

E2SSB 6696 - H AMD 1657

By Representative Sullivan

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;

1 (o) Alternative secondary schools best practices; and

2 (p) Any unique circumstances or characteristics of the school or
3 district.

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

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

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

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

1 (b) Submission of an application for a federal school improvement
2 grant or a grant from other federal funds for school improvement to the
3 superintendent of public instruction;

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

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

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

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

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

35 (c) If the executive director of the public employment relations
36 commission, upon the recommendation of the assigned mediator, finds
37 that the employer and any affected bargaining unit are unable to reach
38 agreement following a reasonable period of negotiations and mediation,

1 but by no later than May 15th of the year in which mediation occurred,
2 the executive director shall certify any disputed issues for a decision
3 by the superior court in the county where the school district is
4 located. The issues for determination by the superior court must be
5 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

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

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

33 (iv) The court must enter an order selecting the proposal for
34 inclusion in a required action plan that best responds to the issues
35 raised in the school district's academic performance audit, and allows
36 for the award of a federal school improvement grant or a grant from
37 other federal funds for school improvement to the district from the
38 office of the superintendent of public instruction to implement one of

1 the four federal intervention models. The court's decision must be
2 issued no later than June 15th of the year in which the petition is
3 filed and is final and binding on the parties; however the court's
4 decision is subject to appeal only in the case where it does not allow
5 the school district to implement a required action plan consistent with
6 the requirements for the award of a federal school improvement grant or
7 other federal funds for school improvement by the superintendent of
8 public instruction.

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

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

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

19 NEW SECTION. **Sec. 106.** A required action plan developed by a
20 district's school board and superintendent must be submitted to the
21 state board of education for approval. The state board must accept for
22 inclusion in any required action plan the final decision by the
23 superior court on any issue certified by the executive director of the
24 public employment relations commission under the process in section 105
25 of this act. The state board of education shall approve a plan
26 proposed by a school district only if the plan meets the requirements
27 in section 105 of this act and provides sufficient remedies to address
28 the findings in the academic performance audit to improve student
29 achievement. Any addendum or modification to an existing collective
30 bargaining agreement, negotiated under section 105 of this act or by
31 agreement of the district and the exclusive bargaining unit, related to
32 student achievement or school improvement shall not go into effect
33 until approval of a required action plan by the state board of
34 education. If the state board does not approve a proposed plan, it
35 must notify the local school board and local district's superintendent
36 in writing with an explicit rationale for why the plan was not
37 approved. Nonapproval by the state board of education of the local

1 school district's initial required action plan submitted is not
2 intended to trigger any actions under section 108 of this act. With
3 the assistance of the office of the superintendent of public
4 instruction, the superintendent and school board of the required action
5 district shall either: (a) Submit a new plan to the state board of
6 education for approval within forty days of notification that its plan
7 was rejected, or (b) submit a request to the required action plan
8 review panel established under section 107 of this act for
9 reconsideration of the state board's rejection within ten days of the
10 notification that the plan was rejected. If federal funds are not
11 available, the plan is not required to be implemented until such
12 funding becomes available. If federal funds for this purpose are
13 available, a required action plan must be implemented in the immediate
14 school year following the district's designation as a required action
15 district.

16 NEW SECTION. **Sec. 107.** (1) A required action plan review panel
17 shall be established to offer an objective, external review of a
18 request from a school district for reconsideration of the state board
19 of education's rejection of the district's required action plan. The
20 review and reconsideration by the panel shall be based on whether the
21 state board of education gave appropriate consideration to the unique
22 circumstances and characteristics identified in the academic
23 performance audit of the local school district whose required action
24 plan was rejected.

25 (2)(a) The panel shall be composed of five individuals with
26 expertise in school improvement, school and district restructuring, or
27 parent and community involvement in schools. Two of the panel members
28 shall be appointed by the speaker of the house of representatives; two
29 shall be appointed by the president of the senate; and one shall be
30 appointed by the governor.

31 (b) The speaker of the house of representatives, president of the
32 senate, and governor shall solicit recommendations for possible panel
33 members from the Washington association of school administrators, the
34 Washington state school directors' association, the association of
35 Washington school principals, the achievement gap oversight and
36 accountability committee, and associations representing certificated
37 teachers, classified school employees, and parents.

1 (c) Members of the panel shall be appointed no later than December
2 1, 2010, but the superintendent of public instruction shall convene the
3 panel only as needed to consider a school district's request for
4 reconsideration. Appointments shall be for a four-year term, with
5 opportunity for reappointment. Reappointments in the case of a vacancy
6 shall be made expeditiously so that all requests are considered in a
7 timely manner.

8 (3) The required action plan review panel may reaffirm the decision
9 of the state board of education, recommend that the state board
10 reconsider the rejection, or recommend changes to the required action
11 plan that should be considered by the district and the state board of
12 education to secure approval of the plan. The state board of education
13 shall consider the recommendations of the panel and issue a decision in
14 writing to the local school district and the panel. If the school
15 district must submit a new required action plan to the state board of
16 education, the district must submit the plan within forty days of the
17 board's decision.

18 (4) The state board of education and superintendent of public
19 instruction must develop timelines and procedures for the deliberations
20 under this section so that school districts can implement a required
21 action plan within the time frame required under section 106 of this
22 act.

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

30 NEW SECTION. **Sec. 109.** A school district must implement a
31 required action plan upon approval by the state board of education.
32 The office of superintendent of public instruction must provide the
33 required action district with technical assistance and federal school
34 improvement grant funds or other federal funds for school improvement,
35 if available, to implement an approved plan. The district must submit
36 a report to the superintendent of public instruction that provides the

1 progress the district is making in meeting the student achievement
2 goals based on the state's assessments, identifying strategies and
3 assets used to solve audit findings, and establishing evidence of
4 meeting plan implementation benchmarks as set forth in the required
5 action plan.

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

10 (2) The superintendent of public instruction must recommend to the
11 state board of education that a school district be released from the
12 designation as a required action district after the district implements
13 a required action plan for a period of three years; has made progress,
14 as defined by the superintendent of public instruction, in reading and
15 mathematics on the state's assessment over the past three consecutive
16 years; and no longer has a school within the district identified as
17 persistently lowest achieving. The state board shall release a school
18 district from the designation as a required action district upon
19 confirmation that the district has met the requirements for a release.

