's request for
33 reconsideration. Reappointments in the case of a vacancy shall be made
34 expeditiously so that all requests are considered in a timely manner.

35 (3) The required action plan review panel may reaffirm the decision
36 of the state board of education, recommend that the state board
37 reconsider the rejection, or recommend changes to the required action

1 plan that should be considered by the district and the state board of
2 education to secure approval of the plan. The state board of education
3 shall consider the recommendations of the panel and issue a decision in
4 writing to the local school district and the panel. If the school
5 district must submit a new required action plan to the state board of
6 education, the district must submit the plan within forty days of the
7 board's decision.

8 (4) The state board of education and superintendent of public
9 instruction must develop timelines and procedures for the deliberations
10 under this section so that school districts can implement a required
11 action plan within the time frame required under section 106 of this
12 act.

13 NEW SECTION. **Sec. 108.** The state board of education may direct
14 the superintendent of public instruction to require a school district
15 that has not submitted a final required action plan for approval, or
16 has submitted but not received state board of education approval of a
17 required action plan by the beginning of the school year in which the
18 plan is intended to be implemented, to redirect the district's Title I
19 funds based on the academic performance audit findings.

20 NEW SECTION. **Sec. 109.** A school district must implement a
21 required action plan upon approval by the state board of education.
22 The office of superintendent of public instruction must provide the
23 required action district with technical assistance and federal school
24 improvement grant funds, if available, to implement an approved plan.
25 The district must submit a report to the superintendent of public
26 instruction that provides the progress the district is making in
27 meeting the student achievement goals based on the state's assessments,
28 identifying strategies and assets used to solve audit findings, and
29 establishing evidence of meeting plan implementation benchmarks as set
30 forth in the required action plan.

31 NEW SECTION. **Sec. 110.** (1) The superintendent of public
32 instruction must provide a report twice per year to the state board of
33 education regarding the progress made by all school districts
34 designated as required action districts.

1 (2) The superintendent of public instruction must recommend to the
2 state board of education that a school district be released from the
3 designation as a required action district after the district implements
4 a required action plan for a period of three years; has made progress,
5 as defined by the superintendent of public instruction, in reading and
6 mathematics on the state's assessment over the past three consecutive
7 years; and no longer has a school within the district identified as
8 persistently lowest achieving. The state board shall release a school
9 district from the designation as a required action district upon
10 confirmation that the district has met the requirements for a release.

11 (3) If the state board of education determines that the required
12 action district has not met the requirements for release, the district
13 remains in required action and must submit a new or revised plan under
14 the process in section 105 of this act.

15 **Sec. 111.** RCW 28A.305.225 and 2009 c 548 s 503 are each amended to
16 read as follows:

17 (1) The state board of education shall continue to refine the
18 development of an accountability framework that creates a unified
19 system of support for challenged schools, that aligns with basic
20 education, increases the level of support based upon the magnitude of
21 need, and uses data for decisions.

22 (2) The state board of education shall develop an accountability
23 index to identify schools and districts for recognition, for continuous
24 improvement, and for additional state support. The index shall be
25 based on criteria that are fair, consistent, and transparent.
26 Performance shall be measured using multiple outcomes and indicators
27 including, but not limited to, graduation rates and results from
28 statewide assessments. The index shall be developed in such a way as
29 to be easily understood by both employees within the schools and
30 districts, as well as parents and community members. It is the
31 legislature's intent that the index provide feedback to schools and
32 districts to self-assess their progress, and enable the identification
33 of schools with exemplary student performance and those that need
34 assistance to overcome challenges in order to achieve exemplary student
35 performance. (~~Once the accountability index has identified schools~~
36 ~~that need additional help, a more thorough analysis will be done to~~
37 ~~analyze specific conditions in the district including but not limited~~

1 to the level of state resources a school or school district receives in
2 support of the basic education system, achievement gaps for different
3 groups of students, and community support.

4 (3) Based on the accountability index and in consultation with the
5 superintendent of public instruction, the state board of education
6 shall develop a proposal and timeline for implementation of a
7 comprehensive system of voluntary support and assistance for schools
8 and districts. The timeline must take into account and accommodate
9 capacity limitations of the K-12 educational system. Changes that have
10 a fiscal impact on school districts, as identified by a fiscal analysis
11 prepared by the office of the superintendent of public instruction,
12 shall take effect only if formally authorized by the legislature
13 through the omnibus appropriations act or other enacted legislation.

14 (4)(a) The state board of education shall develop a proposal and
15 implementation timeline for a more formalized comprehensive system
16 improvement targeted to challenged schools and districts that have not
17 demonstrated sufficient improvement through the voluntary system. The
18 timeline must take into account and accommodate capacity limitations of
19 the K-12 educational system. The proposal and timeline shall be
20 submitted to the education committees of the legislature by December 1,
21 2009, and shall include recommended legislation and recommended
22 resources to implement the system according to the timeline developed.

23 (b) The proposal shall outline a process for addressing performance
24 challenges that will include the following features: (i) An academic
25 performance audit using peer review teams of educators that considers
26 school and community factors in addition to other factors in developing
27 recommended specific corrective actions that should be undertaken to
28 improve student learning; (ii) a requirement for the local school board
29 plan to develop and be responsible for implementation of corrective
30 action plan taking into account the audit findings, which plan must be
31 approved by the state board of education at which time the plan becomes
32 binding upon the school district to implement; and (iii) monitoring of
33 local district progress by the office of the superintendent of public
34 instruction. The proposal shall take effect only if formally
35 authorized by the legislature through the omnibus appropriations act or
36 other enacted legislation.

37 (5)) (3) The state board of education, in cooperation with the
38 office of the superintendent of public instruction, shall annually

1 recognize schools for exemplary performance as measured on the state
2 board of education accountability index. The state board of education
3 shall have ongoing collaboration with the achievement gap oversight and
4 accountability committee regarding the measures used to measure the
5 closing of the achievement gaps and the recognition provided to the
6 school districts for closing the achievement gaps.

7 (4) In coordination with the superintendent of public instruction,
8 the state board of education shall seek approval from the United States
9 department of education for use of the accountability index and the
10 state system of support, assistance, and intervention, to replace the
11 federal accountability system under P.L. 107-110, the no child left
12 behind act of 2001.

13 ((+6)) (5) The state board of education shall work with the
14 education data center established within the office of financial
15 management and the technical working group established in section 112,
16 chapter 548, Laws of 2009 to determine the feasibility of using the
17 prototypical funding allocation model as not only a tool for allocating
18 resources to schools and districts but also as a tool for schools and
19 districts to report to the state legislature and the state board of
20 education on how the state resources received are being used.

21 NEW SECTION. Sec. 112. The definitions in this section apply
22 throughout this chapter unless the context clearly requires otherwise.

23 (1) "All students group" means those students in grades three
24 through eight and high school who take the state's assessment in
25 reading and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

26 (2) "Title I" means Title I, part A of the federal elementary and
27 secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

28 NEW SECTION. Sec. 113. The superintendent of public instruction
29 and the state board of education may each adopt rules in accordance
30 with chapter 34.05 RCW as necessary to implement this chapter.

31 NEW SECTION. Sec. 114. (1) The legislature finds that a unified
32 and equitable system of education accountability must include
33 expectations and benchmarks for improvement, along with support for
34 schools and districts to make the necessary changes that will lead to
35 success for all students. Such a system must also clearly address the

1 consequences for persistent lack of improvement. Establishing a
2 process for school districts to prepare and implement a required action
3 plan is one such consequence. However, to be truly accountable to
4 students, parents, the community, and taxpayers, the legislature must
5 also consider what should happen if a required action district
6 continues not to make improvement after an extended period of time.
7 Without an answer to this significant question, the state's system of
8 education accountability is incomplete. Furthermore, accountability
9 must be appropriately shared among various levels of decision makers,
10 including in the building, in the district, and at the state.

11 (2)(a) A joint select committee on education accountability is
12 established with the following members:

13 (i) The president of the senate shall appoint two members from each
14 of the two largest caucuses of the senate.

15 (ii) The speaker of the house of representatives shall appoint two
16 members from each of the two largest caucuses of the house of
17 representatives.

18 (b) The committee shall choose its cochairs from among its
19 membership.

20 (3) The committee shall:

21 (a) Identify and analyze options for a complete system of education
22 accountability, particularly consequences in the case of persistent
23 lack of improvement by a required action district;

24 (b) Identify and analyze appropriate decision-making
25 responsibilities and accompanying consequences at the building,
26 district, and state level within such an accountability system;

27 (c) Examine models and experiences in other states;

28 (d) Identify the circumstances under which significant state action
29 may be required; and

30 (e) Analyze the financial, legal, and practical considerations that
31 would accompany significant state action.

32 (4) Staff support for the committee must be provided by the senate
33 committee services and the house of representatives office of program
34 research.

35 (5) The committee shall submit an interim report to the education
36 committees of the legislature by September 1, 2011, and a final report
37 with recommendations by September 1, 2012.

38 (6) This section expires June 30, 2013.

1 student to acquire a quality education in such district, in not less
2 than an amount otherwise required in RCW 28A.150.220, or rules of the
3 state board of education;

4 ~~((d))~~ (e) Determine the allocation of staff time, whether
5 certificated or classified;

6 ~~((e))~~ (f) Establish final curriculum standards consistent with
7 law and rules of the superintendent of public instruction, relevant to
8 the particular needs of district students or the unusual
9 characteristics of the district, and ensuring a quality education for
10 each student in the district; and

11 ~~((f))~~ (g) Evaluate teaching materials, including text books,
12 teaching aids, handouts, or other printed material, in public hearing
13 upon complaint by parents, guardians or custodians of students who
14 consider dissemination of such material to students objectionable.

15 **Sec. 202.** RCW 28A.405.100 and 1997 c 278 s 1 are each amended to
16 read as follows:

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

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

1 (2)(a) Pursuant to the implementation schedule established in
2 subsection (7)(b) of this section, every board of directors shall, in
3 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
4 41.59.910, and 41.59.920, establish revised evaluative criteria and a
5 four-level rating system for all certificated classroom teachers.

6 (b) The minimum criteria shall include: (i) Centering instruction
7 on high expectations for student achievement; (ii) demonstrating
8 effective teaching practices; (iii) recognizing individual student
9 learning needs and developing strategies to address those needs; (iv)
10 providing clear and intentional focus on subject matter content and
11 curriculum; (v) fostering and managing a safe, positive learning
12 environment; (vi) using multiple student data elements to modify
13 instruction and improve student learning; (vii) communicating and
14 collaborating with parents and school community; and (viii) exhibiting
15 collaborative and collegial practices focused on improving
16 instructional practice and student learning.

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

26 (3)(a) Except as provided in subsection ((+5)) (10) of this
27 section, it shall be the responsibility of a principal or his or her
28 designee to evaluate all certificated personnel in his or her school.
29 During each school year all classroom teachers and certificated support
30 personnel(, hereinafter referred to as "employees" in this section,)
31 shall be observed for the purposes of evaluation at least twice in the
32 performance of their assigned duties. Total observation time for each
33 employee for each school year shall be not less than sixty minutes. An
34 employee in the third year of provisional status as defined in RCW
35 28A.405.220 shall be observed at least three times in the performance
36 of his or her duties and the total observation time for the school year
37 shall not be less than ninety minutes. Following each observation, or
38 series of observations, the principal or other evaluator shall promptly

1 document the results of the observation in writing, and shall provide
2 the employee with a copy thereof within three days after such report is
3 prepared. New employees shall be observed at least once for a total
4 observation time of thirty minutes during the first ninety calendar
5 days of their employment period.

6 (b) As used in this subsection and subsection (4) of this section,
7 "employees" means classroom teachers and certificated support
8 personnel.

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

1 established probationary period, as specifically documented in writing
2 with notification to the probationer and shall constitute grounds for
3 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

4 (b) Immediately following the completion of a probationary period
5 that does not produce performance changes detailed in the initial
6 notice of deficiencies and improvement program, the employee may be
7 removed from his or her assignment and placed into an alternative
8 assignment for the remainder of the school year. This reassignment may
9 not displace another employee nor may it adversely affect the
10 probationary employee's compensation or benefits for the remainder of
11 the employee's contract year. If such reassignment is not possible,
12 the district may, at its option, place the employee on paid leave for
13 the balance of the contract term.

14 ~~((+2))~~ (5) Every board of directors shall establish evaluative
15 criteria and procedures for all superintendents, principals, and other
16 administrators. It shall be the responsibility of the district
17 superintendent or his or her designee to evaluate all administrators.
18 Except as provided in subsection (6) of this section, such evaluation
19 shall be based on the administrative position job description. Such
20 criteria, when applicable, shall include at least the following
21 categories: Knowledge of, experience in, and training in recognizing
22 good professional performance, capabilities and development; school
23 administration and management; school finance; professional preparation
24 and scholarship; effort toward improvement when needed; interest in
25 pupils, employees, patrons and subjects taught in school; leadership;
26 and ability and performance of evaluation of school personnel.

