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**HOUSE BILL 1410**

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**State of Washington****61st Legislature****2009 Regular Session**

**By** Representatives Sullivan, Priest, Hunter, Anderson, Carlyle, Haler, Maxwell, Pedersen, Rolfes, Quall, Springer, Dammeier, Hope, Eddy, Lias, Clibborn, Goodman, Williams, Chase, Morris, Morrell, McCoy, Kagi, Kessler, Newhouse, Simpson, Darneille, Rodne, Nelson, Probst, Miloscia, Driscoll, White, Moeller, Ormsby, Kelley, and Wood

Read first time 01/20/09. Referred to Committee on Education Appropriations.

1 AN ACT Relating to creating a comprehensive system of public  
2 education programs, finance, and accountability; amending RCW  
3 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260,  
4 28A.150.390, 28A.150.315, 28A.230.090, 28A.190.030, 28A.150.410,  
5 28A.405.415, 28A.400.200, 41.59.935, 28A.405.100, 28A.405.220,  
6 28A.305.130, 28A.505.120, 84.52.0531, 28A.185.020, 28B.102.040,  
7 84.52.067, 83.100.230, 28A.150.350, 28A.150.290, 28A.150.400,  
8 28A.150.275, 28A.150.310, 28A.150.230, 28A.165.005, 28A.165.015,  
9 28A.165.055, 28A.180.010, 28A.180.080, 28A.180.090, 28A.600.310,  
10 28A.600.405, 28A.320.190, 28A.195.010, 28A.225.200, 28A.415.020,  
11 28A.415.024, 28A.415.025, 28A.400.205, 28A.410.210, 28A.410.220, and  
12 28A.410.240; reenacting and amending RCW 28A.150.370 and 28A.415.023;  
13 adding a new section to chapter 28A.410 RCW; adding a new section to  
14 chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW;  
15 adding new sections to chapter 28A.400 RCW; adding a new section to  
16 chapter 41.59 RCW; adding new sections to chapter 28A.655 RCW; adding  
17 a new section to chapter 28A.320 RCW; adding a new section to chapter  
18 28A.500 RCW; adding a new chapter to Title 28A RCW; creating new  
19 sections; recodifying RCW 28A.150.200, 28A.150.210, 28A.150.211,  
20 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.315,  
21 28A.150.370, 28A.150.230, 28A.150.240, 28A.150.410, 28A.150.350,

1 28A.150.290, 28A.150.400, 28A.150.275, 28A.150.270, 28A.150.360, and  
2 28A.150.420; repealing RCW 28A.655.200, 28A.655.130, 28A.655.010,  
3 28A.500.010, 28A.500.020, 28A.500.030, 28A.500.040, 28A.500.900,  
4 28A.505.210, 28A.505.220, 28A.150.380, 84.52.068, 28A.150.030,  
5 28A.150.205, 28A.150.060, 28A.150.100, 28A.150.040, 28A.305.140,  
6 28A.305.145, 28A.655.180, 28A.155.180, 28A.415.250, 28A.415.260, and  
7 28A.410.250; providing effective dates; and providing expiration dates.

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

9 NEW SECTION. **Sec. 1.** INTENT. (1) In enacting this legislation,  
10 the legislature intends to fulfill its obligation under Article IX of  
11 the Washington state Constitution to define and fund a program of basic  
12 education for children residing in the state and attending public  
13 schools. This act defines the educational opportunities that school  
14 districts shall provide and for which the state shall allocate funding.

15 (2) The legislature also intends that the policies and allocation  
16 formulas in this act fulfill the legislature's obligation under Article  
17 IX to establish a general and uniform system of public schools. The  
18 legislature finds that in some instances providing general and uniform  
19 educational opportunity requires tailoring basic education allocations  
20 to reflect certain needs and circumstances of each school district,  
21 including district size, certain student characteristics, and regional  
22 labor market differences. It is the intent of the legislature that  
23 these allocation formulas address these differences in order to promote  
24 equity and uniformity of educational opportunity.

25 (3) Public education in Washington State has evolved since the  
26 enactment of the Washington basic education act of 1977. Student  
27 demographics, educational technology, data, and standards-based  
28 learning and assessment are only a few examples of factors affecting  
29 education that have changed in the last thirty years. Decisions by the  
30 courts have played a part in this evolution, as have studies and  
31 research about education practices and education funding. The  
32 legislature finds ample evidence of a need to redefine the program of  
33 basic education that is funded by the state and delivered by school  
34 districts to better align with the stated goals of a basic education  
35 and to improve the transparency and accountability of how the state  
36 meets its constitutional obligation under Article IX.

1 (4) For practical and educational reasons, wholesale change of the  
2 program of basic education and the funding formulas to support it  
3 cannot occur instantaneously. Financial experts must develop the  
4 details of the funding formulas. New systems of educator  
5 certification, evaluation, mentoring, and compensation must be  
6 developed and implemented. Data and accountability systems must be  
7 created. Significant increases in resources for staffing and class  
8 size reduction will have detrimental impact on student learning if  
9 school districts hire unprepared teachers and lack facilities to house  
10 them. The legislature intends to adopt a schedule for implementation  
11 of the redefined program of basic education and the resources necessary  
12 to support it, beginning in the 2011-12 school year and phased in over  
13 a six-year time period.

14 NEW SECTION. **Sec. 2.** INTENT TO MAKE NECESSARY CORRECTIONS. It is  
15 the intent of the legislature that the policies and allocation formulas  
16 adopted under this act, including the implementation schedule for these  
17 formulas, constitute the legislature's definition of basic education  
18 under Article IX of the state Constitution. It is the further intent  
19 of the legislature that these policies, formulas, and schedules should  
20 not be revised or delayed other than for educational reasons. The  
21 legislature intends, however, to continue to review and revise the  
22 formulas and schedules and may make revisions for technical purposes  
23 and consistency in the event of mathematical or other technical errors.

24 NEW SECTION. **Sec. 3.** STEERING COMMITTEE TO OVERSEE  
25 IMPLEMENTATION. (1) The basic education steering committee is  
26 established to monitor and oversee implementation of the new definition  
27 of basic education. The steering committee shall be composed of the  
28 following members:

29 (a) Four members of the house of representatives, with two members  
30 representing each of the major caucuses and appointed by the speaker of  
31 the house of representatives;

32 (b) Four members of the senate, with two members representing each  
33 of the major caucuses and appointed by the president of the senate; and

34 (c) One representative each from the office of the governor, office  
35 of the superintendent of public instruction, state board of education,

1 professional educator standards board, and department of early  
2 learning.

3 (2) The chair or cochairs of the steering committee shall be  
4 selected by the members of the committee.

5 (3) The responsibility of the steering committee is to monitor and  
6 oversee implementation of the new definition of basic education,  
7 including the funding formulas, systems of educator compensation and  
8 accountability, the program of early learning, and a supplemental  
9 finance system from levies and local effort assistance. The steering  
10 committee shall monitor and oversee the following technical working  
11 groups:

12 (a) The funding formulas working group under section 114 of this  
13 act that develops the financial model and funding formulas for the  
14 basic education instructional allocation;

15 (b) The compensation working group under section 206 of this act  
16 that develops options for a new statewide salary model and bonuses for  
17 certificated instructional staff;

18 (c) The early learning working group under section 111 of this act  
19 that develops a proposal for a basic education program of early  
20 learning and examines options for preschool early learning for at-risk  
21 children from birth to age three;

22 (d) The local funding working group under section 402 of this act  
23 that develops options for a new system of supplemental school funding  
24 through local school levies and local effort assistance; and

25 (e) The data working group under section 311 of this act designing  
26 comprehensive accountability systems for financial, student, and  
27 educator data.

28 (4) The steering committee may also request updates and progress  
29 reports from the office of the superintendent of public instruction,  
30 the state board of education, the professional educator standards  
31 board, and the department of early learning on the implementation of  
32 this act.

33 (5) The steering committee shall submit an initial report to the  
34 governor and the legislature by January 1, 2010, detailing its  
35 recommendations based on analysis of reports from the working groups  
36 and state agencies, including recommendations for resolving issues or  
37 decisions requiring legislative action during the 2010 legislative

1 session, and recommendations for any funding necessary to continue  
2 development and implementation of this act.

3 (6) The steering committee shall submit subsequent reports to the  
4 governor and the legislature by November 15, 2010, and annually  
5 thereafter, ending November 15, 2016.

6 (7) Staff support for the basic education steering committee shall  
7 be provided by the state agencies with representatives on the  
8 committee, the senate committee services, and the office of program  
9 research of the house of representatives. Legislative members of the  
10 steering committee shall be reimbursed for travel expenses in  
11 accordance with RCW 44.04.120.

12 (8) This section expires June 30, 2017.

13 **PART I**

14 **PROGRAM OF BASIC EDUCATION**

15 **Sec. 101.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to  
16 read as follows:

17 PROGRAM OF EDUCATION. (~~This 1977 amendatory act shall be known~~  
18 ~~and may be cited as "The Washington Basic Education Act of 1977." The~~  
19 ~~program evolving from the Basic Education Act shall include (1) the~~  
20 ~~goal of the school system as defined in RCW 28A.150.210, (2) those~~  
21 ~~program requirements enumerated in RCW 28A.150.220, and (3) the~~  
22 ~~determination and distribution of state resources as defined in RCW~~  
23 ~~28A.150.250 and 28A.150.260.~~

24 ~~The requirements of the Basic Education Act are))~~ (1) The program  
25 of basic education established under this chapter is deemed by the  
26 legislature to comply with the requirements of Article IX, section 1 of  
27 the state Constitution, which states that "It is the paramount duty of  
28 the state to make ample provision for the education of all children  
29 residing within its borders, without distinction or preference on  
30 account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant  
31 to Article IX, section 2 of the state Constitution, which states that  
32 "The legislature shall provide for a general and uniform system of  
33 public schools."

34 (2) The legislature defines the program of basic education under  
35 this chapter as:

1 (a) The instructional program of basic education the minimum  
2 components of which are described in section 104 of this act;

3 (b) The program of early learning for at-risk children under  
4 section 110 of this act;

5 (c) The program of education provided by chapter 28A.190 RCW for  
6 students in residential schools as defined by RCW 28A.190.020 and for  
7 juveniles in detention facilities as identified by RCW 28A.190.010;

8 (d) The program of education provided by chapter 28A.193 RCW for  
9 individuals under the age of eighteen who are incarcerated in adult  
10 correctional facilities; and

11 (e) Transportation and transportation services to and from school  
12 for eligible students as provided under RCW 28A.160.150 through  
13 28A.160.180.

14 (3) Therefore, basic education shall be considered to be fully  
15 funded by those amounts of dollars appropriated by the legislature for  
16 the following purposes:

17 (a) Amounts appropriated pursuant to sections 106 through 108 of  
18 this act to fund the instructional program requirements identified in  
19 section 104 of this act;

20 (b) Amounts appropriated to fund the salary requirements of  
21 sections 204, 207, and 209 of this act;

22 (c) Amounts appropriated to support the program of early learning  
23 for at-risk children under section 110 of this act;

24 (d) Amounts appropriated to support the programs of education  
25 provided by chapters 28A.190 and 28A.193 RCW; and

26 (e) Amounts appropriated for pupil transportation as provided under  
27 RCW 28A.160.150 through 28A.160.180.

28 NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this  
29 section apply throughout this chapter unless the context clearly  
30 requires otherwise.

31 (1) "Basic education core instructional allocation" means the  
32 funding allocation to school districts under section 106 (3), (4), and  
33 (7) of this act to support school staffing; maintenance, supplies, and  
34 operating costs; and central office administration.

35 (2) "Basic education goal" means the student learning goals and the  
36 student knowledge and skills described under section 103 of this act.

1 (3) "Certificated administrative staff" means all those persons who  
2 are chief executive officers, chief administrative officers,  
3 confidential employees, supervisors, principals, or assistant  
4 principals within the meaning of RCW 41.59.020(4).

5 (4) "Certificated employee" as used in this chapter and RCW  
6 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,  
7 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those  
8 persons who hold certificates as authorized by rule of the Washington  
9 professional educator standards board.

10 (5) "Certificated instructional staff" means those persons employed  
11 by a school district who are nonsupervisory certificated employees  
12 within the meaning of RCW 41.59.020(8).

13 (6) "Class size" means an instructional grouping of students where,  
14 on average, the ratio of students to teacher is the number specified.

15 (7) "Classroom teacher" means a certificated instructional staff  
16 person whose primary duty is the daily educational instruction of  
17 students. In exceptional cases, people of unusual competence but  
18 without certification may teach students so long as a certificated  
19 person exercises general supervision, but the hiring of such classified  
20 people shall not occur during a labor dispute, and such classified  
21 people shall not be hired to replace certificated employees during a  
22 labor dispute.

23 (8) "Instructional hours" means those hours students are provided  
24 the opportunity to engage in academic and career and technical  
25 instruction planned by and under the direction of school district  
26 staff, as directed by the administration and board of directors of the  
27 district, inclusive of teacher/parent-guardian conferences that are  
28 planned and scheduled by the district for the purpose of discussing  
29 students' educational needs or progress, and exclusive of time actually  
30 spent for meals, intermissions for class changes, or recess.

31 (9) "Instructional program of basic education" means the minimum  
32 program required to be provided by school districts and includes  
33 instructional hour requirements and other components under section 104  
34 of this act.

35 (10) "Program of basic education" means the overall program deemed  
36 by the legislature to comply with the requirements of Article IX,  
37 section 1 of the state Constitution, full funding of which is described  
38 under section 101 of this act.

1 (11) "School day" means each day of the school year on which pupils  
2 enrolled in the common schools of a school district are engaged in  
3 academic and career and technical instruction planned by and under the  
4 direction of the school.

5 (12) "School year" includes the minimum number of school days  
6 required under section 104 of this act and begins on the first day of  
7 September and ends with the last day of August, except that any school  
8 district may elect to commence the annual school term in the month of  
9 August of any calendar year and in such case the operation of a school  
10 district for such period in August shall be credited by the  
11 superintendent of public instruction to the succeeding school year for  
12 the purpose of the allocation and distribution of state funds for the  
13 support of such school district.

14 (13) "Teacher planning period" means a period of a school day as  
15 determined by the administration and board of the directors of the  
16 district that may be used by teachers for instruction-related  
17 activities including but not limited to preparing instructional  
18 materials; reviewing student performance; recording student data;  
19 consulting with other teachers, instructional aides, mentors,  
20 instructional coaches, administrators, and parents; or participating in  
21 professional development.

22 **Sec. 103.** RCW 28A.150.210 and 2007 c 400 s 1 are each amended to  
23 read as follows:

24 BASIC EDUCATION GOAL. (~~The goal of the basic education act for~~  
25 ~~the schools of the state of Washington set forth in this chapter shall~~  
26 ~~be to~~) A basic education is an evolving program of instruction that  
27 provides students with the opportunity to become responsible and  
28 respectful global citizens, to contribute to their economic well-being  
29 and that of their families and communities, to explore and understand  
30 different perspectives, and to enjoy productive and satisfying lives.  
31 (~~Additionally,~~) The state of Washington intends to provide for a  
32 public school system that is able to evolve and adapt in order to  
33 better focus on strengthening the educational achievement of all  
34 students, which includes high expectations for all students and gives  
35 all students the opportunity to achieve personal and academic success.  
36 To these ends, the goals of each school district, with the involvement

1 of parents and community members, shall be to provide opportunities for  
2 every student to develop the knowledge and skills essential to:

3 (1) Read with comprehension, write effectively, and communicate  
4 successfully in a variety of ways and settings and with a variety of  
5 audiences;

6 (2) Know and apply the core concepts and principles of mathematics;  
7 social, physical, and life sciences; civics and history, including  
8 different cultures and participation in representative government;  
9 geography; arts; and health and fitness;

10 (3) Think analytically, logically, and creatively, and to integrate  
11 different experiences and knowledge to form reasoned judgments and  
12 solve problems; and

13 (4) Understand the importance of work and finance and how  
14 performance, effort, and decisions directly affect future career and  
15 educational opportunities.

16 **Sec. 104.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to  
17 read as follows:

18 INSTRUCTIONAL PROGRAM. (1) (~~Satisfaction of the basic education~~  
19 ~~program requirements identified in RCW 28A.150.210 shall be considered~~  
20 ~~to be implemented by the following program:~~

21 ~~(a) Each school district shall make available to students enrolled~~  
22 ~~in kindergarten at least a total instructional offering of four hundred~~  
23 ~~fifty hours. The program shall include instruction in the essential~~  
24 ~~academic learning requirements under RCW 28A.630.885 and such other~~  
25 ~~subjects and such activities as the school district shall determine to~~  
26 ~~be appropriate for the education of the school district's students~~  
27 ~~enrolled in such program;~~

28 ~~(b) Each school district shall make available to students enrolled~~  
29 ~~in grades one through twelve, at least a district-wide annual average~~  
30 ~~total instructional hour offering of one thousand hours. The state~~  
31 ~~board of education may define alternatives to classroom instructional~~  
32 ~~time for students in grades nine through twelve enrolled in alternative~~  
33 ~~learning experiences. The state board of education shall establish~~  
34 ~~rules to determine annual average instructional hours for districts~~  
35 ~~including fewer than twelve grades. The program shall include the~~  
36 ~~essential academic learning requirements under RCW 28A.630.885 and such~~

1 other subjects and such activities as the school district shall  
2 determine to be appropriate for the education of the school district's  
3 students enrolled in such group;

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

8 (2) Nothing contained in subsection (1) of this section shall be  
9 construed to require individual students to attend school for any  
10 particular number of hours per day or to take any particular courses.