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

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

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

31 (2) The state board of education shall develop an accountability
32 index to identify schools and districts for recognition, for continuous
33 improvement, and for additional state support. The index shall be
34 based on criteria that are fair, consistent, and transparent.
35 Performance shall be measured using multiple outcomes and indicators
36 including, but not limited to, graduation rates and results from

1 statewide assessments. The index shall be developed in such a way as
2 to be easily understood by both employees within the schools and
3 districts, as well as parents and community members. It is the
4 legislature's intent that the index provide feedback to schools and
5 districts to self-assess their progress, and enable the identification
6 of schools with exemplary student performance and those that need
7 assistance to overcome challenges in order to achieve exemplary student
8 performance. ~~((Once the accountability index has identified schools
9 that need additional help, a more thorough analysis will be done to
10 analyze specific conditions in the district including but not limited
11 to the level of state resources a school or school district receives in
12 support of the basic education system, achievement gaps for different
13 groups of students, and community support.~~

14 ~~(3) Based on the accountability index and in consultation with the
15 superintendent of public instruction, the state board of education
16 shall develop a proposal and timeline for implementation of a
17 comprehensive system of voluntary support and assistance for schools
18 and districts. The timeline must take into account and accommodate
19 capacity limitations of the K-12 educational system. Changes that have
20 a fiscal impact on school districts, as identified by a fiscal analysis
21 prepared by the office of the superintendent of public instruction,
22 shall take effect only if formally authorized by the legislature
23 through the omnibus appropriations act or other enacted legislation.~~

24 ~~(4)(a) The state board of education shall develop a proposal and
25 implementation timeline for a more formalized comprehensive system
26 improvement targeted to challenged schools and districts that have not
27 demonstrated sufficient improvement through the voluntary system. The
28 timeline must take into account and accommodate capacity limitations of
29 the K-12 educational system. The proposal and timeline shall be
30 submitted to the education committees of the legislature by December 1,
31 2009, and shall include recommended legislation and recommended
32 resources to implement the system according to the timeline developed.~~

33 ~~(b) The proposal shall outline a process for addressing performance
34 challenges that will include the following features: (i) An academic
35 performance audit using peer review teams of educators that considers
36 school and community factors in addition to other factors in developing
37 recommended specific corrective actions that should be undertaken to
38 improve student learning; (ii) a requirement for the local school board~~

1 ~~plan to develop and be responsible for implementation of corrective~~
2 ~~action plan taking into account the audit findings, which plan must be~~
3 ~~approved by the state board of education at which time the plan becomes~~
4 ~~binding upon the school district to implement; and (iii) monitoring of~~
5 ~~local district progress by the office of the superintendent of public~~
6 ~~instruction. The proposal shall take effect only if formally~~
7 ~~authorized by the legislature through the omnibus appropriations act or~~
8 ~~other enacted legislation.~~

9 ~~(5))~~ (3) The state board of education, in cooperation with the
10 office of the superintendent of public instruction, shall annually
11 recognize schools for exemplary performance as measured on the state
12 board of education accountability index. The state board of education
13 shall have ongoing collaboration with the achievement gap oversight and
14 accountability committee regarding the measures used to measure the
15 closing of the achievement gaps and the recognition provided to the
16 school districts for closing the achievement gaps.

17 (4) In coordination with the superintendent of public instruction,
18 the state board of education shall seek approval from the United States
19 department of education for use of the accountability index and the
20 state system of support, assistance, and intervention, to replace the
21 federal accountability system under P.L. 107-110, the no child left
22 behind act of 2001.

23 ~~((6))~~ (5) The state board of education shall work with the
24 education data center established within the office of financial
25 management and the technical working group established in section 112,
26 chapter 548, Laws of 2009 to determine the feasibility of using the
27 prototypical funding allocation model as not only a tool for allocating
28 resources to schools and districts but also as a tool for schools and
29 districts to report to the state legislature and the state board of
30 education on how the state resources received are being used.

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

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

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

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

4 NEW SECTION. **Sec. 114.** (1) The legislature finds that a unified
5 and equitable system of education accountability must include
6 expectations and benchmarks for improvement, along with support for
7 schools and districts to make the necessary changes that will lead to
8 success for all students. Such a system must also clearly address the
9 consequences for persistent lack of improvement. Establishing a
10 process for school districts to prepare and implement a required action
11 plan is one such consequence. However, to be truly accountable to
12 students, parents, the community, and taxpayers, the legislature must
13 also consider what should happen if a required action district
14 continues not to make improvement after an extended period of time.
15 Without an answer to this significant question, the state's system of
16 education accountability is incomplete. Furthermore, accountability
17 must be appropriately shared among various levels of decision makers,
18 including in the building, in the district, and at the state.

19 (2)(a) A joint select committee on education accountability is
20 established beginning no earlier than May 1, 2012, with the following
21 members:

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

24 (ii) The speaker of the house of representatives shall appoint two
25 members from each of the two largest caucuses of the house of
26 representatives.

27 (b) The committee shall choose its cochairs from among its
28 membership.

29 (3) The committee shall:

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

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

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

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

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

5 (4) Staff support for the committee must be provided by the senate
6 committee services and the house of representatives office of program
7 research.

8 (5) The committee shall submit an interim report to the education
9 committees of the legislature by September 1, 2012, and a final report
10 with recommendations by September 1, 2013.

11 (6) This section expires June 30, 2014.

12 **PART II**
13 **EVALUATIONS**

14 **Sec. 201.** RCW 28A.150.230 and 2006 c 263 s 201 are each amended to
15 read as follows:

16 (1) It is the intent and purpose of this section to guarantee that
17 each common school district board of directors, whether or not acting
18 through its respective administrative staff, be held accountable for
19 the proper operation of their district to the local community and its
20 electorate. In accordance with the provisions of Title 28A RCW, as now
21 or hereafter amended, each common school district board of directors
22 shall be vested with the final responsibility for the setting of
23 policies ensuring quality in the content and extent of its educational
24 program and that such program provide students with the opportunity to
25 achieve those skills which are generally recognized as requisite to
26 learning.

27 (2) In conformance with the provisions of Title 28A RCW, as now or
28 hereafter amended, it shall be the responsibility of each common school
29 district board of directors to adopt policies to:

30 (a) Establish performance criteria and an evaluation process for
31 its superintendent, classified staff, certificated personnel, including
32 administrative staff, and for all programs constituting a part of such
33 district's curriculum. Each district shall report annually to the
34 superintendent of public instruction the following for each employee
35 group listed in this subsection (2)(a): (i) Evaluation criteria and

1 rubrics; (ii) a description of each rating; and (iii) the number of
2 staff in each rating;

3 (b) Determine the final assignment of staff, certificated or
4 classified, according to board enumerated classroom and program needs
5 and data, based upon a plan to ensure that the assignment policy: (i)
6 Supports the learning needs of all the students in the district; and
7 (ii) gives specific attention to high-need schools and classrooms;

8 (c) Provide information to the local community and its electorate
9 describing the school district's policies concerning hiring, assigning,
10 terminating, and evaluating staff, including the criteria for
11 evaluating teachers and principals;

12 (d) Determine the amount of instructional hours necessary for any
13 student to acquire a quality education in such district, in not less
14 than an amount otherwise required in RCW 28A.150.220, or rules of the
15 state board of education;

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

18 ~~((e))~~ (f) Establish final curriculum standards consistent with
19 law and rules of the superintendent of public instruction, relevant to
20 the particular needs of district students or the unusual
21 characteristics of the district, and ensuring a quality education for
22 each student in the district; and

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

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

29 (1)(a) Except as provided in subsection (2) of this section, the
30 superintendent of public instruction shall establish and may amend from
31 time to time minimum criteria for the evaluation of the professional
32 performance capabilities and development of certificated classroom
33 teachers and certificated support personnel. For classroom teachers
34 the criteria shall be developed in the following categories:
35 Instructional skill; classroom management, professional preparation and
36 scholarship; effort toward improvement when needed; the handling of

1 student discipline and attendant problems; and interest in teaching
2 pupils and knowledge of subject matter.