27 ~~((+3))~~ (6)(a) Pursuant to the implementation schedule established
28 by subsection (7)(b) of this section, every board of directors shall
29 establish revised evaluative criteria and a four-level rating system
30 for principals.

31 (b) The minimum criteria shall include: (i) Creating a school
32 culture that promotes the ongoing improvement of learning and teaching
33 for students and staff; (ii) demonstrating commitment to closing the
34 achievement gap; (iii) providing for school safety; (iv) leading the
35 development, implementation, and evaluation of a data-driven plan for
36 increasing student achievement, including the use of multiple student
37 data elements; (v) assisting instructional staff with alignment of
38 curriculum, instruction, and assessment with state and local district

1 learning goals; (vi) monitoring, assisting, and evaluating effective
2 instruction and assessment practices; (vii) managing both staff and
3 fiscal resources to support student achievement and legal
4 responsibilities; and (viii) partnering with the school community to
5 promote student learning.

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

14 (7)(a) The superintendent of public instruction, in collaboration
15 with state professional associations representing teachers, principals,
16 and administrators, shall create models for implementing the evaluation
17 system criteria, student growth tools, professional development
18 programs, and evaluator training for certificated classroom teachers
19 and principals. Human resources specialists, professional development
20 experts, and assessment experts must also be consulted. Due to the
21 diversity of teaching assignments and the many developmental levels of
22 students, classroom teachers and principals must be prominently
23 represented in this work. The models must be available for use in the
24 2011-12 school year.

25 (b) A new certificated classroom teacher evaluation system that
26 implements the provisions of subsection (2) of this section and a new
27 principal evaluation system that implements the provisions of
28 subsection (6) of this section shall be phased-in beginning with the
29 2010-11 school year by districts identified in (c) of this subsection
30 and implemented in all school districts beginning with the 2013-14
31 school year.

32 (c) A set of school districts shall be selected by the
33 superintendent of public instruction to participate in a collaborative
34 process resulting in the development and piloting of new certificated
35 classroom teacher and principal evaluation systems during the 2010-11
36 and 2011-12 school years. These school districts must be selected
37 based on: (i) The agreement of the local associations representing
38 classroom teachers and principals to collaborate with the district in

1 this developmental work and (ii) the agreement to participate in the
2 full range of development and implementation activities, including:
3 Development of rubrics for the evaluation criteria and ratings in
4 subsections (2) and (6) of this section; identification of or
5 development of appropriate multiple measures of student growth in
6 subsections (2) and (6) of this section; development of appropriate
7 evaluation system forms; participation in professional development for
8 principals and classroom teachers regarding the content of the new
9 evaluation system; participation in evaluator training; and
10 participation in activities to evaluate the effectiveness of the new
11 systems and support programs. The school districts must submit to the
12 office of the superintendent of public instruction data that is used in
13 evaluations and all district-collected student achievement, aptitude,
14 and growth data regardless of whether the data is used in evaluations.
15 If the data is not available electronically, the district may submit it
16 in nonelectronic form. The superintendent of public instruction must
17 analyze the districts' use of student data in evaluations, including
18 examining the extent that student data is not used or is underutilized.
19 The superintendent of public instruction must also consult with
20 participating districts and stakeholders, recommend appropriate
21 changes, and address statewide implementation issues. The
22 superintendent of public instruction shall report evaluation system
23 implementation status, evaluation data, and recommendations to
24 appropriate committees of the legislature and governor by July 1, 2011,
25 and at the conclusion of the development phase by July 1, 2012. In the
26 July 1, 2011 report, the superintendent shall include recommendations
27 for whether a single statewide evaluation model should be adopted,
28 whether modified versions developed by school districts should be
29 subject to state approval, and what the criteria would be for
30 determining if a school district's evaluation model meets or exceeds a
31 statewide model. The report shall also identify challenges posed by
32 requiring a state approval process.

33 (8) Each certificated ((employee)) classroom teacher and
34 certificated support personnel shall have the opportunity for
35 confidential conferences with his or her immediate supervisor on no
36 less than two occasions in each school year. Such confidential
37 conference shall have as its sole purpose the aiding of the

1 administrator in his or her assessment of the employee's professional
2 performance.

3 ((+4)) (9) The failure of any evaluator to evaluate or supervise
4 or cause the evaluation or supervision of certificated ~~((employees))~~
5 classroom teachers and certificated support personnel or administrators
6 in accordance with this section, as now or hereafter amended, when it
7 is his or her specific assigned or delegated responsibility to do so,
8 shall be sufficient cause for the nonrenewal of any such evaluator's
9 contract under RCW 28A.405.210, or the discharge of such evaluator
10 under RCW 28A.405.300.

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

1 employee's contract under RCW 28A.405.210 unless an evaluation process
2 developed under chapter 41.59 RCW determines otherwise.

3 **Sec. 203.** RCW 28A.405.220 and 2009 c 57 s 2 are each amended to
4 read as follows:

5 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
6 employed by a school district in a teaching or other nonsupervisory
7 certificated position shall be subject to nonrenewal of employment
8 contract as provided in this section during the first (~~two~~) three
9 years of employment by such district, unless: (a) The employee has
10 previously completed at least two years of certificated employment in
11 another school district in the state of Washington, in which case the
12 employee shall be subject to nonrenewal of employment contract pursuant
13 to this section during the first year of employment with the new
14 district; or (b) the school district superintendent may make a
15 determination to remove an employee from provisional status if the
16 employee has received one of the top two evaluation ratings during the
17 second year of employment by the district. Employees as defined in
18 this section shall hereinafter be referred to as "provisional
19 employees(~~+~~)."

20 (2) In the event the superintendent of the school district
21 determines that the employment contract of any provisional employee
22 should not be renewed by the district for the next ensuing term such
23 provisional employee shall be notified thereof in writing on or before
24 May 15th preceding the commencement of such school term, or if the
25 omnibus appropriations act has not passed the legislature by May 15th,
26 then notification shall be no later than June 15th, which notification
27 shall state the reason or reasons for such determination. Such notice
28 shall be served upon the provisional employee personally, or by
29 certified or registered mail, or by leaving a copy of the notice at the
30 place of his or her usual abode with some person of suitable age and
31 discretion then resident therein. The determination of the
32 superintendent shall be subject to the evaluation requirements of RCW
33 28A.405.100.

34 (3) Every such provisional employee so notified, at his or her
35 request made in writing and filed with the superintendent of the
36 district within ten days after receiving such notice, shall be given
37 the opportunity to meet informally with the superintendent for the

1 purpose of requesting the superintendent to reconsider his or her
2 decision. Such meeting shall be held no later than ten days following
3 the receipt of such request, and the provisional employee shall be
4 given written notice of the date, time and place of meeting at least
5 three days prior thereto. At such meeting the provisional employee
6 shall be given the opportunity to refute any facts upon which the
7 superintendent's determination was based and to make any argument in
8 support of his or her request for reconsideration.

9 (4) Within ten days following the meeting with the provisional
10 employee, the superintendent shall either reinstate the provisional
11 employee or shall submit to the school district board of directors for
12 consideration at its next regular meeting a written report recommending
13 that the employment contract of the provisional employee be nonrenewed
14 and stating the reason or reasons therefor. A copy of such report
15 shall be delivered to the provisional employee at least three days
16 prior to the scheduled meeting of the board of directors. In taking
17 action upon the recommendation of the superintendent, the board of
18 directors shall consider any written communication which the
19 provisional employee may file with the secretary of the board at any
20 time prior to that meeting.

21 (5) The board of directors shall notify the provisional employee in
22 writing of its final decision within ten days following the meeting at
23 which the superintendent's recommendation was considered. The decision
24 of the board of directors to nonrenew the contract of a provisional
25 employee shall be final and not subject to appeal.

26 (6) This section applies to any person employed by a school
27 district in a teaching or other nonsupervisory certificated position
28 after June 25, 1976. This section provides the exclusive means for
29 nonrenewing the employment contract of a provisional employee and no
30 other provision of law shall be applicable thereto, including, without
31 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

32 NEW SECTION. **Sec. 204.** A new section is added to chapter 28A.405
33 RCW to read as follows:

34 (1) Representatives of the office of the superintendent of public
35 instruction and statewide associations representing administrators,
36 principals, human resources specialists, and certificated classroom

1 teachers shall analyze how the evaluation systems in RCW 28A.405.100
2 (2) and (6) affect issues related to a change in contract status.

3 (2) The analysis shall be conducted during each of the phase-in
4 years of the certificated classroom teacher and principal evaluation
5 systems. The analysis shall include: Procedures, timelines,
6 probationary periods, appeal procedures, and other items related to the
7 timely exercise of employment decisions and due process provisions for
8 certificated classroom teachers and principals.

9 NEW SECTION. **Sec. 205.** A new section is added to chapter 28A.405
10 RCW to read as follows:

11 If funds are provided for professional development activities
12 designed specifically for first through third-year teachers, the funds
13 shall be allocated first to districts participating in the evaluation
14 systems in RCW 28A.405.100 (2) and (6) before the required
15 implementation date under that section.

16 **PART III**
17 **PRINCIPAL PERFORMANCE**

18 NEW SECTION. **Sec. 301.** The legislature finds that the presence of
19 highly effective principals in schools has never been more important
20 than it is today. To enable students to meet high academic standards,
21 principals must lead and encourage teams of teachers and support staff
22 to work together, align curriculum and instruction, use student data to
23 target instruction and intervention strategies, and serve as the chief
24 school officer with parents and the community. Greater responsibility
25 should come with greater authority over personnel, budgets, resource
26 allocation, and programs. But greater responsibility also comes with
27 greater accountability for outcomes. Washington is putting into place
28 an updated and rigorous system of evaluating principal performance, one
29 that will measure what matters. This system will never be truly
30 effective unless the results are meaningfully used.

31 NEW SECTION. **Sec. 302.** A new section is added to chapter 28A.405
32 RCW to read as follows:

33 (1) Any certificated employee of a school district under this
34 section who is first employed as a principal after the effective date

1 of this section shall be subject to transfer as provided under this
2 section, at the expiration of the term of his or her employment
3 contract, to any subordinate certificated position within the school
4 district. "Subordinate certificated position" as used in this section
5 means any administrative or nonadministrative certificated position for
6 which the annual compensation is less than the position currently held
7 by the administrator. This section applies only to school districts
8 with an annual average student enrollment of more than thirty-five
9 thousand full-time equivalent students.

10 (2) During the first three consecutive school years of employment
11 as a principal by the school district, or during the first full school
12 year of such employment in the case of a principal who has been
13 previously employed as a principal by another school district in the
14 state for three or more consecutive school years, the transfer of the
15 principal to a subordinate certificated position may be made by a
16 determination of the superintendent that the best interests of the
17 school district would be served by the transfer.

18 (3) Commencing with the fourth consecutive school year of
19 employment as a principal, or the second consecutive school year of
20 such employment in the case of a principal who has been previously
21 employed as a principal by another school district in the state for
22 three or more consecutive school years, the transfer of the principal
23 to a subordinate certificated position shall be based on the
24 superintendent's determination that the results of the evaluation of
25 the principal's performance using the evaluative criteria and rating
26 system established under RCW 28A.405.100 provide a valid reason for the
27 transfer without regard to whether there is probable cause for the
28 transfer. If a valid reason is shown, it shall be deemed that the
29 transfer is reasonably related to the principal's performance. No
30 probationary period is required. However, provision of support and an
31 attempt at remediation of the performance of the principal, as defined
32 by the superintendent, are required for a determination by the
33 superintendent under this subsection that the principal should be
34 transferred to a subordinate certificated position.

35 (4) Any superintendent transferring a principal under this section
36 to a subordinate certificated position shall notify that principal in
37 writing on or before May 15th before the beginning of the school year
38 of that determination, or if the omnibus appropriations act has not

1 passed the legislature by May 15th, then notification shall be no later
2 than June 15th. The notification shall state the reason or reasons for
3 the transfer and shall identify the subordinate certificated position
4 to which the principal will be transferred. The notification shall be
5 served upon the principal personally, or by certified or registered
6 mail, or by leaving a copy of the notice at the place of his or her
7 usual abode with some person of suitable age and discretion then
8 resident therein.

