
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5625

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles; by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

READ FIRST TIME 03/30/01.

1 AN ACT Relating to an academic achievement and accountability
2 system; amending RCW 28A.655.030, 28A.300.040, 28A.505.120,
3 28A.400.010, 28A.400.030, 28A.400.100, 28A.400.300, 28A.405.210,
4 28A.405.220, 28A.405.230, 28A.150.020, 28A.320.010, 28A.320.015,
5 28A.320.035, 28A.315.005, 28A.315.015, 28A.315.025, 28A.225.210,
6 28A.225.270, and 41.59.910; reenacting and amending RCW 28A.225.220;
7 adding new sections to chapter 28A.655 RCW; adding a new section to
8 chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; creating
9 new sections; repealing RCW 28A.655.035 and 28A.655.050; and providing
10 an effective date.

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

12 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that
13 Washington's educators have made significant progress in preparing
14 students for successful and productive lives in the twenty-first
15 century.

16 The legislature further finds the need for an effective
17 accountability system to help fulfill the promise of statewide school
18 improvement efforts for all Washington students. The legislature
19 recognizes that all stakeholders in Washington's public education

1 system share in the responsibility for an effective accountability
2 system, including educators, students, parents, the community, and
3 state policymakers. An effective accountability system should inform,
4 support, and motivate, as well as require achievement of the state's
5 learning goals.

6 The legislature further finds that the goals of this accountability
7 system are to promote learning and achievement of the goals and
8 academic standards for all students as measured by the elementary,
9 middle, and high school criterion-referenced and norm-referenced
10 assessments; to acknowledge the challenges faced by students and
11 educators in achieving these goals; and to help support schools
12 addressing these challenges.

13 The legislature further finds that an effective accountability
14 system should encourage educators to work in schools facing these
15 challenges. Districts and schools should be measured for continuous
16 improvement over time against their own baseline, not against the
17 performance of other schools.

18 The legislature further finds that the accountability system should
19 rely on local responsibility and leadership. State-level
20 responsibility should emphasize assistance, technical support, and
21 monitoring. At the same time, the legislature finds that state
22 intervention may be necessary in schools that show no progress in
23 student achievement and improvement in student learning over time. In
24 such cases, the state must have the capacity to intervene effectively
25 on behalf of students.

26 NEW SECTION. **Sec. 2.** This act shall be known as the K-12 academic
27 achievement and accountability act. The act provides the authority and
28 a timeline for school districts to assist schools within the district
29 to improve student learning under a school improvement plan; the
30 authority and a timeline for the superintendent of public instruction
31 and the academic achievement and accountability commission to assist
32 schools to improve student learning under a performance agreement; and
33 the authority and a timeline for the superintendent of public
34 instruction and the academic achievement and accountability commission
35 to intervene in schools that show no progress in improving student
36 learning.

1 **Sec. 3.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to
2 read as follows:

3 The powers and duties of the academic achievement and
4 accountability commission shall include, but are not limited to the
5 following:

6 (1) For purposes of statewide accountability, the commission shall:

7 (a) Adopt and revise performance improvement goals in reading,
8 writing, science, and mathematics by subject and grade level as the
9 commission deems appropriate to improve student learning, once
10 assessments in these subjects are required statewide. The goals shall
11 be in addition to any goals adopted in RCW 28A.655.050. The commission
12 may also revise any goal adopted in RCW 28A.655.050. The commission
13 may adopt and revise goals for dropout rates and reduction of dropout
14 rates for middle schools, junior high schools, and high schools. The
15 commission may adopt and revise goals designed to accelerate the
16 achievement of students from various racial, ethnic, and socioeconomic
17 backgrounds who are disproportionately academically underachieving.
18 The commission shall adopt the goals by rule. However, before each
19 goal is implemented, the commission shall present the goal to the
20 education committees of the house of representatives and the senate for
21 the committees' review and comment in a time frame that will permit the
22 legislature to take statutory action on the goal if such action is
23 deemed warranted by the legislature;

24 (b) Identify the scores students must achieve in order to meet the
25 standard on the Washington assessment of student learning and determine
26 student scores that identify levels of student performance below and
27 beyond the standard. The commission shall set such performance
28 standards and levels in consultation with the superintendent of public
29 instruction and after consideration of any recommendations that may be
30 developed by any advisory committees that may be established for this
31 purpose;

32 (c) Adopt objective, systematic criteria to identify successful
33 schools and school districts and recommend to the superintendent of
34 public instruction schools and districts to be recognized for two types
35 of accomplishments, student achievement and improvements in student
36 achievement. Recognition for improvements in student achievement shall
37 include consideration of one or more of the following accomplishments:

38 (i) An increase in the percent of students meeting standards. The
39 level of achievement required for recognition may be based on the

1 achievement goals established by the legislature under RCW 28A.655.050
2 and the commission under (a) of this subsection;

3 (ii) Positive progress on an improvement index that measures
4 improvement in all levels of the assessment; and

5 (iii) Improvements despite challenges such as high levels of
6 mobility, poverty, English as a second language learners, and large
7 numbers of students in special populations as measured by either the
8 percent of students meeting the standard, or the improvement index.

9 When determining the baseline year or years for recognizing
10 individual schools, the commission may use the assessment results from
11 the initial years the assessments were administered, if doing so with
12 individual schools would be appropriate;

13 (d) Adopt objective, systematic criteria to be used by school
14 districts under section 4 of this act to identify schools ((and school
15 districts)) in need of assistance ((and those)) in which significant
16 numbers of students persistently fail to meet state standards. Adopt
17 objective, systematic criteria to be used by the superintendent of
18 public instruction and the academic achievement and accountability
19 commission under section 5 or 6 of this act, to identify schools that
20 have shown no progress in improving student learning under the school
21 improvement plan and have the highest need of assistance. In its
22 deliberations, the commission shall consider the use of all statewide
23 mandated criterion-referenced and norm-referenced standardized tests;

24 (e) Adopt objective, systematic criteria to identify schools and
25 school districts in which state intervention measures will be needed
26 ((and a range of appropriate intervention strategies, beginning no
27 earlier than June 30, 2001, and after the legislature has authorized a
28 set of intervention strategies. Beginning no earlier than June 30,
29 2001, and after the legislature has authorized a set of intervention
30 strategies, at the request of the commission, the superintendent shall
31 intervene in the school or school district and take corrective actions.
32 This chapter does not provide additional authority for the commission
33 or the superintendent of public instruction to intervene in a school or
34 school district)) in accordance with section 7 of this act;

35 (f) Review state interventions that have taken place in other
36 states and identify state interventions that have been successful;

37 (g) Identify performance incentive systems that have improved or
38 have the potential to improve student achievement;

1 (~~(g)~~) (h) Annually review the assessment reporting system to
2 ensure fairness, accuracy, timeliness, and equity of opportunity,
3 especially with regard to schools with special circumstances and unique
4 populations of students, and a recommendation to the superintendent of
5 public instruction of any improvements needed to the system;

6 (~~(h)~~) (i) Annually report by December 1st to the legislature, the
7 governor, the superintendent of public instruction, and the state board
8 of education on the progress, findings, and recommendations of the
9 commission. The report may include recommendations of actions to help
10 improve student achievement;

11 (~~(i)~~) (j) By December 1, 2000, and by December 1st annually
12 thereafter, report to the education committees of the house of
13 representatives and the senate on the progress that has been made in
14 achieving the reading goal under RCW 28A.655.050 and any additional
15 goals adopted by the commission;

16 (~~(j)~~) (k) Coordinate its activities with the state board of
17 education and the office of the superintendent of public instruction;

18 (~~(k)~~) (l) Seek advice from the public and all interested
19 educational organizations in the conduct of its work; and

20 (~~(l)~~) (m) Establish advisory committees, which may include
21 persons who are not members of the commission;

22 (2) Holding meetings and public hearings, which may include
23 regional meetings and hearings;

24 (3) Hiring necessary staff and determining the staff's duties and
25 compensation. However, the office of the superintendent of public
26 instruction shall provide staff support to the commission until the
27 commission has hired its own staff, and shall provide most of the
28 technical assistance and logistical support needed by the commission
29 thereafter. The office of the superintendent of public instruction
30 shall be the fiscal agent for the commission. The commission may direct
31 the office of the superintendent of public instruction to enter into
32 subcontracts, within the commission's resources, with school districts,
33 teachers, higher education faculty, state agencies, business
34 organizations, and other individuals and organizations to assist the
35 commission in its deliberations; and

36 (4) Receiving per diem and travel allowances as permitted under RCW
37 43.03.050 and 43.03.060.

