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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6455**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Rivers, Conway, and McAuliffe)

AN ACT Relating to expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts; amending RCW 43.88C.010, 28A.660.050, 28A.410.250, and 28B.15.558; adding a new section to chapter 41.32 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 43.131 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature acknowledges that the state is facing an unpreceded shortage of teachers and substitute teachers. According to a study by the professional educator standards board, nearly half of all new teachers leave the workforce within the first five years of teaching. The legislature recognizes that strengthening the educator workforce is essential to successfully implement ongoing educational reforms and increase student achievement. In order to accomplish this, the legislature finds an immediate need for allowing retired teachers to reenter the workforce without penalty of pension benefits, adequate student enrollment forecasting, additional funding for the alternative routes and educator retooling programs, and enhancements to recruitment.

**PART I**

**RETURNING TEACHERS**

NEW SECTION. **Sec.**  The legislature recognizes that there is a temporary shortage of substitute teachers available to some school districts, in part because of the change in early retirement provisions that restricted the ability of some retired teachers choosing the alternate early retirement provisions that first became available to members of the teachers' retirement system during 2008. For a limited period during which school districts will have the opportunity to adjust to the more limited availability of retired teachers as substitutes, the legislature shall provide a temporary increase in postretirement employment opportunities while also receiving pension benefits for retired teachers who choose to serve in an instructional capacity for approximately the number of hours that would permit a substitute teacher to work full-time for ninety days.

NEW SECTION. **Sec.**  A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.141 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer that has documented a shortage of certificated substitute teachers for up to six hundred thirty hours per school year without suspension of his or her benefit, provided that: (1) The retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section, (2) the retired teacher is employed exclusively as a substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49), and (3) the employing school district compensates the district's substitute teachers at a level that is at least equal to the full daily amount allocated by the state to the district for substitute teacher compensation.

**PART II**

**STUDENT ENROLLMENT FORECASTING**

**Sec.**  RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, ((~~the common school system,~~)) long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW 43.215.405, to participate in, and the number of children actually served by, the early childhood education and assistance program; and

(d) The number of persons expected to meet entitlement requirements in the common school system, by school district and in total statewide. In determining district level forecasts, the council must consider a geographic information system solution and providing districts the ability to adjust the final forecast. Forecasting entitlement requirements in the common school system at the district level is subject to appropriations specifically provided for this purpose.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

**PART III**

**"GROW YOUR OWN" TEACHERS**

**Sec.**  RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

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

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

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

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

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

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

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

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

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

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

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

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

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

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

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((~~,~~)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((~~,~~)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((~~,~~)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

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

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

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

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

(7)(a) Additional eligible teacher certification areas may be awarded by the professional educator standards board for the pipeline for paraeducators conditional scholarship program provided in subsection (2)(b) of this section. These additional teacher certification areas are bilingual education, elementary education, computer science education, and early childhood education.

(b) Additional eligible teacher certification areas may be awarded by the professional educator standards board for the educator retooling conditional scholarship program provided in subsection (2)(c) of this section. These additional teacher certification areas are elementary education and early childhood education.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.660 RCW to read as follows:

(1) This section is the state spending performance statement for the expansion of the alternative route conditional scholarships provided in RCW 28A.660.050(7). This performance statement is intended only to be used for subsequent evaluation of the expansion of this program for expanded scholarships provided for bilingual education, elementary education, computer science education, and early childhood education endorsements. It is not intended to create a private right of action by any party or be used to determine eligibility for the services provided by the program.

(2) It is the legislature's specific public policy objective to increase in-state production of certificated teachers in bilingual education, elementary education, computer science education, and early childhood education at the state's institutions of higher education. By expanding the alternative route conditional scholarships for the endorsement areas, the legislature intends to achieve the following outcomes:

(a) Reduce statewide teacher shortages in grades kindergarten through three, computer science, and bilingual instruction;

(b) Increase applications for the alternative route conditional scholarships for the bilingual education, elementary education, computer science education, and early childhood education certifications;

(c) Attract candidates who are successfully employed in the education field for more than five years; and

(d) Determine which state-funded teacher preparation scholarship program, the alternative route conditional scholarship, or the future teachers scholarship, provided the most successful teacher applicants.

(3) If a review by the joint legislative audit and review committee finds that the multiple outcomes identified in subsection (2) of this section have been achieved, then the legislature intends to extend the expiration of the expansion of the bilingual education, elementary education, computer science education, and early childhood education endorsements in the alternative route conditional scholarship program.

(4) In order for the joint legislative audit and review committee to obtain the data necessary to review the performance of the scholarships provided in RCW 28A.660.050(7), the joint legislative audit and review committee may require the professional educator standards board to collect and quantify the information and data required for the joint legislative audit and review committee. The joint legislative audit and review committee may also survey recipients of the scholarships, and school districts.

(5) No later than January 1, 2026, the joint legislative audit and review committee must review the program expanded by chapter . . ., Laws of 2016 (this act), determine its effectiveness, and provide a recommendation to the fiscal committees of the legislature as to whether the program should be continued without modification, modified, scheduled for sunset review at a future date, or terminated immediately. If the committee determines that the program does not achieve any of the outcomes specified in subsection (2) of this section, the committee shall recommend termination of the expanded endorsements provided. The committee may recommend accountability standards for the future review of the spending program.

(6) This section expires July 1, 2026.

**PART IV**

**TEACHER RECRUITMENT**

**Sec.**  RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Except as provided in section 402 of this act, identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ((~~to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements~~)). A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds a valid teaching certificate issued by the national board for professional teaching standards; and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

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

In addition to the requirements in RCW 28A.410.250(8), a professional certificate must be issued to a teacher if:

(1) The teacher has a continuing or advanced level certificate from another state, or that state's equivalent, issued by the other state; or

(2) The teacher has a continuing or advanced level certificate that allows the individual to teach internationally.

NEW SECTION. **Sec.**  A new section is added to chapter 43.131 RCW to read as follows:

The professional certification standards for out-of-state teachers, as established in section 402 of this act, are terminated on June 30, 2021, as provided in section 404 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.131 RCW to read as follows:

Section 402 of this act, as now existing or hereafter amended, is repealed, effective June 30, 2022.

NEW SECTION. **Sec.**  (1) Subject to appropriations specifically provided for this purpose, the office of the superintendent of public instruction, in consultation with school districts, educational service districts, and other state agencies, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the office of the superintendent of public instruction, in partnership with the employment security department, shall:

(a) Develop and implement a teacher recruitment campaign that targets individuals with teaching certificates who are not employed as teachers, undergraduate college students who have not chosen a major, out-of-state teachers, military personnel and their spouses, and other groups of individuals who may be interested in teaching in Washington public schools;

(b) Incorporate certificated positions into the employment security department's existing web-based depository for job applications that allows for access by school districts in the state for purposes of hiring teachers and other certificated positions; and

(c) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington.

(2) This section expires July 1, 2018.

**PART V**

**TUITION WAIVERS**

**Sec.**  RCW 28B.15.558 and 2015 c 55 s 221 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section and teachers ((~~and~~)), other certificated instructional staff under subsection (3) of this section, and K-12 classified staff under subsection (4) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

(4) The waivers available under this section shall also be available to classified staff employed at public common and vocational schools when used for coursework relevant to the work assignment.

(5) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

((~~(5)~~)) (6) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

((~~(6)~~)) (7) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more.

**PART VI**

**MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec.**  Sections 101 and 102 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec.**  Section 301 of this act expires July 1, 2026.

**--- END ---**