11 (3)) In order for students to have the opportunity to develop the  
12 basic education knowledge and skills under section 103 of this act,  
13 school districts must provide instruction of sufficient quantity and  
14 quality and give students the opportunity to complete graduation  
15 requirements that are intended to prepare them for postsecondary  
16 education, gainful employment, lifelong learning, and citizenship. The  
17 program established under this section, supported by the resources  
18 allocated under sections 106 through 108 of this act, shall be the  
19 minimum instructional program of basic education offered by school  
20 districts.

21 (2) Each school district's kindergarten through twelfth grade basic  
22 educational program shall be accessible to all students who are five  
23 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
24 years of age and shall consist of a minimum of one hundred eighty  
25 school days per school year in such grades as are conducted by a school  
26 district, and one hundred eighty half-days of instruction, or  
27 equivalent, in kindergarten(~~(+ PROVIDED, That effective May 1, 1979)),~~  
28 to be increased to a minimum of one hundred eighty school days per  
29 school year no later than the 2016-17 school year and according to the  
30 implementation schedules under sections 109 and 113 of this act.  
31 However, a school district may schedule the last five school days of  
32 the one hundred ((and)) eighty day school year for noninstructional  
33 purposes in the case of students who are graduating from high school,  
34 including, but not limited to, the observance of graduation and early  
35 release from school upon the request of a student, and all such  
36 students may be claimed as ((a)) full-time equivalent students to the  
37 extent they could otherwise have been so claimed for the purposes of  
38 ((RCW 28A.150.250 and 28A.150.260.

1       ~~(4)~~) section 106 of this act. The minimum one hundred eighty day  
2 school year requirement may be waived by the state board of education  
3 as provided under section 115 of this act.

4       (3) Each school district shall make available to students the  
5 following minimum instructional offering each school year:

6       (a) For students enrolled in grades seven through twelve, at least  
7 a district-wide annual average of one thousand hours for students  
8 enrolled in grades one through twelve, which shall be increased to one  
9 thousand eighty instructional hours by the 2016-17 school year  
10 according to the implementation schedules under section 113 of this  
11 act;

12       (b) For students enrolled in grades one through six, at least a  
13 district-wide annual average of one thousand hours for students  
14 enrolled in grades one through twelve, which shall be increased to one  
15 thousand instructional hours by the 2016-17 school year according to  
16 the implementation schedules under section 113 of this act; and

17       (c) For students enrolled in kindergarten, at least four hundred  
18 fifty instructional hours, which shall be increased to at least one  
19 thousand instructional hours by the 2016-17 school year according to  
20 the implementation schedules under sections 109 and 113 of this act.

21       (4) The instructional program of basic education provided by each  
22 school district shall include:

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

25       (b) Instruction that provides students the opportunity to complete  
26 twenty-four credits for high school graduation, with course  
27 distribution requirements established by the state board of education  
28 under RCW 28A.230.090 and that may be subject to a phased-in  
29 implementation of the twenty-four credits as adopted by the board;

30       (c) Supplemental instruction and services for underachieving  
31 students through the learning assistance program under RCW 28A.165.005  
32 through 28A.165.065;

33       (d) Supplemental instruction and services for eligible and enrolled  
34 students whose primary language is other than English through the  
35 transitional bilingual instruction program under RCW 28A.180.010  
36 through 28A.180.080; and

37       (e) The opportunity for an appropriate education at public expense

1 as defined by RCW 28A.155.020 for all eligible students with  
2 disabilities as defined in RCW 28A.155.020.

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

9 (6) Nothing in this section requires individual students to attend  
10 school for any particular number of hours per day or to take any  
11 particular courses.

12 (7) The state board of education shall adopt rules to implement and  
13 ((ensure)) assure compliance with the ((program requirements imposed by  
14 this section, RCW 28A.150.250 and 28A.150.260, and such related  
15 supplemental program approval requirements as the state board may  
16 establish)) minimum instructional hours and school days required under  
17 this section and to assure that school districts provide the components  
18 of the basic education instructional program under this section. If a  
19 school district's basic education instructional program fails to meet  
20 the requirements of this section, the state board of education shall  
21 require the superintendent of public instruction to withhold state  
22 funds in whole or in part for the basic education allocation until  
23 program compliance is assured. The state board shall periodically  
24 examine the effectiveness of different instructional strategies and  
25 schedules used by school districts to meet the requirements of this  
26 section, communicate identified concerns to districts, and disseminate  
27 to other districts information about effective innovations.

28 **Sec. 105.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to  
29 read as follows:

30 FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. From those  
31 funds made available by the legislature for the current use of the  
32 common schools, the superintendent of public instruction shall  
33 distribute annually as provided in RCW 28A.510.250 to each school  
34 district of the state operating a basic education instructional program  
35 approved by the state board of education an ((amount which, when  
36 combined with an appropriate portion of such locally available  
37 revenues, other than)) allocation based on the formulas provided in

1 sections 106 through 108 of this act. The basic education  
2 instructional allocation shall be net of receipts from federal forest  
3 revenues distributed to school districts pursuant to RCW 28A.520.010  
4 and 28A.520.020(, as the superintendent of public instruction may deem  
5 appropriate for consideration in computing state equalization support,  
6 excluding excess property tax levies, will constitute a basic education  
7 allocation in dollars for each annual average full time equivalent  
8 student enrolled, based upon one full school year of one hundred eighty  
9 days, except that for kindergartens one full school year shall be one  
10 hundred eighty half days of instruction, or the equivalent as provided  
11 in RCW 28A.150.220.

12 ~~Basic education shall be considered to be fully funded by those~~  
13 ~~amounts of dollars appropriated by the legislature pursuant to RCW~~  
14 ~~28A.150.250 and 28A.150.260 to fund those program requirements~~  
15 ~~identified in RCW 28A.150.220 in accordance with the formula and ratios~~  
16 ~~provided in RCW 28A.150.260 and those amounts of dollars appropriated~~  
17 ~~by the legislature to fund the salary requirements of RCW 28A.150.100~~  
18 ~~and 28A.150.410.~~

19 ~~Operation of a program approved by the state board of education,~~  
20 ~~for the purposes of this section, shall include a finding that the~~  
21 ~~ratio of students per classroom teacher in grades kindergarten through~~  
22 ~~three is not greater than the ratio of students per classroom teacher~~  
23 ~~in grades four and above for such district:— PROVIDED, That for the~~  
24 ~~purposes of this section, "classroom teacher" shall be defined as an~~  
25 ~~instructional employee possessing at least a provisional certificate,~~  
26 ~~but not necessarily employed as a certificated employee, whose primary~~  
27 ~~duty is the daily educational instruction of students:— PROVIDED~~  
28 ~~FURTHER, That the state board of education shall adopt rules and~~  
29 ~~regulations to insure compliance with the student/teacher ratio~~  
30 ~~provisions of this section, and such rules and regulations shall allow~~  
31 ~~for exemptions for those special programs and/or school districts which~~  
32 ~~may be deemed unable to practicably meet the student/teacher ratio~~  
33 ~~requirements of this section by virtue of a small number of students.~~

34 ~~If a school district's basic education program fails to meet the~~  
35 ~~basic education requirements enumerated in RCW 28A.150.250,~~  
36 ~~28A.150.260, and 28A.150.220, the state board of education shall~~  
37 ~~require the superintendent of public instruction to withhold state~~  
38 ~~funds in whole or in part for the basic education allocation until~~

1 ~~program compliance is assured: PROVIDED, That the state board of~~  
2 ~~education may waive this requirement in the event of substantial lack~~  
3 ~~of classroom space)).~~

4 **Sec. 106.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to  
5 read as follows:

6 ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ((The  
7 basic education allocation for each annual average full time equivalent  
8 student shall be determined in accordance with the following  
9 procedures)) The purpose of this section is to provide for the  
10 allocation of state funding that the legislature deems necessary to  
11 support school districts in offering the minimum instructional program  
12 of basic education under section 104 of this act. The allocation shall  
13 be determined as follows:

14 (1) The governor shall and the superintendent of public instruction  
15 may recommend to the legislature a formula ((based on a ratio of  
16 students to staff)) for the distribution of a basic education  
17 instructional allocation for each ((annual average full time equivalent  
18 student enrolled in a)) common school district. ((The distribution  
19 formula shall have the primary objective of equalizing educational  
20 opportunities and shall provide appropriate recognition of the  
21 following costs among the various districts within the state:

- 22 (a) ~~Certificated instructional staff and their related costs;~~
- 23 (b) ~~Certificated administrative staff and their related costs;~~
- 24 (c) ~~Classified staff and their related costs;~~
- 25 (d) ~~Nonsalary costs;~~
- 26 (e) ~~Extraordinary costs, including school facilities, of remote and~~  
27 ~~necessary schools as judged by the superintendent of public~~  
28 ~~instruction, with recommendations from the school facilities citizen~~  
29 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~  
30 ~~costs of additional certificated and classified staff; and~~
- 31 (f) ~~The attendance of students pursuant to RCW 28A.335.160 and~~  
32 ~~28A.225.250 who do not reside within the servicing school district.))~~

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

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

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

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

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

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

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

35 (c) By the 2016-17 school year, the minimum allocation for a  
36 prototypical high school shall be based on the number of full-time  
37 equivalent classroom teachers needed to provide instruction over one

1 thousand eighty annual instructional hours and provide at least one  
2 teacher planning period per school day, with the following average  
3 class size:

	<u>Average</u>
	<u>Class Size</u>
4 <u>Basic class size . . . . .</u>	25.0
5	
6 <u>Basic class size in schools where more than fifty percent</u>	
7 <u>of the students are eligible for free and reduced-price</u>	
8 <u>meals, adjusted as provided under subsection (8) of</u>	
9 <u>this section . . . . .</u>	22.0
10 <u>For exploratory career and technical education courses . . . . .</u>	19.0
11 <u>For laboratory science, advanced placement, and</u>	
12 <u>international baccalaureate courses . . . . .</u>	19.0
13 <u>For preparatory career and technical education courses,</u>	
14 <u>including those offered through a skill center . . . . .</u>	16.0

15 (d) By the 2016-17 school year, the minimum allocation for a  
16 prototypical middle school shall be based on the number of full-time  
17 equivalent classroom teachers needed to provide instruction over one  
18 thousand eighty instructional hours and provide at least one teacher  
19 planning period per school day, with the following average class size:  
20

	<u>Average</u>
	<u>Class Size</u>
21 <u>Basic class size . . . . .</u>	25.0
22	
23 <u>Basic class size in schools where more than fifty percent</u>	
24 <u>of the students are eligible for free and reduced-price</u>	
25 <u>meals, adjusted as provided under subsection (8) of</u>	
26 <u>this section . . . . .</u>	22.0
27 <u>For exploratory career and technical education courses . . . . .</u>	19.0

28 (e) By the 2016-17 school year, the minimum allocation for a  
29 prototypical elementary school shall be based on the number of full-  
30 time equivalent classroom teachers needed to provide instruction over  
31 one thousand instructional hours and provide at least one teacher  
32 planning period per school day, with the following average class size:  
33

	<u>Average</u>
	<u>Class Size</u>
34 <u>Basic class size . . . . .</u>	25.0
35	
36 <u>Basic class size in schools where more than fifty percent</u>	
37	

1 of the students are eligible for free and reduced-priced  
 2 meals . . . . .22.0  
 3 Class size in grades kindergarten through three . . . . .15.0

4 (f) By the 2016-17 school year, the minimum allocation for each  
 5 prototypical school shall include allocations for the following types  
 6 and number of full-time equivalent staff in addition to classroom  
 7 teachers:

	<u>High</u>	<u>Middle</u>	<u>Elementary</u>
	<u>School</u>	<u>School</u>	<u>School</u>
11 <u>Principals, including assistant principals and other certificated</u>	<u>1.8</u>	<u>1.3</u>	<u>1.2</u>
12 <u>building-level administrators . . . . .</u>			
13 <u>Teacher librarians, a function that includes information literacy,</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
14 <u>technology, and media to support school library media programs . . . . .</u>			
15 <u>Student health services, a function that includes school nurses and</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
16 <u>social workers . . . . .</u>			
17 <u>Guidance counselors, a function that includes parent outreach and</u>	<u>1.50</u>	<u>1.0</u>	<u>0.0</u>
18 <u>graduation advisor . . . . .</u>			
19 <u>Professional development coaches . . . . .</u>	<u>0.75</u>	<u>0.50</u>	<u>0.50</u>
20 <u>Office support and noninstructional aides . . . . .</u>	<u>3.0</u>	<u>3.0</u>	<u>3.0</u>
21 <u>Custodians and other maintenance . . . . .</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>
22 <u>Student and staff safety . . . . .</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>

23 (4)(a) The minimum allocation for each school district shall  
 24 include allocations per annual average full-time equivalent student for  
 25 the following materials, supplies, and operating costs. The amounts in  
 26 this subsection are based on 2007-08 dollars and shall be adjusted  
 27 annually for inflation with the amounts allocated for each school year  
 28 specified in the omnibus appropriations act and subject to the  
 29 implementation schedule in section 113 of this act. The amounts may be  
 30 inflated differentially by category.

	<u>Per annual average</u>
	<u>full-time equivalent student</u>
33 <u>Student technology . . . . .</u>	<u>\$200</u>
34 <u>Utilities . . . . .</u>	<u>\$216</u>
35 <u>Curriculum, textbooks, library materials, and instructional</u>	
36 <u>supplies . . . . .</u>	<u>\$155</u>

1 Instructional professional development . . . . . \$103  
 2 Other building-level costs including maintenance, custodial,  
 3 and security . . . . . \$102  
 4 Central office administration . . . . . \$310

5 (b) The per annual average full-time equivalent student amounts in  
 6 (a) of this subsection shall be enhanced as follows based on full-time  
 7 equivalent student enrollment in the following courses:

8 Per annual average  
 9 full-time equivalent  
 10 student amount enhancement

11 Exploratory career and technical education courses for  
 12 students in grades seven through twelve . . . . . 6.0%

13 Laboratory science courses for students in grades nine  
 14 through twelve . . . . . 6.0%

15 Preparatory career and technical education courses for  
 16 students in grades nine through twelve offered in a high  
 17 school . . . . . 10.0%

18 Preparatory career and technical education courses for  
 19 students in grades eleven and twelve offered through a  
 20 skill center . . . . . 12.0%

21 (5) By the 2016-17 school year, the allocations provided under  
 22 subsections (3) and (4) of this section shall be enhanced as follows to  
 23 provide additional allocations for classroom teachers and maintenance,  
 24 supplies, and operating costs:

25 (a) To provide supplemental instruction and services for  
 26 underachieving students through the learning assistance program under  
 27 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
 28 percent of students in each school who are eligible for free and  
 29 reduced-price meals, adjusted as provided under subsection (8) of this  
 30 section.

31 (i) The minimum allocation for the learning assistance program  
 32 shall provide an extended school day for a prototypical school as  
 33 follows:

	<u>High</u>	<u>Middle</u>	<u>Elementary</u>
	<u>School</u>	<u>School</u>	<u>School</u>
34 <u>Instructional hours per week . . . . .</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>

1     Average class size..... 5.0     5.0     5.0  
 2     (ii) The minimum allocation for the learning assistance program  
 3     shall provide an extended school year for a prototypical school as  
 4     follows:

	<u>High</u>	<u>Middle</u>	<u>Elementary</u>
	<u>School</u>	<u>School</u>	<u>School</u>
7 <u>Instructional hours per week.....</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>
8 <u>Number of weeks.....</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>
9 <u>Average class size.....</u>	<u>5.0</u>	<u>5.0</u>	<u>5.0</u>

10     (iii) The minimum allocation for the learning assistance program  
 11     shall include a per student allocation for maintenance, supplies, and  
 12     operating costs as provided in the omnibus appropriations act.

13     (b) To provide supplemental instruction and services for students  
 14     whose primary language is other than English, allocations shall be  
 15     based on the number of students in each school who are eligible for and  
 16     enrolled in the transitional bilingual instruction program under RCW  
 17     28A.180.010 through 28A.180.080.

18     (i) The minimum allocation for a prototypical school shall provide  
 19     for supplemental instruction as follows:

	<u>High</u>	<u>Middle</u>	<u>Elementary</u>
	<u>School</u>	<u>School</u>	<u>School</u>
23 <u>Percent of school day in supplemental instruction.....</u>	<u>14.0%</u>	<u>14.0%</u>	<u>20.0%</u>
24 <u>Average class size.....</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>

25     (ii) The minimum allocation for the transitional bilingual  
 26     instruction program shall include a per student allocation for  
 27     maintenance, supplies, and operating costs as provided in the omnibus  
 28     appropriations act.