1 NEW SECTION. **Sec. 4.** NEEDS ASSESSMENT AND SCHOOL IMPROVEMENT

2 PLAN. (1)(a) Beginning September 2001, and each September thereafter,
3 each school district shall use the criteria established by the academic
4 achievement and accountability commission under RCW 28A.655.030 to
5 annually analyze student assessment results in elementary, middle, and
6 junior high schools within the district. The analysis shall include,
7 but not be limited to, consideration of the levels of student
8 achievement and levels of improvement on statewide criterion-referenced
9 and norm-referenced assessments. The purposes of the analysis shall be
10 to identify successful schools and to identify schools in need of
11 assistance.

12 (b) Beginning September 2003, and each September thereafter, each
13 school district shall use the criteria established by the academic
14 achievement and accountability commission under RCW 28A.655.030 to
15 annually analyze student assessment results in all schools within the
16 district. The analysis shall include, but not be limited to,
17 consideration of the levels of student achievement and levels of
18 improvement on statewide criterion-referenced and norm-referenced
19 assessments. The purposes of the analysis shall be to identify
20 successful schools and to identify schools in need of assistance.

21 (2) Based on the results of the school district's analysis
22 conducted pursuant to subsection (1) of this section, if the school
23 district identifies a school within the district as a school in need of
24 assistance the school district shall conduct a needs assessment of the
25 school. The needs assessment shall analyze multiple indicators
26 including, but not limited to:

27 (a) The student achievement from school, district, and statewide
28 assessments;

29 (b) The improvement in student achievement and student learning
30 over time;

31 (c) The current allocation, distribution, and use of existing
32 resources;

33 (d) The current alignment of the school's curriculum and
34 instruction with the goals and standards of the Washington assessment
35 of student learning;

36 (e) Student mobility and poverty indicators;

37 (f) Attendance rates;

38 (g) Dropout and graduation rates, if applicable and available;

39 (h) Posthigh school indicators, if applicable and available;

- 1 (i) Percent of students in special programs;
2 (j) School climate and safety indicators;
3 (k) Other barriers to student learning; and
4 (l) Other information submitted by the school and school district.

5 (3) Based on the results of the needs assessment conducted pursuant
6 to subsection (2) of this section, a school improvement plan shall be
7 developed or revised by the school employees and principal in
8 consultation with the school district. The plan shall be developed
9 with the input of the students (when appropriate), parents, and the
10 community. The improvement plan shall include, but not be limited to:

- 11 (a) Student learning and achievement goals and expectations;
12 (b) How existing funds will be used more effectively; and
13 (c) How instruction and curriculum will be realigned to improve
14 student learning.

15 The plan may include a request of waivers of state laws or local
16 policies and agreements if a waiver is necessary to improve student
17 learning and to implement the improvement plan and the employee
18 bargaining representative organizations show evidence of support of the
19 waiver. Waivers of state laws that are available prior to January 1,
20 2001, shall be obtained under an expedited decision-making process.
21 Other waivers are contained in sections 12 through 20 and 27 through 29
22 of this act.

23 (4) The completed school improvement plan shall be presented at a
24 public meeting.

25 (5) School districts shall have one school year to complete the
26 needs assessments and to develop the improvement plans.

27 (6) Each school district shall annually report to the
28 superintendent of public instruction and the academic achievement and
29 accountability commission on the local efforts and the results of the
30 school improvement plans developed or revised under subsection (3) of
31 this section.

32 NEW SECTION. **Sec. 5. NEEDS ASSESSMENT AND PERFORMANCE AGREEMENT.**

33 (1)(a) Beginning September 2003, the superintendent of public
34 instruction shall annually review and analyze the reports submitted
35 under section 4 of this act by the school districts. Until 2005, the
36 analysis shall be conducted on only the elementary, middle, and junior
37 high schools in the report and shall include, but not be limited to,
38 consideration of the levels of student achievement and the levels of

1 student improvement on the criterion-referenced and norm-referenced
2 assessments achieved under the local school improvement plan.

3 (b) Beginning September 2005, the superintendent of public
4 instruction shall annually review and analyze the reports submitted
5 under section 4 of this act by the school districts for all the schools
6 in the report. The analysis shall include, but not be limited to,
7 consideration of the levels of student achievement and the levels of
8 student improvement on the criterion-referenced and norm-referenced
9 assessments achieved under the local school improvement plan.

10 (2) The superintendent of public instruction shall use the analysis
11 under subsection (1) of this section of the local school district
12 reports and the criteria established by the commission under RCW
13 28A.655.030 to annually identify schools that have shown no progress in
14 improving student learning. The superintendent shall recommend to the
15 commission and the commission shall determine which schools shall be
16 prioritized as having the highest need for assistance.

17 (3) Beginning September 2003, if the commission determines that a
18 school is eligible for assistance under subsection (2) of this section
19 then the superintendent shall notify the school district within which
20 the eligible school is located of such eligibility.

21 (4) School districts with a school that is eligible for assistance
22 may request assistance under this section by notifying the
23 superintendent of public instruction by October 1st. If an eligible
24 school district requests assistance then the superintendent, or the
25 superintendent's designee, shall conduct a full needs assessment. The
26 superintendent or the superintendent's designee shall seek input from
27 the school employees, students (when appropriate), parents, and the
28 community. The needs assessment shall analyze multiple indicators
29 including, but not limited to:

30 (a) Student achievement from school, district, and statewide
31 assessments;

32 (b) Improvement in student achievement and learning over time;

33 (c) Current allocation, distribution, and use of existing
34 resources;

35 (d) Student mobility and poverty indicators;

36 (e) Attendance rates;

37 (f) Dropout and graduation rates, if applicable and available;

38 (g) Posthigh school indicators, if applicable and available;

39 (h) Percent of students in special programs;

- 1 (i) School climate and safety indicators;
- 2 (j) Other barriers to student learning; and
- 3 (k) Other information submitted by the school and school district.

4 (5) Based on the needs assessment, the superintendent of public
5 instruction, or the superintendent's designee, and the eligible school
6 district requesting assistance shall jointly negotiate the terms of a
7 performance agreement to address the barriers to the improvement of
8 student learning identified by the needs assessment. Any assistance
9 provided under the terms of the performance agreement shall be limited
10 to specific, cost-effective strategies for improving student learning,
11 or to specific promising strategies that are part of a rigorous and
12 ongoing evaluation, as stipulated in the performance agreement. Before
13 final adoption of the performance agreement, the agreement shall be
14 submitted to the commission in a time frame that permits the commission
15 to make recommendations for modifications to the agreement. The
16 duration of a performance agreement entered into under this section
17 shall be two years. The performance agreements shall include, but not
18 be limited to:

- 19 (a) Student performance goals and learning expectations;
- 20 (b) How existing funds will be used more effectively;
- 21 (c) How assistance resources, if any, will be used;
- 22 (d) How the most significant barriers to improvement will be
23 addressed;
- 24 (e) Which specific waivers, if any, of state laws or local policies
25 and agreements are needed to improve student learning and to implement
26 the performance agreement. The performance agreement may include
27 waivers of state laws or local policies and agreements if waivers are
28 necessary to improve student learning and to implement the performance
29 agreement and the employee bargaining representative organizations show
30 evidence of support of the waivers. Waivers of state laws that are
31 available prior to January 1, 2001, shall be obtained under an
32 expedited decision-making process. Other waivers are contained in
33 sections 10 through 20 and 27 through 29 of this act;
- 34 (f) Who is responsible for implementing the specific actions in the
35 agreement; and
- 36 (g) Measurable benchmarks for actions in the performance agreement
37 with a timeline for completion to determine progress.