9 (5) Any principal so notified may request to the president or chair
10 of the board of directors of the district, in writing and within ten
11 days after receiving notice, an opportunity to meet informally with the
12 board of directors in an executive session for the purpose of
13 requesting the board to reconsider the decision of the superintendent,
14 and shall be given such opportunity. The board, upon receipt of such
15 request, shall schedule the meeting for no later than the next
16 regularly scheduled meeting of the board, and shall give the principal
17 written notice at least three days before the meeting of the date,
18 time, and place of the meeting. At the meeting the principal shall be
19 given the opportunity to refute any evidence upon which the
20 determination was based and to make any argument in support of his or
21 her request for reconsideration. The principal and the board may
22 invite their respective legal counsel to be present and to participate
23 at the meeting. The board shall notify the principal in writing of its
24 final decision within ten days following its meeting with the
25 principal. No appeal to the courts shall lie from the final decision
26 of the board of directors to transfer a principal to a subordinate
27 certificated position.

28 (6) This section provides the exclusive means for transferring a
29 certificated employee first employed by a school district under this
30 section as a principal after the effective date of this section to a
31 subordinate certificated position at the expiration of the term of his
32 or her employment contract.

33 **Sec. 303.** RCW 28A.405.210 and 2009 c 57 s 1 are each amended to
34 read as follows:

35 No teacher, principal, supervisor, superintendent, or other
36 certificated employee, holding a position as such with a school
37 district, hereinafter referred to as "employee", shall be employed

1 except by written order of a majority of the directors of the district
2 at a regular or special meeting thereof, nor unless he or she is the
3 holder of an effective teacher's certificate or other certificate
4 required by law or the Washington professional educator standards board
5 for the position for which the employee is employed.

6 The board shall make with each employee employed by it a written
7 contract, which shall be in conformity with the laws of this state, and
8 except as otherwise provided by law, limited to a term of not more than
9 one year. Every such contract shall be made in duplicate, one copy to
10 be retained by the school district superintendent or secretary and one
11 copy to be delivered to the employee. No contract shall be offered by
12 any board for the employment of any employee who has previously signed
13 an employment contract for that same term in another school district of
14 the state of Washington unless such employee shall have been released
15 from his or her obligations under such previous contract by the board
16 of directors of the school district to which he or she was obligated.
17 Any contract signed in violation of this provision shall be void.

18 In the event it is determined that there is probable cause or
19 causes that the employment contract of an employee should not be
20 renewed by the district for the next ensuing term such employee shall
21 be notified in writing on or before May 15th preceding the commencement
22 of such term of that determination, or if the omnibus appropriations
23 act has not passed the legislature by May 15th, then notification shall
24 be no later than June 15th, which notification shall specify the cause
25 or causes for nonrenewal of contract. Such determination of probable
26 cause for certificated employees, other than the superintendent, shall
27 be made by the superintendent. Such notice shall be served upon the
28 employee personally, or by certified or registered mail, or by leaving
29 a copy of the notice at the house of his or her usual abode with some
30 person of suitable age and discretion then resident therein. Every
31 such employee so notified, at his or her request made in writing and
32 filed with the president, chair or secretary of the board of directors
33 of the district within ten days after receiving such notice, shall be
34 granted opportunity for hearing pursuant to RCW 28A.405.310 to
35 determine whether there is sufficient cause or causes for nonrenewal of
36 contract: PROVIDED, That any employee receiving notice of nonrenewal
37 of contract due to an enrollment decline or loss of revenue may, in his
38 or her request for a hearing, stipulate that initiation of the

1 arrangements for a hearing officer as provided for by RCW
2 28A.405.310(4) shall occur within ten days following July 15 rather
3 than the day that the employee submits the request for a hearing. If
4 any such notification or opportunity for hearing is not timely given,
5 the employee entitled thereto shall be conclusively presumed to have
6 been reemployed by the district for the next ensuing term upon
7 contractual terms identical with those which would have prevailed if
8 his or her employment had actually been renewed by the board of
9 directors for such ensuing term.

10 This section shall not be applicable to "provisional employees" as
11 so designated in RCW 28A.405.220; transfer to a subordinate
12 certificated position as that procedure is set forth in RCW 28A.405.230
13 or section 302 of this act shall not be construed as a nonrenewal of
14 contract for the purposes of this section.

15 **Sec. 304.** RCW 28A.405.230 and 2009 c 57 s 3 are each amended to
16 read as follows:

17 Any certificated employee of a school district employed as an
18 assistant superintendent, director, principal, assistant principal,
19 coordinator, or in any other supervisory or administrative position,
20 hereinafter in this section referred to as "administrator", shall be
21 subject to transfer, at the expiration of the term of his or her
22 employment contract, to any subordinate certificated position within
23 the school district. "Subordinate certificated position" as used in
24 this section, shall mean any administrative or nonadministrative
25 certificated position for which the annual compensation is less than
26 the position currently held by the administrator.

27 Every superintendent determining that the best interests of the
28 school district would be served by transferring any administrator to a
29 subordinate certificated position shall notify that administrator in
30 writing on or before May 15th preceding the commencement of such school
31 term of that determination, or if the omnibus appropriations act has
32 not passed the legislature by May 15th, then notification shall be no
33 later than June 15th, which notification shall state the reason or
34 reasons for the transfer, and shall identify the subordinate
35 certificated position to which the administrator will be transferred.
36 Such notice shall be served upon the administrator personally, or by

1 certified or registered mail, or by leaving a copy of the notice at the
2 place of his or her usual abode with some person of suitable age and
3 discretion then resident therein.

4 Every such administrator so notified, at his or her request made in
5 writing and filed with the president or chair, or secretary of the
6 board of directors of the district within ten days after receiving such
7 notice, shall be given the opportunity to meet informally with the
8 board of directors in an executive session thereof for the purpose of
9 requesting the board to reconsider the decision of the superintendent.
10 Such board, upon receipt of such request, shall schedule the meeting
11 for no later than the next regularly scheduled meeting of the board,
12 and shall notify the administrator in writing of the date, time and
13 place of the meeting at least three days prior thereto. At such
14 meeting the administrator shall be given the opportunity to refute any
15 facts upon which the determination was based and to make any argument
16 in support of his or her request for reconsideration. The
17 administrator and the board may invite their respective legal counsel
18 to be present and to participate at the meeting. The board shall
19 notify the administrator in writing of its final decision within ten
20 days following its meeting with the administrator. No appeal to the
21 courts shall lie from the final decision of the board of directors to
22 transfer an administrator to a subordinate certificated position:
23 PROVIDED, That in the case of principals such transfer shall be made at
24 the expiration of the contract year and only during the first three
25 consecutive school years of employment as a principal by a school
26 district; except that if any such principal has been previously
27 employed as a principal by another school district in the state of
28 Washington for three or more consecutive school years the provisions of
29 this section shall apply only to the first full school year of such
30 employment.

31 This section applies to any person employed as an administrator by
32 a school district on June 25, 1976, and to all persons so employed at
33 any time thereafter, except that section 302 of this act applies to
34 persons first employed after the effective date of this section as a
35 principal by a school district meeting the criteria of section 302 of
36 this act. This section provides the exclusive means for transferring
37 an administrator subject to this section to a subordinate certificated

1 position at the expiration of the term of his or her employment
2 contract.

3 **Sec. 305.** RCW 28A.405.300 and 1990 c 33 s 395 are each amended to
4 read as follows:

5 In the event it is determined that there is probable cause or
6 causes for a teacher, principal, supervisor, superintendent, or other
7 certificated employee, holding a position as such with the school
8 district, hereinafter referred to as "employee", to be discharged or
9 otherwise adversely affected in his or her contract status, such
10 employee shall be notified in writing of that decision, which
11 notification shall specify the probable cause or causes for such
12 action. Such determinations of probable cause for certificated
13 employees, other than the superintendent, shall be made by the
14 superintendent. Such notices shall be served upon that employee
15 personally, or by certified or registered mail, or by leaving a copy of
16 the notice at the house of his or her usual abode with some person of
17 suitable age and discretion then resident therein. Every such employee
18 so notified, at his or her request made in writing and filed with the
19 president, chair of the board or secretary of the board of directors of
20 the district within ten days after receiving such notice, shall be
21 granted opportunity for a hearing pursuant to RCW 28A.405.310 to
22 determine whether or not there is sufficient cause or causes for his or
23 her discharge or other adverse action against his or her contract
24 status.

25 In the event any such notice or opportunity for hearing is not
26 timely given, or in the event cause for discharge or other adverse
27 action is not established by a preponderance of the evidence at the
28 hearing, such employee shall not be discharged or otherwise adversely
29 affected in his or her contract status for the causes stated in the
30 original notice for the duration of his or her contract.

31 If such employee does not request a hearing as provided herein,
32 such employee may be discharged or otherwise adversely affected as
33 provided in the notice served upon the employee.

34 Transfer to a subordinate certificated position as that procedure
35 is set forth in RCW 28A.405.230 or section 302 of this act shall not be
36 construed as a discharge or other adverse action against contract
37 status for the purposes of this section.

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PART IV
ENCOURAGING INNOVATIONS

Sec. 401. RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

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

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

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

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

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

1 (c) Salary and benefits for certificated instructional staff in
2 programs other than basic education shall be consistent with the salary
3 and benefits paid to certificated instructional staff in the basic
4 education program.

5 (4) Salaries and benefits for certificated instructional staff may
6 exceed the limitations in subsection (3) of this section only by
7 separate contract for additional time, for additional responsibilities,
8 ~~((or))~~ for incentives, or for implementing specific measurable
9 innovative activities, including professional development, specified by
10 the school district to: (a) Close one or more achievement gaps, (b)
11 focus on development of science, technology, engineering, and
12 mathematics (STEM) learning opportunities, or (c) provide arts
13 education. Supplemental contracts shall not cause the state to incur
14 any present or future funding obligation. Supplemental contracts shall
15 be subject to the collective bargaining provisions of chapter 41.59 RCW
16 and the provisions of RCW 28A.405.240, shall not exceed one year, and
17 if not renewed shall not constitute adverse change in accordance with
18 RCW 28A.405.300 through 28A.405.380. No district may enter into a
19 supplemental contract under this subsection for the provision of
20 services which are a part of the basic education program required by
21 Article IX, section 3 of the state Constitution.

22 (5) Employee benefit plans offered by any district shall comply
23 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

24 PART V

25 EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION

26 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.410
27 RCW to read as follows:

28 (1) Beginning with the 2011-12 school year, all professional
29 educator standards board-approved teacher preparation programs must
30 administer to all preservice candidates the evidence-based assessment
31 of teaching effectiveness adopted by the professional educator
32 standards board. The professional educator standards board shall adopt
33 rules that establish a date during the 2012-13 school year after which
34 candidates completing teacher preparation programs must successfully
35 pass this assessment. Assessment results from persons completing each

1 preparation program must be reported annually by the professional
2 educator standards board to the governor and the education and fiscal
3 committees of the legislature by December 1st.

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

7 (a) The administration, scoring, and reporting of scores of the
8 assessment under this section;

9 (b) Related clerical and administrative activities; or

10 (c) Any combination of the purposes of this subsection (2).

11 (3) Candidates for residency certification who are required to
12 successfully complete the assessment under this section, and who are
13 charged a fee for the assessment by a third party contracted with under
14 this section, shall pay the fee charged by the contractor directly to
15 the contractor. Such fees shall be reasonably related to the actual
16 costs of the contractor in providing the assessment.

17 NEW SECTION. **Sec. 502.** A new section is added to chapter 28A.410
18 RCW to read as follows:

19 (1) By September 30, 2010, the professional educator standards
20 board shall review and revise teacher and administrator preparation
21 program approval standards and proposal review procedures at the
22 residency certificate level to ensure they are rigorous and appropriate
23 standards for an expanded range of potential providers, including
24 community college and nonhigher education providers. All approved
25 providers must adhere to the same standards and comply with the same
26 requirements.

27 (2) Beginning September 30, 2010, the professional educator
28 standards board must accept proposals for community college and
29 nonhigher education providers of educator preparation programs.
30 Proposals must be processed and considered by the board as
31 expeditiously as possible.

32 (3) By September 1, 2011, all professional educator standards
33 board- approved residency teacher preparation programs at institutions
34 of higher education as defined in RCW 28B.10.016 not currently a
35 partner in an alternative route program approved by the professional
36 educator standards board must submit to the board a proposal to offer

1 one or more of the alternative route programs that meet the
2 requirements of RCW 28A.660.020 and 28A.660.040.

3 (4)(a) The state board for community and technical colleges shall
4 select up to three community colleges to develop and offer a program of
5 study leading to a baccalaureate degree with a residency teaching
6 certificate. The program must lead to endorsement in a subject matter
7 shortage area. To the maximum extent possible, the colleges selected
8 shall be geographically dispersed to enhance access in underserved
9 areas of the state. The state board for community and technical
10 colleges and the professional educator standards board shall provide
11 technical assistance to the colleges in developing and submitting the
12 program for approval.