3 (b) Every board of directors shall, in accordance with procedure
4 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
5 establish evaluative criteria and procedures for all certificated
6 classroom teachers and certificated support personnel. The evaluative
7 criteria must contain as a minimum the criteria established by the
8 superintendent of public instruction pursuant to this section and must
9 be prepared within six months following adoption of the superintendent
10 of public instruction's minimum criteria. The district must certify to
11 the superintendent of public instruction that evaluative criteria have
12 been so prepared by the district.

13 (2)(a) Pursuant to the implementation schedule established in
14 subsection (7)(b) of this section, every board of directors shall, in
15 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
16 41.59.910, and 41.59.920, establish revised evaluative criteria and a
17 four-level rating system for all certificated classroom teachers.

18 (b) The minimum criteria shall include: (i) Centering instruction
19 on high expectations for student achievement; (ii) demonstrating
20 effective teaching practices; (iii) recognizing individual student
21 learning needs and developing strategies to address those needs; (iv)
22 providing clear and intentional focus on subject matter content and
23 curriculum; (v) fostering and managing a safe, positive learning
24 environment; (vi) using multiple student data elements to modify
25 instruction and improve student learning; (vii) communicating and
26 collaborating with parents and school community; and (viii) exhibiting
27 collaborative and collegial practices focused on improving
28 instructional practice and student learning.

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

1 (3)(a) Except as provided in subsection ~~((+5+))~~ (10) of this
2 section, it shall be the responsibility of a principal or his or her
3 designee to evaluate all certificated personnel in his or her school.
4 During each school year all classroom teachers and certificated support
5 personnel ~~((, hereinafter referred to as "employees" in this section,))~~
6 shall be observed for the purposes of evaluation at least twice in the
7 performance of their assigned duties. Total observation time for each
8 employee for each school year shall be not less than sixty minutes. An
9 employee in the third year of provisional status as defined in RCW
10 28A.405.220 shall be observed at least three times in the performance
11 of his or her duties and the total observation time for the school year
12 shall not be less than ninety minutes. Following each observation, or
13 series of observations, the principal or other evaluator shall promptly
14 document the results of the observation in writing, and shall provide
15 the employee with a copy thereof within three days after such report is
16 prepared. New employees shall be observed at least once for a total
17 observation time of thirty minutes during the first ninety calendar
18 days of their employment period.

19 (b) As used in this subsection and subsection (4) of this section,
20 "employees" means classroom teachers and certificated support
21 personnel.

22 (4)(a) At any time after October 15th, an employee whose work is
23 not judged ~~((unsatisfactory))~~ satisfactory based on district evaluation
24 criteria shall be notified in writing of the specific areas of
25 deficiencies along with a reasonable program for improvement. During
26 the period of probation, the employee may not be transferred from the
27 supervision of the original evaluator. Improvement of performance or
28 probable cause for nonrenewal must occur and be documented by the
29 original evaluator before any consideration of a request for transfer
30 or reassignment as contemplated by either the individual or the school
31 district. A probationary period of sixty school days shall be
32 established. The establishment of a probationary period does not
33 adversely affect the contract status of an employee within the meaning
34 of RCW 28A.405.300. The purpose of the probationary period is to give
35 the employee opportunity to demonstrate improvements in his or her
36 areas of deficiency. The establishment of the probationary period and
37 the giving of the notice to the employee of deficiency shall be by the
38 school district superintendent and need not be submitted to the board

1 of directors for approval. During the probationary period the
2 evaluator shall meet with the employee at least twice monthly to
3 supervise and make a written evaluation of the progress, if any, made
4 by the employee. The evaluator may authorize one additional
5 certificated employee to evaluate the probationer and to aid the
6 employee in improving his or her areas of deficiency; such additional
7 certificated employee shall be immune from any civil liability that
8 might otherwise be incurred or imposed with regard to the good faith
9 performance of such evaluation. The probationer may be removed from
10 probation if he or she has demonstrated improvement to the satisfaction
11 of the principal in those areas specifically detailed in his or her
12 initial notice of deficiency and subsequently detailed in his or her
13 improvement program. Lack of necessary improvement during the
14 established probationary period, as specifically documented in writing
15 with notification to the probationer and shall constitute grounds for
16 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

17 (b) Immediately following the completion of a probationary period
18 that does not produce performance changes detailed in the initial
19 notice of deficiencies and improvement program, the employee may be
20 removed from his or her assignment and placed into an alternative
21 assignment for the remainder of the school year. This reassignment may
22 not displace another employee nor may it adversely affect the
23 probationary employee's compensation or benefits for the remainder of
24 the employee's contract year. If such reassignment is not possible,
25 the district may, at its option, place the employee on paid leave for
26 the balance of the contract term.

27 ~~((+2))~~ (5) Every board of directors shall establish evaluative
28 criteria and procedures for all superintendents, principals, and other
29 administrators. It shall be the responsibility of the district
30 superintendent or his or her designee to evaluate all administrators.
31 Except as provided in subsection (6) of this section, such evaluation
32 shall be based on the administrative position job description. Such
33 criteria, when applicable, shall include at least the following
34 categories: Knowledge of, experience in, and training in recognizing
35 good professional performance, capabilities and development; school
36 administration and management; school finance; professional preparation
37 and scholarship; effort toward improvement when needed; interest in

1 pupils, employees, patrons and subjects taught in school; leadership;
2 and ability and performance of evaluation of school personnel.

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

7 (b) The minimum criteria shall include: (i) Creating a school
8 culture that promotes the ongoing improvement of learning and teaching
9 for students and staff; (ii) demonstrating commitment to closing the
10 achievement gap; (iii) providing for school safety; (iv) leading the
11 development, implementation, and evaluation of a data-driven plan for
12 increasing student achievement, including the use of multiple student
13 data elements; (v) assisting instructional staff with alignment of
14 curriculum, instruction, and assessment with state and local district
15 learning goals; (vi) monitoring, assisting, and evaluating effective
16 instruction and assessment practices; (vii) managing both staff and
17 fiscal resources to support student achievement and legal
18 responsibilities; and (viii) partnering with the school community to
19 promote student learning.