38 (6) The superintendent of public instruction shall have one school
39 year to complete both the needs assessment under subsection (4) of this

1 section and the performance agreement under subsection (5) of this
2 section.

3 (7) Once a performance agreement has been signed by the parties,
4 the school district shall hold a public meeting to notify the public of
5 the components of the performance agreement.

6 NEW SECTION. **Sec. 6.** DIRECTED PERFORMANCE AGREEMENT. Beginning
7 September 2004, and annually thereafter, if the superintendent of
8 public instruction conducts the review and analysis under section 5 of
9 this act and determines that a school district was notified the
10 preceding year of its eligibility for assistance but declined the
11 assistance and the current analysis shows that the school still shows
12 no progress in improving student learning under the commission's
13 criteria, then the commission shall determine whether a school district
14 is identified as a school with the highest need for assistance. If the
15 school is identified as one with the highest need, the superintendent
16 of public instruction or the superintendent's designee shall conduct a
17 needs assessment and the commission shall direct the school district to
18 enter into a performance agreement following the same procedures
19 provided in section 5 of this act. The duration of a performance
20 agreement entered into under this section is one year. If the district
21 or the school fails to make a good faith effort to complete the needs
22 assessment or to enter into a performance agreement following the
23 procedures in section 5 of this act then the superintendent of public
24 instruction shall recommend to the academic achievement and
25 accountability commission that state intervention strategies be imposed
26 and shall develop an intervention plan to be implemented.

27 NEW SECTION. **Sec. 7.** PERFORMANCE AGREEMENT--EVALUATION--
28 INTERVENTIONS. (1) Beginning in July 2005, and annually thereafter, at
29 the end of the first year of a performance agreement negotiated
30 pursuant to section 5 of this act, the superintendent of public
31 instruction or the superintendent's designee shall evaluate the
32 progress on meeting the benchmarks, timelines, and other components of
33 the performance agreement. The superintendent shall report the
34 findings of the evaluation to the school district and to the academic
35 achievement and accountability commission.

36 (2) Beginning in July 2006, and annually thereafter, at the end of
37 the second year of a performance agreement negotiated pursuant to

1 section 5 of this act and at the end of the one year performance
2 agreement negotiated pursuant to section 6 of this act, the
3 superintendent of public instruction or the superintendent's designee
4 shall conduct a full evaluation using multiple sources of information
5 to determine whether each party to the performance agreement complied
6 with the components of the performance agreement; whether the
7 benchmarks, timelines, and other components of the performance
8 agreement were met; and whether student learning was improved. If
9 student learning was not improved then the superintendent or the
10 superintendent's designee shall conduct an analysis to determine why
11 student learning was not improved. The superintendent shall report the
12 findings of the evaluation and the analysis to the school district and
13 to the academic achievement and accountability commission.

14 (3) Based on the results of the evaluation and analysis performed
15 under subsection (2) of this section and using the criteria developed
16 by the commission under RCW 28A.655.030, the superintendent of public
17 instruction shall recommend and the academic achievement and
18 accountability commission shall decide whether the performance
19 agreement shall be:

- 20 (a) Ended because the agreement was successfully completed;
21 (b) Extended with existing or newly negotiated conditions; or
22 (c) Ended because more intensive intervention strategies are
23 required.

24 The commission shall report to the house of representatives and
25 senate committees on education and the superintendent of public
26 instruction shall implement more intensive intervention strategies if
27 the commission determines the following:

28 (i) The parties to the performance agreement complied with the
29 performance agreement but the school district and the school are making
30 no progress in improving student learning as determined by the criteria
31 developed by the commission under RCW 28A.655.030; and

32 (ii) The Washington assessment of student learning that is used in
33 the criteria developed by the commission in RCW 28A.655.030 has been
34 determined to be reliable and valid.

35 (4) The superintendent of public instruction shall notify the
36 school district of the intent of the academic achievement and
37 accountability commission to require more intensive intervention
38 strategies.

1 (5) If the school district intends to appeal the academic
2 achievement and accountability commission's decision to require more
3 intensive intervention strategies, the school district must notify the
4 superintendent of public instruction and the commission within ten days
5 after the superintendent notifies the district under subsection (4) of
6 this section of the intent to intervene.

7 (a) If the school district does not notify the superintendent of
8 public instruction and the commission within ten days that the district
9 intends to appeal, the superintendent of public instruction must design
10 and implement an intervention plan that addresses the improvement of
11 student learning.

12 (b) If the school district notifies the superintendent of public
13 instruction and the commission within ten days that the district
14 intends to appeal, the district shall be provided the opportunity to
15 present information to the commission within thirty days of the date
16 that the school was notified by the superintendent under subsection (4)
17 of this section. If after the appeal by the school district the
18 academic achievement and accountability commission determines that more
19 intensive strategies are required then the superintendent of public
20 instruction shall design and implement an intervention plan that
21 addresses the improvement of student learning.

22 (c) Any waiver of state laws or local policies and agreements under
23 an intervention plan shall be considered an educational policy
24 decision. If any such waiver requires a renegotiation of a collective
25 bargaining agreement, then the parties to the collective bargaining
26 agreement shall enter into bargaining subject to the procedures under
27 chapter 41.56 or 41.59 RCW, as applicable, on the effect of school-
28 specific issues for inclusion in an addendum to the collective
29 bargaining agreement. If agreement is not reached within forty-five
30 days, then the public employment relations commission shall mediate.

31 (6) The superintendent of public instruction and the academic
32 achievement and accountability commission shall report to the
33 legislature on all interventions.

34 **Sec. 8.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
35 read as follows:

36 In addition to any other powers and duties as provided by law, the
37 powers and duties of the superintendent of public instruction shall be:

- 1 (1) To have supervision over all matters pertaining to the public
2 schools of the state;
- 3 (2) To report to the governor and the legislature such information
4 and data as may be required for the management and improvement of the
5 schools;
- 6 (3) To prepare and have printed such forms, registers, courses of
7 study, rules for the government of the common schools, and such other
8 material and books as may be necessary for the discharge of the duties
9 of teachers and officials charged with the administration of the laws
10 relating to the common schools, and to distribute the same to
11 educational service district superintendents;
- 12 (4) To travel, without neglecting his or her other official duties
13 as superintendent of public instruction, for the purpose of attending
14 educational meetings or conventions, of visiting schools, of consulting
15 educational service district superintendents or other school officials;
- 16 (5) To prepare and from time to time to revise a manual of the
17 Washington state common school code, copies of which shall be provided
18 in such numbers as determined by the superintendent of public
19 instruction at no cost to those public agencies within the common
20 school system and which shall be sold at approximate actual cost of
21 publication and distribution per volume to all other public and
22 nonpublic agencies or individuals, said manual to contain Titles 28A
23 and 28C RCW, rules related to the common schools, and such other matter
24 as the state superintendent or the state board of education shall
25 determine. Proceeds of the sale of such code shall be transmitted to
26 the public printer who shall credit the state superintendent's account
27 within the state printing plant revolving fund by a like amount;
- 28 (6) To act as ex officio member and the chief executive officer of
29 the state board of education;
- 30 (7) To file all papers, reports and public documents transmitted to
31 the superintendent by the school officials of the several counties or
32 districts of the state, each year separately. Copies of all papers
33 filed in the superintendent's office, and the superintendent's official
34 acts, may, or upon request, shall be certified by the superintendent
35 and attested by the superintendent's official seal, and when so
36 certified shall be evidence of the papers or acts so certified to;
- 37 (8) To require annually, on or before the 15th day of August, of
38 the president, manager, or principal of every educational institution
39 in this state, a report as required by the superintendent of public