13 (b) A college selected under this subsection (4) may develop the
14 curriculum for and design and deliver courses leading to a
15 baccalaureate degree. However, programs developed under this
16 subsection (4) are subject to approval by the state board for community
17 and technical colleges under RCW 28B.50.090, the higher education
18 coordinating board under RCW 28B.76.230, and the professional educator
19 standards board under RCW 28A.410.210 before the college may enroll
20 students in upper division courses or apply courses offered toward
21 required competencies for teacher certification or endorsement. The
22 boards shall coordinate their review and approval processes to expedite
23 approval.

24 (c) The state board for community and technical colleges and the
25 professional educator standards board shall evaluate the experience of
26 the programs established under this subsection (4) and submit a report
27 to the governor and the legislature by January 10, 2014, regarding
28 whether additional programs should be authorized.

29 **Sec. 503.** RCW 28A.660.020 and 2006 c 263 s 816 are each amended to
30 read as follows:

31 (1) ~~((Each))~~ The professional educator standards board shall
32 transition the alternative route partnership grant program from a
33 separate competitive grant program to a preparation program model to be
34 expanded among approved preparation program providers. Alternative
35 routes are partnerships between professional educator standards board-
36 approved preparation programs, Washington school districts, and other
37 partners as appropriate.

1 (2) Each prospective teacher preparation program provider, in
2 cooperation with a Washington school district or consortia of school
3 districts applying ~~((for—the))~~ to operate alternative route
4 certification program shall ~~((submit—a))~~ include in its proposal to the
5 Washington professional educator standards board ~~((specifying))~~:

6 (a) The route or routes the partnership program intends to offer
7 and a detailed description of how the routes will be structured and
8 operated by the partnership;

9 (b) The estimated number of candidates that will be enrolled per
10 route;

11 (c) An identification, indication of commitment, and description of
12 the role of approved teacher preparation programs ~~((that—are))~~ and
13 partnering ~~((with—the))~~ district or consortia of districts;

14 (d) An assurance ~~((of))~~ that the district ~~((provision—of))~~ or
15 approved preparation program provider will provide adequate training
16 for mentor teachers ~~((either through participation in a state mentor~~
17 ~~training academy or district provided training that meets state~~
18 ~~established mentor training standards))~~ specific to the mentoring of
19 alternative route candidates;

20 (e) An assurance that significant time will be provided for mentor
21 teachers to spend with the alternative route teacher candidates
22 throughout the internship. Partnerships must provide each candidate
23 with intensive classroom mentoring until such time as the candidate
24 demonstrates the competency necessary to manage the classroom with less
25 intensive supervision and guidance from a mentor;

26 (f) A description of the rigorous screening process for applicants
27 to alternative route programs, including entry requirements specific to
28 each route, as provided in RCW 28A.660.040; ~~((and))~~

29 (g) A summary of procedures that provide flexible completion
30 opportunities for candidates to achieve a residency certificate; and

31 (h) The design and use of a teacher development plan for each
32 candidate. The plan shall specify the alternative route coursework and
33 training required of each candidate and shall be developed by comparing
34 the candidate's prior experience and coursework with the state's new
35 performance-based standards for residency certification and adjusting
36 any requirements accordingly. The plan may include the following
37 components:

1 (i) A minimum of one-half of a school year, and an additional
2 significant amount of time if necessary, of intensive mentorship during
3 field experience, starting with full-time mentoring and progressing to
4 increasingly less intensive monitoring and assistance as the intern
5 demonstrates the skills necessary to take over the classroom with less
6 intensive support. (~~(For route one and two candidates,)~~) Before the
7 supervision is diminished, the mentor of the teacher candidate at the
8 school and the supervisor of the teacher candidate from the (~~higher~~
9 ~~education~~) teacher preparation program must both agree that the
10 teacher candidate is ready to manage the classroom with less intensive
11 supervision(~~(. For route three and four candidates, the mentor of the~~
12 ~~teacher candidate shall make the decision)~~);

13 (ii) Identification of performance indicators based on the
14 knowledge and skills standards required for residency certification by
15 the Washington professional educator standards board;

16 (iii) Identification of benchmarks that will indicate when the
17 standard is met for all performance indicators;

18 (iv) A description of strategies for assessing candidate
19 performance on the benchmarks;

20 (v) Identification of one or more tools to be used to assess a
21 candidate's performance once the candidate has been in the classroom
22 for about one-half of a school year; (~~and~~)

23 (vi) A description of the criteria that would result in residency
24 certification after about one-half of a school year but before the end
25 of the program; and

26 (vii) A description of how the district intends for the alternative
27 route program to support its workforce development plan and how the
28 presence of alternative route interns will advance its school
29 improvement plans.

30 (~~(+2)~~) (3) To the extent funds are appropriated for this purpose,
31 (~~districts~~) alternative route programs may apply for program funds to
32 pay stipends to trained mentor teachers of interns during the mentored
33 internship. The per intern amount of mentor stipend provided by state
34 funds shall not exceed five hundred dollars.

35 **Sec. 504.** RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1
36 are each reenacted and amended to read as follows:

37 (~~(Partnership grants funded)~~) Alternative route programs under this

1 chapter shall operate one to four specific route programs. Successful
2 completion of the program shall make a candidate eligible for residency
3 teacher certification. ~~((For route one and two candidates,))~~ The
4 mentor of the teacher candidate at the school and the supervisor of the
5 teacher candidate from the ~~((higher education))~~ teacher preparation
6 program must both agree that the teacher candidate has successfully
7 completed the program. ~~((For route three and four candidates, the
8 mentor of the teacher candidate shall make the determination that the
9 candidate has successfully completed the program.))~~

10 (1) ~~((Partnership grant programs seeking funds to operate))~~
11 Alternative route programs operating route one programs shall enroll
12 currently employed classified instructional employees with transferable
13 associate degrees seeking residency teacher certification with
14 endorsements in special education, bilingual education, or English as
15 a second language. It is anticipated that candidates enrolled in this
16 route will complete both their baccalaureate degree and requirements
17 for residency certification in two years or less, including a mentored
18 internship to be completed in the final year. In addition, partnership
19 programs shall uphold entry requirements for candidates that include:

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

23 (b) Successful passage of the statewide basic skills exam(~~, when~~
24 ~~available~~)); and

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

27 (2) ~~((Partnership grant programs seeking funds to operate))~~
28 Alternative route programs operating route two programs shall enroll
29 currently employed classified staff with baccalaureate degrees seeking
30 residency teacher certification in subject matter shortage areas and
31 areas with shortages due to geographic location. Candidates enrolled
32 in this route must complete a mentored internship complemented by
33 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 (~~content test, once the state~~
8 ~~content test is available~~) subject matter assessment required by RCW
9 28A.410.220(3);

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

12 (e) Successful passage of the statewide basic skills exam(~~, when~~
13 ~~available~~)).

14 (3) (~~Partnership grant~~) Alternative route programs seeking funds
15 to operate route three programs shall enroll individuals with
16 baccalaureate degrees, who are not employed in the district at the time
17 of application. When selecting candidates for certification through
18 route three, districts and approved preparation program providers shall
19 give priority to individuals who are seeking residency teacher
20 certification in subject matter shortage areas or shortages due to
21 geographic locations. (~~For route three only, the districts may~~
22 ~~include additional candidates in nonshortage subject areas if the~~
23 ~~candidates are seeking endorsements with a secondary grade level~~
24 ~~designation as defined by rule by the professional educator standards~~
25 ~~board. The districts shall disclose to candidates in nonshortage~~
26 ~~subject areas available information on the demand in those subject~~
27 ~~areas.~~) Cohorts of candidates for this route shall attend an
28 intensive summer teaching academy, followed by a full year employed by
29 a district in a mentored internship, followed, if necessary, by a
30 second summer teaching academy. In addition, partnership programs
31 shall uphold entry requirements for candidates that include:

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

35 (b) Successful completion of the (~~content test, once the state~~
36 ~~content test is available~~) subject matter assessment required by RCW
37 28A.410.220(3);

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

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

6 (e) Successful passage of statewide basic skills exam(~~(s, when~~
7 ~~available))~~).

8 (4) (~~Partnership grant programs seeking funds to operate~~)
9 Alternative route programs operating route four programs shall enroll
10 individuals with baccalaureate degrees, who are employed in the
11 district at the time of application, or who hold conditional teaching
12 certificates or emergency substitute certificates. Cohorts of
13 candidates for this route shall attend an intensive summer teaching
14 academy, followed by a full year employed by a district in a mentored
15 internship. If employed on a conditional certificate, the intern may
16 serve as the teacher of record, supported by a well-trained mentor. In
17 addition, partnership programs shall uphold entry requirements for
18 candidates that include:

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

22 (b) Successful completion of the (~~content test, once the state~~
23 ~~content test is available~~) subject matter assessment required by RCW
24 28A.410.220(3);

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

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

30 (e) Successful passage of statewide basic skills exam(~~(s, when~~
31 ~~available))~~).

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

36 **Sec. 505.** RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2
37 are each reenacted and amended to read as follows:

1 Subject to the availability of amounts appropriated for these
2 purposes, the conditional scholarship programs in this chapter are
3 created under the following guidelines:

4 (1) The programs shall be administered by the higher education
5 coordinating board. In administering the programs, the higher
6 education coordinating board has the following powers and duties:

7 (a) To adopt necessary rules and develop guidelines to administer
8 the programs;

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

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

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

15 (a) The alternative route conditional scholarship program is
16 limited to interns of (~~the partnership grant~~) professional educator
17 standards board-approved alternative routes to teaching programs under
18 RCW 28A.660.040. For fiscal year 2011, priority must be given to
19 fiscal year 2010 participants in the alternative route partnership
20 program. In order to receive conditional scholarship awards,
21 recipients shall:

22 (i) Be accepted and maintain enrollment in alternative
23 certification routes through (~~the partnership grant~~) a professional
24 educator standards board-approved program;

25 (ii) Continue to make satisfactory progress toward completion of
26 the alternative route certification program and receipt of a residency
27 teaching certificate; and

28 (iii) Receive no more than the annual amount of the scholarship,
29 not to exceed eight thousand dollars, for the cost of tuition, fees,
30 and educational expenses, including books, supplies, and transportation
31 for the alternative route certification program in which the recipient
32 is enrolled. The board may adjust the annual award by the average rate
33 of resident undergraduate tuition and fee increases at the state
34 universities as defined in RCW 28B.10.016.

35 (b) The pipeline for paraeducators conditional scholarship program
36 is limited to qualified paraeducators as provided by RCW 28A.660.042.
37 In order to receive conditional scholarship awards, recipients shall:

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

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

9 (iii) Receive no more than the annual amount of the scholarship,
10 not to exceed four thousand dollars, for the cost of tuition, fees, and
11 educational expenses, including books, supplies, and transportation for
12 the alternative route certification program in which the recipient is
13 enrolled. The board may adjust the annual award by the average rate of
14 tuition and fee increases at the state community and technical
15 colleges.

16 (c) The retooling to teach mathematics and science conditional
17 scholarship program is limited to current K-12 teachers (~~and~~
18 ~~individuals having an elementary education certificate but who are not~~
19 ~~employed in positions requiring an elementary education certificate as~~
20 ~~provided by RCW 28A.660.045)). In order to receive conditional~~
21 scholarship awards:

22 (i) Individuals currently employed as teachers shall pursue a
23 middle level mathematics or science, or secondary mathematics or
24 science endorsement; or

25 (ii) Individuals who are certificated with an elementary education
26 endorsement(~~(, but not employed in positions requiring an elementary~~
27 ~~education certificate,)) shall pursue an endorsement in middle level
28 mathematics or science, or both; and~~

29 (iii) Individuals shall use one of the pathways to endorsement
30 processes to receive a mathematics or science endorsement, or both,
31 which shall include passing a mathematics or science endorsement test,
32 or both tests, plus observation and completing applicable coursework to
33 attain the proper endorsement; and

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

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

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

14 (5) Recipients who fail to fulfill the required teaching obligation
15 are required to repay the remaining loan principal with interest and
16 any other applicable fees. The higher education coordinating board
17 shall adopt rules to define the terms for repayment, including
18 applicable interest rates, fees, and deferments.

19 (6) The higher education coordinating board may deposit all
20 appropriations, collections, and any other funds received for the
21 program in this chapter in the future teachers conditional scholarship
22 account authorized in RCW 28B.102.080.

23 NEW SECTION. **Sec. 506.** A new section is added to chapter 28A.410
24 RCW to read as follows:

25 Beginning with the 2010 school year and annually thereafter, each
26 educational service district, in cooperation with the professional
27 educator standards board, must convene representatives from school
28 districts within that region and professional educator standards board-
29 approved educator preparation programs to review district and regional
30 educator workforce data, make biennial projections of certificate
31 staffing needs, and identify how recruitment and enrollment plans in
32 educator preparation programs reflect projected need.