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

28 (7)(a) The superintendent of public instruction, in collaboration
29 with state associations representing teachers, principals,
30 administrators, and parents, shall create models for implementing the
31 evaluation system criteria, student growth tools, professional
32 development programs, and evaluator training for certificated classroom
33 teachers and principals. Human resources specialists, professional
34 development experts, and assessment experts must also be consulted.
35 Due to the diversity of teaching assignments and the many developmental
36 levels of students, classroom teachers and principals must be
37 prominently represented in this work. The models must be available for
38 use in the 2011-12 school year.

1 (b) A new certificated classroom teacher evaluation system that
2 implements the provisions of subsection (2) of this section and a new
3 principal evaluation system that implements the provisions of
4 subsection (6) of this section shall be phased-in beginning with the
5 2010-11 school year by districts identified in (c) of this subsection
6 and implemented in all school districts beginning with the 2013-14
7 school year.

8 (c) A set of school districts shall be selected by the
9 superintendent of public instruction to participate in a collaborative
10 process resulting in the development and piloting of new certificated
11 classroom teacher and principal evaluation systems during the 2010-11
12 and 2011-12 school years. These school districts must be selected
13 based on: (i) The agreement of the local associations representing
14 classroom teachers and principals to collaborate with the district in
15 this developmental work and (ii) the agreement to participate in the
16 full range of development and implementation activities, including:
17 Development of rubrics for the evaluation criteria and ratings in
18 subsections (2) and (6) of this section; identification of or
19 development of appropriate multiple measures of student growth in
20 subsections (2) and (6) of this section; development of appropriate
21 evaluation system forms; participation in professional development for
22 principals and classroom teachers regarding the content of the new
23 evaluation system; participation in evaluator training; and
24 participation in activities to evaluate the effectiveness of the new
25 systems and support programs. The school districts must submit to the
26 office of the superintendent of public instruction data that is used in
27 evaluations and all district-collected student achievement, aptitude,
28 and growth data regardless of whether the data is used in evaluations.
29 If the data is not available electronically, the district may submit it
30 in nonelectronic form. The superintendent of public instruction must
31 analyze the districts' use of student data in evaluations, including
32 examining the extent that student data is not used or is underutilized.
33 The superintendent of public instruction must also consult with
34 participating districts and stakeholders, recommend appropriate
35 changes, and address statewide implementation issues. The
36 superintendent of public instruction shall report evaluation system
37 implementation status, evaluation data, and recommendations to
38 appropriate committees of the legislature and governor by July 1, 2011,

1 and at the conclusion of the development phase by July 1, 2012. In the
2 July 1, 2011 report, the superintendent shall include recommendations
3 for whether a single statewide evaluation model should be adopted,
4 whether modified versions developed by school districts should be
5 subject to state approval, and what the criteria would be for
6 determining if a school district's evaluation model meets or exceeds a
7 statewide model. The report shall also identify challenges posed by
8 requiring a state approval process.

9 (8) Each certificated (~~(employee)~~) classroom teacher and
10 certificated support personnel shall have the opportunity for
11 confidential conferences with his or her immediate supervisor on no
12 less than two occasions in each school year. Such confidential
13 conference shall have as its sole purpose the aiding of the
14 administrator in his or her assessment of the employee's professional
15 performance.

16 ~~((+4))~~ (9) The failure of any evaluator to evaluate or supervise
17 or cause the evaluation or supervision of certificated (~~(employees)~~)
18 classroom teachers and certificated support personnel or administrators
19 in accordance with this section, as now or hereafter amended, when it
20 is his or her specific assigned or delegated responsibility to do so,
21 shall be sufficient cause for the nonrenewal of any such evaluator's
22 contract under RCW 28A.405.210, or the discharge of such evaluator
23 under RCW 28A.405.300.

24 ~~((+5))~~ (10) After (~~(an employee)~~) a certificated classroom teacher
25 or certificated support personnel has four years of satisfactory
26 evaluations under subsection (1) of this section or has received one of
27 the two top ratings for four years under subsection (2) of this
28 section, a school district may use a short form of evaluation, a
29 locally bargained evaluation emphasizing professional growth, an
30 evaluation under subsection (1) or (2) of this section, or any
31 combination thereof. The short form of evaluation shall include either
32 a thirty minute observation during the school year with a written
33 summary or a final annual written evaluation based on the criteria in
34 subsection (1) or (2) of this section and based on at least two
35 observation periods during the school year totaling at least sixty
36 minutes without a written summary of such observations being prepared.
37 A locally bargained short-form evaluation emphasizing professional
38 growth must provide that the professional growth activity conducted by

1 the certificated classroom teacher be specifically linked to one or
2 more of the certificated classroom teacher evaluation criteria.
3 However, the evaluation process set forth in subsection (1) or (2) of
4 this section shall be followed at least once every three years unless
5 this time is extended by a local school district under the bargaining
6 process set forth in chapter 41.59 RCW. The employee or evaluator may
7 require that the evaluation process set forth in subsection (1) or (2)
8 of this section be conducted in any given school year. No evaluation
9 other than the evaluation authorized under subsection (1) or (2) of
10 this section may be used as a basis for determining that an employee's
11 work is (~~unsatisfactory~~) not satisfactory under subsection (1) or (2)
12 of this section or as probable cause for the nonrenewal of an
13 employee's contract under RCW 28A.405.210 unless an evaluation process
14 developed under chapter 41.59 RCW determines otherwise.

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

17 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
18 employed by a school district in a teaching or other nonsupervisory
19 certificated position shall be subject to nonrenewal of employment
20 contract as provided in this section during the first (~~two~~) three
21 years of employment by such district, unless: (a) The employee has
22 previously completed at least two years of certificated employment in
23 another school district in the state of Washington, in which case the
24 employee shall be subject to nonrenewal of employment contract pursuant
25 to this section during the first year of employment with the new
26 district; or (b) the school district superintendent may make a
27 determination to remove an employee from provisional status if the
28 employee has received one of the top two evaluation ratings during the
29 second year of employment by the district. Employees as defined in
30 this section shall hereinafter be referred to as "provisional
31 employees(~~is~~)."

32 (2) In the event the superintendent of the school district
33 determines that the employment contract of any provisional employee
34 should not be renewed by the district for the next ensuing term such
35 provisional employee shall be notified thereof in writing on or before
36 May 15th preceding the commencement of such school term, or if the
37 omnibus appropriations act has not passed the legislature by May 15th,

1 then notification shall be no later than June 15th, which notification
2 shall state the reason or reasons for such determination. Such notice
3 shall be served upon the provisional employee personally, or by
4 certified or registered mail, or by leaving a copy of the notice at the
5 place of his or her usual abode with some person of suitable age and
6 discretion then resident therein. The determination of the
7 superintendent shall be subject to the evaluation requirements of RCW
8 28A.405.100.