1 instruction; and it is the duty of every president, manager or
2 principal, to complete and return such forms within such time as the
3 superintendent of public instruction shall direct;

4 (9) To keep in the superintendent's office a record of all teachers
5 receiving certificates to teach in the common schools of this state;

6 (10) To issue certificates as provided by law;

7 (11) To keep in the superintendent's office at the capital of the
8 state, all books and papers pertaining to the business of the
9 superintendent's office, and to keep and preserve in the
10 superintendent's office a complete record of statistics, as well as a
11 record of the meetings of the state board of education;

12 (12) With the assistance of the office of the attorney general, to
13 decide all points of law which may be submitted to the superintendent
14 in writing by any educational service district superintendent, or that
15 may be submitted to the superintendent by any other person, upon appeal
16 from the decision of any educational service district superintendent;
17 and the superintendent shall publish his or her rulings and decisions
18 from time to time for the information of school officials and teachers;
19 and the superintendent's decision shall be final unless set aside by a
20 court of competent jurisdiction;

21 (13) To administer oaths and affirmations in the discharge of the
22 superintendent's official duties;

23 (14) To deliver to his or her successor, at the expiration of the
24 superintendent's term of office, all records, books, maps, documents
25 and papers of whatever kind belonging to the superintendent's office or
26 which may have been received by the superintendent's for the use of the
27 superintendent's office;

28 (15) To administer family services and programs to promote the
29 state's policy as provided in RCW 74.14A.025;

30 (16) To negotiate and implement performance agreements pursuant to
31 section 5 or 6 of this act, and develop and implement state
32 intervention strategies as authorized under section 7 of this act; and

33 (17) To perform such other duties as may be required by law.

34 **Sec. 9.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are each
35 amended to read as follows:

36 (1) If a local school district fails to comply with any binding
37 restrictions issued by the superintendent of public instruction, the
38 allocation of state funds for support of the local school district may

1 be withheld, pending an investigation of the reason for such
2 noncompliance by the office of the superintendent of public
3 instruction. Written notice of the intent to withhold state funds,
4 with reasons stated for this action, shall be made to the school
5 district by the office of the superintendent of public instruction
6 before any portion of the state allocation is withheld.

7 (2) Pursuant to an intervention plan authorized under section 7 of
8 this act, the superintendent may withhold the allocation of all or a
9 portion of nonbasic education state funds from the local school
10 district pending a determination by the superintendent that withholding
11 such funds is no longer an appropriate state intervention strategy for
12 the improvement of student learning in the affected school district.
13 Written notice of the intent to withhold such state funds, with reasons
14 stated for this action, shall be made to the school district by the
15 office of the superintendent of public instruction before any portion
16 of the state allocation is withheld.

17 **Sec. 10.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to
18 read as follows:

19 Except as what may be provided in a performance agreement under
20 section 5 or 6 of this act, or an intervention plan under section 7 of
21 this act in all districts:

22 (1) The board of directors shall elect a superintendent who shall
23 have such qualification as the local school board alone shall
24 determine. The superintendent shall have supervision over the several
25 departments of the schools thereof and carry out such other powers and
26 duties as prescribed by law.

27 (2) Notwithstanding the provisions of RCW 28A.400.300(1), the board
28 may contract with such superintendent for a term not to exceed three
29 years when deemed in the best interest of the district. The right to
30 renew a contract of employment with any school superintendent shall
31 rest solely with the discretion of the school board employing such
32 school superintendent. Regarding such renewal of contracts of school
33 superintendents the provisions of RCW 28A.405.210, 28A.405.240, and
34 28A.645.010 shall be inapplicable.

35 **Sec. 11.** RCW 28A.400.030 and 1991 c 116 s 14 are each amended to
36 read as follows:

1 In addition to such other duties as a district school board shall
2 prescribe and except as what may be provided in a performance agreement
3 under section 5 or 6 of this act, or an intervention plan under section
4 7 of this act, the school district superintendent shall:

5 (1) Attend all meetings of the board of directors and cause to have
6 made a record as to the proceedings thereof.

7 (2) Keep such records and reports and in such form as the district
8 board of directors require or as otherwise required by law or rule or
9 regulation of higher administrative agencies and turn the same over to
10 his or her successor.

11 (3) Keep accurate and detailed accounts of all receipts and
12 expenditures of school money. At each annual school meeting the
13 superintendent must present his or her record book of board proceedings
14 for public inspection, and shall make a statement of the financial
15 condition of the district and such record book must always be open for
16 public inspection.

17 (4) Give such notice of all annual or special elections as
18 otherwise required by law; also give notice of the regular and special
19 meetings of the board of directors.

20 (5) Sign all orders for warrants ordered to be issued by the board
21 of directors.

22 (6) Carry out all orders of the board of directors made at any
23 regular or special meeting.

24 **Sec. 12.** RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended
25 to read as follows:

26 School districts may employ public school principals and/or vice
27 principals to supervise the operation and management of the school to
28 which they are assigned. Such persons shall hold valid teacher and
29 administrative certificates. In addition to such other duties as shall
30 be prescribed by law (~~and~~), by the job description adopted by the
31 board of directors, and as what may be provided in an improvement plan
32 under section 4 of this act, a performance agreement under section 5 or
33 6 of this act, or an intervention plan under section 7 of this act,
34 each principal shall:

35 (1) Assume administrative authority, responsibility and
36 instructional leadership, under the supervision of the school district
37 superintendent, and in accordance with the policies of the school
38 district board of directors, for the planning, management, supervision

1 and evaluation of the educational program of the attendance area for
2 which he or she is responsible.

3 (2) Submit recommendations to the school district superintendent
4 regarding appointment, assignment, promotion, transfer and dismissal of
5 all personnel assigned to the attendance area for which he or she is
6 responsible.

7 (3) Submit recommendations to the school district superintendent
8 regarding the fiscal needs to maintain and improve the instructional
9 program of the attendance area for which he or she is responsible.

10 (4) Assume administrative authority and responsibility for the
11 supervision, counseling and discipline of pupils in the attendance area
12 for which he or she is responsible.

13 **Sec. 13.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
14 read as follows:

15 Every board of directors, unless otherwise specially provided by
16 law and except as what may be provided in an improvement plan under
17 section 4 of this act, a performance agreement under section 5 or 6 of
18 this act, or an intervention plan under section 7 of this act, shall:

19 (1) Employ for not more than one year, and for sufficient cause
20 discharge all certificated and classified employees;

21 (2) Adopt written policies granting leaves to persons under
22 contracts of employment with the school district(s) in positions
23 requiring either certification or classified qualifications, including
24 but not limited to leaves for attendance at official or private
25 institutes and conferences and sabbatical leaves for employees in
26 positions requiring certification qualification, and leaves for
27 illness, injury, bereavement and, emergencies for both certificated and
28 classified employees, and with such compensation as the board of
29 directors prescribe: PROVIDED, That the board of directors shall adopt
30 written policies granting to such persons annual leave with
31 compensation for illness, injury and emergencies as follows:

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

34 (b) For such persons under contract with the school district as
35 part time employees, at least that portion of ten days as the total
36 number of days contracted for bears to one hundred eighty days;

37 (c) For certificated and classified employees, annual leave with
38 compensation for illness, injury, and emergencies shall be granted and

1 accrue at a rate not to exceed twelve days per year; provisions of any
2 contract in force on June 12, 1980, which conflict with requirements of
3 this subsection shall continue in effect until contract expiration;
4 after expiration, any new contract executed between the parties shall
5 be consistent with this subsection;

6 (d) Compensation for leave for illness or injury actually taken
7 shall be the same as the compensation such person would have received
8 had such person not taken the leave provided in this proviso;

9 (e) Leave provided in this proviso not taken shall accumulate from
10 year to year up to a maximum of one hundred eighty days for the
11 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up
12 to a maximum of the number of contract days agreed to in a given
13 contract, but not greater than one year. Such accumulated time may be
14 taken at any time during the school year or up to twelve days per year
15 may be used for the purpose of payments for unused sick leave.