29     (6) The allocations under subsections (3) through (5) of this  
 30     section shall be enhanced as provided under section 107 of this act on  
 31     an excess cost basis to provide supplemental instructional resources  
 32     for students with disabilities.

33     (7) The distribution formula shall include allocations to school  
 34     districts to support staffing of central office administration. The

1 minimum allocation shall be calculated as a percentage, identified in  
2 the omnibus appropriations act, of the total allocations for staff  
3 under subsection (3) of this section for all schools in the district.

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

11 (b) Allocations or enhancements provided under subsections (3) and  
12 (4) of this section for exploratory and preparatory career and  
13 technical education courses shall be provided only for courses approved  
14 by the office of the superintendent of public instruction under chapter  
15 28A.700 RCW.

16 (9) Beginning in the 2012-13 school year, the distribution formula  
17 shall include allocations to school districts to support release time  
18 for state-certified mentors and new teachers and other costs to provide  
19 the mentoring and support program under section 203 of this act. The  
20 formula shall be based on the number of teachers in the district with  
21 five or fewer years of teaching experience, with the amount of release  
22 time significantly greater to support teachers in their first year of  
23 teaching service for whom the program is mandatory. School districts  
24 must use the allocations under this subsection to provide the mentoring  
25 and support program under section 203 of this act.

26 (10)(a) This formula for distribution of basic education funds  
27 shall be reviewed biennially by the superintendent and governor. The  
28 recommended formula shall be subject to approval, amendment or  
29 rejection by the legislature. (~~The formula shall be for allocation~~  
30 ~~purposes only. While the legislature intends that the allocations for~~  
31 ~~additional instructional staff be used to increase the ratio of such~~  
32 ~~staff to students, nothing in this section shall require districts to~~  
33 ~~reduce the number of administrative staff below existing levels.~~

34 ~~(b) The formula adopted by the legislature shall reflect the~~  
35 ~~following ratios at a minimum: (i) Forty nine certificated~~  
36 ~~instructional staff to one thousand annual average full time equivalent~~  
37 ~~students enrolled in grades kindergarten through three; (ii) forty six~~  
38 ~~certificated instructional staff to one thousand annual average full~~

1 ~~time equivalent students in grades four through twelve; (iii) four~~  
2 ~~certificated administrative staff to one thousand annual average full~~  
3 ~~time equivalent students in grades kindergarten through twelve; and~~  
4 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~  
5 ~~thousand annual average full time equivalent students enrolled in~~  
6 ~~grades kindergarten through twelve.~~

7 ~~(e)) (b) In the event the legislature rejects the distribution~~  
8 ~~formula recommended by the governor, without adopting a new~~  
9 ~~distribution formula, the distribution formula for the previous school~~  
10 ~~year shall remain in effect( (:—PROVIDED, That the distribution formula~~  
11 ~~developed pursuant to this section shall be for state apportionment and~~  
12 ~~equalization purposes only and shall not be construed as mandating~~  
13 ~~specific operational functions of local school districts other than~~  
14 ~~those program requirements identified in RCW 28A.150.220 and~~  
15 ~~28A.150.100)).~~

16 ~~(c) The enrollment of any district shall be the annual average~~  
17 ~~number of full\_time equivalent students and part\_time students as~~  
18 ~~provided in RCW 28A.150.350, enrolled on the first school day of each~~  
19 ~~month ((and shall exclude full time equivalent students with~~  
20 ~~disabilities recognized for the purposes of allocation of state funds~~  
21 ~~for programs under RCW 28A.155.010 through 28A.155.100)), including~~  
22 ~~students who are in attendance pursuant to RCW 28A.335.160 and~~  
23 ~~28A.225.250 who do not reside within the servicing school district.~~  
24 ~~The definition of full\_time equivalent student shall be determined by~~  
25 ~~rules of the superintendent of public instruction( (:—PROVIDED, That~~  
26 ~~the definition)) and shall be included as part of the superintendent's~~  
27 ~~biennial budget request( (:—PROVIDED, FURTHER, That)). The definition~~  
28 ~~shall be based on the minimum instructional hour offerings required~~  
29 ~~under section 104 of this act. Any revision of the present definition~~  
30 ~~shall not take effect until approved by the house appropriations~~  
31 ~~committee and the senate ways and means committee( (:—PROVIDED,~~  
32 ~~FURTHER, That)).~~

33 ~~(d) The office of financial management shall make a monthly review~~  
34 ~~of the superintendent's reported full\_time equivalent students in the~~  
35 ~~common schools in conjunction with RCW 43.62.050.~~

36 ~~((3)(a) Certificated instructional staff shall include those~~  
37 ~~persons employed by a school district who are nonsupervisory employees~~  
38 ~~within the meaning of RCW 41.59.020(8):—PROVIDED, That in exceptional~~

1 cases, people of unusual competence but without certification may teach  
2 students so long as a certificated person exercises general  
3 supervision: PROVIDED, FURTHER, That the hiring of such classified  
4 people shall not occur during a labor dispute and such classified  
5 people shall not be hired to replace certificated employees during a  
6 labor dispute.

7 (b) ~~Certificated administrative staff shall include all those~~  
8 ~~persons who are chief executive officers, chief administrative~~  
9 ~~officers, confidential employees, supervisors, principals, or assistant~~  
10 ~~principals within the meaning of RCW 41.59.020(4).)~~

11 **Sec. 107.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to  
12 read as follows:

13 SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent  
14 of public instruction shall submit to each regular session of the  
15 legislature during an odd-numbered year a programmed budget request for  
16 special education programs for students with disabilities. Funding for  
17 programs operated by local school districts shall be on an excess cost  
18 basis from appropriations provided by the legislature for special  
19 education programs for students with disabilities and shall take  
20 account of state funds accruing through ~~((RCW 28A.150.250,~~  
21 ~~28A.150.260,))~~ section 106 (3) through (5) of this act and federal  
22 medical assistance and private funds accruing under RCW 74.09.5249  
23 through 74.09.5253 and 74.09.5254 through 74.09.5256~~((, and other state~~  
24 ~~and local funds, excluding special excess levies))~~.

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

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

32 (b) A district's annual average full-time equivalent basic  
33 education enrollment, multiplied by the district's funded enrollment  
34 percent, multiplied by the district's base allocation per full-time  
35 equivalent student, multiplied by 0.9309.

36 (3) As used in this section:

1 (a) "Base allocation" means the total state allocation to all  
2 schools in the district generated by the distribution formula under  
3 section 106 (3) through (5) of this act, to be divided by the  
4 district's full-time equivalent enrollment.

5 (b) "Basic education enrollment" means enrollment of resident  
6 students including nonresident students enrolled under RCW 28A.225.225  
7 and students from nonhigh districts enrolled under RCW 28A.225.210 and  
8 excluding students residing in another district enrolled as part of an  
9 interdistrict cooperative program under RCW 28A.225.250.

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

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

17 NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the  
18 extent necessary, funds shall be made available for safety net awards  
19 for districts with demonstrated needs for special education funding  
20 beyond the amounts provided through the special education funding  
21 formula under section 107 of this act. If the federal safety net  
22 awards based on the federal eligibility threshold exceed the federal  
23 appropriation in any fiscal year, then the superintendent shall expend  
24 all available federal discretionary funds necessary to meet this need.  
25 Safety net funds shall be awarded by the state safety net oversight  
26 committee subject to the following conditions and limitations:

27 (a) The committee shall consider additional funds for districts  
28 that can convincingly demonstrate that all legitimate expenditures for  
29 special education exceed all available revenues from state funding  
30 formulas. In the determination of need, the committee shall also  
31 consider additional available revenues from federal sources.  
32 Differences in program costs attributable to district philosophy,  
33 service delivery choice, or accounting practices are not a legitimate  
34 basis for safety net awards. In the determination of need, the  
35 committee shall require that districts demonstrate that they are  
36 maximizing their eligibility for all state and federal revenues related  
37 to services for special education students.

1 (b) The committee shall then consider the extraordinary high cost  
2 needs of one or more individual special education students.  
3 Differences in costs attributable to district philosophy, service  
4 delivery choice, or accounting practices are not a legitimate basis for  
5 safety net awards.

6 (c) Using criteria developed by the committee, the committee shall  
7 then consider extraordinary costs associated with communities that draw  
8 a larger number of families with children in need of special education  
9 services. Safety net awards under this subsection (1)(c) shall be  
10 adjusted to reflect amounts awarded under (b) of this subsection.

11 (d) The maximum allowable indirect cost for calculating safety net  
12 eligibility may not exceed the federal restricted indirect cost rate  
13 for the district plus one percent.

14 (e) Safety net awards shall be adjusted based on the percent of  
15 potential medicaid eligible students billed as calculated by the  
16 superintendent of public instruction in accordance with chapter 318,  
17 Laws of 1999.

18 (f) Safety net awards must be adjusted for any audit findings or  
19 exceptions related to special education funding.

20 (2) The superintendent of public instruction may adopt such rules  
21 and procedures as are necessary to administer the special education  
22 funding and safety net award process. Before revising any standards,  
23 procedures, or rules, the superintendent shall consult with the office  
24 of financial management and the fiscal committees of the legislature.  
25 In adopting and revising the rules, the superintendent shall ensure the  
26 application process to access safety net funding is streamlined,  
27 timelines for submission are not in conflict, feedback to school  
28 districts is timely and provides sufficient information to allow school  
29 districts to understand how to correct any deficiencies in a safety net  
30 application, and that there is consistency between awards approved by  
31 school district and by application period. The office of the  
32 superintendent of public instruction shall also provide technical  
33 assistance to school districts in preparing and submitting special  
34 education safety net applications.

35 (3) On an annual basis, the superintendent shall survey districts  
36 regarding their satisfaction with the safety net process and consider  
37 feedback from districts to improve the safety net process. Each year  
38 by December 1st, the superintendent shall prepare and submit a report

1 to the office of financial management and the appropriate policy and  
2 fiscal committees of the legislature that summarizes the survey results  
3 and those changes made to the safety net process as a result of the  
4 school district feedback.

5 (4) The safety net oversight committee appointed by the  
6 superintendent of public instruction shall consist of:

7 (a) One staff member from the office of the superintendent of  
8 public instruction;

9 (b) Staff of the office of the state auditor who shall be nonvoting  
10 members of the committee; and

11 (c) One or more representatives from school districts or  
12 educational service districts knowledgeable of special education  
13 programs and funding.

14 **Sec. 109.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to  
15 read as follows:

16 PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08  
17 school year, funding for voluntary all-day kindergarten programs shall  
18 be phased-in beginning with schools with the highest poverty levels,  
19 defined as those schools with the highest percentages of students  
20 qualifying for free and reduced-price lunch support in the prior school  
21 year. Once a school receives funding for the all-day kindergarten  
22 program, that school shall remain eligible for funding in subsequent  
23 school years regardless of changes in the school's percentage of  
24 students eligible for free and reduced-price lunches as long as other  
25 program requirements are fulfilled. Additionally, schools receiving  
26 all-day kindergarten program support shall agree to the following  
27 conditions:

28 (a) Provide at least a one thousand-hour instructional program;

29 (b) Provide a curriculum that offers a rich, varied set of  
30 experiences that assist students in:

31 (i) Developing initial skills in the academic areas of reading,  
32 mathematics, and writing;

33 (ii) Developing a variety of communication skills;

34 (iii) Providing experiences in science, social studies, arts,  
35 health and physical education, and a world language other than English;

36 (iv) Acquiring large and small motor skills;

1 (v) Acquiring social and emotional skills including successful  
2 participation in learning activities as an individual and as part of a  
3 group; and

4 (vi) Learning through hands-on experiences;

5 (c) Establish learning environments that are developmentally  
6 appropriate and promote creativity;

7 (d) Demonstrate strong connections and communication with early  
8 learning community providers; and

9 (e) Participate in kindergarten program readiness activities with  
10 early learning providers and parents.

11 (2) Subject to funds appropriated for this purpose, the  
12 superintendent of public instruction shall designate one or more school  
13 districts to serve as resources and examples of best practices in  
14 designing and operating a high-quality all-day kindergarten program.  
15 Designated school districts shall serve as lighthouse programs and  
16 provide technical assistance to other school districts in the initial  
17 stages of implementing an all-day kindergarten program. Examples of  
18 topics addressed by the technical assistance include strategic  
19 planning, developing the instructional program and curriculum, working  
20 with early learning providers to identify students and communicate with  
21 parents, and developing kindergarten program readiness activities.

22 ~~((3) Any funds allocated to support all-day kindergarten programs  
23 under this section shall not be considered as basic education  
24 funding.))~~

25 NEW SECTION. **Sec. 110.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

26 (1) The legislature finds that disadvantaged young children do not have  
27 the opportunity to attain the goals or meaningfully participate or  
28 reach any reasonable level of achievement within the regular  
29 instructional program of basic education without supplemental  
30 instruction in preschool to prepare them for kindergarten and beyond.  
31 Therefore, the legislature intends to establish a basic education  
32 program of early learning for at-risk children that is part of the  
33 program of basic education under this chapter beginning in the 2011-12  
34 school year, subject to the implementation schedule under section 113  
35 of this act.

36 (2) The basis for the basic education program of early learning is  
37 the statewide Washington head start program required to be proposed by

1 the department of early learning under RCW 43.215.125, which the  
2 legislature may modify before adopting. It is the intent of the  
3 legislature that the basic education program of early learning, which  
4 shall include the federal head start program as it applies to at-risk  
5 children, replace the early childhood education and assistance program  
6 under RCW 43.215.400 through 43.215.450 as it applies to at-risk  
7 children. The basic education program of early learning includes:

8 (a) Comprehensive services that focus on the needs of the child and  
9 include education, health, and family support services;

10 (b) Instruction to develop literacy, numeracy, reasoning, problem-  
11 solving, and decision-making skills that are the foundation of school  
12 readiness;

13 (c) A minimum of four hundred forty-eight instructional hours per  
14 year;

15 (d) Required family support services and parent conferences;

16 (e) Minimum staffing requirements and appropriate minimum  
17 qualifications for instructional staff;

18 (f) Data collection used for program planning; and

19 (g) Program quality and performance standards.

20 (3) For the purposes of this section and the basic education  
21 program of early learning, "at-risk children" means children aged  
22 three, four, and five who are not eligible for kindergarten and whose  
23 family income is at or below one hundred thirty percent of the federal  
24 poverty level, as published annually by the federal department of  
25 health and human services. Participation by an at-risk child in the  
26 basic education program of early learning is voluntary.

27 (4)(a) Beginning in the 2011-12 school year and subject to the  
28 implementation schedule under section 113 of this act, the legislature  
29 shall appropriate funds on a per-student basis to provide services for  
30 at-risk children who enroll in the basic education program of early  
31 learning. The per-student amount for the 2011-12 school year shall be  
32 equivalent to the amount provided for that year for the federal head  
33 start program and must be annually adjusted thereafter in the omnibus  
34 appropriations act. The total allocation shall be net of receipts from  
35 the federal head start program that are to provide services for at-risk  
36 children.

37 (b) State and federal funds to support the program shall be  
38 distributed to school districts that may provide services directly or

1 may contract with public or private nonsectarian organizations,  
2 including but not limited to educational service districts, community  
3 and technical colleges, local governments, or nonprofit organizations,  
4 to provide services.

5 (5) All programs are subject to approval by the department of early  
6 learning.

7 (6) The superintendent of public instruction shall assure that  
8 school districts and contractors comply with Article IX, section 4 of  
9 the state Constitution prohibiting sectarian control or influence of  
10 all schools maintained or supported wholly or in part by public funds.

11 (7) In cooperation with the department of early learning, the  
12 superintendent of public instruction shall require school districts to  
13 use a common, statewide kindergarten readiness assessment as a form of  
14 accountability for the basic education program of early learning.

15 NEW SECTION. **Sec. 111.** EARLY LEARNING WORKING GROUP. (1) The  
16 department of early learning and the office of the superintendent of  
17 public instruction shall convene a working group to develop the basic  
18 education program of early learning described under section 110 of this  
19 act. The early learning working group shall be composed of  
20 representatives from head start and early childhood education and  
21 assistance program providers, school districts, thrive by five of  
22 Washington, and other stakeholders with expertise in early learning.

23 (2) The early learning working group shall continue the preliminary  
24 work of the department of early learning under RCW 43.215.125 to  
25 develop a proposal for a statewide Washington head start program. The  
26 working group shall develop recommended parameters and minimum  
27 standards for the program.

28 (3) The early learning working group shall also examine service  
29 delivery, program, and funding options for providing preschool early  
30 learning services for at-risk children aged birth to three and examine  
31 the advantages, disadvantages, and implications of including services  
32 to this population of children as part of the program of basic  
33 education. A representative of the office of the attorney general  
34 shall be included as a participant in the early learning working group  
35 to assist with this examination.

36 (4) The work of the early learning working group shall be monitored

1 and overseen by the basic education steering committee under section 3  
2 of this act. The working group shall provide updates on its work as  
3 requested by the steering committee.

4 (5) The department of early learning and the office of the  
5 superintendent of public instruction shall submit a progress report on  
6 the development of the basic education program of early learning to the  
7 basic education steering committee by November 15, 2009. The progress  
8 report shall include recommendations for addressing any unresolved  
9 issues or decisions requiring legislative action during the 2010  
10 legislative session to allow continued development of the program. A  
11 final report, including recommended legislation to authorize the  
12 superintendent of public instruction and the department of early  
13 learning to fulfill their responsibilities under section 110 of this  
14 act, shall be submitted to the steering committee by September 1, 2010.