33 **Sec. 507.** RCW 28B.76.335 and 2007 c 396 s 17 are each amended to
34 read as follows:

35 As part of the state needs assessment process conducted by the
36 board in accordance with RCW 28B.76.230, the board shall, in

1 collaboration with the professional educator standards board, assess
2 the need for additional ((~~baccalaureate~~)) degree and certificate
3 programs in Washington that specialize in teacher preparation ((~~in~~
4 ~~mathematics, science, and technology~~)) to meet regional or subject area
5 shortages. If the board determines that there is a need for additional
6 programs, then the board shall encourage the appropriate institutions
7 of higher education or institutional sectors to create such a program.

8 NEW SECTION. Sec. 508. A new section is added to chapter 28B.76
9 RCW to read as follows:

10 (1) The board must establish boundaries for service regions for
11 institutions of higher education as defined in RCW 28B.10.016
12 implementing professional educator standards board-approved educator
13 preparation programs. Regions shall be established to encourage and
14 support, not exclude, the reach of public institutions of higher
15 education across the state.

16 (2) Based on the data in the assessment in RCW 28B.76.230 and
17 28B.76.335, the board shall determine whether reasonable teacher
18 preparation program access for prospective teachers is available in
19 each region. If access is determined to be inadequate in a region, the
20 institution of higher education responsible for the region shall submit
21 a plan for meeting the access need to the board.

22 (3) Partnerships with other teacher preparation program providers
23 and the use of appropriate technology shall be considered. The board
24 shall review the plan and, as appropriate, assist the institution in
25 developing support and resources for implementing the plan.

26 Sec. 509. RCW 28B.50.020 and 2009 c 64 s 2 are each amended to
27 read as follows:

28 The purpose of this chapter is to provide for the dramatically
29 increasing number of students requiring high standards of education
30 either as a part of the continuing higher education program or for
31 occupational education and training, or for adult basic skills and
32 literacy education, by creating a new, independent system of community
33 and technical colleges which will:

34 (1) Offer an open door to every citizen, regardless of his or her
35 academic background or experience, at a cost normally within his or her
36 economic means;

1 (2) Ensure that each college district shall offer thoroughly
2 comprehensive educational, training, and service programs to meet the
3 needs of both the communities and students served by combining high
4 standards of excellence in academic transfer courses; realistic and
5 practical courses in occupational education, both graded and ungraded;
6 community services of an educational, cultural, and recreational
7 nature; and adult education, including basic skills and general,
8 family, and workforce literacy programs and services;

9 (3) Provide for basic skills and literacy education, and
10 occupational education and technical training at technical colleges in
11 order to prepare students for careers in a competitive workforce;

12 (4) Provide or coordinate related and supplemental instruction for
13 apprentices at community and technical colleges;

14 (5) Provide administration by state and local boards which will
15 avoid unnecessary duplication of facilities or programs; and which will
16 encourage efficiency in operation and creativity and imagination in
17 education, training, and service to meet the needs of the community and
18 students;

19 (6) Allow for the growth, improvement, flexibility and modification
20 of the community colleges and their education, training, and service
21 programs as future needs occur; and

22 (7) Establish firmly that, except on a pilot basis as provided
23 under RCW 28B.50.810 and section 502 of this act, community colleges
24 are, for purposes of academic training, two year institutions, and are
25 an independent, unique, and vital section of our state's higher
26 education system, separate from both the common school system and other
27 institutions of higher learning, and never to be considered for
28 conversion into four-year liberal arts colleges.

29 NEW SECTION. **Sec. 510.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1
32 & 2001 c 158 s 2;

33 (2) RCW 28A.415.100 (Student teaching centers--Legislative
34 recognition--Intent) and 1991 c 258 s 1;

35 (3) RCW 28A.415.105 (Definitions) and 2006 c 263 s 811, 1995 c 335
36 s 403, & 1991 c 258 s 2;

- 1 (4) RCW 28A.415.125 (Network of student teaching centers) and 2006
2 c 263 s 812 & 1991 c 258 s 6;
- 3 (5) RCW 28A.415.130 (Allocation of funds for student teaching
4 centers) and 2006 c 263 s 813 & 1991 c 258 s 7;
- 5 (6) RCW 28A.415.135 (Alternative means of teacher placement) and
6 1991 c 258 s 8;
- 7 (7) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9;
- 8 (8) RCW 28A.415.145 (Rules) and 2006 c 263 s 814 & 1991 c 258 s 10;
9 and
- 10 (9) RCW 28A.660.030 (Partnership grants--Selection--Administration)
11 and 2004 c 23 s 3, 2003 c 410 s 2, & 2001 c 158 s 4.

12 **PART VI**
13 **COMMON CORE STANDARDS**

14 NEW SECTION. **Sec. 601.** A new section is added to chapter 28A.655
15 RCW to read as follows:

16 (1) By August 2, 2010, the superintendent of public instruction may
17 revise the state essential academic learning requirements authorized
18 under RCW 28A.655.070 for mathematics, reading, writing, and
19 communication by provisionally adopting a common set of standards for
20 students in grades kindergarten through twelve. The revised state
21 essential academic learning requirements may be substantially identical
22 with the standards developed by a multistate consortium in which
23 Washington participated, must be consistent with the requirements of
24 RCW 28A.655.070, and may include additional standards if the additional
25 standards do not exceed fifteen percent of the standards for each
26 content area. However, the superintendent of public instruction shall
27 not take steps to implement the provisionally adopted standards until
28 the education committees of the house of representatives and the senate
29 have an opportunity to review the standards.

30 (2) By January 1, 2011, the superintendent of public instruction
31 shall submit to the education committees of the house of
32 representatives and the senate:

33 (a) A detailed comparison of the provisionally adopted standards
34 and the state essential academic learning requirements as of the
35 effective date of this section, including the comparative level of

1 rigor and specificity of the standards and the implications of any
2 identified differences; and

3 (b) An estimated timeline and costs to the state and to school
4 districts to implement the provisionally adopted standards, including
5 providing necessary training, realignment of curriculum, adjustment of
6 state assessments, and other actions.

7 (3) The superintendent may implement the revisions to the essential
8 academic learning requirements under this section after the 2011
9 legislative session unless otherwise directed by the legislature.

10 **PART VII**

11 **PARENTS AND COMMUNITY**

12 NEW SECTION. **Sec. 701.** A new section is added to chapter 28A.605
13 RCW to read as follows:

14 School districts are encouraged to strengthen family, school, and
15 community partnerships by creating spaces in school buildings, if space
16 is available, where students and families can access the services they
17 need, such as after-school tutoring, dental and health services,
18 counseling, or clothing and food banks.

19 NEW SECTION. **Sec. 702.** A new section is added to chapter 28A.655
20 RCW to read as follows:

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

26 (2) The office of the superintendent of public instruction shall
27 create a working group with representatives of organizations
28 representing parents, teachers, and principals as well as diverse
29 communities. The working group shall also include a representative
30 from the achievement gap oversight and accountability committee. By
31 September 1, 2010, the working group shall develop model feedback tools
32 and strategies that school districts may use to facilitate the feedback
33 process required in subsection (1) of this section. The model tools
34 and strategies are intended to provide assistance to school districts.

1 School districts are encouraged to adapt the models or develop unique
2 tools and strategies that best fit the circumstances in their
3 communities.

4 **Sec. 703.** RCW 28A.655.110 and 1999 c 388 s 303 are each amended to
5 read as follows:

6 (1) Beginning with the 1994-95 school year, to provide the local
7 community and electorate with access to information on the educational
8 programs in the schools in the district, each school shall publish
9 annually a school performance report and deliver the report to each
10 parent with children enrolled in the school and make the report
11 available to the community served by the school. The annual
12 performance report shall be in a form that can be easily understood and
13 be used by parents, guardians, and other members of the community who
14 are not professional educators to make informed educational decisions.
15 As data from the assessments in RCW 28A.655.060 becomes available, the
16 annual performance report should enable parents, educators, and school
17 board members to determine whether students in the district's schools
18 are attaining mastery of the student learning goals under RCW
19 28A.150.210, and other important facts about the schools' performance
20 in assisting students to learn. The annual report shall make
21 comparisons to a school's performance in preceding years (~~and shall~~
22 ~~include school level goals under RCW 28A.655.050~~), student performance
23 relative to the goals and the percentage of students performing at each
24 level of the assessment, a comparison of student performance at each
25 level of the assessment to the previous year's performance, and
26 information regarding school-level plans to achieve the goals.

27 (2) The annual performance report shall include, but not be limited
28 to: (a) A brief statement of the mission of the school and the school
29 district; (b) enrollment statistics including student demographics; (c)
30 expenditures per pupil for the school year; (d) a summary of student
31 scores on all mandated tests; (e) a concise annual budget report; (f)
32 student attendance, graduation, and dropout rates; (g) information
33 regarding the use and condition of the school building or buildings;
34 (h) a brief description of the learning improvement plans for the
35 school; (i) a summary of the feedback from parents and community
36 members obtained under section 702 of this act; and ~~((+))~~ (j) an

1 invitation to all parents and citizens to participate in school
2 activities.

3 (3) The superintendent of public instruction shall develop by June
4 30, 1994, and update periodically, a model report form, which shall
5 also be adapted for computers, that schools may use to meet the
6 requirements of subsections (1) and (2) of this section. In order to
7 make school performance reports broadly accessible to the public, the
8 superintendent of public instruction, to the extent feasible, shall
9 make information on each school's report available on or through the
10 superintendent's internet web site.

11 NEW SECTION. **Sec. 704.** A new section is added to chapter 28A.300
12 RCW to read as follows:

13 There is a sizeable body of research positively supporting the
14 involvement of parents taking an engaged and active role in their
15 child's education. Therefore, the legislature intends to provide state
16 recognition by the center for the improvement of student learning
17 within the office of the superintendent of public instruction for
18 schools that increase the level of direct parental involvement with
19 their child's education. By September 1, 2010, the center for the
20 improvement of student learning shall determine measures that can be
21 used to evaluate the level of parental involvement in a school. The
22 center for the improvement of student learning shall collaborate with
23 school district family and community outreach programs and educational
24 service districts to identify and highlight successful models and
25 practices of parent involvement.

26 **PART VIII**
27 **COLLECTIVE BARGAINING**

28 **Sec. 801.** RCW 41.56.100 and 1989 c 45 s 1 are each amended to read
29 as follows:

30 (1) A public employer shall have the authority to engage in
31 collective bargaining with the exclusive bargaining representative and
32 no public employer shall refuse to engage in collective bargaining with
33 the exclusive bargaining representative(~~(:—PROVIDED, That nothing~~
34 ~~contained herein shall require any)). However, a public employer is
35 not required to bargain collectively with any bargaining representative~~

1 concerning any matter which by ordinance, resolution, or charter of
2 said public employer has been delegated to any civil service commission
3 or personnel board similar in scope, structure, and authority to the
4 board created by chapter 41.06 RCW.

5 (2) Upon the failure of the public employer and the exclusive
6 bargaining representative to conclude a collective bargaining
7 agreement, any matter in dispute may be submitted by either party to
8 the commission. This subsection does not apply to negotiations and
9 mediations conducted between a school district employer and an
10 exclusive bargaining representative under section 105 of this act.

11 (3) If a public employer implements its last and best offer where
12 there is no contract settlement, allegations that either party is
13 violating the terms of the implemented offer shall be subject to
14 grievance arbitration procedures if and as such procedures are set
15 forth in the implemented offer, or, if not in the implemented offer, if
16 and as such procedures are set forth in the parties' last contract.

17 NEW SECTION. Sec. 802. A new section is added to chapter 41.56
18 RCW to read as follows:

19 All collective bargaining agreements entered into between a school
20 district employer and school district employees under this chapter
21 after the effective date of this section, as well as bargaining
22 agreements existing on the effective date of this section but renewed
23 or extended after the effective date of this section, shall be
24 consistent with section 105 of this act.

25 NEW SECTION. Sec. 803. A new section is added to chapter 41.59
26 RCW to read as follows:

27 All collective bargaining agreements entered into between a school
28 district employer and school district employees under this chapter
29 after the effective date of this section, as well as bargaining
30 agreements existing on the effective date of this section but renewed
31 or extended after the effective date of this section, shall be
32 consistent with section 105 of this act.