16 (f) Sick leave heretofore accumulated under section 1, chapter 195,
17 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under
18 administrative practice of school districts prior to the effective date
19 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is
20 hereby declared valid, and shall be added to leave for illness or
21 injury accumulated under this proviso;

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

27 (h) Accumulated leave under this proviso shall be transferred to
28 and from one district to another, the office of superintendent of
29 public instruction and offices of educational service district
30 superintendents and boards, to and from such districts and such
31 offices;

32 (i) Leave accumulated by a person in a district prior to leaving
33 said district may, under rules and regulations of the board, be granted
34 to such person when the person returns to the employment of the
35 district.

36 When any certificated or classified employee leaves one school
37 district within the state and commences employment with another school
38 district within the state, the employee shall retain the same
39 seniority, leave benefits and other benefits that the employee had in

1 his or her previous position: PROVIDED, That classified employees who
2 transfer between districts after July 28, 1985, shall not retain any
3 seniority rights other than longevity when leaving one school district
4 and beginning employment with another. If the school district to which
5 the person transfers has a different system for computing seniority,
6 leave benefits, and other benefits, then the employee shall be granted
7 the same seniority, leave benefits and other benefits as a person in
8 that district who has similar occupational status and total years of
9 service.

10 **Sec. 14.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
11 read as follows:

12 (1) No teacher, principal, supervisor, superintendent, or other
13 certificated employee, holding a position as such with a school
14 district, hereinafter referred to as "employee", shall be employed
15 except by written order of a majority of the directors of the district
16 at a regular or special meeting thereof and as may be provided in an
17 improvement plan under section 4 of this act, a performance agreement
18 under section 5 or 6 of this act, or an intervention plan under section
19 7 of this act, nor unless he or she is the holder of an effective
20 teacher's certificate or other certificate required by law or the state
21 board of education for the position for which the employee is employed,
22 nor unless his or her employment with a school district is consistent
23 with any and all determinations made by the superintendent of public
24 instruction under the authority granted in sections 4 through 7 of this
25 act and RCW 28A.655.030.

26 The board shall make with each employee employed by it a written
27 contract, which shall be in conformity with the laws of this state, and
28 except as otherwise provided by law, limited to a term of not more than
29 one year. Any employment contract approved after September 1, 2001,
30 that is inconsistent with any provision of this act is null and void
31 solely with respect to those provisions in conflict with this act.
32 Every such contract shall be made in duplicate, one copy to be retained
33 by the school district superintendent or secretary and one copy to be
34 delivered to the employee. No contract shall be offered by any board
35 for the employment of any employee who has previously signed an
36 employment contract for that same term in another school district of
37 the state of Washington unless such employee shall have been released
38 from his or her obligations under such previous contract by the board

1 of directors of the school district to which he or she was obligated.
2 Any contract signed in violation of this provision shall be void.

3 In the event it is determined that there is probable cause or
4 causes that the employment contract of an employee should not be
5 renewed by the district for the next ensuing term such employee shall
6 be notified in writing on or before May 15th preceding the commencement
7 of such term of that determination, or if the omnibus appropriations
8 act has not passed the legislature by May 15th, then notification shall
9 be no later than June 1st, which notification shall specify the cause
10 or causes for nonrenewal of contract. Such determination of probable
11 cause for certificated employees, other than the superintendent, shall
12 be made by the superintendent or in accordance with an improvement plan
13 under section 4 of this act, a performance agreement under section 5 or
14 6 of this act, or an intervention plan under section 7 of this act.
15 Such notice shall be served upon the employee personally, or by
16 certified or registered mail, or by leaving a copy of the notice at the
17 house of his or her usual abode with some person of suitable age and
18 discretion then resident therein. Every such employee so notified,
19 except employees notified pursuant to the implementation of an
20 improvement plan under section 4 of this act, a performance agreement
21 under section 5 or 6 of this act, or an intervention plan under section
22 7 of this act, at his or her request made in writing and filed with the
23 president, chair, or secretary of the board of directors of the
24 district within ten days after receiving such notice, shall be granted
25 opportunity for hearing pursuant to RCW 28A.405.310 to determine
26 whether there is sufficient cause or causes for nonrenewal of contract:
27 PROVIDED, That any employee receiving notice of nonrenewal of contract
28 due to an enrollment decline or loss of revenue may, in his or her
29 request for a hearing, stipulate that initiation of the arrangements
30 for a hearing officer as provided for by RCW 28A.405.310(4) shall occur
31 within ten days following July 15 rather than the day that the employee
32 submits the request for a hearing. If any such notification or
33 opportunity for hearing is not timely given, the employee entitled
34 thereto shall be conclusively presumed to have been reemployed by the
35 district for the next ensuing term upon contractual terms identical
36 with those which would have prevailed if his or her employment had
37 actually been renewed by the board of directors for such ensuing term.

38 This section shall not be applicable to "provisional employees" as
39 so designated in RCW 28A.405.220; transfer to a subordinate

1 certificated position as that procedure is set forth in RCW 28A.405.230
2 shall not be construed as a nonrenewal of contract for the purposes of
3 this section.

4 (2) In the event that a determination is made pursuant to an
5 improvement plan under section 4 of this act, a performance agreement
6 under section 5 or 6 of this act, or an intervention plan under section
7 7 of this act that there is probable cause that the employment contract
8 of an employee should not be renewed for the ensuing term:

9 (a) Such employee shall be notified thereof in writing on or before
10 May 15th preceding the commencement of the school term, or if the
11 omnibus appropriations act has not passed the legislature by May 15th,
12 then notification shall be by June 1st, which notification shall state
13 the reason or reasons for such determination. Such notice shall be
14 served upon the employee personally, or by certified or registered
15 mail, or by leaving a copy of the notice at the place of his or her
16 usual abode with some person of suitable age and discretion then
17 resident therein.

18 (b) The determination of nonrenewal shall consider any evaluations
19 conducted pursuant to RCW 28A.405.100 and shall be in accordance with
20 the provisions of an improvement plan under section 4 of this act, a
21 performance agreement under section 5 or 6 of this act, or an
22 intervention plan under section 7 of this act.

23 (c) Every such employee notified pursuant to this subsection, at
24 his or her request made in writing and filed with the superintendent of
25 the district within ten days after receiving such notice, shall be
26 given the opportunity to meet informally with the superintendent for
27 the purpose of requesting the district superintendent to recommend that
28 the decision be reconsidered. Such meeting shall be held no later than
29 ten days following the receipt of such request, and the employee shall
30 be given at least three days' written notice of the date, time, and
31 place of the meeting. At such meeting the employee shall be given the
32 opportunity to refute any facts upon which the determination was based
33 and to make any argument in support of his or her request for
34 reconsideration.