15 **Sec. 112.** RCW 28A.150.370 and 1995 c 335 s 102 and 1995 c 77 s 5  
16 are each reenacted and amended to read as follows:

17 LEGISLATURE TO APPROPRIATE FUNDS. (1) The legislature shall, at  
18 each regular session in an odd-numbered year, appropriate for the  
19 current use of the common schools such amounts as needed for state  
20 support to school districts for the program of basic education defined  
21 under section 101 of this act, subject to the implementation schedule  
22 under section 113 of this act.

23 (2) In addition to those state funds provided to school districts  
24 for basic education, the legislature ((shall appropriate funds for  
25 pupil transportation, in accordance with this chapter, RCW 28A.160.150  
26 through 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010, and for  
27 special education programs for students with disabilities, in  
28 accordance with RCW 28A.155.010 through 28A.155.100. The legislature))  
29 may appropriate funds to be distributed to school districts for  
30 ((population)) other factors ((such as urban costs, enrollment  
31 fluctuations)) and for other special programs((, including but not  
32 limited to, vocational technical institutes, compensatory programs,  
33 bilingual education, urban, rural, racial and disadvantaged programs,  
34 programs for gifted students, and other special programs)) to enhance  
35 or enrich the program of basic education.

1        NEW SECTION.    **Sec. 113.**    IMPLEMENTATION SCHEDULE.    (1) By the 2016-  
2 17 school year, appropriations of state funds to support school  
3 districts in offering the minimum instructional program of basic  
4 education must be based on the factors and numeric values specified in  
5 sections 106 through 108 of this act.    Beginning with the 2011-12  
6 school year, the legislature shall appropriate funds for the  
7 instructional program of basic education using the structure of the  
8 funding formulas under sections 106 through 108 of this act, but the  
9 legislature may incrementally phase-in the implementation of the  
10 numeric values in the formulas until full implementation is achieved in  
11 the 2016-17 school year.

12        (2) By the 2016-17 school year, appropriations of state funds to  
13 support the basic education program of early learning shall be  
14 sufficient to serve all enrolled at-risk children as defined in section  
15 110 of this act.    Beginning with the 2011-12 school year, the  
16 legislature may incrementally phase-in appropriations to support the  
17 basic education program of early learning until full implementation is  
18 achieved in the 2016-17 school year.

19        (3) For each school year beginning in 2011-12, the legislature  
20 shall specify in the omnibus appropriations act the numeric values of  
21 the funding formulas used to determine the appropriations and the  
22 assumed number of at-risk children served.

23        (4) Within the six-year time frame under this section, the  
24 priorities for phasing-in full implementation of the funding formulas  
25 shall be as follows:

26        (a) Full funding of allocations for maintenance, supplies, and  
27 operating costs and salary allocations for administrative and  
28 classified staff and certificated instructional staff;

29        (b) Phasing-in all-day kindergarten according to the schedule  
30 provided in section 109 of this act;

31        (c) Expansion of funding allocations for the learning assistance  
32 program and the transitional bilingual instructional program to make  
33 progress in closing the achievement gap;

34        (d) Increasing the number of at-risk children served under the  
35 basic education program of early learning; and

36        (e) Class size reduction in grades kindergarten through three.

37        (5) This section expires June 30, 2017.

1        NEW SECTION.    **Sec. 114.**    FUNDING FORMULAS WORKING GROUP.    (1) The  
2 office of financial management shall convene a technical working group  
3 to develop the financial model and funding formulas for the  
4 distribution of the basic education instructional allocation and  
5 special education allocations under sections 106 through 108 of this  
6 act.    Issues to be addressed by the funding formulas working group  
7 include but are not limited to:

8        (a) Minimum allocations or adjustments for small schools and small  
9 and remote school districts.    The allocations or adjustments should  
10 reflect a level of support for schools that are small because they are  
11 located in small school districts without providing an incentive for  
12 possible inefficiencies of small schools within larger school  
13 districts;

14        (b) Examination and analysis of the allocation to support central  
15 office administration to assure the adequacy of the allocation and  
16 consideration of whether adjustments are appropriate for small or large  
17 school districts;

18        (c) Examination of costs and other implications of basing  
19 allocations on a three-year rolling average of student enrollment;

20        (d) Examination of costs and other implications of using  
21 retrospective, current, or prospective enrollment numbers;

22        (e) An adjustment factor on the percent of students eligible for  
23 free and reduced-price meals to reflect underreporting of eligibility  
24 by middle and high school students;

25        (f) An allocation formula for the mentoring and support program;

26        (g) Rounding of nonwhole numbers of staff allocations; and

27        (h) Other issues that arise in the development and refinement of  
28 the financial model and funding formulas.

29        (2) The funding formulas working group shall include  
30 representatives of the office of the superintendent of public  
31 instruction, the legislative evaluation and accountability program  
32 committee, educational service district financial managers, the  
33 Washington association of school business officers, the Washington  
34 education association, the Washington association of school  
35 administrators, the Washington state school directors' association, and  
36 other interested stakeholders with expertise in education finance. The  
37 office of financial management may engage technical consultants as  
38 needed for computer programming and modeling.

1 (3) The superintendent of public instruction shall review the  
2 program of education provided by chapter 28A.190 RCW for students in  
3 residential schools and for juveniles in detention facilities, along  
4 with the funding formulas and assumptions to support the program, and  
5 shall make recommendations to the funding formulas working group for a  
6 revised funding formula for the distribution of the basic education  
7 allocation for the program. The recommendations shall assume a minimum  
8 instructional program of one thousand three hundred twenty  
9 instructional hours per school year. The superintendent shall also  
10 recommend any amendments to chapter 28A.190 RCW necessary to align with  
11 the funding formulas or the basic education instructional program under  
12 section 105 of this act.

13 (4) The work of the funding formulas working group shall be  
14 monitored and overseen by the basic education steering committee under  
15 section 3 of this act. The working group shall provide updates on its  
16 work as requested by the steering committee.

17 (5) The office of financial management shall submit a progress  
18 report on the development of the financial model and funding formulas  
19 to the basic education steering committee by November 15, 2009. The  
20 progress report shall include recommendations for addressing the issues  
21 identified in subsection (1) of this section, the funding formula under  
22 subsection (3) of this section, and other unresolved issues or  
23 decisions requiring legislative action during the 2010 legislative  
24 session to allow continued development of the financial model and  
25 funding formulas. A final report shall be submitted to the steering  
26 committee by September 1, 2010.

27 (6) The estimates and information submitted to the governor by the  
28 superintendent of public instruction under RCW 28A.300.170 and the  
29 governor's biennial budget request and budget bill submitted to the  
30 legislature under RCW 43.88.060 for the 2011-2013 biennium shall be  
31 based on the requirements of sections 105 through 108 and 113 of this  
32 act, and the funding formulas developed under this section, to be  
33 implemented beginning with the 2011-12 school year.

34 NEW SECTION. **Sec. 115.** WAIVERS. The state board of education may  
35 authorize waivers from the minimum one hundred eighty day school year  
36 required under section 104 of this act as provided in this section.

1 (1) A school district may apply for a waiver of the minimum school  
2 year if necessary to provide a specialized instructional program. The  
3 district's application must describe the educational advantages of  
4 offering the program for fewer than one hundred eighty days and  
5 demonstrate how the minimum annual instructional hour requirement will  
6 be maintained.

7 (2) The total waivers authorized by the board may not affect more  
8 than two percent of the overall statewide student population. Waivers  
9 shall be authorized for a one-year period only, and districts seeking  
10 to continue a previously authorized waiver must resubmit a full  
11 application.

12 (3) Waivers may not be granted for purposes of professional  
13 development or teacher-parent conferences.

14 **Sec. 116.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to  
15 read as follows:

16 GRADUATION REQUIREMENTS. (1) The state board of education shall  
17 establish high school graduation requirements or equivalencies for  
18 students, except those equivalencies established by local high schools  
19 or school districts under RCW 28A.230.097.

20 (a) Any course in Washington state history and government used to  
21 fulfill high school graduation requirements shall consider including  
22 information on the culture, history, and government of the American  
23 Indian peoples who were the first inhabitants of the state.

24 (b) The certificate of academic achievement requirements under RCW  
25 28A.655.061 or the certificate of individual achievement requirements  
26 under RCW 28A.155.045 are required for graduation from a public high  
27 school but are not the only requirements for graduation.

28 (c) Any decision on whether a student has met the state board's  
29 high school graduation requirements for a high school and beyond plan  
30 shall remain at the local level.

31 (2)(a) In recognition of the statutory authority of the state board  
32 of education to establish and enforce minimum high school graduation  
33 requirements, the state board shall periodically reevaluate the  
34 graduation requirements and shall report such findings to the  
35 legislature in a timely manner as determined by the state board.

36 (b) The state board shall reevaluate the graduation requirements  
37 for students enrolled in vocationally intensive and rigorous career and

1 technical education programs, particularly those programs that lead to  
2 a certificate or credential that is state or nationally recognized.  
3 The purpose of the evaluation is to ensure that students enrolled in  
4 these programs have sufficient opportunity to earn a certificate of  
5 academic achievement, complete the program and earn the program's  
6 certificate or credential, and complete other state and local  
7 graduation requirements. ~~((The board shall reports [report] its  
8 findings and recommendations for additional flexibility in graduation  
9 requirements, if necessary, to the legislature by December 1, 2007.))~~

10 (c) The state board shall forward any proposed changes to the high  
11 school graduation requirements to the education committees of the  
12 legislature for review, and the legislature shall have the opportunity  
13 to act during a regular legislative session before the changes are  
14 adopted through administrative rule by the state board. Changes that  
15 have a fiscal impact on school districts, as identified by a fiscal  
16 analysis prepared by the office of the superintendent of public  
17 instruction, shall take effect only if formally authorized by the  
18 legislature through the omnibus appropriations act or other enacted  
19 legislation.

20 (3) Pursuant to any requirement for instruction in languages other  
21 than English established by the state board of education or a local  
22 school district, or both, for purposes of high school graduation,  
23 students who receive instruction in American sign language or one or  
24 more American Indian languages shall be considered to have satisfied  
25 the state or local school district graduation requirement for  
26 instruction in one or more languages other than English.

27 (4) If requested by the student and his or her family, a student  
28 who has completed high school courses before attending high school  
29 shall be given high school credit which shall be applied to fulfilling  
30 high school graduation requirements if:

31 (a) The course was taken with high school students, if the academic  
32 level of the course exceeds the requirements for seventh and eighth  
33 grade classes, and the student has successfully passed by completing  
34 the same course requirements and examinations as the high school  
35 students enrolled in the class; or

36 (b) The academic level of the course exceeds the requirements for  
37 seventh and eighth grade classes and the course would qualify for high

1 school credit, because the course is similar or equivalent to a course  
2 offered at a high school in the district as determined by the school  
3 district board of directors.

4 (5) Students who have taken and successfully completed high school  
5 courses under the circumstances in subsection (4) of this section shall  
6 not be required to take an additional competency examination or perform  
7 any other additional assignment to receive credit.

8 (6) At the college or university level, five quarter or three  
9 semester hours equals one high school credit.

10 **Sec. 117.** RCW 28A.190.030 and 1995 c 77 s 19 are each amended to  
11 read as follows:

12 INSTITUTIONS' PROGRAMS OF EDUCATION. Each school district within  
13 which there is located a residential school shall, singly or in concert  
14 with another school district pursuant to RCW 28A.335.160 and  
15 28A.225.250 or pursuant to chapter 39.34 RCW, conduct a program of  
16 education, including related student activities, for residents of the  
17 residential school. Except as otherwise provided for by contract  
18 pursuant to RCW 28A.190.050, the duties and authority of a school  
19 district and its employees to conduct such a program shall be limited  
20 to the following:

21 (1) The employment, supervision and control of administrators,  
22 teachers, specialized personnel and other persons, deemed necessary by  
23 the school district for the conduct of the program of education;

24 (2) The purchase, lease or rental and provision of textbooks, maps,  
25 audio-visual equipment, paper, writing instruments, physical education  
26 equipment and other instructional equipment, materials and supplies,  
27 deemed necessary by the school district for the conduct of the program  
28 of education;

29 (3) The development and implementation, in consultation with the  
30 superintendent or chief administrator of the residential school or his  
31 or her designee, of the curriculum;

32 (4) The conduct of a program of education, including related  
33 student activities, for residents who are three years of age and less  
34 than twenty-one years of age, and have not met high school graduation  
35 requirements as now or hereafter established by the state board of  
36 education and the school district which includes:

1 (a) Not less than one hundred and eighty school days and, by the  
2 2016-17 school year, one thousand three hundred twenty instructional  
3 hours each school year;

4 (b) Special education pursuant to RCW 28A.155.010 through  
5 28A.155.100, and vocational education, as necessary to address the  
6 unique needs and limitations of residents; and

7 (c) Such courses of instruction and school related student  
8 activities as are provided by the school district for nonresidential  
9 school students to the extent it is practical and judged appropriate  
10 for the residents by the school district after consultation with the  
11 superintendent or chief administrator of the residential school:  
12 PROVIDED, That a preschool special education program may be provided  
13 for residential school students with disabilities;

14 (5) The control of students while participating in a program of  
15 education conducted pursuant to this section and the discipline,  
16 suspension or expulsion of students for violation of reasonable rules  
17 of conduct adopted by the school district; and

18 (6) The expenditure of funds for the direct and indirect costs of  
19 maintaining and operating the program of education that are  
20 appropriated by the legislature and allocated by the superintendent of  
21 public instruction for the exclusive purpose of maintaining and  
22 operating residential school programs of education, and funds from  
23 federal and private grants, bequests and gifts made for the purpose of  
24 maintaining and operating the program of education.

25 **PART II**

26 **CERTIFICATION, EVALUATION, MENTORING, AND COMPENSATION**

27 NEW SECTION. **Sec. 201.** INTENT. (1) The legislature finds that in  
28 order to offer all students the opportunity to achieve the basic  
29 education goal specified in section 103 of this act, school districts  
30 must provide effective teaching and instruction. Teachers should be  
31 provided opportunities to gain the knowledge and skills that will  
32 enable them to be effective, and should be evaluated and rewarded based  
33 on their effectiveness. Designing a system that clearly defines,  
34 supports, measures, and rewards effective teaching is one of the most  
35 important investments to be made in improving student learning.

1 (2) Therefore, the legislature intends to establish a comprehensive  
2 system of teacher certification, evaluation, and mentoring that is  
3 directly aligned with a revised system of compensation and focused on  
4 achievement of effective teaching. The certification, evaluation,  
5 mentoring, and compensation systems shall be implemented beginning with  
6 the 2012-13 school year.

7 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.410  
8 RCW to read as follows:

9 CERTIFICATION. (1) By January 1, 2010, the professional educator  
10 standards board shall adopt a set of teacher knowledge, skill, and  
11 performance standards for effective teaching that are clear,  
12 measurable, meaningful, and documented in high-quality academic  
13 research as being associated with improved student learning. The  
14 standards shall focus on effective classroom instructional preparation  
15 and practice that can be documented and observed. The standards shall  
16 be calibrated for the stages of a teacher's career, with appropriate  
17 performance expectations for residency certification, professional  
18 certification, and continuing professional certification.

19 (2) By January 1, 2010, the professional educator standards board  
20 shall submit to the governor and the education and fiscal committees of  
21 the legislature a proposal for a system for rigorous, objective  
22 evaluation of teacher competency on the knowledge, skill, and  
23 performance standards along with the estimated costs and statutory  
24 authority needed for further development and implementation of the  
25 evaluation system. The system shall include:

26 (a) Peer evaluations for residency and professional certification  
27 to be conducted by state-certified evaluators who are teachers with  
28 endorsements in the same or similar subjects and who are not employed  
29 by the same school district as the teacher being evaluated or do not  
30 have a conflict of interest regarding the teacher being evaluated;

31 (b) A common and standardized evaluation process that involves  
32 multiple measures of teacher performance, including in-class visits and  
33 observations and review of artifacts such as lesson plans and student  
34 work. The evaluation shall include evidence of improved student  
35 learning from statewide student formative assessments and other sources  
36 of evidence;

1 (c) A common and standardized scoring rubric for determining  
2 whether a teacher meets the minimum level of performance;

3 (d) Standards, a training program, and a procedure for the  
4 professional educator standards board to certify evaluators; and

5 (e) Administration and management of the evaluation process and  
6 deployment of evaluators through regional networks operated through the  
7 educational service districts.

8 (3) To the extent that funds are appropriated for this purpose, the  
9 professional educator standards board shall develop the evaluation  
10 system and process throughout the remainder of the 2010-11 and 2011-12  
11 school years.

12 (4) The professional educator standards board shall establish  
13 minimum levels of performance on the evaluation under this section for  
14 a residency teaching certificate, a professional teaching certificate,  
15 and continuing professional certification. The professional educator  
16 standards board shall adopt a definition of master teacher that  
17 requires certification from the national board for professional  
18 teaching standards.