9 (3) Every such provisional employee so notified, at his or her
10 request made in writing and filed with the superintendent of the
11 district within ten days after receiving such notice, shall be given
12 the opportunity to meet informally with the superintendent for the
13 purpose of requesting the superintendent to reconsider his or her
14 decision. Such meeting shall be held no later than ten days following
15 the receipt of such request, and the provisional employee shall be
16 given written notice of the date, time and place of meeting at least
17 three days prior thereto. At such meeting the provisional employee
18 shall be given the opportunity to refute any facts upon which the
19 superintendent's determination was based and to make any argument in
20 support of his or her request for reconsideration.

21 (4) Within ten days following the meeting with the provisional
22 employee, the superintendent shall either reinstate the provisional
23 employee or shall submit to the school district board of directors for
24 consideration at its next regular meeting a written report recommending
25 that the employment contract of the provisional employee be nonrenewed
26 and stating the reason or reasons therefor. A copy of such report
27 shall be delivered to the provisional employee at least three days
28 prior to the scheduled meeting of the board of directors. In taking
29 action upon the recommendation of the superintendent, the board of
30 directors shall consider any written communication which the
31 provisional employee may file with the secretary of the board at any
32 time prior to that meeting.

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

1 school officer with parents and the community. Greater responsibility
2 should come with greater authority over personnel, budgets, resource
3 allocation, and programs. But greater responsibility also comes with
4 greater accountability for outcomes. Washington is putting into place
5 an updated and rigorous system of evaluating principal performance, one
6 that will measure what matters. This system will never be truly
7 effective unless the results are meaningfully used.

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

10 (1) Any certificated employee of a school district under this
11 section who is first employed as a principal after the effective date
12 of this section shall be subject to transfer as provided under this
13 section, at the expiration of the term of his or her employment
14 contract, to any subordinate certificated position within the school
15 district. "Subordinate certificated position" as used in this section
16 means any administrative or nonadministrative certificated position for
17 which the annual compensation is less than the position currently held
18 by the administrator. This section applies only to school districts
19 with an annual average student enrollment of more than thirty-five
20 thousand full-time equivalent students.

21 (2) During the first three consecutive school years of employment
22 as a principal by the school district, or during the first full school
23 year of such employment in the case of a principal who has been
24 previously employed as a principal by another school district in the
25 state for three or more consecutive school years, the transfer of the
26 principal to a subordinate certificated position may be made by a
27 determination of the superintendent that the best interests of the
28 school district would be served by the transfer.

29 (3) Commencing with the fourth consecutive school year of
30 employment as a principal, or the second consecutive school year of
31 such employment in the case of a principal who has been previously
32 employed as a principal by another school district in the state for
33 three or more consecutive school years, the transfer of the principal
34 to a subordinate certificated position shall be based on the
35 superintendent's determination that the results of the evaluation of
36 the principal's performance using the evaluative criteria and rating
37 system established under RCW 28A.405.100 provide a valid reason for the

1 transfer without regard to whether there is probable cause for the
2 transfer. If a valid reason is shown, it shall be deemed that the
3 transfer is reasonably related to the principal's performance. No
4 probationary period is required. However, provision of support and an
5 attempt at remediation of the performance of the principal, as defined
6 by the superintendent, are required for a determination by the
7 superintendent under this subsection that the principal should be
8 transferred to a subordinate certificated position.

9 (4) Any superintendent transferring a principal under this section
10 to a subordinate certificated position shall notify that principal in
11 writing on or before May 15th before the beginning of the school year
12 of that determination, or if the omnibus appropriations act has not
13 passed the legislature by May 15th, then notification shall be no later
14 than June 15th. The notification shall state the reason or reasons for
15 the transfer and shall identify the subordinate certificated position
16 to which the principal will be transferred. The notification shall be
17 served upon the principal personally, or by certified or registered
18 mail, or by leaving a copy of the notice at the place of his or her
19 usual abode with some person of suitable age and discretion then
20 resident therein.

21 (5) Any principal so notified may request to the president or chair
22 of the board of directors of the district, in writing and within ten
23 days after receiving notice, an opportunity to meet informally with the
24 board of directors in an executive session for the purpose of
25 requesting the board to reconsider the decision of the superintendent,
26 and shall be given such opportunity. The board, upon receipt of such
27 request, shall schedule the meeting for no later than the next
28 regularly scheduled meeting of the board, and shall give the principal
29 written notice at least three days before the meeting of the date,
30 time, and place of the meeting. At the meeting the principal shall be
31 given the opportunity to refute any evidence upon which the
32 determination was based and to make any argument in support of his or
33 her request for reconsideration. The principal and the board may
34 invite their respective legal counsel to be present and to participate
35 at the meeting. The board shall notify the principal in writing of its
36 final decision within ten days following its meeting with the
37 principal. No appeal to the courts shall lie from the final decision

1 of the board of directors to transfer a principal to a subordinate
2 certificated position.

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

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

10 No teacher, principal, supervisor, superintendent, or other
11 certificated employee, holding a position as such with a school
12 district, hereinafter referred to as "employee", shall be employed
13 except by written order of a majority of the directors of the district
14 at a regular or special meeting thereof, nor unless he or she is the
15 holder of an effective teacher's certificate or other certificate
16 required by law or the Washington professional educator standards board
17 for the position for which the employee is employed.

18 The board shall make with each employee employed by it a written
19 contract, which shall be in conformity with the laws of this state, and
20 except as otherwise provided by law, limited to a term of not more than
21 one year. Every such contract shall be made in duplicate, one copy to
22 be retained by the school district superintendent or secretary and one
23 copy to be delivered to the employee. No contract shall be offered by
24 any board for the employment of any employee who has previously signed
25 an employment contract for that same term in another school district of
26 the state of Washington unless such employee shall have been released
27 from his or her obligations under such previous contract by the board
28 of directors of the school district to which he or she was obligated.
29 Any contract signed in violation of this provision shall be void.

30 In the event it is determined that there is probable cause or
31 causes that the employment contract of an employee should not be
32 renewed by the district for the next ensuing term such employee shall
33 be notified in writing on or before May 15th preceding the commencement
34 of such term of that determination, or if the omnibus appropriations
35 act has not passed the legislature by May 15th, then notification shall
36 be no later than June 15th, which notification shall specify the cause
37 or causes for nonrenewal of contract. Such determination of probable

1 cause for certificated employees, other than the superintendent, shall
2 be made by the superintendent. Such notice shall be served upon the
3 employee personally, or by certified or registered mail, or by leaving
4 a copy of the notice at the house of his or her usual abode with some
5 person of suitable age and discretion then resident therein. Every
6 such employee so notified, at his or her request made in writing and
7 filed with the president, chair or secretary of the board of directors
8 of the district within ten days after receiving such notice, shall be
9 granted opportunity for hearing pursuant to RCW 28A.405.310 to
10 determine whether there is sufficient cause or causes for nonrenewal of
11 contract: PROVIDED, That any employee receiving notice of nonrenewal
12 of contract due to an enrollment decline or loss of revenue may, in his
13 or her request for a hearing, stipulate that initiation of the
14 arrangements for a hearing officer as provided for by RCW
15 28A.405.310(4) shall occur within ten days following July 15 rather
16 than the day that the employee submits the request for a hearing. If
17 any such notification or opportunity for hearing is not timely given,
18 the employee entitled thereto shall be conclusively presumed to have
19 been reemployed by the district for the next ensuing term upon
20 contractual terms identical with those which would have prevailed if
21 his or her employment had actually been renewed by the board of
22 directors for such ensuing term.