33 **Sec. 804.** RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each
34 amended to read as follows:

35 (1) Either an employer or an exclusive bargaining representative

1 may declare that an impasse has been reached between them in collective
2 bargaining and may request the commission to appoint a mediator for the
3 purpose of assisting them in reconciling their differences and
4 resolving the controversy on terms which are mutually acceptable. If
5 the commission determines that its assistance is needed, not later than
6 five days after the receipt of a request therefor, it shall appoint a
7 mediator in accordance with rules and regulations for such appointment
8 prescribed by the commission. The mediator shall meet with the parties
9 or their representatives, or both, forthwith, either jointly or
10 separately, and shall take such other steps as he may deem appropriate
11 in order to persuade the parties to resolve their differences and
12 effect a mutually acceptable agreement. The mediator, without the
13 consent of both parties, shall not make findings of fact or recommend
14 terms of settlement. The services of the mediator, including, if any,
15 per diem expenses, shall be provided by the commission without cost to
16 the parties. Nothing in this subsection (1) shall be construed to
17 prevent the parties from mutually agreeing upon their own mediation
18 procedure, and in the event of such agreement, the commission shall not
19 appoint its own mediator unless failure to do so would be inconsistent
20 with the effectuation of the purposes and policy of this chapter.

21 (2) If the mediator is unable to effect settlement of the
22 controversy within ten days after his or her appointment, either party,
23 by written notification to the other, may request that their
24 differences be submitted to fact-finding with recommendations, except
25 that the time for mediation may be extended by mutual agreement between
26 the parties. Within five days after receipt of the aforesaid written
27 request for fact-finding, the parties shall select a person to serve as
28 fact finder and obtain a commitment from that person to serve. If they
29 are unable to agree upon a fact finder or to obtain such a commitment
30 within that time, either party may request the commission to designate
31 a fact finder. The commission, within five days after receipt of such
32 request, shall designate a fact finder in accordance with rules and
33 regulations for such designation prescribed by the commission. The
34 fact finder so designated shall not be the same person who was
35 appointed mediator pursuant to subsection (1) of this section without
36 the consent of both parties.

37 The fact finder, within five days after his appointment, shall meet
38 with the parties or their representatives, or both, either jointly or

1 separately, and make inquiries and investigations, hold hearings, and
2 take such other steps as he may deem appropriate. For the purpose of
3 such hearings, investigations and inquiries, the fact finder shall have
4 the power to issue subpoenas requiring the attendance and testimony of
5 witnesses and the production of evidence. If the dispute is not
6 settled within ten days after his appointment, the fact finder shall
7 make findings of fact and recommend terms of settlement within thirty
8 days after his appointment, which recommendations shall be advisory
9 only.

10 (3) Such recommendations, together with the findings of fact, shall
11 be submitted in writing to the parties and the commission privately
12 before they are made public. Either the commission, the fact finder,
13 the employer, or the exclusive bargaining representative may make such
14 findings and recommendations public if the dispute is not settled
15 within five days after their receipt from the fact finder.

16 (4) The costs for the services of the fact finder, including, if
17 any, per diem expenses and actual and necessary travel and subsistence
18 expenses, and any other incurred costs, shall be borne by the
19 commission without cost to the parties.

20 (5) Nothing in this section shall be construed to prohibit an
21 employer and an exclusive bargaining representative from agreeing to
22 substitute, at their own expense, their own procedure for resolving
23 impasses in collective bargaining for that provided in this section or
24 from agreeing to utilize for the purposes of this section any other
25 governmental or other agency or person in lieu of the commission.

26 (6) Any fact finder designated by an employer and an exclusive
27 representative or the commission for the purposes of this section shall
28 be deemed an agent of the state.

29 (7) This section does not apply to negotiations and mediations
30 conducted under section 105 of this act.

31 **PART IX**
32 **CLOSING THE ACHIEVEMENT GAP**

33 **Sec. 901.** RCW 28A.300.136 and 2009 c 468 s 2 are each amended to
34 read as follows:

35 (1) An achievement gap oversight and accountability committee is
36 created to synthesize the findings and recommendations from the 2008

1 achievement gap studies into an implementation plan, and to recommend
2 policies and strategies to the superintendent of public instruction,
3 the professional educator standards board, and the state board of
4 education to close the achievement gap.

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

7 (a) Supporting and facilitating parent and community involvement
8 and outreach;

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

11 (c) Expanding pathways and strategies to prepare and recruit
12 diverse teachers and administrators;

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

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

17 (f) Making closing the achievement gap part of the school and
18 school district improvement process; and

19 (g) Exploring innovative school models that have shown success in
20 closing the achievement gap.

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

26 (4) The achievement gap oversight and accountability committee
27 shall be composed of the following members:

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

30 (b) One additional member of the house of representatives appointed
31 by the speaker of the house and one additional member of the senate
32 appointed by the president of the senate;

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

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

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

1 (f) Four members appointed by the governor in consultation with the
2 state ethnic commissions, who represent the following populations:
3 African-Americans, Hispanic Americans, Asian Americans, and Pacific
4 Islander Americans.

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

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

11 (7) The chair or cochairs of the committee shall be selected by the
12 members of the committee. Staff support for the committee shall be
13 provided by the center for the improvement of student learning.
14 Members of the committee shall serve without compensation but must be
15 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative
16 members of the committee shall be reimbursed for travel expenses in
17 accordance with RCW 44.04.120.

18 (8) The superintendent of public instruction, the state board of
19 education, the professional educator standards board, and the quality
20 education council shall work collaboratively with the achievement gap
21 oversight and accountability committee to close the achievement gap.

22 **PART X**

23 **EDUCATION REFORM FINANCE**

24 NEW SECTION. **Sec. 1001.** (1) An essential aspect of overall
25 education reform is reform in state financing for basic education, both
26 in the way that funds are distributed and the overall level of state
27 support to school districts. Chapter 548, Laws of 2009, took a
28 significant step in this aspect of education reform by creating a
29 framework for new funding distribution formulas and directing further
30 work on this topic and recommendations from the quality education
31 council and technical working groups. It is the legislature's intent
32 to continue implementation of the education reforms in chapter 548,
33 Laws of 2009, by adopting the technical details of a new distribution
34 formula for the instructional program of basic education and
35 authorizing a phase-in of implementation of a new distribution formula
36 for pupil transportation, both to take effect September 1, 2011.

1 Unless otherwise stated, the numeric values adopted in section 1002 of
2 this act represent the translation of 2009-2010 state funding levels
3 for the basic education act into the funding factors of the
4 prototypical school funding formula, based on the expert advice and
5 extensive work of the funding formula technical working group
6 established by the legislature for this purpose. The legislature
7 intends to continue to review and revise the formulas and may make
8 revisions as necessary for technical purposes and consistency in the
9 event of mathematical or other technical errors.

10 (2) It is also the legislature's intent to adopt an implementation
11 schedule for phasing-in additional education finance reforms and
12 enhancements to the baseline funding levels of 2009-10 beginning in the
13 2011-12 school year for pupil transportation, class size allocations
14 for grades kindergarten through three, full-day kindergarten, and
15 allocations for maintenance, supplies, and operating costs.

16 (3) Finally, it is the legislature's intent to adjust the timelines
17 for other working groups so that their expertise and advice can be
18 received as soon as possible and to make technical adjustments to
19 certain provisions of chapter 548, Laws of 2009.

20 **Sec. 1002.** RCW 28A.150.260 and 2009 c 548 s 106 are each amended
21 to read as follows:

22 The purpose of this section is to provide for the allocation of
23 state funding that the legislature deems necessary to support school
24 districts in offering the minimum instructional program of basic
25 education under RCW 28A.150.220. The allocation shall be determined as
26 follows:

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

31 (2) The distribution formula under this section shall be for
32 allocation purposes only. Except as may be required under chapter
33 28A.155, 28A.165, 28A.180, or ((~~28A.155~~)) 28A.185 RCW, or federal laws
34 and regulations, nothing in this section requires school districts to
35 use basic education instructional funds to implement a particular
36 instructional approach or service. Nothing in this section requires
37 school districts to maintain a particular classroom teacher-to-student

1 ratio or other staff-to-student ratio or to use allocated funds to pay
2 for particular types or classifications of staff. Nothing in this
3 section entitles an individual teacher to a particular teacher planning
4 period.

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

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

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

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

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

37 ((+e)) (4)(a) The minimum allocation for each level of
38 prototypical school shall be based on the number of full-time

1 equivalent classroom teachers needed to provide instruction over the
 2 minimum required annual instructional hours under RCW 28A.150.220 and
 3 provide at least one teacher planning period per school day, and based
 4 on ~~((an))~~ the following general education average class size ~~((as~~
 5 ~~specified in the omnibus appropriations act.))~~ of full-time equivalent
 6 students per teacher:

	<u>General education</u>
	<u>average</u>
	<u>class size</u>
10 <u>Grades K-3</u>	<u>25.23</u>
11 <u>Grade 4</u>	<u>27.00</u>
12 <u>Grades 5-6</u>	<u>27.00</u>
13 <u>Grades 7-8</u>	<u>28.53</u>
14 <u>Grades 9-12</u>	<u>28.74</u>

15 (b) Beginning in the 2011-12 school year and beginning with schools
 16 with the highest percentage of students eligible for free and reduced-
 17 price meals in the prior school year, the general education average
 18 class size for grades K-3 shall be reduced until the average class size
 19 funded under this subsection (4) is no more than 15.0 full-time
 20 equivalent students per teacher beginning in the 2015-16 school year.

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

	<u>Career and technical</u>
	<u>education average</u>
	<u>class size</u>
28 <u>Approved career and technical education offered at</u>	
29 <u>the middle school and high school level</u>	<u>26.57</u>
30 <u>Skill center programs meeting the standards established</u>	
31 <u>by the office of the superintendent of public instruction</u>	<u>22.76</u>

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

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

1 ~~((iii))~~ (ii) A specialty average class size for ~~((exploratory and~~
2 ~~preparatory career and technical education,))~~ laboratory science,
3 advanced placement, and international baccalaureate courses ~~((and~~
4 ~~(iv) Average class size in grades kindergarten through three))~~.
5 ~~((d))~~ (5) The minimum allocation for each level of prototypical
6 school shall include allocations for the following types of staff in
7 addition to classroom teachers:
8 ~~((i) Principals, including assistant principals, and other~~
9 ~~certificated building level administrators;~~
10 ~~(ii) Teacher librarians, performing functions including information~~
11 ~~literacy, technology, and media to support school library media~~
12 ~~programs;~~
13 ~~(iii) Student health services, a function that includes school~~
14 ~~nurses, whether certificated instructional or classified employee, and~~
15 ~~social workers;~~
16 ~~(iv) Guidance counselors, performing functions including parent~~
17 ~~outreach and graduation advisor;~~
18 ~~(v) Professional development coaches;~~
19 ~~(vi) Teaching assistance, which includes any aspect of educational~~
20 ~~instructional services provided by classified employees;~~
21 ~~(vii) Office support, technology support, and other~~
22 ~~noninstructional aides;~~
23 ~~(viii) Custodians, warehouse, maintenance, laborer, and~~
24 ~~professional and technical education support employees; and~~
25 ~~(ix) Classified staff providing student and staff safety.~~
26 ~~(4)(a))~~

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
	<u>School</u>	<u>School</u>	<u>School</u>
<u>Principals, assistant principals, and other certificated building-level administrators.....</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs.....</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers.....</u>	<u>0.135</u>	<u>0.068</u>	<u>0.118</u>

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

3 ~~((+5))~~ (10) In addition to the allocations otherwise provided
4 under ~~((subsections (3) and (4) of))~~ this section ~~((shall be enhanced~~
5 ~~as follows to provide additional allocations for classroom teachers and~~
6 ~~maintenance, supplies, and operating costs))~~, amounts shall be provided
7 to support the following programs and services:

8 (a) To provide supplemental instruction and services for
9 underachieving students through the learning assistance program under
10 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
11 ~~((percent))~~ district percentage of students in ~~((each school))~~ grades
12 K-12 who ~~((are))~~ were eligible for free ~~((and))~~ or reduced-price meals
13 in the prior school year. The minimum allocation for the ~~((learning~~
14 ~~assistance))~~ program shall provide ~~((an extended school day and~~
15 ~~extended school year))~~ for each level of prototypical school ~~((and a~~
16 ~~per student allocation for maintenance, supplies, and operating costs))~~
17 resources to provide, on a statewide average, 1.5156 hours per week in
18 extra instruction with a class size of fifteen learning assistance
19 program students per teacher.

20 (b) To provide supplemental instruction and services for students
21 whose primary language is other than English, allocations shall be
22 based on the head count number of students in each school who are
23 eligible for and enrolled in the transitional bilingual instruction
24 program under RCW 28A.180.010 through 28A.180.080. The minimum
25 allocation for each level of prototypical school shall provide ~~((for~~
26 ~~supplemental instruction based on percent of the school day a student~~
27 ~~is assumed to receive supplemental instruction and a per student~~
28 ~~allocation for maintenance, supplies, and operating costs))~~ resources
29 to provide, on a statewide average, 4.7780 hours per week in extra
30 instruction with fifteen transitional bilingual instruction program
31 students per teacher.