19 (a) Educator preparation programs approved to offer the residency  
20 teaching certificate shall be required to demonstrate how the program  
21 is aligned with and requires demonstration of the standards for  
22 effective teaching adopted under this section. Beginning September 1,  
23 2012, final evaluations for the award of the residency teaching  
24 certificate shall be conducted through the evaluation system  
25 established under this section.

26 (b) Beginning September 1, 2012, in addition to successfully  
27 completing an approved residency certification program, a teacher  
28 candidate must meet the minimum level of performance on the evaluation  
29 under this section to receive a residency certificate. Beginning  
30 September 1, 2012, a residency certificate issued to a teacher is valid  
31 for no more than five years of teaching service in a Washington public  
32 school, state-approved private school, educational service district, or  
33 state agency that provides educational services for students. A  
34 teacher must meet the minimum level of performance for and receive a  
35 professional certificate to continue being certified as a teacher.

36 (c) Beginning September 1, 2012, award of a professional  
37 certificate shall be based on a minimum of two years of successful

1 teaching experience as defined by the board and on the results of the  
2 evaluation under this section and shall not require candidates to  
3 enroll in a professional certification program.

4 (d) The professional educator standards board shall adopt standards  
5 for continuing professional teaching certification that are based on  
6 the results of periodic, ongoing evaluations under this section and do  
7 not rely on continuing education credit hours. The standards shall  
8 apply beginning September 1, 2012, to all teachers holding professional  
9 teaching certification.

10 (5) By January 1, 2011, the professional educator standards board  
11 shall adopt definitions and criteria for master-level certification for  
12 educational staff associates. The criteria shall expect educational  
13 staff associates to demonstrate a level of competency in their field  
14 comparable to the level of competency that national board certification  
15 expects from classroom teachers, with a comparable level of increased  
16 competency between professional and master level as between  
17 professional teaching certification and national board certification.  
18 The board shall submit the proposed definitions and criteria to the  
19 education committees of the legislature for review and must permit an  
20 opportunity for the legislature to act before final adoption of the  
21 definitions and criteria in rules.

22 NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.415  
23 RCW to read as follows:

24 MENTORING. (1) By January 1, 2010, the superintendent of public  
25 instruction, in consultation with the professional educator standards  
26 board, shall submit to the governor and the education and fiscal  
27 committees of the legislature a proposed system to provide high quality  
28 mentoring and support for new teachers after residency certification  
29 and leading to professional certification. The mentoring and support  
30 system shall include:

31 (a) A rigorous and structured program of professional development  
32 activities to assist teachers in meeting the standards for effective  
33 teaching adopted by the professional educator standards board. The  
34 program shall provide intensive support for teachers in their first  
35 year of teaching service and graduated levels of additional support  
36 depending on the needs of the teacher for up to five years or the  
37 teacher's attainment of professional certification;

1 (b) Mentoring and coaching from state-certified mentors who are  
2 teachers with an endorsement in the same or similar subject as the  
3 teacher being mentored, including minimum recommended standards for  
4 release time for mentors and new teachers and contact between mentors  
5 and new teachers. The standards should encourage mentors to remain  
6 actively engaged in classroom instruction to maintain their skills and  
7 provide students continued opportunities to receive instruction from  
8 highly effective teachers. School districts may select and assign  
9 mentors as long as the mentors are state-certified; however the  
10 legislature does not intend that teachers permanently assume the role  
11 of mentor on a full-time basis; and

12 (c) Standards, a training program, and a procedure for the  
13 superintendent of public instruction to certify mentors.

14 (2) To the extent that funds are appropriated for this purpose, the  
15 superintendent of public instruction shall develop the mentoring and  
16 support system throughout the remainder of the 2010-11 and 2011-12  
17 school years.

18 (3) Beginning with the 2012-13 school year, teachers in their first  
19 year of teaching service in Washington public schools after receipt of  
20 a residency certificate must participate in the mentoring and support  
21 program developed under this section. Teachers may receive additional  
22 mentoring and support under this section as needed and as determined by  
23 the school district for up to five years until they achieve  
24 professional certification.

25 NEW SECTION. **Sec. 204.** NEW SALARY MODEL. (1) The legislature  
26 shall establish for each school year in the omnibus appropriations act,  
27 beginning with the 2012-13 school year, a statewide salary schedule for  
28 certificated instructional staff as provided in this section. The  
29 salary allocation schedule shall be used to distribute funds for the  
30 certificated instructional staff allocated under section 106 of this  
31 act.

32 (2) For the purposes of this section, the staff allocations for  
33 classroom teachers, teacher librarians, professional development  
34 coaches, student health services staff, and guidance counselors under  
35 section 106 of this act are allocations for certificated instructional  
36 staff.

1 (3) Salary allocations under this section shall be calculated by  
2 the superintendent of public instruction by determining the district's  
3 average salary for all certificated instructional staff in the district  
4 who are subject to this section, using the statewide salary schedule  
5 and related documents, conditions, and limitations established by the  
6 omnibus appropriations act.

7 (4) The statewide salary schedule under this section shall be based  
8 on three tiers of demonstrated performance that align with the three  
9 levels of certification as defined by the professional educator  
10 standards board: Residency, professional, and master. Each tier shall  
11 contain salary steps based on years of service. The salary schedule  
12 shall not provide increased salaries based on continuing education  
13 credits or academic degrees.

14 (5) By the 2016-17 school year, the statewide salary schedule under  
15 this section shall include the equivalent of ten learning improvement  
16 days, subject to the provisions of section 208 of this act and the  
17 implementation schedule under section 113 of this act.

18 (6) This section applies only to certificated instructional staff  
19 whose first employment with a school district commences with or after  
20 the 2012-13 school year or who have transferred to the compensation  
21 system with salary allocations established under this section as  
22 provided under section 205 of this act.

23 NEW SECTION. **Sec. 205.** TRANSFER TO NEW SYSTEM. (1) Certificated  
24 instructional staff whose first employment with a school district  
25 commenced before the 2012-13 school year have the option to make an  
26 irrevocable transfer to the compensation system with salary allocations  
27 provided under section 204 of this act.

28 (2) An employee who wishes to transfer to the new compensation  
29 system in accordance with this section shall notify the employing  
30 school district no later than November 15th of the year prior to the  
31 school year when the transfer will take effect. The transfer shall  
32 take effect with the next subsequent school year after the notification  
33 regardless of whether the employee changes school districts, takes a  
34 leave of absence, or terminates employment before the beginning of the  
35 school year.

36 (3) Any employee subject to this section who has not transferred to

1 the new compensation system by November 15, 2021, shall be  
2 automatically transferred effective September 1, 2022.

3 (4) This section expires December 31, 2022.

4 NEW SECTION. **Sec. 206.** DEVELOPMENT OF NEW COMPENSATION SYSTEM.

5 (1) The office of financial management shall convene a compensation  
6 working group to include representatives of the office of the  
7 superintendent of public instruction, the professional educator  
8 standards board, the department of personnel, the Washington education  
9 association, the Washington association of school administrators, the  
10 Washington state school directors' association, and other interested  
11 stakeholders with expertise in educator compensation. The working  
12 group shall develop and analyze options for the statewide salary  
13 schedule for certificated instructional staff under section 204 of this  
14 act and for bonus amounts for certified mentors and evaluators to  
15 implement section 210 of this act.

16 (2) The compensation working group shall consider but not be  
17 limited to the following information and factors in developing the  
18 salary schedule:

19 (a) Results of the preliminary labor market survey and analysis  
20 conducted under this section and other information about average  
21 salaries for noneducators in comparable occupations in Washington,  
22 including noneducators at the beginning of their careers and various  
23 types of educational staff associates working in noneducational  
24 settings;

25 (b) The impact of recognizing nonschool experience in the placement  
26 of educational staff associates on the salary allocation schedule;

27 (c) The relative distribution of certificated staff on the current  
28 salary allocation schedule, in combination with current pay for  
29 additional time, responsibilities, and incentives, compared to the  
30 levels of compensation that would make transfer to a new system  
31 financially attractive for many individuals; and

32 (d) Significant recognition of effective teaching performance as  
33 staff advance on the three tiers of the salary schedule.

34 (3) The compensation working group shall consider but not be  
35 limited to the following factors in developing the recommended bonus  
36 amounts for mentors and evaluators:

1 (a) Time commitment and level of effort expected of mentors under  
2 the mentoring and support system proposed by the superintendent of  
3 public instruction;

4 (b) Varying bonus levels for part-time and full-time service as a  
5 mentor;

6 (c) Time commitment and level of effort expected of evaluators  
7 under the teacher evaluation system proposed by the professional  
8 educator standards board; and

9 (d) Amounts that, in combination with base salaries in the salary  
10 schedule, represent an incentive for experienced and effective teachers  
11 to serve as mentors and evaluators.

12 (4) The department of personnel shall conduct a preliminary  
13 comparative labor market survey and analysis as described under section  
14 216 of this act and provide the results to the working group.

15 (5) The work of the compensation working group shall be monitored  
16 and overseen by the basic education steering committee under section 3  
17 of this act. The working group shall provide updates on its work as  
18 requested by the steering committee.

19 (6) The office of financial management shall submit a preliminary  
20 analysis of the options developed under this section to the basic  
21 education steering committee by November 15, 2009. The analysis shall  
22 include preliminary fiscal estimates for implementing the schedule and  
23 recommendations for addressing any unresolved issues or decisions  
24 requiring legislative action during the 2010 legislative session to  
25 allow continued development of the schedule and bonus amounts. A final  
26 report shall be submitted to the steering committee by September 1,  
27 2010.

28 (7) The estimates and information submitted to the governor by the  
29 superintendent of public instruction under RCW 28A.300.170 and the  
30 governor's biennial budget request and budget bill submitted to the  
31 legislature under RCW 43.88.060 for the 2011-2013 biennium shall  
32 include a proposed statewide salary schedule to implement section 204  
33 of this act and proposed bonus amounts to implement section 210 of this  
34 act, to be implemented beginning with the 2012-13 school year.

35 **Sec. 207.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to  
36 read as follows:

37 OLD SALARY ALLOCATION MODEL. (1) The legislature shall establish

1 for each school year in the appropriations act a statewide salary  
2 allocation schedule, for allocation purposes only, to be used to  
3 distribute funds for basic education certificated instructional staff  
4 salaries under (~~RCW 28A.150.260~~) section 106 of this act. For the  
5 purposes of this section, beginning in the 2011-12 school year, the  
6 staff allocations for classroom teachers, librarians, professional  
7 development coaches, student health services staff, and guidance  
8 counselors under section 106 of this act are allocations for  
9 certificated instructional staff.

10 (2) Salary allocations for (~~state-funded basic education~~)  
11 certificated instructional staff under this section shall be calculated  
12 by the superintendent of public instruction by determining the  
13 district's average salary for all certificated instructional staff who  
14 are subject to this section, using the statewide salary allocation  
15 schedule and related documents, conditions, and limitations established  
16 by the omnibus appropriations act.

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

- 22 (a) The employee has a masters degree; or
- 23 (b) The credits were used in generating state salary allocations  
24 before January 1, 1992.

25 (4) Beginning in the 2007-08 school year, the calculation of years  
26 of service for occupational therapists, physical therapists, speech-  
27 language pathologists, audiologists, nurses, social workers,  
28 counselors, and psychologists regulated under Title 18 RCW may include  
29 experience in schools and other nonschool positions as occupational  
30 therapists, physical therapists, speech-language pathologists,  
31 audiologists, nurses, social workers, counselors, or psychologists.  
32 The calculation shall be that one year of service in a nonschool  
33 position counts as one year of service for purposes of this chapter, up  
34 to a limit of two years of nonschool service. Nonschool years of  
35 service included in calculations under this subsection shall not be  
36 applied to service credit totals for purposes of any retirement benefit  
37 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement  
38 system benefits.

1       (5) By the 2016-17 school year, the statewide salary allocation  
2 schedule under this section shall include the equivalent of ten  
3 learning improvement days, subject to the provisions of section 208 of  
4 this act and the implementation schedule under section 113 of this act.

5       (6) Beginning in the 2012-13 school year, this section applies only  
6 to certificated instructional staff whose first employment with a  
7 school district commenced before the 2012-13 school year and who have  
8 not transferred under section 205 of this act to the compensation  
9 system with salary allocations provided under section 204 of this act.

10       (7) This section expires August 31, 2022.

11       NEW SECTION.    Sec. 208.    LID DAYS.    (1) A school district is  
12 eligible to receive the additional funds for learning improvement days  
13 through the salary schedules under sections 204 and 207 of this act  
14 only if the learning improvement days have been added to the one  
15 hundred eighty day contract year established by the district. If fewer  
16 days are added, the additional learning improvement allocation shall be  
17 adjusted accordingly. The length of a learning improvement day shall  
18 not be less than the length of a full school day under the base  
19 contract.

20       (2) The additional days shall be limited to specific activities  
21 identified in the state-required school improvement plan related to  
22 improving student learning that are consistent with education reform  
23 implementation. The principal in each school shall assure that the  
24 days are used to provide schoolwide professional development for all  
25 teachers and other instructional staff that is tied directly to the  
26 school improvement plan. The principal of each school and the  
27 superintendent of the school district shall maintain documentation of  
28 their approval of the activities.

29       (3) The superintendent of public instruction shall adopt rules and  
30 take such other steps as necessary to assure that school districts  
31 comply with the intent and purposes of this section.

32       NEW SECTION.    Sec. 209.    ADMINISTRATOR/CLASSIFIED SALARY  
33 ALLOCATIONS.    (1) Beginning with the 2011-12 school year, the  
34 legislature shall establish for each school year in the omnibus  
35 appropriations act statewide salary allocations, for allocation

1 purposes only, to be used to distribute funds for the following basic  
2 education certificated administrators and classified staff allocated  
3 under section 106 of this act:

4 (a) Principals, including assistant principals and other  
5 certificated building-level administrators;

6 (b) Office support and noninstructional aides;

7 (c) Custodians and other maintenance; and

8 (d) Student and staff safety.

9 (2) The statewide salary allocations under this section for the  
10 2011-12 school year shall be calculated by the superintendent of public  
11 instruction based on the statewide actual average salaries reported by  
12 school districts for the 2008-09 school year for the types of  
13 certificated and classified staff under subsection (1) of this section,  
14 increased by any subsequent across-the-board salary increases  
15 authorized by the legislature.

16 NEW SECTION. **Sec. 210.** A new section is added to chapter 28A.405  
17 RCW to read as follows:

18 NEW BONUSSES. (1) In addition to salaries allocated under section  
19 204 of this act, the legislature shall allocate the bonuses in  
20 accordance with this subsection beginning with the 2012-13 school year  
21 for qualified certificated instructional staff who are subject to this  
22 section.

23 (a) Teachers serving as state-certified mentors as provided under  
24 section 203 of this act shall receive a bonus in an amount specified in  
25 the omnibus appropriations act. A state-certified mentor is eligible  
26 for the mentor bonus only during periods of service as a mentor in the  
27 program under section 203 of this act.

28 (b) Teachers serving as state-certified evaluators as provided  
29 under section 202 of this act shall receive a bonus in an amount  
30 specified in the omnibus appropriations act. A state-certified  
31 evaluator is eligible for the evaluator bonus only during periods of  
32 service as an evaluator.

33 (c) Certificated instructional staff who have attained  
34 certification from the national board for professional teaching  
35 standards shall receive a bonus in the amount of five thousand dollars  
36 if the individual is in an instructional assignment in:

1 (i) A high school where at least fifty percent of the students in  
2 the school are eligible for federal free or reduced-price meals;

3 (ii) A middle school where at least sixty percent of the students  
4 in the school are eligible for federal free or reduced-price meals; or

5 (iii) An elementary school where at least seventy percent of the  
6 students in the school are eligible for federal free or reduced-price  
7 meals.

8 (2) The bonuses provided under this section are in addition to  
9 compensation received under a district's salary schedule adopted in  
10 accordance with RCW 28A.405.200 and shall not be included in  
11 calculations of a district's average salary and associated salary  
12 limitations under RCW 28A.400.200. The bonus under subsection (1)(c)  
13 of this section shall be adjusted annually for inflation and shall be  
14 paid in a lump sum amount.

15 (3) This section applies only to those certificated instructional  
16 staff whose first employment with a school district commences with or  
17 after the 2012-13 school year or who have transferred to the  
18 compensation system with salary allocations established under section  
19 204 of this act as provided under section 205 of this act.

20 (4) The superintendent of public instruction shall adopt rules to  
21 implement this section, including assuring that certificated  
22 instructional staff who qualify for one or more bonus under this  
23 section for less than one full school year receive the bonus in a pro  
24 rata manner.

25 NEW SECTION. **Sec. 211.** A new section is added to chapter 28A.400  
26 RCW to read as follows:

27 REGIONAL WAGE ADJUSTMENT. (1) The office of financial management  
28 shall develop a regional wage adjustment schedule for school districts  
29 based on the labor market analysis conducted under section 216 of this  
30 act. Each school district shall be placed in one of the regions in the  
31 schedule. The purpose of the schedule is to permit an adjustment of  
32 the salary allocations under sections 204, 207, and 209 of this act to  
33 recognize that school districts must compete with other nonschool  
34 employers in the region who tend to adapt their compensation policies  
35 for employees in comparable occupations to reflect different regional  
36 labor markets, including the cost of living in those markets. A school

1 district shall distribute its regional wage adjustment allocation in  
2 accordance with the district's salary schedules, collective bargaining  
3 agreements, and compensation policies.