35 (d) If the determination of nonrenewal was made pursuant to a
36 school improvement plan under section 4 of this act or a performance
37 agreement under section 5 or 6 of this act then within ten days
38 following the meeting with the employee, the district superintendent
39 shall either recommend to the superintendent of public instruction that

1 the employee be reinstated or shall submit to the school district board
2 of directors for consideration at its next regular meeting a written
3 report recommending that the employment contract of the employee be
4 nonrenewed and stating the reason or reasons therefor. A copy of such
5 report shall be delivered to the employee at least three days before
6 the scheduled meeting of the board of directors. The district
7 superintendent may request an informal meeting with the superintendent
8 of public instruction to consider a recommendation to reinstate the
9 employee. The superintendent of public instruction shall consider but
10 is not required to grant such request for an informal meeting with the
11 district superintendent and the employee. In taking action upon the
12 recommendation of the superintendent or the direction of the
13 superintendent of public instruction and the commission, the board of
14 directors may consider any written communication that the employee may
15 file with the secretary of the board at any time before that meeting.

16 The board of directors shall notify the employee in writing of its
17 final decision and action within ten days following the meeting at
18 which the superintendent's recommendation or the direction of the
19 superintendent of public instruction and the commission was considered.
20 The action of the board of directors to nonrenew the contract of an
21 employee under this subsection shall be final and not subject to
22 appeal.

23 (e) If the determination of nonrenewal was made pursuant to an
24 intervention plan then within ten days following the meeting with the
25 employee, the district superintendent shall either recommend to the
26 superintendent of public instruction that the employee be reinstated or
27 shall submit to the superintendent of public instruction a written
28 report recommending that the employment contract of the employee be
29 nonrenewed and stating the reason or reasons therefor. A copy of such
30 report shall be delivered to the employee. The district superintendent
31 may request an informal meeting with the superintendent of public
32 instruction to consider a recommendation to reinstate the employee.
33 The superintendent of public instruction shall consider but is not
34 required to grant such request for an informal meeting with the
35 district superintendent and the employee. In taking action upon the
36 recommendation of the superintendent, the superintendent of public
37 instruction may consider any written communication that the employee
38 may file with the secretary of the board at any time before that
39 meeting. The superintendent of public instruction shall notify the

1 employee in writing of the final decision and action within ten days
2 after the decision is final. The action of the superintendent of
3 public instruction to nonrenew the contract of an employee under this
4 subsection is final and not subject to appeal.

5 **Sec. 15.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to
6 read as follows:

7 Notwithstanding the provisions of RCW 28A.405.210, every person
8 employed by a school district in a teaching or other nonsupervisory
9 certificated position shall be subject to nonrenewal of employment
10 contract as provided in this section and under an improvement plan
11 under section 4 of this act, a performance agreement under section 5 or
12 6 of this act, or an intervention plan under section 7 of this act
13 during the first two years of employment by such district, unless the
14 employee has previously completed at least two years of certificated
15 employment in another school district in the state of Washington, in
16 which case the employee shall be subject to nonrenewal of employment
17 contract pursuant to this section during the first year of employment
18 with the new district or as may be provided pursuant to an improvement
19 plan under section 4 of this act, a performance agreement under section
20 5 or 6 of this act, or an intervention plan under section 7 of this
21 act. Employees as defined in this section shall hereinafter be
22 referred to as "provisional employees".

23 In the event the superintendent of the school district or the
24 superintendent of public instruction determines that the employment
25 contract of any provisional employee should not be renewed by the
26 district for the next ensuing term such provisional employee shall be
27 notified thereof by the district superintendent in writing on or before
28 May 15th preceding the commencement of such school term, or if the
29 omnibus appropriations act has not passed the legislature by May 15th,
30 then notification shall be no later than June 1st, which notification
31 shall state the reason or reasons for such determination. Such notice
32 shall be served upon the provisional employee personally, or by
33 certified or registered mail, or by leaving a copy of the notice at the
34 place of his or her usual abode with some person of suitable age and
35 discretion then resident therein. ((The)) A determination ((of)) by
36 the superintendent of the school district shall be subject to the
37 evaluation requirements of RCW 28A.405.100. A determination by the
38 superintendent of public instruction shall be made pursuant to an

1 improvement plan under section 4 of this act, a performance agreement
2 under section 5 or 6 of this act, or an intervention plan under section
3 7 of this act.

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

18 Within ten days following the meeting with the provisional
19 employee, the superintendent shall either reinstate the provisional
20 employee or shall recommend to the superintendent of public instruction
21 that the employee be reinstated or shall submit to the school district
22 board of directors for consideration at its next regular meeting a
23 written report recommending that the employment contract of the
24 provisional employee be nonrenewed and stating the reason or reasons
25 therefor. In the event the district superintendent recommends
26 reinstatement to the superintendent of public instruction, the district
27 superintendent may request an informal meeting with the superintendent
28 of public instruction to present his or her reasons. Such request for
29 an informal meeting shall be considered by the superintendent of public
30 instruction. A copy of such report shall be delivered to the
31 provisional employee at least three days prior to the scheduled meeting
32 of the board of directors. In taking action upon the recommendation of
33 the superintendent, the board of directors shall consider any written
34 communication which the provisional employee may file with the
35 secretary of the board at any time prior to that meeting.

36 The board of directors shall notify the provisional employee in
37 writing of its final decision within ten days following the meeting at
38 which the superintendent's recommendation was considered. The decision

1 of the board of directors to nonrenew the contract of a provisional
2 employee shall be final and not subject to appeal.

3 This section applies to any person employed by a school district in
4 a teaching or other nonsupervisory certificated position after June 25,
5 1976. This section and an improvement plan under section 4 of this
6 act, a performance agreement under section 5 or 6 of this act, or an
7 intervention plan under section 7 of this act provide((s)) the
8 exclusive means for nonrenewing the employment contract of a
9 provisional employee and no other provision of law shall be applicable
10 thereto, including, without limitation, RCW 28A.405.210 and chapter
11 28A.645 RCW.

12 **Sec. 16.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to
13 read as follows:

14 Any certificated employee of a school district employed as an
15 assistant superintendent, director, principal, assistant principal,
16 coordinator, or in any other supervisory or administrative position,
17 hereinafter in this section referred to as "administrator", shall be
18 subject to transfer, at the expiration of the term of his or her
19 employment contract or as may be provided pursuant to an improvement
20 plan under section 4 of this act, a performance agreement under section
21 5 or 6 of this act, or an intervention plan under section 7 of this act
22 during the term of such an employee's employment contract that took
23 effect after September 1, 2001, to any subordinate certificated
24 position within the school district. "Subordinate certificated
25 position" as used in this section, shall mean any administrative or
26 nonadministrative certificated position for which the annual
27 compensation is less than the position currently held by the
28 administrator.

29 Every superintendent determining that the best interests of the
30 school district would be served by transferring any administrator to a
31 subordinate certificated position, and every superintendent notified
32 that, pursuant to an improvement plan under section 4 of this act, a
33 performance agreement under section 5 or 6 of this act, or an
34 intervention plan under section 7 of this act, the superintendent of
35 public instruction has determined that the best interests of the school
36 district would be served by transferring any administrator to a
37 subordinate certificated position shall notify that administrator in
38 writing on or before May 15th preceding the commencement of such school

1 term of that determination, or if the omnibus appropriations act has
2 not passed the legislature by May 15th, then notification shall be no
3 later than June 1st, which notification shall state the reason or
4 reasons for the transfer, and shall identify the subordinate
5 certificated position to which the administrator will be transferred.
6 Such notice shall be served upon the administrator personally, or by
7 certified or registered mail, or by leaving a copy of the notice at the
8 place of his or her usual abode with some person of suitable age and
9 discretion then resident therein.