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

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

30 Any certificated employee of a school district employed as an
31 assistant superintendent, director, principal, assistant principal,
32 coordinator, or in any other supervisory or administrative position,
33 hereinafter in this section referred to as "administrator", shall be
34 subject to transfer, at the expiration of the term of his or her
35 employment contract, to any subordinate certificated position within
36 the school district. "Subordinate certificated position" as used in

1 this section, shall mean any administrative or nonadministrative
2 certificated position for which the annual compensation is less than
3 the position currently held by the administrator.

4 Every superintendent determining that the best interests of the
5 school district would be served by transferring any administrator to a
6 subordinate certificated position shall notify that administrator in
7 writing on or before May 15th preceding the commencement of such school
8 term of that determination, or if the omnibus appropriations act has
9 not passed the legislature by May 15th, then notification shall be no
10 later than June 15th, which notification shall state the reason or
11 reasons for the transfer, and shall identify the subordinate
12 certificated position to which the administrator will be transferred.
13 Such notice shall be served upon the administrator personally, or by
14 certified or registered mail, or by leaving a copy of the notice at the
15 place of his or her usual abode with some person of suitable age and
16 discretion then resident therein.

17 Every such administrator so notified, at his or her request made in
18 writing and filed with the president or chair, or secretary of the
19 board of directors of the district within ten days after receiving such
20 notice, shall be given the opportunity to meet informally with the
21 board of directors in an executive session thereof for the purpose of
22 requesting the board to reconsider the decision of the superintendent.
23 Such board, upon receipt of such request, shall schedule the meeting
24 for no later than the next regularly scheduled meeting of the board,
25 and shall notify the administrator in writing of the date, time and
26 place of the meeting at least three days prior thereto. At such
27 meeting the administrator shall be given the opportunity to refute any
28 facts upon which the determination was based and to make any argument
29 in support of his or her request for reconsideration. The
30 administrator and the board may invite their respective legal counsel
31 to be present and to participate at the meeting. The board shall
32 notify the administrator in writing of its final decision within ten
33 days following its meeting with the administrator. No appeal to the
34 courts shall lie from the final decision of the board of directors to
35 transfer an administrator to a subordinate certificated position:
36 PROVIDED, That in the case of principals such transfer shall be made at
37 the expiration of the contract year and only during the first three
38 consecutive school years of employment as a principal by a school

1 district; except that if any such principal has been previously
2 employed as a principal by another school district in the state of
3 Washington for three or more consecutive school years the provisions of
4 this section shall apply only to the first full school year of such
5 employment.

6 This section applies to any person employed as an administrator by
7 a school district on June 25, 1976, and to all persons so employed at
8 any time thereafter, except that section 302 of this act applies to
9 persons first employed after the effective date of this section as a
10 principal by a school district meeting the criteria of section 302 of
11 this act. This section provides the exclusive means for transferring
12 an administrator subject to this section to a subordinate certificated
13 position at the expiration of the term of his or her employment
14 contract.

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

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

1 In the event any such notice or opportunity for hearing is not
2 timely given, or in the event cause for discharge or other adverse
3 action is not established by a preponderance of the evidence at the
4 hearing, such employee shall not be discharged or otherwise adversely
5 affected in his or her contract status for the causes stated in the
6 original notice for the duration of his or her contract.

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

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

14 **PART IV**
15 **ENCOURAGING INNOVATIONS**

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

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

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

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

29 (3)(a) The actual average salary paid to certificated instructional
30 staff shall not exceed the district's average certificated
31 instructional staff salary used for the state basic education
32 allocations for that school year as determined pursuant to RCW
33 28A.150.410.

34 (b) Fringe benefit contributions for certificated instructional
35 staff shall be included as salary under (a) of this subsection only to
36 the extent that the district's actual average benefit contribution

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

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

18 (4) Salaries and benefits for certificated instructional staff may
19 exceed the limitations in subsection (3) of this section only by
20 separate contract for additional time, for additional responsibilities,
21 ~~((or))~~ for incentives, or for implementing specific measurable
22 innovative activities, including professional development, specified by
23 the school district to: (a) Close one or more achievement gaps, (b)
24 focus on development of science, technology, engineering, and
25 mathematics (STEM) learning opportunities, or (c) provide arts
26 education. Beginning September 1, 2011, school districts shall
27 annually provide a brief description of the innovative activities
28 included in any supplemental contract to the office of the
29 superintendent of public instruction. The office of the superintendent
30 of public instruction shall summarize the district information and
31 submit an annual report to the education committees of the house of
32 representatives and the senate. Supplemental contracts shall not cause
33 the state to incur any present or future funding obligation.
34 Supplemental contracts shall be subject to the collective bargaining
35 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,
36 shall not exceed one year, and if not renewed shall not constitute
37 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.
38 No district may enter into a supplemental contract under this

1 subsection for the provision of services which are a part of the basic
2 education program required by Article IX, section 3 of the state
3 Constitution.

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

6 **PART V**

7 **EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION**

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

10 (1) Beginning with the 2011-12 school year, all professional
11 educator standards board-approved teacher preparation programs must
12 administer to all preservice candidates the evidence-based assessment
13 of teaching effectiveness adopted by the professional educator
14 standards board. The professional educator standards board shall adopt
15 rules that establish a date during the 2012-13 school year after which
16 candidates completing teacher preparation programs must successfully
17 pass this assessment. Assessment results from persons completing each
18 preparation program must be reported annually by the professional
19 educator standards board to the governor and the education and fiscal
20 committees of the legislature by December 1st.

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

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

26 (b) Related clerical and administrative activities; or

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

28 (3) Candidates for residency certification who are required to
29 successfully complete the assessment under this section, and who are
30 charged a fee for the assessment by a third party contracted with under
31 this section, shall pay the fee charged by the contractor directly to
32 the contractor. Such fees shall be reasonably related to the actual
33 costs of the contractor in providing the assessment.

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

1 (1) By September 30, 2010, the professional educator standards
2 board shall review and revise teacher and administrator preparation
3 program approval standards and proposal review procedures at the
4 residency certificate level to ensure they are rigorous and appropriate
5 standards for an expanded range of potential providers, including
6 community college and nonhigher education providers. All approved
7 providers must adhere to the same standards and comply with the same
8 requirements.