4 (2) The office of financial management shall submit the initial  
5 recommended regional wage adjustment and accompanying fiscal impact  
6 analysis to the superintendent of public instruction, the governor, and  
7 the education and fiscal committees of the legislature by August 1,  
8 2010. The office of financial management shall update the recommended  
9 adjustment and fiscal impact analysis every four years by August 1st.

10 **Sec. 212.** RCW 28A.405.415 and 2008 c 175 s 2 are each amended to  
11 read as follows:

12 OLD NBPTS BONUS/PROFESSIONAL CERTIFICATION BONUS. (1) Certificated  
13 instructional staff who have attained certification from the national  
14 board for professional teaching standards shall receive a bonus each  
15 year in which they maintain the certification. National board  
16 certified staff who become public school principals shall continue to  
17 receive the bonus for as long as they are principals and maintain the  
18 national board certification. The bonus shall be calculated as  
19 follows: The annual bonus shall be five thousand dollars in the 2007-  
20 08 school year. Thereafter, the annual bonus shall increase by  
21 inflation.

22 (2) Certificated instructional staff who have attained  
23 certification from the national board for professional teaching  
24 standards shall be eligible for bonuses in addition to that provided by  
25 subsection (1) of this section if the individual is in an instructional  
26 assignment in (~~a school in which at least seventy percent of the~~  
27 ~~students qualify for the free and reduced-price lunch program)):~~

28 (a) A high school where at least fifty percent of the students in  
29 the school are eligible for federal free or reduced-price lunch;

30 (b) A middle school where at least sixty percent of the students in  
31 the school are eligible for federal free or reduced-price lunch; or

32 (c) An elementary school where at least seventy percent of the  
33 students in the school are eligible for federal free or reduced-price  
34 lunch.

35 (3) The amount of the additional bonus under subsection (2) of this  
36 section for those meeting the qualifications of subsection (2) of this  
37 section is five thousand dollars.

1       (4) Beginning in the 2012-13 school year, certificated  
2 instructional staff who have attained professional level certification  
3 from the professional educator standards board shall be eligible for a  
4 one-time bonus of one thousand dollars. The bonus under this  
5 subsection shall not be included in the definition of "earnable  
6 compensation" under RCW 41.32.010(10).

7       (5) The bonuses provided under this section are in addition to  
8 compensation received under a district's salary schedule adopted in  
9 accordance with RCW 28A.405.200 and shall not be included in  
10 calculations of a district's average salary and associated salary  
11 limitations under RCW 28A.400.200.

12       ~~((+5))~~ (6) The bonuses provided under this section shall be paid  
13 in a lump sum amount.

14       (7) Beginning in the 2012-13 school year, this section applies only  
15 to certificated instructional staff whose first employment with a  
16 school district commenced before the 2012-13 school year and who have  
17 not transferred under section 205 of this act to the compensation  
18 system with salary allocations provided under section 204 of this act.

19       (8) This section expires August 31, 2022.

20       **Sec. 213.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to  
21 read as follows:

22       SALARY CONTROL AND SUPPLEMENTAL CONTRACTS. (1) Every school  
23 district board of directors shall fix, alter, allow, and order paid  
24 salaries and compensation for all district employees in conformance  
25 with this section.

26       (2) For certificated instructional staff subject to the salary  
27 allocation schedule established under section 207 of this act:

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

32       (b) Salaries for ~~((certificated instructional))~~ staff with a  
33 masters degree shall not be less than the salary provided in the  
34 appropriations act in the statewide salary allocation schedule for an  
35 employee with a masters degree and zero years of service; and

36       ~~((+3)(a))~~ (c) The actual average salary paid to ~~((certificated~~  
37 ~~instructional))~~ staff subject to this subsection (2) shall not exceed

1 the district's average certificated instructional staff salary used for  
2 the state basic education allocations for that school year as  
3 determined pursuant to (~~(RCW 28A.150.410)~~) section 207 of this act.

4 (~~((b))~~) (3) For certificated instructional staff subject to the  
5 salary schedule established under section 204 of this act salaries  
6 shall be as provided in the statewide salary schedule in the omnibus  
7 appropriations act.

8 (4)(a) Fringe benefit contributions for certificated instructional  
9 staff shall be included as salary under (~~((a) of this)~~) subsections (2)  
10 and (3) of this section only to the extent that the district's actual  
11 average benefit contribution exceeds the amount of the insurance  
12 benefits allocation provided per certificated instructional staff unit  
13 in the state operating appropriations act in effect at the time the  
14 compensation is payable. For purposes of this section, fringe benefits  
15 shall not include payment for unused leave for illness or injury under  
16 RCW 28A.400.210; employer contributions for old age survivors  
17 insurance, workers' compensation, unemployment compensation, and  
18 retirement benefits under the Washington state retirement system; or  
19 employer contributions for health benefits in excess of the insurance  
20 benefits allocation provided per certificated instructional staff unit  
21 in the state operating appropriations act in effect at the time the  
22 compensation is payable. A school district may not use state funds to  
23 provide employer contributions for such excess health benefits.

24 (~~((e))~~) (b) Salary and benefits for certificated instructional  
25 staff in programs other than basic education shall be consistent with  
26 the salary and benefits paid to certificated instructional staff in the  
27 basic education program.

28 (~~((4))~~) (5)(a) Salaries and benefits for certificated instructional  
29 staff may exceed the limitations in subsections (~~((3))~~) (2) through (4)  
30 of this section only by separate contract for additional time(~~((~~  
31 additional responsibilities, or incentives)) worked outside the regular  
32 school day or school year.

33 (b) Supplemental contracts shall specify the minimum amount of  
34 additional time required and the purpose or purposes of the additional  
35 time using standard terms and definitions established by the office of  
36 the superintendent of public instruction. Nothing in this section  
37 prohibits a supplemental contract that pays a stipend rather than a  
38 per-unit amount for the additional time. School districts shall

1 annually submit the information required under this subsection in a  
2 common reporting format established by the office of the superintendent  
3 of public instruction and disaggregated for each individual receiving  
4 a supplemental contract.

5 (c) Supplemental contracts shall not cause the state to incur any  
6 present or future funding obligation. Supplemental contracts shall be  
7 subject to the collective bargaining provisions of chapter 41.59 RCW  
8 and the provisions of RCW 28A.405.240, shall not exceed one year, and  
9 if not renewed shall not constitute adverse change in accordance with  
10 RCW 28A.405.300 through 28A.405.380.

11 (d) No district may enter into a supplemental contract under this  
12 subsection (5) for the provision of services which are a part of the  
13 basic education program (~~required by Article IX, section 3 of the~~  
14 ~~state Constitution~~) as defined in section 101 of this act.

15 ~~((+5))~~ (6) Employee benefit plans offered by any district shall  
16 comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

17 NEW SECTION. Sec. 214. A new section is added to chapter 41.59  
18 RCW to read as follows:

19 COLLECTIVE BARGAINING AGREEMENTS. Nothing in chapter . . ., Laws  
20 of 2009 (this act) is intended to alter or affect existing collective  
21 bargaining agreements. Chapter . . ., Laws of 2009 (this act) applies  
22 to all collective bargaining agreements ratified after the effective  
23 date of this section.

24 Sec. 215. RCW 41.59.935 and 1990 c 33 s 571 are each amended to  
25 read as follows:

26 LIMITS TO SALARY BARGAINING. Nothing in this chapter shall be  
27 construed to grant employers or employees the right to reach agreements  
28 regarding salary or compensation increases in excess of those  
29 authorized in accordance with sections 204 and 207 of this act and RCW  
30 ~~((28A.150.410 and))~~ 28A.400.200.

31 NEW SECTION. Sec. 216. A new section is added to chapter 28A.400  
32 RCW to read as follows:

33 LABOR MARKET ANALYSIS. (1)(a) The department of personnel shall  
34 conduct a comparative labor market survey and analysis every four years  
35 of salaries and other compensation for school district employees in

1 Washington. The department of personnel shall consult with the office  
2 of financial management in the design of the analysis. The office of  
3 the superintendent of public instruction shall provide all necessary  
4 salary and compensation data regarding school district employees to the  
5 department for purposes of the analysis.

6 (b) The survey and analysis shall examine salaries and other  
7 compensation for teachers, other certificated instructional staff,  
8 principals and other building-level certificated administrators, office  
9 support and instructional aides, custodians and other maintenance  
10 staff, and student and staff safety personnel, as compared to salaries  
11 and other compensation for nonschool employees in comparable  
12 occupations. The analysis shall compare salaries and other  
13 compensation for a ten-month work year and a twelve-month work year.

14 (c) The survey and analysis shall be conducted at a statewide level  
15 and for metropolitan areas and other labor markets in Washington  
16 identified through the use of data from the United States bureau of the  
17 census and the bureau of labor statistics.

18 (d) The survey and analysis shall also include a comparison of  
19 salaries and other compensation to the appropriate labor market for at  
20 least the following subgroups of educators:

- 21 (i) Beginning teachers;
- 22 (ii) Mathematics and science teachers; and
- 23 (iii) Types of educational staff associates.

24 (2) For the purposes of this section, "salaries and other  
25 compensation" includes average base salaries, average total salaries,  
26 average employee basic benefits as defined by RCW 28A.400.270, and  
27 retirement benefits.

28 (3) The department of personnel shall submit the results of the  
29 comparative labor market analysis to the office of financial  
30 management, the superintendent of public instruction, and the education  
31 and fiscal committees of the legislature by June 30, 2010, and every  
32 four years thereafter.

33 **Sec. 217.** RCW 28A.405.100 and 1997 c 278 s 1 are each amended to  
34 read as follows:

35 EMPLOYMENT EVALUATION. (1) The superintendent of public  
36 instruction, in consultation with the professional educator standards  
37 board, shall establish and may amend from time to time minimum criteria

1 for the evaluation of the professional performance capabilities and  
2 development of certificated classroom teachers and certificated support  
3 personnel. For classroom teachers the criteria shall be (~~developed in~~  
4 ~~the following categories: Instructional skill; classroom management,~~)  
5 based on the standards and scoring rubric for effective teaching  
6 adopted by the professional educator standards board. Additional  
7 minimum criteria include professional preparation and scholarship;  
8 effort toward improvement when needed; the handling of student  
9 discipline and attendant problems; and interest in teaching pupils and  
10 knowledge of subject matter.

11 Every board of directors shall, in accordance with procedure  
12 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,  
13 establish evaluative criteria and procedures for all certificated  
14 classroom teachers and certificated support personnel. The evaluative  
15 criteria must contain as a minimum the criteria established by the  
16 superintendent of public instruction pursuant to this section and must  
17 be prepared within six months following adoption of the superintendent  
18 of public instruction's minimum criteria. The district must certify to  
19 the superintendent of public instruction that evaluative criteria have  
20 been so prepared by the district.

21 Except as provided in subsection (5) of this section, it shall be  
22 the responsibility of a principal or his or her designee to evaluate  
23 all certificated personnel in his or her school. During each school  
24 year all classroom teachers and certificated support personnel,  
25 hereinafter referred to as "employees" in this section, shall be  
26 observed for the purposes of evaluation at least twice in the  
27 performance of their assigned duties. Total observation time for each  
28 employee for each school year shall be not less than sixty minutes.  
29 Following each observation, or series of observations, the principal or  
30 other evaluator shall promptly document the results of the observation  
31 in writing, and shall provide the employee with a copy thereof within  
32 three days after such report is prepared. New employees shall be  
33 observed at least once for a total observation time of thirty minutes  
34 during the first ninety calendar days of their employment period.

35 At any time after October 15th, an employee whose work is judged  
36 unsatisfactory based on district evaluation criteria shall be notified  
37 in writing of the specific areas of deficiencies along with a  
38 reasonable program for improvement. During the period of probation,

1 the employee may not be transferred from the supervision of the  
2 original evaluator. Improvement of performance or probable cause for  
3 nonrenewal must occur and be documented by the original evaluator  
4 before any consideration of a request for transfer or reassignment as  
5 contemplated by either the individual or the school district. A  
6 probationary period of sixty school days shall be established. The  
7 establishment of a probationary period does not adversely affect the  
8 contract status of an employee within the meaning of RCW 28A.405.300.  
9 The purpose of the probationary period is to give the employee  
10 opportunity to demonstrate improvements in his or her areas of  
11 deficiency. The establishment of the probationary period and the  
12 giving of the notice to the employee of deficiency shall be by the  
13 school district superintendent and need not be submitted to the board  
14 of directors for approval. During the probationary period the  
15 evaluator shall meet with the employee at least twice monthly to  
16 supervise and make a written evaluation of the progress, if any, made  
17 by the employee. The evaluator may authorize one additional  
18 certificated employee to evaluate the probationer and to aid the  
19 employee in improving his or her areas of deficiency; such additional  
20 certificated employee shall be immune from any civil liability that  
21 might otherwise be incurred or imposed with regard to the good faith  
22 performance of such evaluation. The probationer may be removed from  
23 probation if he or she has demonstrated improvement to the satisfaction  
24 of the principal in those areas specifically detailed in his or her  
25 initial notice of deficiency and subsequently detailed in his or her  
26 improvement program. Lack of necessary improvement during the  
27 established probationary period, as specifically documented in writing  
28 with notification to the probationer and shall constitute grounds for  
29 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

30 Immediately following the completion of a probationary period that  
31 does not produce performance changes detailed in the initial notice of  
32 deficiencies and improvement program, the employee may be removed from  
33 his or her assignment and placed into an alternative assignment for the  
34 remainder of the school year. This reassignment may not displace  
35 another employee nor may it adversely affect the probationary  
36 employee's compensation or benefits for the remainder of the employee's  
37 contract year. If such reassignment is not possible, the district may,

1 at its option, place the employee on paid leave for the balance of the  
2 contract term.

3 (2) Every board of directors shall establish evaluative criteria  
4 and procedures for all superintendents, principals, and other  
5 administrators. It shall be the responsibility of the district  
6 superintendent or his or her designee to evaluate all administrators.  
7 Such evaluation shall be based on the administrative position job  
8 description. Such criteria, when applicable, shall include at least  
9 the following categories: Knowledge of, experience in, and training in  
10 recognizing good professional performance, capabilities and  
11 development; school administration and management; school finance;  
12 professional preparation and scholarship; effort toward improvement  
13 when needed; interest in pupils, employees, patrons and subjects taught  
14 in school; leadership; and ability and performance of evaluation of  
15 school personnel.

16 (3) Each certificated employee shall have the opportunity for  
17 confidential conferences with his or her immediate supervisor on no  
18 less than two occasions in each school year. Such confidential  
19 conference shall have as its sole purpose the aiding of the  
20 administrator in his or her assessment of the employee's professional  
21 performance.

22 (4) The failure of any evaluator to evaluate or supervise or cause  
23 the evaluation or supervision of certificated employees or  
24 administrators in accordance with this section, as now or hereafter  
25 amended, when it is his or her specific assigned or delegated  
26 responsibility to do so, shall be sufficient cause for the nonrenewal  
27 of any such evaluator's contract under RCW 28A.405.210, or the  
28 discharge of such evaluator under RCW 28A.405.300.

29 (5) After an employee has (~~four~~) five years of satisfactory  
30 evaluations under subsection (1) of this section, a school district may  
31 use a short form of evaluation, a locally bargained evaluation  
32 emphasizing professional growth, an evaluation under subsection (1) of  
33 this section, or any combination thereof. Any evaluation of a  
34 classroom teacher under this subsection must include an evaluation  
35 based on the standards and scoring rubric for effective teaching  
36 adopted by the professional educator standards board. The short form  
37 of evaluation shall include either a thirty minute observation during  
38 the school year with a written summary or a final annual written

1 evaluation based on the criteria in subsection (1) of this section and  
2 based on at least two observation periods during the school year  
3 totaling at least sixty minutes without a written summary of such  
4 observations being prepared. However, the evaluation process set forth  
5 in subsection (1) of this section shall be followed at least once every  
6 three years unless this time is extended by a local school district  
7 under the bargaining process set forth in chapter 41.59 RCW. The  
8 employee or evaluator may require that the evaluation process set forth  
9 in subsection (1) of this section be conducted in any given school  
10 year. No evaluation other than the evaluation authorized under  
11 subsection (1) of this section may be used as a basis for determining  
12 that an employee's work is unsatisfactory under subsection (1) of this  
13 section or as probable cause for the nonrenewal of an employee's  
14 contract under RCW 28A.405.210 unless an evaluation process developed  
15 under chapter 41.59 RCW determines otherwise.

16 **Sec. 218.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to  
17 read as follows:

18 PROVISIONAL STATUS. (1) Notwithstanding the provisions of RCW  
19 28A.405.210, every person employed by a school district in a teaching  
20 or other nonsupervisory certificated position shall be subject to  
21 nonrenewal of employment contract as provided in this section during  
22 the first two years of employment by such district, unless the employee  
23 has previously completed at least two years of certificated employment  
24 in another school district in the state of Washington, in which case  
25 the employee shall be subject to nonrenewal of employment contract  
26 pursuant to this section during the first year of employment with the  
27 new district.