10 Every such administrator so notified, at his or her request made in
11 writing and filed with the president or chair, or secretary of the
12 board of directors of the district within ten days after receiving such
13 notice, shall be given the opportunity to meet informally with the
14 board of directors in an executive session thereof or with the
15 superintendent of public instruction as appropriate for the purpose of
16 requesting the (~~board to reconsider~~) reconsideration of the decision
17 of the superintendent. Such board shall or the superintendent of
18 public instruction may, upon receipt of such request, (~~shall~~)
19 schedule the meeting for no later than the next regularly scheduled
20 meeting of the board or as soon as is practicable for the office of the
21 superintendent of public instruction to schedule a meeting for this
22 purpose, and (~~shall~~) notify the administrator in writing of the date,
23 time, and place of the meeting at least three days prior thereto. At
24 such meeting the administrator shall be given the opportunity to refute
25 any facts upon which the determination was based and to make any
26 argument in support of his or her request for reconsideration. The
27 administrator and the board or the superintendent of public instruction
28 may invite their respective legal counsel to be present and to
29 participate at the meeting. The board shall notify the administrator
30 in writing of its final decision, or as appropriate the final decision
31 of the superintendent of public instruction, within ten days following
32 its meeting with the administrator. No appeal to the courts shall lie
33 from the final decision of the board of directors or superintendent of
34 public instruction to transfer an administrator to a subordinate
35 certificated position: PROVIDED, That in the case of principals such
36 transfer shall be made at the expiration of the contract year and only
37 during the first three consecutive school years of employment as a
38 principal by a school district unless the principal is transferred
39 pursuant to an improvement plan under section 4 of this act, a

1 performance agreement under section 5 or 6 of this act, or an
2 intervention plan under section 7 of this act. If a principal is
3 transferred under section 4, 5, 6, or 7 of this act the transfer may
4 occur at any time during the contract year during any time the
5 principal is employed as a principal in the school district; except
6 that if any such principal has been previously employed as a principal
7 by another school district in the state of Washington for three or more
8 consecutive school years the provisions of this section shall apply
9 only to the first full school year of such employment unless the
10 principal is transferred pursuant to an improvement plan under section
11 4 of this act, a performance agreement under section 5 or 6 of this
12 act, or an intervention plan under section 7 of this act. If a
13 principal is transferred under section 4, 5, 6, or 7 of this act the
14 transfer may occur at any time during the contract year during any time
15 the principal is employed as a principal in the school district.

16 This section applies to any person employed as an administrator by
17 a school district on June 25, 1976 and to all persons so employed at
18 any time thereafter. This section and an improvement plan under
19 section 4 of this act, a performance agreement under section 5 or 6 of
20 this act, or an intervention plan under section 7 of this act
21 provide((s)) the exclusive means for transferring an administrator to
22 a subordinate certificated position at the expiration of the term of
23 his or her employment contract.

24 **Sec. 17.** RCW 28A.150.020 and 1969 ex.s. c 223 s 28A.01.060 are
25 each amended to read as follows:

26 "Common schools" means schools maintained at public expense in each
27 school district or under alternative arrangements for public governance
28 or administration pursuant to an improvement plan under section 4 of
29 this act, a performance agreement under section 5 or 6 of this act, or
30 an intervention plan under section 7 of this act and carrying on a
31 program from kindergarten through the twelfth grade or any part thereof
32 including vocational educational courses otherwise permitted by law.

33 **Sec. 18.** RCW 28A.320.010 and 1969 ex.s. c 223 s 28A.58.010 are
34 each amended to read as follows:

35 A school district shall constitute a body corporate and shall
36 possess all the usual powers of a public corporation except as may be
37 provided pursuant to an improvement plan under section 4 of this act,

1 a performance agreement under section 5 or 6 of this act, or an
2 intervention plan under section 7 of this act, and in that name and
3 style may sue and be sued and transact all business necessary for
4 maintaining school and protecting the rights of the district, and enter
5 into such obligations as are authorized therefor by law.

6 **Sec. 19.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to
7 read as follows:

8 (1) Except as provided in an improvement plan under section 4 of
9 this act, a performance agreement under section 5 or 6 of this act, or
10 an intervention plan under section 7 of this act, the board of
11 directors of each school district may exercise the following:

12 (a) The broad discretionary power to determine and adopt written
13 policies not in conflict with other law that provide for the
14 development and implementation of programs, activities, services, or
15 practices that the board determines will:

16 (i) Promote the education of kindergarten through twelfth grade
17 students in the public schools; or

18 (ii) Promote the effective, efficient, or safe management and
19 operation of the school district;

20 (b) Such powers as are expressly authorized by law; and

21 (c) Such powers as are necessarily or fairly implied in the powers
22 expressly authorized by law.

23 (2) Before adopting a policy under subsection (1)(a) of this
24 section, the school district board of directors shall comply with the
25 notice requirements of the open public meetings act, chapter 42.30 RCW,
26 and shall in addition include in that notice a statement that sets
27 forth or reasonably describes the proposed policy. The board of
28 directors shall provide a reasonable opportunity for public written and
29 oral comment and consideration of the comment by the board of
30 directors.

31 **Sec. 20.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to
32 read as follows:

33 (1) The board of directors of a school district may contract with
34 other school districts, educational service districts, public or
35 private organizations, agencies, schools, or individuals to implement
36 the board's powers and duties provided that such contracts are
37 consistent with any provisions which may be implemented pursuant to an

1 improvement plan under section 4 of this act, a performance agreement
2 under section 5 or 6 of this act, or an intervention plan under section
3 7 of this act. The board of directors of a school district may
4 contract for goods and services, including but not limited to contracts
5 for goods and services as specifically authorized in statute or rule,
6 as well as other educational, instructional, and specialized services.
7 When a school district board of directors contracts for educational,
8 instructional, or specialized services, the purpose of the contract
9 must be to improve student learning or achievement.

10 (2) A contract under subsection (1) of this section may not be made
11 with a religious or sectarian organization or school where the contract
12 would violate the state or federal Constitution.

13 **Sec. 21.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to
14 read as follows:

15 (1) Under the constitutional framework and the laws of the state of
16 Washington, the governance structure for the state's public common
17 school system is comprised of the following bodies: The legislature,
18 the governor, the superintendent of public instruction, the state board
19 of education, the academic achievement and accountability commission,
20 the educational service district boards of directors, and local school
21 district boards of directors. The respective policy and administrative
22 roles of each body are determined by the state Constitution and
23 statutes.

24 (2) Local school districts are political subdivisions of the state
25 and the organization of such districts, including the powers, duties,
26 and boundaries thereof, may be altered or abolished by laws of the
27 state of Washington.

28 **Sec. 22.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
29 read as follows:

30 (1) It is the purpose of this chapter to:

31 (a) Incorporate into a single, comprehensive, school district
32 organization law all essential provisions governing:

33 (i) The formation and establishment of new school districts;

34 (ii) The alteration of the boundaries of existing districts; and

35 (iii) The adjustment of the assets and liabilities of school
36 districts when changes are made under this chapter; and

1 (b) Establish methods and procedures whereby changes in the school
2 district system may be brought about by the people concerned and
3 affected.

4 (2) It is the state's policy that decisions on proposed changes in
5 school district organization should be made, whenever possible, by
6 negotiated agreement between the affected school districts. If the
7 districts cannot agree, the decision shall be made by the regional
8 committees on school district organization, based on the committees'
9 best judgment, taking into consideration the following factors and
10 factors under RCW 28A.315.205:

11 (a) A balance of local petition requests and the needs of the
12 statewide community at large in a manner that advances the best
13 interest of public education in the affected school districts and
14 communities, the educational service district, and the state;

15 (b) Responsibly serving all of the affected citizens and students
16 by contributing to logical service boundaries and recognizing a
17 changing economic pattern within the educational service districts of
18 the state;

19 (c) Enhancing the educational opportunities of pupils in the
20 territory by reducing existing disparities among the affected school
21 districts' ability to provide operating and capital funds through an
22 equitable adjustment of the assets and liabilities of the affected
23 districts;

24 (d) Promoting a wiser use of public funds through improvement in
25 the school district system of the educational service districts and the
26 state; and

27 (e) Other criteria or considerations as may be established in rule
28 by the state board of education.