9 (2) Beginning September 30, 2010, the professional educator
10 standards board must accept proposals for community college and
11 nonhigher education providers of educator preparation programs.
12 Proposals must be processed and considered by the board as
13 expeditiously as possible.

14 (3) By September 1, 2011, all professional educator standards
15 board- approved residency teacher preparation programs at institutions
16 of higher education as defined in RCW 28B.10.016 not currently a
17 partner in an alternative route program approved by the professional
18 educator standards board must submit to the board a proposal to offer
19 one or more of the alternative route programs that meet the
20 requirements of RCW 28A.660.020 and 28A.660.040.

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

23 (1) ~~((Each))~~ The professional educator standards board shall
24 transition the alternative route partnership grant program from a
25 separate competitive grant program to a preparation program model to be
26 expanded among approved preparation program providers. Alternative
27 routes are partnerships between professional educator standards board-
28 approved preparation programs, Washington school districts, and other
29 partners as appropriate.

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

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

- 1 (b) The estimated number of candidates that will be enrolled per
2 route;
- 3 (c) An identification, indication of commitment, and description of
4 the role of approved teacher preparation programs (~~(that are)~~) and
5 partnering (~~(with the)~~) district or consortia of districts;
- 6 (d) An assurance (~~(of)~~) that the district (~~(provision of)~~) or
7 approved preparation program provider will provide adequate training
8 for mentor teachers (~~(either through participation in a state mentor~~
9 ~~training academy or district provided training that meets state~~
10 ~~established mentor training standards)~~) specific to the mentoring of
11 alternative route candidates;
- 12 (e) An assurance that significant time will be provided for mentor
13 teachers to spend with the alternative route teacher candidates
14 throughout the internship. Partnerships must provide each candidate
15 with intensive classroom mentoring until such time as the candidate
16 demonstrates the competency necessary to manage the classroom with less
17 intensive supervision and guidance from a mentor;
- 18 (f) A description of the rigorous screening process for applicants
19 to alternative route programs, including entry requirements specific to
20 each route, as provided in RCW 28A.660.040; (~~and~~)
- 21 (g) A summary of procedures that provide flexible completion
22 opportunities for candidates to achieve a residency certificate; and
- 23 (h) The design and use of a teacher development plan for each
24 candidate. The plan shall specify the alternative route coursework and
25 training required of each candidate and shall be developed by comparing
26 the candidate's prior experience and coursework with the state's new
27 performance-based standards for residency certification and adjusting
28 any requirements accordingly. The plan may include the following
29 components:
- 30 (i) A minimum of one-half of a school year, and an additional
31 significant amount of time if necessary, of intensive mentorship during
32 field experience, starting with full-time mentoring and progressing to
33 increasingly less intensive monitoring and assistance as the intern
34 demonstrates the skills necessary to take over the classroom with less
35 intensive support. (~~(For route one and two candidates,)~~) Before the
36 supervision is diminished, the mentor of the teacher candidate at the
37 school and the supervisor of the teacher candidate from the (~~(higher~~
38 ~~education)~~) teacher preparation program must both agree that the

1 teacher candidate is ready to manage the classroom with less intensive
2 supervision(~~((For route three and four candidates, the mentor of the~~
3 ~~teacher candidate shall make the decision))~~);

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

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

9 (iv) A description of strategies for assessing candidate
10 performance on the benchmarks;

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

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

17 (vii) A description of how the district intends for the alternative
18 route program to support its workforce development plan and how the
19 presence of alternative route interns will advance its school
20 improvement plans.

21 ~~((+2))~~ (3) To the extent funds are appropriated for this purpose,
22 ~~((districts))~~ alternative route programs may apply for program funds to
23 pay stipends to trained mentor teachers of interns during the mentored
24 internship. The per intern amount of mentor stipend provided by state
25 funds shall not exceed five hundred dollars.

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

28 ~~((Partnership grants funded))~~ Alternative route programs under this
29 chapter shall operate one to four specific route programs. Successful
30 completion of the program shall make a candidate eligible for residency
31 teacher certification. ~~((For route one and two candidates,))~~ The
32 mentor of the teacher candidate at the school and the supervisor of the
33 teacher candidate from the ((higher education)) teacher preparation
34 program must both agree that the teacher candidate has successfully
35 completed the program. ((For route three and four candidates, the
36 mentor of the teacher candidate shall make the determination that the
37 candidate has successfully completed the program.))

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

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

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

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

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

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

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

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

36 (4) (~~Partnership grant programs seeking funds to operate~~)
37 Alternative route programs operating route four programs shall enroll
38 individuals with baccalaureate degrees, who are employed in the

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

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

12 (b) Successful completion of the (~~content test, once the state~~
13 ~~content test is available~~) subject matter assessment required by RCW
14 28A.410.220(3);

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

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

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

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

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

28 Subject to the availability of amounts appropriated for these
29 purposes, the conditional scholarship programs in this chapter are
30 created under the following guidelines:

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

34 (a) To adopt necessary rules and develop guidelines to administer
35 the programs;

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

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

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

5 (a) The alternative route conditional scholarship program is
6 limited to interns of (~~the partnership grant~~) professional educator
7 standards board-approved alternative routes to teaching programs under
8 RCW 28A.660.040. For fiscal year 2011, priority must be given to
9 fiscal year 2010 participants in the alternative route partnership
10 program. In order to receive conditional scholarship awards,
11 recipients shall:

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

15 (ii) Continue to make satisfactory progress toward completion of
16 the alternative route certification program and receipt of a residency
17 teaching certificate; and

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

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

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

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

36 (iii) Receive no more than the annual amount of the scholarship,
37 not to exceed four thousand dollars, for the cost of tuition, fees, and
38 educational expenses, including books, supplies, and transportation for

1 the alternative route certification program in which the recipient is
2 enrolled. The board may adjust the annual award by the average rate of
3 tuition and fee increases at the state community and technical
4 colleges.