28 (2) Every person employed by a school district in a teaching  
29 position shall remain a provisional employee and subject to the  
30 nonrenewal of employment contract until the beginning of the next  
31 subsequent school year after the school year in which the employee  
32 receives professional teaching certification as provided under section  
33 202 of this act.

34 (3) Employees as defined in this section shall hereinafter be  
35 referred to as "provisional employees".

36 (4) In the event the superintendent of the school district  
37 determines that the employment contract of any provisional employee

1 should not be renewed by the district for the next ensuing term such  
2 provisional employee shall be notified thereof in writing on or before  
3 May 15th preceding the commencement of such school term, or if the  
4 omnibus appropriations act has not passed the legislature by May 15th,  
5 then notification shall be no later than June 1st, which notification  
6 shall state the reason or reasons for such determination. Such notice  
7 shall be served upon the provisional employee personally, or by  
8 certified or registered mail, or by leaving a copy of the notice at the  
9 place of his or her usual abode with some person of suitable age and  
10 discretion then resident therein. The determination of the  
11 superintendent shall be subject to the evaluation requirements of RCW  
12 28A.405.100.

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

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

37 (7) The board of directors shall notify the provisional employee in  
38 writing of its final decision within ten days following the meeting at

1 which the superintendent's recommendation was considered. The decision  
2 of the board of directors to nonrenew the contract of a provisional  
3 employee shall be final and not subject to appeal.

4 (8) This section applies to any person employed by a school  
5 district in a teaching or other nonsupervisory certificated position  
6 after ~~((June 25, 1976))~~ the effective date of this section. This  
7 section provides the exclusive means for nonrenewing the employment  
8 contract of a provisional employee and no other provision of law shall  
9 be applicable thereto, including, without limitation, RCW 28A.405.210  
10 and chapter 28A.645 RCW.

11 **PART III**  
12 **ACCOUNTABILITY**

13 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds that  
14 comprehensive education finance reform and the increased investment of  
15 public resources necessary to implement that reform must be accompanied  
16 by an equally comprehensive and transparent system of school and school  
17 district accountability. The focus of the accountability system is on  
18 continuous improvement of student achievement in all schools and all  
19 school districts.

20 (2) The legislature further finds that it is the state's  
21 responsibility to provide schools and districts with the tools  
22 necessary to be accountable. These tools include the necessary  
23 accounting and data reporting systems, assessment systems to monitor  
24 student achievement, and a system of general support, targeted  
25 assistance, recognition, and, if necessary, intervention.

26 **Sec. 302.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to  
27 read as follows:

28 STATE BOARD OF EDUCATION AUTHORITY. The purpose of the state board  
29 of education is to provide advocacy and strategic oversight of public  
30 education; implement a standards-based accountability system to improve  
31 student academic achievement; provide leadership in the creation of a  
32 system that personalizes education for each student and respects  
33 diverse cultures, abilities, and learning styles; and promote  
34 achievement of the goals of RCW 28A.150.210 (as recodified by this

1 act). In addition to any other powers and duties as provided by law,  
2 the state board of education shall:

3 (1) Hold regularly scheduled meetings at such time and place within  
4 the state as the board shall determine and may hold such special  
5 meetings as may be deemed necessary for the transaction of public  
6 business;

7 (2) Form committees as necessary to effectively and efficiently  
8 conduct the work of the board;

9 (3) Seek advice from the public and interested parties regarding  
10 the work of the board;

11 (4) For purposes of statewide accountability:

12 (a) Adopt and revise performance improvement goals in reading,  
13 writing, science, and mathematics, by subject and grade level, once  
14 assessments in these subjects are required statewide; academic and  
15 technical skills, as appropriate, in secondary career and technical  
16 education programs; and student attendance, as the board deems  
17 appropriate to improve student learning. The goals shall be consistent  
18 with student privacy protection provisions of RCW 28A.655.090(7) and  
19 shall not conflict with requirements contained in Title I of the  
20 federal elementary and secondary education act of 1965, or the  
21 requirements of the Carl D. Perkins vocational education act of 1998,  
22 each as amended. The goals may be established for all students,  
23 economically disadvantaged students, limited English proficient  
24 students, students with disabilities, and students from  
25 disproportionately academically underachieving racial and ethnic  
26 backgrounds. The board may establish school and school district goals  
27 addressing high school graduation rates and dropout reduction goals for  
28 students in grades seven through twelve. The board shall adopt the  
29 goals by rule. However, before each goal is implemented, the board  
30 shall present the goal to the education committees of the house of  
31 representatives and the senate for the committees' review and comment  
32 in a time frame that will permit the legislature to take statutory  
33 action on the goal if such action is deemed warranted by the  
34 legislature;

35 (b) Identify the scores students must achieve in order to meet the  
36 standard on the Washington assessment of student learning and, for high  
37 school students, to obtain a certificate of academic achievement. The  
38 board shall also determine student scores that identify levels of

1 student performance below and beyond the standard. The board shall  
2 consider the incorporation of the standard error of measurement into  
3 the decision regarding the award of the certificates. The board shall  
4 set such performance standards and levels in consultation with the  
5 superintendent of public instruction and after consideration of any  
6 recommendations that may be developed by any advisory committees that  
7 may be established for this purpose. The initial performance standards  
8 and any changes recommended by the board in the performance standards  
9 for the tenth grade assessment shall be presented to the education  
10 committees of the house of representatives and the senate by November  
11 30th of the school year in which the changes will take place to permit  
12 the legislature to take statutory action before the changes are  
13 implemented if such action is deemed warranted by the legislature. The  
14 legislature shall be advised of the initial performance standards and  
15 any changes made to the elementary level performance standards and the  
16 middle school level performance standards;

17 (c) Adopt (~~objective, systematic criteria~~) an accountability  
18 index as provided in section 303 of this act to identify successful  
19 schools and school districts (~~and recommend to the superintendent of~~  
20 ~~public instruction schools and districts to be recognized for two types~~  
21 ~~of accomplishments, student achievement and improvements in student~~  
22 ~~achievement. Recognition for improvements in student achievement shall~~  
23 ~~include consideration of one or more of the following accomplishments:~~

24 (i) ~~An increase in the percent of students meeting standards. The~~  
25 ~~level of achievement required for recognition may be based on the~~  
26 ~~achievement goals established by the legislature and by the board under~~  
27 ~~(a) of this subsection;~~

28 (ii) ~~Positive progress on an improvement index that measures~~  
29 ~~improvement in all levels of the assessment; and~~

30 (iii) ~~Improvements despite challenges such as high levels of~~  
31 ~~mobility, poverty, English as a second language learners, and large~~  
32 ~~numbers of students in special populations as measured by either the~~  
33 ~~percent of students meeting the standard, or the improvement index.~~  
34 ~~When determining the baseline year or years for recognizing individual~~  
35 ~~schools, the board may use the assessment results from the initial~~  
36 ~~years the assessments were administered, if doing so with individual~~  
37 ~~schools would be appropriate;~~

1 ~~(d) Adopt objective, systematic criteria to identify schools and~~  
2 ~~school districts)), those in need of assistance, and those in which~~  
3 ~~significant numbers of students persistently fail to meet state~~  
4 ~~standards((. In its deliberations, the board shall consider the use of~~  
5 ~~all statewide mandated criterion referenced and norm referenced~~  
6 ~~standardized tests));~~

7 (d) Recommend to the superintendent of public instruction schools  
8 and districts to be recognized for student achievement and improvements  
9 in student achievement and recommend methods of recognition, including  
10 the team-based recognition bonus under section 304 of this act;

11 (e) Identify schools and school districts in which state support,  
12 assistance, and intervention measures will be needed ~~((and));~~ recommend  
13 a range of appropriate support, assistance, and intervention strategies  
14 ~~((after the legislature has authorized a set of intervention~~  
15 ~~strategies. After the legislature has authorized a set of intervention~~  
16 ~~strategies, at the request of the board, the superintendent shall~~  
17 ~~intervene in the school or school district and take corrective actions.~~  
18 ~~This chapter does not provide additional authority for the board or the~~  
19 ~~superintendent of public instruction to intervene in a school or school~~  
20 ~~district)); adopt criteria for and approve performance contracts under~~  
21 the innovation zone program as provided under section 305 of this act;  
22 approve schools and school districts on academic watch as provided  
23 under section 306 of this act; and review and approve academic watch  
24 action plans for schools and school districts, including requiring  
25 binding conditions in the plans as provided under section 306 of this  
26 act;

27 (f) Identify performance incentive systems that have improved or  
28 have the potential to improve student achievement;

29 (g) Annually review the assessment reporting system to ensure  
30 fairness, accuracy, timeliness, and equity of opportunity, especially  
31 with regard to schools with special circumstances and unique  
32 populations of students, and a recommendation to the superintendent of  
33 public instruction of any improvements needed to the system; and

34 (h) Include in the biennial report required under RCW 28A.305.035,  
35 information on the progress that has been made in achieving goals  
36 adopted by the board;

37 (5) Accredite, subject to such accreditation standards and  
38 procedures as may be established by the state board of education, all

1 private schools that apply for accreditation, and approve, subject to  
2 the provisions of RCW 28A.195.010, private schools carrying out a  
3 program for any or all of the grades kindergarten through twelve:  
4 PROVIDED, That no private school may be approved that operates a  
5 kindergarten program only: PROVIDED FURTHER, That no private schools  
6 shall be placed upon the list of accredited schools so long as secret  
7 societies are knowingly allowed to exist among its students by school  
8 officials;

9 (6) Articulate with the institutions of higher education, workforce  
10 representatives, and early learning policymakers and providers to  
11 coordinate and unify the work of the public school system;

12 (7) Hire an executive director and an administrative assistant to  
13 reside in the office of the superintendent of public instruction for  
14 administrative purposes. Any other personnel of the board shall be  
15 appointed as provided by RCW 28A.300.020. The board may delegate to  
16 the executive director by resolution such duties as deemed necessary to  
17 efficiently carry on the business of the board including, but not  
18 limited to, the authority to employ necessary personnel and the  
19 authority to enter into, amend, and terminate contracts on behalf of  
20 the board. The executive director, administrative assistant, and all  
21 but one of the other personnel of the board are exempt from civil  
22 service, together with other staff as now or hereafter designated as  
23 exempt in accordance with chapter 41.06 RCW; and

24 (8) Adopt a seal that shall be kept in the office of the  
25 superintendent of public instruction.

26 NEW SECTION. **Sec. 303.** A new section is added to chapter 28A.655  
27 RCW to read as follows:

28 ACCOUNTABILITY INDEX. (1) The state board of education shall adopt  
29 an accountability index to identify schools and school districts for  
30 recognition and for state support, assistance, and intervention.

31 (2) The accountability index shall measure school and district  
32 performance using multiple outcomes and indicators. The outcomes  
33 measured by the index shall include but not be limited to extended  
34 graduation rates and results from statewide assessments, including any  
35 statewide formative assessments. The indicators measured by the index  
36 shall include but not be limited to overall student achievement,

1 student achievement compared to similar schools and districts, and  
2 improvement of student achievement.

3 (3) The state board of education shall develop a tiered system of  
4 categories for evaluating schools and school districts based on the  
5 results of the accountability index. The categories shall range from  
6 struggling to exemplary and shall be used as the basis for recognition  
7 and state support, assistance, and intervention.

8 (4) The superintendent of public instruction shall calculate the  
9 results of the accountability index annually and place each school and  
10 school district into one of the categories as defined by the state  
11 board. The superintendent shall post the results of the accountability  
12 index and the category for each school and district on the  
13 superintendent's web site, subject to the protections of student  
14 privacy required under RCW 28A.655.090.

15 (5) The superintendent of public instruction shall seek approval  
16 from the United States department of education for use of the  
17 accountability index and the state system of support, assistance, and  
18 intervention to replace the federal accountability system under P.L.  
19 107-110, the no child left behind act of 2001.

20 NEW SECTION. **Sec. 304.** A new section is added to chapter 28A.655  
21 RCW to read as follows:

22 **TEAM-BASED RECOGNITION BONUS.** (1) The legislature finds that a  
23 team-based recognition bonus for school staff is an integral part not  
24 only of the statewide accountability system but also the overall system  
25 of employee compensation in order to focus attention on the primary  
26 objective of a basic education: Improved student learning.

27 (2) Based on the results of the accountability index under section  
28 303 of this act and other criteria established by the state board of  
29 education, the superintendent of public instruction shall annually  
30 recommend to the state board of education a subset of exemplary schools  
31 whose level of overall achievement and sustained improvement of student  
32 learning warrant a special recognition for the staff assigned to the  
33 school. The state board of education shall review the list of  
34 identified schools and designate the schools that are eligible for a  
35 team-based recognition bonus.

36 (3) To the extent that funds are appropriated for the purposes of  
37 this section, each school district employee assigned to a school

1 designated by the state board under subsection (2) of this section is  
2 eligible for a team-based recognition bonus in an amount specified in  
3 the omnibus appropriations act. The bonuses provided under this  
4 section are in addition to compensation received under a district's  
5 salary schedule adopted in accordance with RCW 28A.405.200 and shall  
6 not be included in calculations of a district's average salary and  
7 associated salary limitations under RCW 28A.400.200. The bonuses shall  
8 not be included in the definition of "earnable compensation" under RCW  
9 41.32.010(10), 41.35.010(6), or 41.40.010(8). The bonuses shall be  
10 paid in a lump sum amount.

11 (4) By December 1, 2009, the state board of education shall submit  
12 a proposal for the team-based recognition bonus to the governor and the  
13 education and fiscal committees of the legislature, including the  
14 criteria for identifying qualifying schools and recommendations  
15 regarding the amount of the bonus, which shall be awarded on a per  
16 person basis to all staff assigned to the school but may be  
17 differentiated based on the type of staff in the school.

18 (5) By November 1, 2010, and annually thereafter, the state board  
19 of education shall submit a list of schools qualifying for the team-  
20 based recognition bonus to the superintendent of public instruction and  
21 the governor.

22 (6) The state board of education shall adopt rules to implement the  
23 team-based recognition bonus under this section.

24 NEW SECTION. **Sec. 305.** A new section is added to chapter 28A.655  
25 RCW to read as follows:

26 SYSTEM OF SUPPORT AND ASSISTANCE/INNOVATION ZONE. (1) In  
27 consultation with the state board of education, the superintendent of  
28 public instruction shall develop and implement a comprehensive system  
29 of support and assistance to schools and school districts where the  
30 level of intensity of support and assistance for school improvement  
31 increases based on the results of the accountability index under  
32 section 303 of this act. General support and assistance for school  
33 improvement may include online professional learning and data  
34 collection tools, school and district improvement plan and management  
35 tools, regional and statewide professional development opportunities,  
36 and other forms of assistance made broadly available by the office of  
37 the superintendent of public instruction to all schools and districts.

1 Targeted support and assistance may include the school improvement  
2 assistance program of the office of the superintendent of public  
3 instruction, the summit district improvement program, and other  
4 progressively more intensive collaborative and voluntary efforts by the  
5 school, school district, office of the superintendent of public  
6 instruction, and local community to improve student performance. For  
7 priority schools and priority school districts designated under this  
8 section, the superintendent of public instruction shall make intensive  
9 support and assistance available through the innovation zone program  
10 under subsection (3) of this section.

11 (2) Based on the results of the accountability index and other  
12 criteria established by the state board of education, the  
13 superintendent of public instruction shall annually recommend to the  
14 state board of education a subset of struggling schools and school  
15 districts whose level of achievement and sustained lack of improvement  
16 of student learning warrant designation as priority schools or priority  
17 school districts. Before making the recommendation, the superintendent  
18 shall conduct an intensive analysis using quantitative and qualitative  
19 data, including additional information supplied by the school or  
20 district. The state board of education shall review the list of  
21 identified schools and districts and designate priority schools and  
22 priority school districts.

23 (3)(a) Subject to funds appropriated for this purpose, the  
24 superintendent of public instruction shall develop and implement an  
25 innovation zone program for priority schools and priority school  
26 districts that apply and are designated by the state board of education  
27 to participate in the program. The state board of education shall  
28 adopt criteria for the performance contracts developed under the  
29 program, including identifying the strategies for significantly  
30 improving student achievement that must be included in a contract, and  
31 shall approve the contracts of participating schools and districts.

32 (b) The innovation zone program shall include:

33 (i) Performance contracts between the state board of education and  
34 school district boards of directors that include rigorous and demanding  
35 expectations, measurable objectives and benchmarks with a timeline  
36 against which a school or district is required to show progress, and a  
37 commitment to strategies for making operational changes in the school  
38 or district. Such strategies may include but not be limited to

1 additional time for professional development or student learning,  
2 professional learning communities, supplemental learning opportunities  
3 and support for students, reallocation of financial resources to the  
4 extent authorized by law, personnel changes, implementation of data-  
5 driven instruction, changes in curriculum, waivers of state or federal  
6 rules or regulations to the extent authorized by law, changes to  
7 collective bargaining agreements that are agreed to by the parties to  
8 the agreements, enhanced connections between schools, parents, and  
9 local communities, and improved coordination of professional  
10 development and instruction;

11 (ii) To the extent that funds are appropriated or otherwise  
12 available for this purpose, supplemental resources and assistance  
13 provided by the office of the superintendent of public instruction to  
14 implement the performance contracts;

15 (iii) Systemic, district-wide reform initiatives that involve  
16 clusters of schools within a district or across districts; and

17 (iv) A focus on schools and districts that demonstrate a readiness  
18 to benefit from the program and a commitment to collaboration from key  
19 partners including the school board, school and district  
20 administration, teachers, school staff, and community leaders.