32 ~~((+6) The allocations provided under subsections (3) and (4) of~~
33 ~~this section shall be enhanced))~~ (c) To provide additional allocations
34 to support programs for highly capable students under RCW 28A.185.010
35 through 28A.185.030, allocations shall be based on two and three
36 hundred fourteen one-thousandths percent of each school district's
37 full-time equivalent basic education enrollment. The minimum
38 allocation for the programs shall provide ~~((an extended school day and~~

1 ~~extended school year for each level of prototypical school and a per~~
2 ~~student allocation for maintenance, supplies, and operating costs))~~
3 resources to provide, on a statewide average, 2.1590 hours per week in
4 extra instruction with fifteen highly capable program students per
5 teacher.

6 ~~((+7))~~ (11) The allocations under subsections ~~((+3))~~ (4)(a) and
7 (b), ((+c)(i), and (d), (+4),) (5), (6) and (8) of this section shall
8 be enhanced as provided under RCW 28A.150.390 on an excess cost basis
9 to provide supplemental instructional resources for students with
10 disabilities.

11 ~~((+8) The distribution formula shall include allocations to school~~
12 ~~districts to support certificated and classified staffing of central~~
13 ~~office administration. The minimum allocation shall be calculated as~~
14 ~~a percentage, identified in the omnibus appropriations act, of the~~
15 ~~total allocations for staff under subsections (3) and (6) of this~~
16 ~~section for all schools in the district.~~

17 ~~(+9))~~ (12)(a) For the purposes of allocations for prototypical high
18 schools and middle schools under subsections ~~((+3))~~ (4) and ~~((+5))~~
19 (10) of this section that are based on the percent of students in the
20 school who are eligible for free and reduced-price meals, the actual
21 percent of such students in a school shall be adjusted by a factor
22 identified in the omnibus appropriations act to reflect underreporting
23 of free and reduced-price meal eligibility among middle and high school
24 students.

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

30 ~~((+10))~~ (13)(a) This formula for distribution of basic education
31 funds shall be reviewed biennially by the superintendent and governor.
32 The recommended formula shall be subject to approval, amendment or
33 rejection by the legislature.

34 (b) In the event the legislature rejects the distribution formula
35 recommended by the governor, without adopting a new distribution
36 formula, the distribution formula for the previous school year shall
37 remain in effect.

1 (c) The enrollment of any district shall be the annual average
2 number of full-time equivalent students and part-time students as
3 provided in RCW 28A.150.350, enrolled on the first school day of each
4 month, including students who are in attendance pursuant to RCW
5 28A.335.160 and 28A.225.250 who do not reside within the servicing
6 school district. The definition of full-time equivalent student shall
7 be determined by rules of the superintendent of public instruction and
8 shall be included as part of the superintendent's biennial budget
9 request. The definition shall be based on the minimum instructional
10 hour offerings required under RCW 28A.150.220. Any revision of the
11 present definition shall not take effect until approved by the house
12 ways and means committee and the senate ways and means committee.

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

16 **Sec. 1003.** RCW 28A.150.390 and 2009 c 548 s 108 are each amended
17 to read as follows:

18 (1) The superintendent of public instruction shall submit to each
19 regular session of the legislature during an odd-numbered year a
20 programmed budget request for special education programs for students
21 with disabilities. Funding for programs operated by local school
22 districts shall be on an excess cost basis from appropriations provided
23 by the legislature for special education programs for students with
24 disabilities and shall take account of state funds accruing through RCW
25 28A.150.260 (~~((3)(b), (c)(i), and (d), (4), and (8) and federal medical~~
26 ~~assistance and private funds accruing under RCW 74.09.5249 through~~
27 ~~74.09.5253 and 74.09.5254 through 74.09.5256)) (4)(a) and (b), (5),
28 (6), and (8).~~

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

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

36 (b) A district's annual average full-time equivalent basic

1 education enrollment, multiplied by the district's funded enrollment
2 percent, multiplied by the district's base allocation per full-time
3 equivalent student, multiplied by 0.9309.

4 (3) As used in this section:

5 (a) "Base allocation" means the total state allocation to all
6 schools in the district generated by the distribution formula under RCW
7 28A.150.260 (~~((3)(b), (c)(i), and (d), (4), and (8))~~) (4)(a) and (b),
8 (5), (6), and (8), to be divided by the district's full-time equivalent
9 enrollment.

10 (b) "Basic education enrollment" means enrollment of resident
11 students including nonresident students enrolled under RCW 28A.225.225
12 and students from nonhigh districts enrolled under RCW 28A.225.210 and
13 excluding students residing in another district enrolled as part of an
14 interdistrict cooperative program under RCW 28A.225.250.

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

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

22 **Sec. 1004.** RCW 28A.150.315 and 2009 c 548 s 107 are each amended
23 to read as follows:

24 (1) Beginning with the 2007-08 school year, funding for voluntary
25 all-day kindergarten programs shall be phased-in beginning with schools
26 with the highest poverty levels, defined as those schools with the
27 highest percentages of students qualifying for free and reduced-price
28 lunch support in the prior school year. Beginning with the 2011-12
29 school year, funding shall continue to be phased-in incrementally each
30 year until full statewide implementation of all-day kindergarten is
31 achieved in the 2017-18 school year. Once a school receives funding
32 for the all-day kindergarten program, that school shall remain eligible
33 for funding in subsequent school years regardless of changes in the
34 school's percentage of students eligible for free and reduced-price
35 lunches as long as other program requirements are fulfilled.
36 Additionally, schools receiving all-day kindergarten program support
37 shall agree to the following conditions:

- 1 (a) Provide at least a one thousand-hour instructional program;
- 2 (b) Provide a curriculum that offers a rich, varied set of
- 3 experiences that assist students in:
- 4 (i) Developing initial skills in the academic areas of reading,
- 5 mathematics, and writing;
- 6 (ii) Developing a variety of communication skills;
- 7 (iii) Providing experiences in science, social studies, arts,
- 8 health and physical education, and a world language other than English;
- 9 (iv) Acquiring large and small motor skills;
- 10 (v) Acquiring social and emotional skills including successful
- 11 participation in learning activities as an individual and as part of a
- 12 group; and
- 13 (vi) Learning through hands-on experiences;
- 14 (c) Establish learning environments that are developmentally
- 15 appropriate and promote creativity;
- 16 (d) Demonstrate strong connections and communication with early
- 17 learning community providers; and
- 18 (e) Participate in kindergarten program readiness activities with
- 19 early learning providers and parents.
- 20 (2) Subject to funds appropriated for this purpose, the
- 21 superintendent of public instruction shall designate one or more school
- 22 districts to serve as resources and examples of best practices in
- 23 designing and operating a high-quality all-day kindergarten program.
- 24 Designated school districts shall serve as lighthouse programs and
- 25 provide technical assistance to other school districts in the initial
- 26 stages of implementing an all-day kindergarten program. Examples of
- 27 topics addressed by the technical assistance include strategic
- 28 planning, developing the instructional program and curriculum, working
- 29 with early learning providers to identify students and communicate with
- 30 parents, and developing kindergarten program readiness activities.

31 **Sec. 1005.** 2009 c 548 s 112 (uncodified) is amended to read as

32 follows:

- 33 (1) The legislature intends to continue to redefine the
- 34 instructional program of education under RCW 28A.150.220 that fulfills
- 35 the obligations and requirements of Article IX of the state
- 36 Constitution. The funding formulas under RCW 28A.150.260 to support
- 37 the instructional program shall be implemented to the extent the

1 technical details of the formula have been established and according to
2 an implementation schedule to be adopted by the legislature. The
3 object of the schedule is to assure that any increases in funding
4 allocations are timely, predictable, and occur concurrently with any
5 increases in program or instructional requirements. It is the intent
6 of the legislature that no increased programmatic or instructional
7 expectations be imposed upon schools or school districts without an
8 accompanying increase in resources as necessary to support those
9 increased expectations.

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

13 (a) Develop the details of the funding formulas under RCW
14 28A.150.260;

15 (b) Recommend to the legislature an implementation schedule for
16 phasing-in any increased program or instructional requirements
17 concurrently with increases in funding for adoption by the legislature;
18 and

19 (c) Examine possible sources of revenue to support increases in
20 funding allocations and present options to the legislature and the
21 quality education council created in (~~section 114 of this act~~) RCW
22 28A.290.010 for consideration.

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

34 (4) The working group shall be monitored and overseen by the
35 legislature and the quality education council established in (~~section~~
36 ~~114 of this act~~) RCW 28A.290.010. The working group shall submit its
37 recommendations to the legislature by December 1, 2009.

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

7 **Sec. 1006.** 2009 c 548 s 302 (uncodified) is amended to read as
8 follows:

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

14 (2) The working group shall consider the impact on overall school
15 district revenues of the new basic education funding system established
16 under ~~((this act))~~ chapter 548, Laws of 2009 and shall recommend a
17 phase-in plan that ensures that no school district suffers a decrease
18 in funding from one school year to the next due to implementation of
19 the new system of supplemental funding.

20 (3) The working group shall also:

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

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

28 (4) The working group shall be composed of representatives from the
29 department of revenue, the legislative evaluation and accountability
30 program committee, school district and educational service district
31 financial managers, and representatives of the Washington association
32 of school business officers, the Washington education association, the
33 Washington association of school administrators, the association of
34 Washington school principals, the Washington state school directors'
35 association, the public school employees of Washington, and other
36 interested stakeholders with expertise in education finance. The

1 working group may convene advisory subgroups on specific topics as
2 necessary to assure participation and input from a broad array of
3 diverse stakeholders.

4 ~~((4))~~ (5) The local funding working group shall be monitored and
5 overseen by the legislature and by the quality education council
6 created in ~~((section 114 of this act))~~ RCW 28A.290.010. The working
7 group shall report to the legislature ~~((December 1))~~ June 30, 2011.

8 **Sec. 1007.** RCW 43.41.398 and 2009 c 548 s 601 are each amended to
9 read as follows:

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

23 (2) Beginning July 1, 2011, the office of the superintendent of
24 public instruction, in collaboration with the office of financial
25 management, shall convene a technical working group to recommend the
26 details of an enhanced salary allocation model that aligns state
27 expectations for educator development and certification with the
28 compensation system and establishes recommendations for a concurrent
29 implementation schedule. In addition to any other details the
30 technical working group deems necessary, the technical working group
31 shall make recommendations on the following:

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

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

35 (c) How to account for different geographic regions of the state
36 where districts may encounter difficulty recruiting and retaining
37 teachers;

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

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

4 (f) Initial fiscal estimates for implementing the recommendations
5 including a recognition that staff on the existing salary allocation
6 model would have the option to grandfather in permanently to the
7 existing schedule.

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

15 (4) The analysis required under subsection (1) of this section
16 must:

17 (a) Examine salaries and other compensation for teachers, other
18 certificated instructional staff, principals, and other building-level
19 certificated administrators, and the types of classified employees for
20 whom salaries are allocated;

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

24 (c) Include a comparison of salaries and other compensation to the
25 appropriate labor market for at least the following subgroups of
26 educators: Beginning teachers and types of educational staff
27 associates.

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

1 (6) The working group shall be monitored and overseen by the
2 legislature and the quality education council created in RCW
3 28A.290.010. The working group shall make an initial report to the
4 legislature by (~~December 1~~) June 30, 2012, and shall include in its
5 report recommendations for whether additional further work of the group
6 is necessary.

7 **Sec. 1008.** RCW 28A.160.192 and 2009 c 548 s 311 are each amended
8 to read as follows:

9 (1) The superintendent of public instruction shall phase-in the
10 implementation of the distribution formula under this chapter for
11 allocating state funds to school districts for the transportation of
12 students to and from school. The phase-in shall (~~be according to the~~
13 ~~implementation schedule adopted by the legislature and shall~~) begin no
14 later than the (~~2013-14~~) 2011-12 school year and be fully implemented
15 by the 2013-14 school year.

16 (a) The formula must be developed and revised on an ongoing basis
17 using the major cost factors in student transportation, including basic
18 and special student loads, school district land area, average distance
19 to school, roadway miles, and number of locations served. Factors must
20 include all those site characteristics that are statistically
21 significant after analysis of the data required by the revised
22 reporting process.

23 (b) The formula must allocate funds to school districts based on
24 the average predicted costs of transporting students to and from
25 school, using a regression analysis.