29 (3) It is neither the intent nor purpose of this chapter to apply
30 to organizational changes and the procedure therefor relating to
31 capital fund aid by nonhigh school districts as provided for in chapter
32 28A.540 RCW.

33 (4) This chapter is not intended to apply in any way to the
34 provisions implemented pursuant to an improvement plan under section 4
35 of this act, a performance agreement under section 5 or 6 of this act,
36 or an intervention plan under section 7 of this act.

37 **Sec. 23.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
38 read as follows:

1 As used in this chapter:

2 (1) "Change in the organization and extent of school districts"
3 means the formation and establishment of new school districts, the
4 dissolution of existing school districts, the alteration of the
5 boundaries of existing school districts, or all of them. "Change" does
6 not include any change implemented pursuant to an improvement plan
7 under section 4 of this act, a performance agreement under section 5 or
8 6 of this act, or an intervention plan under section 7 of this act.

9 (2) "Regional committee" means the regional committee on school
10 district organization created by this chapter.

11 (3) "State board" means the state board of education.

12 (4) "School district" means the territory under the jurisdiction of
13 a single governing board designated and referred to as the board of
14 directors.

15 (5) "Educational service district superintendent" means the
16 educational service district superintendent as provided for in RCW
17 28A.310.170 or his or her designee.

18 **Sec. 24.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
19 read as follows:

20 Every school district shall admit on a tuition free basis all
21 persons of school age who reside within this state, and do not reside
22 within another school district carrying the grades for which they are
23 eligible to enroll: PROVIDED, That nothing in this section shall be
24 construed as affecting RCW 28A.225.220 (~~or~~), 28A.225.250, or an
25 improvement plan under section 4 of this act, a performance agreement
26 under section 5 or 6 of this act, or an intervention plan under section
27 7 of this act.

28 **Sec. 25.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2
29 are each reenacted and amended to read as follows:

30 (1) Any board of directors may make agreements with adults choosing
31 to attend school, and may charge the adults reasonable tuition.

32 (2) A district is strongly encouraged to honor the request of a
33 parent or guardian for his or her child to attend a school in another
34 district or the request of a parent or guardian for his or her child to
35 transfer as a student receiving home-based instruction.

36 (3) A district shall release a student to a nonresident district
37 that agrees to accept the student if:

1 (a) A financial, educational, safety, or health condition affecting
2 the student would likely be reasonably improved as a result of the
3 transfer; ((or))

4 (b) Attendance at the school in the nonresident district is more
5 accessible to the parent's place of work or to the location of child
6 care; ((or))

7 (c) The student transfer is authorized for those students attending
8 a school under an intervention plan under section 7 of this act; or

9 (d) There is a special hardship or detrimental condition.

10 (4) A district may deny the request of a resident student to
11 transfer to a nonresident district if the release of the student would
12 adversely affect the district's existing desegregation plan. However,
13 if a district denies such a request for transfer for any student
14 attending a school under an intervention plan, the parent or guardian
15 of the student may appeal the denial to the state board of education.
16 The state board of education shall review why the transfer was denied
17 and make the final determination. In making their decision, the state
18 board of education must approve the transfer if the education of the
19 student would be reasonably improved as a result of the transfer, and
20 if the board believes there is space available at the receiving school.

21 (5) For the purpose of helping a district assess the quality of its
22 education program, a resident school district may request an optional
23 exit interview or questionnaire with the parents or guardians of a
24 child transferring to another district. No parent or guardian may be
25 forced to attend such an interview or complete the questionnaire.

26 (6) Beginning with the 1993-94 school year, school districts may
27 not charge transfer fees or tuition for nonresident students enrolled
28 under subsection (3) of this section and RCW 28A.225.225.
29 Reimbursement of a high school district for cost of educating high
30 school pupils of a nonhigh school district shall not be deemed a
31 transfer fee as affecting the apportionment of current state school
32 funds.

33 **Sec. 26.** RCW 28A.225.270 and 1990 1st ex.s. c 9 s 205 are each
34 amended to read as follows:

35 Each school district in the state shall adopt and implement a
36 policy allowing intradistrict enrollment options no later than June 30,
37 1990. Each district shall establish its own policy establishing
38 standards on how the intradistrict enrollment options will be

1 implemented. The student transfer is authorized for those students
2 attending a school under an intervention plan under section 7 of this
3 act. However, if a school denies such a request for transfer for any
4 student attending a school under an intervention plan, the parent or
5 guardian of the student may appeal the denial to the state board of
6 education. The state board of education shall review why the transfer
7 was denied and make the final determination. In making their decision,
8 the state board of education must approve the transfer if the education
9 of the student would be reasonably improved as a result of the
10 transfer, and if the board believes there is space available at the
11 receiving school.

12 NEW SECTION. Sec. 27. A new section is added to chapter 41.56 RCW
13 to read as follows:

14 Any waiver of state laws or local policies and agreements under an
15 intervention plan under chapter 28A.655 RCW shall be considered an
16 educational policy decision. If any such waiver requires a
17 renegotiation of a collective bargaining agreement, then the parties to
18 the collective bargaining agreement shall enter into bargaining subject
19 to the procedures in this chapter on the effect of school-specific
20 issues for inclusion in an addendum to the collective bargaining
21 agreement. If agreement is not reached within forty-five days, then
22 the public employment relations commission shall mediate.

23 NEW SECTION. Sec. 28. A new section is added to chapter 41.59 RCW
24 to read as follows:

25 Any waiver of state laws or local policies and agreements under an
26 intervention plan under chapter 28A.655 RCW shall be considered an
27 educational policy decision. If any such waiver requires a
28 renegotiation of a collective bargaining agreement, then the parties to
29 the collective bargaining agreement shall enter into bargaining subject
30 to the procedures in this chapter on the effect of school-specific
31 issues for inclusion in an addendum to the collective bargaining
32 agreement. If agreement is not reached within forty-five days, then
33 the public employment relations commission shall mediate.

34 **Sec. 29.** RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each
35 amended to read as follows:

1 This chapter shall supersede existing statutes not expressly
2 repealed to the extent that there is a conflict between a provision of
3 this chapter and those other statutes. However, in the event that a
4 conflict exists between this chapter and this act, this act shall
5 supersede this chapter. Except as otherwise expressly provided herein,
6 nothing in this chapter shall be construed to annul, modify or preclude
7 the renewal or continuation of any lawful agreement entered into prior
8 to January 1, 1976 between an employer and an employee organization
9 covering wages, hours, and terms and conditions of employment. Where
10 there is a conflict between any collective bargaining agreement and any
11 resolution, rule, policy or regulation of the employer or its agents,
12 the terms of the collective bargaining agreement shall prevail.

13 NEW SECTION. Sec. 30. RCW 28A.655.035 (Accountability policies--
14 Recommendations) and 1999 c 388 s 103 are each repealed.

15 NEW SECTION. Sec. 31. RCW 28A.655.050 (Reading goals--Mathematics
16 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

17 NEW SECTION. Sec. 32. CAPTIONS NOT LAW. Captions used in this
18 act are not any part of the law.

19 NEW SECTION. Sec. 33. Sections 4 through 7 of this act are each
20 added to chapter 28A.655 RCW.

21 NEW SECTION. Sec. 34. Section 31 of this act takes effect
22 September 1, 2001.

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