5 (c) The retooling to teach mathematics and science conditional
6 scholarship program is limited to current K-12 teachers (~~and~~
7 ~~individuals having an elementary education certificate but who are not~~
8 ~~employed in positions requiring an elementary education certificate as~~
9 ~~provided by RCW 28A.660.045)). In order to receive conditional~~

10 scholarship awards:

11 (i) Individuals currently employed as teachers shall pursue a
12 middle level mathematics or science, or secondary mathematics or
13 science endorsement; or

14 (ii) Individuals who are certificated with an elementary education
15 endorsement(~~(, but not employed in positions requiring an elementary~~
16 ~~education certificate,)) shall pursue an endorsement in middle level
17 mathematics or science, or both; and~~

18 (iii) Individuals shall use one of the pathways to endorsement
19 processes to receive a mathematics or science endorsement, or both,
20 which shall include passing a mathematics or science endorsement test,
21 or both tests, plus observation and completing applicable coursework to
22 attain the proper endorsement; and

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

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

31 (4) For the purpose of this chapter, a conditional scholarship is
32 a loan that is forgiven in whole or in part in exchange for service as
33 a certificated teacher employed in a Washington state K-12 public
34 school. The state shall forgive one year of loan obligation for every
35 two years a recipient teaches in a public school. Recipients who fail
36 to continue a course of study leading to residency teacher
37 certification or cease to teach in a public school in the state of

1 Washington in their endorsement area are required to repay the
2 remaining loan principal with interest.

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

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

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

14 Beginning with the 2010 school year and annually thereafter, each
15 educational service district, in cooperation with the professional
16 educator standards board, must convene representatives from school
17 districts within that region and professional educator standards board-
18 approved educator preparation programs to review district and regional
19 educator workforce data, make biennial projections of certificate
20 staffing needs, and identify how recruitment and enrollment plans in
21 educator preparation programs reflect projected need.

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

24 As part of the state needs assessment process conducted by the
25 board in accordance with RCW 28B.76.230, the board shall, in
26 collaboration with the professional educator standards board, assess
27 the need for additional ((baccalaureate)) degree and certificate
28 programs in Washington that specialize in teacher preparation ((~~in~~
29 ~~mathematics, science, and technology~~)) to meet regional or subject area
30 shortages. If the board determines that there is a need for additional
31 programs, then the board shall encourage the appropriate institutions
32 of higher education or institutional sectors to create such a program.

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

35 (1) The board must establish boundaries for service regions for

1 institutions of higher education as defined in RCW 28B.10.016
2 implementing professional educator standards board-approved educator
3 preparation programs. Regions shall be established to encourage and
4 support, not exclude, the reach of public institutions of higher
5 education across the state.

6 (2) Based on the data in the assessment in RCW 28B.76.230 and
7 28B.76.335, the board shall determine whether reasonable teacher
8 preparation program access for prospective teachers is available in
9 each region. If access is determined to be inadequate in a region, the
10 institution of higher education responsible for the region shall submit
11 a plan for meeting the access need to the board.

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

16 NEW SECTION. **Sec. 509.** In conjunction with the regional needs
17 assessments in sections 506 through 508 of this act, the council of
18 presidents shall convene an interinstitutional work group to implement
19 the plans developed under section 601, chapter 564, Laws of 2009 to
20 increase the number of mathematics and science teacher endorsements and
21 certificates. The work group must collaborate in evaluating regional
22 needs and identifying strategies to meet those needs. The council of
23 presidents shall report to the education and higher education
24 committees of the legislature on demonstrated progress toward achieving
25 outcomes identified in the plans no later than December 31, 2011.

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

28 (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1
29 & 2001 c 158 s 2;

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

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

34 (4) RCW 28A.415.125 (Network of student teaching centers) and 2006
35 c 263 s 812 & 1991 c 258 s 6;

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

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PART VI
COMMON CORE STANDARDS

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

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

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

31 (a) A detailed comparison of the provisionally adopted standards
32 and the state essential academic learning requirements as of the
33 effective date of this section, including the comparative level of
34 rigor and specificity of the standards and the implications of any
35 identified differences; and

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

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

8 **PART VII**
9 **PARENTS AND COMMUNITY**

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

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

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

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

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

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

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

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

36 (3) The superintendent of public instruction shall develop by June
37 30, 1994, and update periodically, a model report form, which shall
38 also be adapted for computers, that schools may use to meet the

1 requirements of subsections (1) and (2) of this section. In order to
2 make school performance reports broadly accessible to the public, the
3 superintendent of public instruction, to the extent feasible, shall
4 make information on each school's report available on or through the
5 superintendent's internet web site.

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

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

21 **PART VIII**
22 **COLLECTIVE BARGAINING**

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

25 (1) A public employer shall have the authority to engage in
26 collective bargaining with the exclusive bargaining representative and
27 no public employer shall refuse to engage in collective bargaining with
28 the exclusive bargaining representative(~~(:—PROVIDED, That nothing~~
29 ~~contained herein shall require any)).~~ However, a public employer is
30 not required to bargain collectively with any bargaining representative
31 concerning any matter which by ordinance, resolution, or charter of
32 said public employer has been delegated to any civil service commission
33 or personnel board similar in scope, structure, and authority to the
34 board created by chapter 41.06 RCW.

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

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

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

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

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

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

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

31 (1) Either an employer or an exclusive bargaining representative
32 may declare that an impasse has been reached between them in collective
33 bargaining and may request the commission to appoint a mediator for the
34 purpose of assisting them in reconciling their differences and
35 resolving the controversy on terms which are mutually acceptable. If

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

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

33 The fact finder, within five days after his appointment, shall meet
34 with the parties or their representatives, or both, either jointly or
35 separately, and make inquiries and investigations, hold hearings, and
36 take such other steps as he may deem appropriate. For the purpose of
37 such hearings, investigations and inquiries, the fact finder shall have
38 the power to issue subpoenas requiring the attendance and testimony of

1 witnesses and the production of evidence. If the dispute is not
2 settled within ten days after his appointment, the fact finder shall
3 make findings of fact and recommend terms of settlement within thirty
4 days after his appointment, which recommendations shall be advisory
5 only.

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

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

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

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

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

27 **PART IX**

28 **CLOSING THE ACHIEVEMENT GAP**

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

31 (1) An achievement gap oversight and accountability committee is
32 created to synthesize the findings and recommendations from the 2008
33 achievement gap studies into an implementation plan, and to recommend
34 policies and strategies to the superintendent of public instruction,
35 the professional educator standards board, and the state board of
36 education to close the achievement gap.

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

3 (a) Supporting and facilitating parent and community involvement
4 and outreach;

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

7 (c) Expanding pathways and strategies to prepare and recruit
8 diverse teachers and administrators;

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

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

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

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

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

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

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

26 (b) One additional member of the house of representatives appointed
27 by the speaker of the house and one additional member of the senate
28 appointed by the president of the senate;

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

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

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

35 (f) Four members appointed by the governor in consultation with the
36 state ethnic commissions, who represent the following populations:
37 African-Americans, Hispanic Americans, Asian Americans, and Pacific
38 Islander Americans.

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

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

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

14 (8) The superintendent of public instruction, the state board of
15 education, the professional educator standards board, and the quality
16 education council shall work collaboratively with the achievement gap
17 oversight and accountability committee to close the achievement gap.

18 **PART X**

19 **MISCELLANEOUS PROVISIONS**

20 NEW SECTION. **Sec. 1001.** RCW 28A.305.225 is recodified as a
21 section in the chapter created in section 1002 of this act.

22 NEW SECTION. **Sec. 1002.** Sections 101 through 110 and 112 through
23 114 of this act constitute a new chapter in Title 28A RCW."

24 Correct the title.

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