26 (2) During the phase-in period, funding provided to school
27 districts for student transportation operations shall be distributed on
28 the following basis:

29 (a) Annually, each school district shall receive the lesser of the
30 previous school year's pupil transportation operations allocation, or
31 the total of allowable pupil transportation expenditures identified on
32 the previous school year's final expenditure report to the state plus
33 district indirect expenses using the state recovery rate identified by
34 the superintendent; and

35 (b) Annually, any funds appropriated by the legislature in excess
36 of the maintenance level funding amount for student transportation

1 shall be distributed among school districts on a prorated basis using
2 the difference between the amount identified in (a) of this subsection
3 and the amount determined under the formula in RCW 28A.160.180.

4 ~~((3) The superintendent shall develop, implement, and provide a
5 copy of the rules specifying the student transportation reporting
6 requirements to the legislature and school districts no later than
7 December 1, 2009.~~

8 ~~(4) Beginning in December 2009, and continuing until December 2014,
9 the superintendent shall provide quarterly updates and progress reports
10 to the fiscal committees of the legislature on the implementation and
11 testing of the distribution formula.))~~

12 NEW SECTION. **Sec. 1009.** A new section is added to chapter 28A.160
13 RCW to read as follows:

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

18 (2) Beginning in December 2010, and continuing until December 2014,
19 the superintendent shall provide quarterly updates and progress reports
20 to the fiscal committees of the legislature on the implementation and
21 testing of the distribution formula.

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

23 **Sec. 1010.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
24 read as follows:

25 (1) The legislature shall establish for each school year in the
26 appropriations act a statewide salary allocation schedule, for
27 allocation purposes only, to be used to distribute funds for basic
28 education certificated instructional staff salaries under RCW
29 28A.150.260. For the purposes of this section, the staff allocations
30 for classroom teachers, teacher librarians, guidance counselors, and
31 student health services staff under RCW 28A.150.260 are considered
32 allocations for certificated instructional staff.

33 (2) Salary allocations for state-funded basic education
34 certificated instructional staff shall be calculated by the
35 superintendent of public instruction by determining the district's

1 average salary for certificated instructional staff, using the
2 statewide salary allocation schedule and related documents, conditions,
3 and limitations established by the omnibus appropriations act.

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

9 (a) The employee has a master's degree; or

10 (b) The credits were used in generating state salary allocations
11 before January 1, 1992.

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

26 **Sec. 1011.** RCW 28A.175.010 and 2005 c 207 s 3 are each amended to
27 read as follows:

28 Each school district shall account for the educational progress of
29 each of its students. To achieve this, school districts shall be
30 required to report annually to the superintendent of public
31 instruction:

32 (1) For students enrolled in each of a school district's high
33 school programs:

34 (a) The number of students who graduate in fewer than four years;

35 (b) The number of students who graduate in four years;

36 (c) The number of students who remain in school for more than four

1 years but who eventually graduate and the number of students who remain
2 in school for more than four years but do not graduate;

3 (d) The number of students who transfer to other schools;

4 (e) The number of students in the ninth through twelfth grade who
5 drop out of school over a four-year period; and

6 (f) The number of students whose status is unknown.

7 (2) Dropout rates of students in each of the grades seven through
8 twelve.

9 (3) Dropout rates for student populations in each of the grades
10 seven through twelve by:

11 (a) Ethnicity;

12 (b) Gender;

13 (c) Socioeconomic status; and

14 (d) Disability status.

15 (4) The causes or reasons, or both, attributed to students for
16 having dropped out of school in grades seven through twelve.

17 (5) The superintendent of public instruction shall adopt rules
18 under chapter 34.05 RCW to assure uniformity in the information
19 districts are required to report under subsections (1) through (4) of
20 this section. In developing rules, the superintendent of public
21 instruction shall consult with school districts, including
22 administrative and counseling personnel, with regard to the methods
23 through which information is to be collected and reported.

24 (6) In reporting on the causes or reasons, or both, attributed to
25 students for having dropped out of school, school building officials
26 shall, to the extent reasonably practical, obtain such information
27 directly from students. In lieu of obtaining such information directly
28 from students, building principals and counselors shall identify the
29 causes or reasons, or both, based on their professional judgment.

30 (7) The superintendent of public instruction shall report annually
31 to the legislature the information collected under subsections (1)
32 through (4) of this section.

33 (8) The Washington state institute for public policy shall
34 calculate an annual estimate of the savings to taxpayers resulting from
35 any improvement compared to the prior school year in the extended
36 graduation rate, as calculated by the superintendent of public
37 instruction. The superintendent shall include the estimate from the

1 institute in an appendix of the report required under subsection (7) of
2 this section, beginning with the 2010 report.

3 NEW SECTION. Sec. 1012. A new section is added to chapter 28A.300
4 RCW to read as follows:

5 The office of the superintendent of public instruction shall
6 implement and maintain an internet-based portal that provides ready
7 public access to the state's prototypical school funding model for
8 basic education under RCW 28A.150.260. The portal must provide
9 citizens the opportunity to view, for each local school building, the
10 staffing levels and other prototypical school funding elements that are
11 assumed under the state funding formula. The portal must also provide
12 a matrix displaying how individual school districts are deploying those
13 same state resources through their allocation of staff and other
14 resources to school buildings, so that citizens are able to compare the
15 state assumptions to district allocation decisions for each local
16 school building.

17 **Sec. 1013.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
18 read as follows:

19 (1) For the purposes of this section and RCW 28A.150.410 and
20 28A.400.200, "basic education certificated instructional staff"
21 (~~shall~~) means all full-time equivalent classroom teachers, teacher
22 librarians, guidance counselors, certificated student health services
23 staff, and other certificated instructional staff in the following
24 programs as defined for statewide school district accounting purposes:
25 Basic education, secondary vocational education, general instructional
26 support, and general supportive services.

27 (2) (~~In the 1988-89 school year and thereafter,~~) Each school
28 district shall maintain a ratio of at least forty-six basic education
29 certificated instructional staff to one thousand annual average full
30 time equivalent students.

31 **Sec. 1014.** 2009 c 548 s 710 (uncodified) is amended to read as
32 follows:

33 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969
34 ex.s. c 223 s 28A.01.010;

1 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
2 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
3 1973 1st ex.s. c 105 s 1;

4 (3) (~~RCW 28A.150.100 (Basic education certificated instructional~~
5 ~~staff Definition Ratio to students) and 1990 c 33 s 103 & 1987 1st~~
6 ~~ex.s. c 2 s 203;~~

7 (+4)) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33
8 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118
9 s 22, & 1969 ex.s. c 223 s 28A.01.020;

10 ((+5)) (4) RCW 28A.150.370 (Additional programs for which
11 legislative appropriations must or may be made) and 1995 c 335 s 102,
12 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s.
13 c 359 s 7; and

14 ((+6)) (5) RCW 28A.155.180 (Safety net funds--Application--
15 Technical assistance--Annual survey) and 2007 c 400 s 8.

16 **Sec. 1015.** 2009 c 548 s 805 (uncodified) is amended to read as
17 follows:

18 Sections 304 through 311 of this act take effect September 1,
19 ((2013)) 2011.

20 PART XI

21 MISCELLANEOUS PROVISIONS

22 NEW SECTION. **Sec. 1101.** RCW 28A.305.225 is recodified as a
23 section in the chapter created in section 1102 of this act.

24 NEW SECTION. **Sec. 1102.** Sections 101 through 110 and 112 and 113
25 of this act constitute a new chapter in Title 28A RCW.

26 NEW SECTION. **Sec. 1103.** 2009 c 548 s 112, as amended by section
27 1005 of this act, is codified as a section in chapter 28A.290 RCW.

28 NEW SECTION. **Sec. 1104.** RCW 43.41.398 is recodified as a section
29 in chapter 28A.400 RCW.

30 NEW SECTION. **Sec. 1105.** Sections 1002, 1003, 1004, 1008, 1010,
31 1013, and 1014 of this act take effect September 1, 2011.

1 NEW SECTION. **Sec. 1106.** Section 1006 of this act is necessary for
2 the immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect immediately."

5 Correct the title.

EFFECT: Accountability: Clarifies that a lowest-performing school is a Title I or Title I eligible school that is among the lowest-achieving 5 percent of all Title I or Title I eligible schools in the state.

Creates a Required Action Review Panel composed of five individuals appointed by the Speaker of the House, President of the Senate, and Governor but convened by the SPI on an as-needed basis. Authorizes a district to request consideration by the Panel if a Required Action Plan is rejected by the State Board of Education. Provides that reconsideration is based on whether the SBE gave appropriate consideration to the unique circumstances of the district. Authorizes the Panel to reaffirm the rejection, recommend approval, or recommend changes to secure approval. Requires SBE to issue a final decision.

Creates a Joint Select Committee of eight legislative members to examine options and models for consequences and significant state action in the case of persistent lack of improvement by a Required Action district. Requires an interim report by September 1, 2011, and a final report by September 1, 2012.

Authorizes both SPI and SBE to adopt rules to implement accountability provisions.

Parents and Community: Requires schools to conduct outreach and seek feedback from a broad and diverse range of stakeholders in their communities. Requires a state working group to develop multiple feedback tools and strategies that districts are encouraged to adapt to their unique circumstances, and includes representatives of diverse communities and the Achievement Gap Committee on the group.

Removes a requirement that the Center for Improvement of Student Learning recognize schools and school districts beginning in 2010-11 based on measures of parent involvement and instead directs CISL to identify and highlight successful models and practices.

Evaluations: Rather than have the pilot school districts submit all available student data to SPI, requires them to submit district-collected student achievement, aptitude, and growth data so that SPI can analyze how the data is used or not used in evaluations.

Requires the 2011 report from SPI to include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model, and challenges posed by requiring a state approval process.

Does not include a parent selected by the PTA in the state group developing model evaluation criteria and rating systems.

Creates a new process and standard for transferring a principal to a subordinate position within the district, even if the principal has been employed for more than three years. Makes the provisions apply only to principals hired after the effective date of the bill and only in school districts with more than 35,000 students.

Innovations: Removes a requirement that school districts and OSPI submit an annual report detailing how TRI contracts support innovative activities.

Common Core Standards: Authorizes the SPI to adopt a common set of standards by August 2, 2010, on a provisional basis. Stipulates that the standards cannot be implemented until the Education Committees have an opportunity for review. Requires the SPI to submit a detailed comparison of the standards by January 1, 2011, rather than by April 15th or 30 days after the standards are finalized.

Preservice Assessment: Authorizes the PESB to contract with a third party to administer, score, and report the scores of the assessment. Provides that candidates who are charged a fee for the assessment by the contracted party will pay the contractor directly.

Authorizes the PESB to establish through rule the date during the 2012-13 school year after which candidates must successfully pass the assessment for residency certification.

Preparation Programs: Requires all educator preparation program providers approved by the PESB to adhere to the same standards and comply with the same requirements.

Requires the State Board for Community and Technical Colleges to select up to three community colleges to offer a BA plus teaching certificate in a subject matter shortage area. Specifies that programs are subject to degree and certificate program approval procedures by the SBCTC, HECB, and PESB.

Clarifies that candidates in all alternative route programs have their performance evaluated by both their mentor and the preparation program supervisor before moving to less supervision.

Repeals several additional sections of law pertaining to student teaching centers and the partnership grant aspects of the alternative route program.

Removes a duplicate section pertaining to the HECB and needs assessments for the educator workforce.

Education Reform Finance: Declares that an essential aspect of overall education reform is reform in state financing for Basic Education, both in the way that funds are distributed and the overall level of state support to school districts. Sets forth in statute baseline values for Basic Education funding, as recommended by a technical working group and the Quality Education Council, for the prototypical school funding formula adopted in 2009 legislation, effective September 1, 2011. Modifies various prototypical school formula elements and allocation categories.

Increases the maintenance, supplies, and operating costs (MSOC) factors in the funding formula to a total of \$1,082.76 per student over a three-year period. Provides a K-3 class size allocation of 15.0 students per classroom teacher, to be phased in over a five-year period starting with high poverty schools. Requires continued incremental phase-in of full-day kindergarten according to the statutory schedule, with full implementation in 2018. Implements a new pupil transportation funding formula as of 2011 rather than 2013, and states that full funding of the new pupil transportation formula is to be phased in over a three-year period.

Restores a requirement that school districts maintain a minimum staffing ratio for Basic Education of 46 Certificated Instructional Staff per 1,000 students rather than repealing the requirement as of 2011.

Requires a report from a Compensation Working Group by June 30, 2012, rather than December 1, 2012, and changes the lead agency to OSPI. Starts a Local Finance Working Group immediately with a report due November 30, 2010. Expands tasks of the Group. Continues the Funding Formula Technical Working Group to monitor implementation of the formula and provide technical advice to the Quality Education Council.

Directs the Washington State Institute for Public Policy to calculate a savings from improvement in graduation rates and requires OSPI to publish this in an annual report. Directs OSPI to implement an internet portal displaying the prototype school allocations compared to actual allocations, by building.

--- END ---