21 (d) Performance contracts under the innovation zone program shall  
22 be for a minimum two-year period of implementation, not including time  
23 to develop the contract and the plan for participating in the  
24 innovation zone program. If the superintendent of public instruction  
25 determines that the priority school or priority school district has  
26 demonstrated significant improvement after two years of a performance  
27 contract, the superintendent may recommend to the state board of  
28 education that supplemental resources and assistance to the school or  
29 district be continued for an additional two-year period.

30 (4) Priority schools and priority school districts that do not  
31 participate in the innovation zone program shall be offered strategic  
32 planning assistance for school improvement from the office of the  
33 superintendent of public instruction.

34 NEW SECTION. **Sec. 306.** A new section is added to chapter 28A.655  
35 RCW to read as follows:

36 **ACADEMIC WATCH.** (1) The superintendent of public instruction shall  
37 recommend that the state board of education place priority schools or

1 priority school districts, as designated by the state board of  
2 education under section 305 of this act, on academic watch as provided  
3 under this section if the school or district has not demonstrated  
4 sufficient improvement through voluntary support and assistance  
5 initiatives.

6 (2)(a) A priority school or priority school district that has  
7 participated in the innovation zone program under section 305 of this  
8 act shall be placed on academic watch if the school or district retains  
9 priority designation by the state board of education after two years of  
10 support and assistance through a performance contract and a review by  
11 the state board of education of progress made under the contract.

12 (b) A priority school or priority school district that has not  
13 participated in the innovation zone program shall be placed on academic  
14 watch if the school or district retains priority designation by the  
15 state board of education two years after being so designated.

16 (3) The superintendent of public instruction shall conduct an  
17 academic performance audit of a school or school district on academic  
18 watch, using peer review teams of educators and experts in school  
19 improvement. The audit shall recommend specific corrective actions  
20 that must be undertaken to improve student learning in the school or  
21 district and any supplemental resources necessary to implement the  
22 corrective actions. With the assistance of the office of the  
23 superintendent of public instruction, a school district on academic  
24 watch or in which schools on academic watch are located shall develop  
25 an academic watch action plan to implement the corrective actions  
26 identified by the performance audit and submit the plan to the state  
27 board of education.

28 (4) The state board of education shall:

29 (a) Review academic watch action plans and recommend any changes  
30 the board deems appropriate;

31 (b) Direct the superintendent of public instruction to develop  
32 final academic watch action plans containing conditions, which shall be  
33 binding on the district, that the superintendent of public instruction  
34 determines are necessary to enable successful implementation of the  
35 plans;

36 (c) Approve final academic watch action plans with binding  
37 conditions; and

1 (d) To the extent funds are appropriated or otherwise available for  
2 this purpose, authorize the superintendent of public instruction to  
3 provide supplemental resources and assistance to implement academic  
4 watch action plans.

5 (5) If the state board of education determines that available  
6 supplemental resources are not sufficient to implement an academic  
7 watch action plan, the board shall not approve the plan.

8 (6) The superintendent of public instruction shall closely monitor  
9 implementation of academic watch action plans and make periodic status  
10 reports to the state board of education. If the superintendent  
11 determines that a plan is not being successfully implemented or the  
12 actions and binding conditions are not sufficient to achieve their  
13 intended results, the superintendent shall recommend a revised academic  
14 watch action plan for that school district, which shall be approved by  
15 the state board of education as provided under subsections (4) and (5)  
16 of this section. If the superintendent determines that a plan has been  
17 successfully implemented and achieved its intended results, the  
18 superintendent shall recommend that the state board of education remove  
19 the school or district from academic watch.

20 (7) Binding conditions contained in an academic action plan under  
21 this section may include but are not limited to reallocation of  
22 financial resources to the extent authorized by law, personnel changes,  
23 changes in curriculum and instructional practices, supplemental  
24 instruction and support for students, adoption of a teacher mentoring  
25 program, reduced class size, and adjustment of the school calendar  
26 including extension of the school day or school year. A binding  
27 condition may not alter or affect an existing collective bargaining  
28 agreement unless the agreement is modified by a new agreement bargained  
29 under the terms of chapter 41.59 or 41.56 RCW.

30 NEW SECTION. **Sec. 307.** A new section is added to chapter 28A.320  
31 RCW to read as follows:

32 **REQUIRED TO COMPLY WITH THE BINDING CONDITIONS.** As provided under  
33 section 306 of this act, the board of directors of a school district on  
34 academic watch or in which schools on academic watch are located shall  
35 comply with the terms of an academic watch action plan with binding  
36 conditions developed by the superintendent of public instruction and  
37 approved by the state board of education.

1       **Sec. 308.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are  
2 each amended to read as follows:

3       FAILURE TO MEET BINDING CONDITIONS. If a local school district  
4 fails to comply with any binding restrictions issued by the  
5 superintendent of public instruction or binding conditions in an  
6 academic watch action plan for schools and school districts on academic  
7 watch under section 306 of this act, the allocation of state funds for  
8 support of the local school district may be withheld, pending an  
9 investigation of the reason for such noncompliance by the office of the  
10 superintendent of public instruction. Written notice of the intent to  
11 withhold state funds, with reasons stated for this action, shall be  
12 made to the school district by the office of the superintendent of  
13 public instruction before any portion of the state allocation is  
14 withheld.

15       NEW SECTION. **Sec. 309.** A new section is added to chapter 28A.655  
16 RCW to read as follows:

17       FORMATIVE ASSESSMENTS. (1) The superintendent of public  
18 instruction, in consultation with the state board of education and the  
19 professional educator standards board, shall issue a request for  
20 proposals for a system of formative assessments for use by schools and  
21 school districts to measure individual improvement in student learning  
22 throughout the school year and from one school year to the next. The  
23 formative assessments shall form the basis for a statewide system of  
24 monitoring student progress, monitoring and improving the effectiveness  
25 of supplemental instruction and strategies to support underachieving  
26 students, improving curriculum and instruction, measuring effective  
27 teaching, and monitoring overall school and district performance in  
28 meeting the goals of the basic education act.

29       (2) The formative assessments shall have the following minimum  
30 characteristics:

31       (a) Be reasonably aligned with the state essential academic  
32 learning requirements and grade level expectations;

33       (b) Reliably measure student progress toward meeting grade-level  
34 standards and progress within a grade level and from one grade to the  
35 next;

36       (c) Provide periodic information during the school year about an

1 individual student's academic progress that is useful to parents and  
2 teachers in adapting instruction to meet the student's learning needs;

3 (d) To the maximum extent possible, be administered online and with  
4 immediate results; and

5 (e) Be available for statewide purchase and provision to school  
6 districts with minimal adaptation or supplementation.

7 (3) In developing the request for proposals and reviewing the  
8 responses, the superintendent of public instruction shall consult with  
9 advisory committees of teachers, principals, and school curriculum and  
10 assessment directors to assure the results of the formative assessments  
11 provide instructional benefit.

12 (4) The superintendent shall report to the governor and the  
13 education and fiscal committees of the legislature by November 15,  
14 2010, identifying the recommended formative assessments and estimating  
15 the costs of implementing the assessments statewide, starting with the  
16 2011-12 school year.

17 (5) The superintendent of public instruction, in consultation with  
18 the state board of education and the professional educator standards  
19 board, shall adopt standards and a common format for schools and  
20 districts to report results from the assessments that protect student  
21 privacy as required under RCW 28A.655.090. Data from the assessments  
22 must be consistently reported by student, by teacher, and by school so  
23 that results may be used for the purposes identified in subsection (1)  
24 of this section.

25 (6) To the extent that funds are appropriated for this purpose,  
26 schools shall administer the formative assessments selected under this  
27 section and report results beginning in the 2011-12 school year.

28 NEW SECTION. **Sec. 310.** A new section is added to chapter 28A.655  
29 RCW to read as follows:

30 EDUCATION DATA ACCOUNTABILITY SYSTEM. (1) It is the legislature's  
31 intent to establish comprehensive education data accountability systems  
32 for financial, student, and educator data. The objective of the  
33 systems is to monitor student progress, assure educator quality,  
34 monitor and analyze the costs of programs, provide for financial  
35 integrity and accountability, and have the capacity to link across  
36 these various data components by student, by school, by district, and  
37 statewide. Education data systems must be flexible and able to adapt

1 to evolving needs for information, but there must be an objective and  
2 orderly process for determining when changes are needed and how to  
3 implement them.

4 (2) It is the legislature's intent that the education data  
5 accountability systems used by school districts and the state include  
6 but not be limited to the following information and functionality:

7 (a) Comprehensive educator assignment information, including grade  
8 level and courses taught, building or location, program, job  
9 assignment, years of experience, and compensation;

10 (b) Capacity to link educator assignment information with educator  
11 certification information such as certification number, type of  
12 certification, route to certification, certification program, and  
13 certification assessment or evaluation scores;

14 (c) Common coding of secondary courses and major areas of study at  
15 the elementary level;

16 (d) Complete student information, including but not limited to  
17 student characteristics, course and program enrollment, performance on  
18 statewide summative and formative assessments, and performance on  
19 college readiness tests;

20 (e) A subset of student information elements to serve as a dropout  
21 early warning system;

22 (f) Capacity to link educator information with student information;

23 (g) A common, standardized structure for reporting the costs of  
24 programs at the school and district level with a focus on financial  
25 accountability rather than accounting for expenditure inputs;

26 (h) Separate accounting of state, federal, and local revenues and  
27 costs;

28 (i) Alignment between state funding formulas and school district  
29 budgeting and accounting, including procedures for assuring that  
30 financial data is accurate and auditable; and

31 (j) Capacity to link program cost information with student  
32 information to gauge the cost-effectiveness of programs.

33 (3) It is the legislature's long-term goal that all school  
34 districts use a common software and data platform to support the  
35 education data accountability systems under this section, which shall  
36 be provided by the state. However, until this goal is fully  
37 implemented, school districts may use software and programs of their

1 choosing as long as required information and functionality can be  
2 assured.

3 NEW SECTION. **Sec. 311.** DATA WORKING GROUP. (1) The office of  
4 the superintendent of public instruction shall convene a technical  
5 working group to propose a design and implementation time frame for the  
6 comprehensive data accountability systems for financial, student, and  
7 educator data under section 310 of this act.

8 (2) The data working group shall include representatives of the  
9 office of financial management, the state auditor's office, the  
10 legislative evaluation and accountability program committee, the joint  
11 legislative audit and review committee, the professional educator  
12 standards board, the state board of education, the Washington state  
13 information processing cooperative, educational service districts, the  
14 Washington association of school business officers, the Washington  
15 education association, the Washington association of school  
16 administrators, the Washington state school directors' association, and  
17 other interested stakeholders with expertise in education data.

18 (3) The data working group shall:

19 (a) Create a comprehensive needs requirement document detailing the  
20 specific information and technical capacity needed by school districts  
21 and the state to meet the legislature's expectations for comprehensive  
22 data accountability systems as described under section 310 of this act;

23 (b) Conduct a gap analysis of current and planned information  
24 compared to the needs requirement document, including an analysis of  
25 the strengths and limitations of education data systems and programs  
26 currently used by school districts and the state and the extent to  
27 which these systems and programs have the capacity or can be modified  
28 to meet the needs requirement document;

29 (c) Focus on financial and cost data necessary to support the new  
30 financial models and funding formulas, including any necessary changes  
31 to school district budgeting and accounting, and on assuring the  
32 capacity to link data across financial, student, and educator systems;  
33 and

34 (d) Develop a proposal for a data governance structure that would  
35 be responsible for establishing a standard data dictionary, setting  
36 data collection priorities, establishing minimum mandatory standards

1 for school data systems, and overseeing implementation of the  
2 comprehensive education data accountability systems.

3 (4) The work of the data working group shall be monitored and  
4 overseen by the basic education steering committee under section 3 of  
5 this act. The working group shall provide updates on its work as  
6 requested by the steering committee.

7 (5) The superintendent of public instruction shall submit a  
8 preliminary report to the basic education steering committee by  
9 November 15, 2009, including the analyses under subsection (3) of this  
10 section and preliminary options for addressing identified gaps. A  
11 final report, including a proposed phase-in plan and preliminary cost  
12 estimates for implementation of comprehensive data accountability  
13 systems for financial, student, and educator data shall be submitted to  
14 the steering committee by September 1, 2010.

15 NEW SECTION. **Sec. 312.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 28A.655.200 (Norm-referenced assessments--Diagnostic  
18 assessments) and 2007 c 354 s 8, 2006 c 117 s 4, & 2005 c 217 s 2;

19 (2) RCW 28A.655.130 (Accountability implementation funds) and 1999  
20 c 388 s 402; and

21 (3) RCW 28A.655.010 (Washington commission on student learning--  
22 Definitions) and 1993 c 336 s 201.

23 **PART IV**  
24 **OTHER FINANCE**

25 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.500  
26 RCW to read as follows:

27 **NEW LEVY/LEA SYSTEM--INTENT.** (1) The legislature finds that while  
28 the state has the responsibility to provide for a general and uniform  
29 system of public schools, there is also a need for some diversity in  
30 the public school system. A successful system of public education must  
31 permit some variation among school districts outside the basic  
32 education provided for by the state to respond to and reflect the  
33 unique desires of local communities. The opportunity for local  
34 communities to invest in enriched education programs promotes support  
35 for local public schools. Further, the ability of local school

1 districts to experiment with enriched programs can inform the  
2 legislature's long-term evolution of the definition of basic education.  
3 Therefore, local levy authority remains an important component of the  
4 overall finance system in support of the public schools even though it  
5 is outside the state's obligation for basic education.

6 (2) However, the value of permitting local levies must be balanced  
7 with the value of equity and fairness to students and to taxpayers,  
8 neither of whom should be unduly disadvantaged due to differences in  
9 the tax bases used to support local levies. Equity and fairness  
10 require both an equitable basis for supplemental funding outside basic  
11 education and a mechanism for property tax-poor school districts to  
12 fairly access supplemental funding. As such, local effort assistance,  
13 while also outside the state's obligation for basic education, is  
14 another important component of school finance.

15 NEW SECTION. **Sec. 402.** LOCAL FUNDING WORKING GROUP. (1) The  
16 office of financial management shall convene a technical working group  
17 to develop options for a new system of supplemental school funding  
18 through local school levies and local effort assistance, to be  
19 implemented beginning in the 2012 calendar year. The system shall have  
20 the following characteristics:

21 (a) Local levy authority defined not on a percentage of state and  
22 federal funding but on a per-student amount;

23 (b) State-funded matching assistance to equalize a portion of the  
24 per-student amount in property tax-poor school districts that  
25 demonstrate a level of local effort in authorizing a local levy; and

26 (c) Elimination of historic grandfathering of local levy authority.

27 (2) The local funding working group shall consider the impact on  
28 overall school district revenues of the new basic education funding  
29 system established under this act and shall recommend a phase-in plan  
30 that ensures that no school district suffers a decrease in funding from  
31 one school year to the next due to implementation of the new system of  
32 supplemental funding.

33 (3) The local funding working group shall be composed of  
34 representatives from the office of the superintendent of public  
35 instruction, the department of revenue, the legislative evaluation and  
36 accountability program committee, educational service district  
37 financial managers, and representatives of the Washington association

1 of school business officers, the Washington education association, the  
2 Washington association of school administrators, the Washington state  
3 school directors' association, and other interested stakeholders with  
4 expertise in education finance. The office of financial management may  
5 engage technical consultants as needed for revenue forecasts and  
6 financial modeling.

7 (4) The work of the local funding working group shall be monitored  
8 and overseen by the basic education steering committee under section 3  
9 of this act. The working group shall provide updates on its work as  
10 requested by the steering committee.

11 (5) The office of financial management shall submit a progress  
12 report on the development of the new system of supplemental school  
13 funding to the basic education steering committee by November 15, 2009.  
14 The progress report shall identify the options being considered for the  
15 system and their estimated fiscal impact and any unresolved issues or  
16 decisions requiring legislative action during the 2010 legislative  
17 session to allow continued development of the system. The office of  
18 financial management shall submit a final report with recommendations,  
19 estimated fiscal impact, and implementing legislation to the steering  
20 committee by September 1, 2010.

21 **Sec. 403.** RCW 84.52.0531 and 1997 c 259 s 2 are each amended to  
22 read as follows:

23 LEVIES. The maximum dollar amount which may be levied by or for  
24 any school district for maintenance and operation support under the  
25 provisions of RCW 84.52.053 shall be determined as follows:

26 (1) For excess levies for collection in calendar year 1997, the  
27 maximum dollar amount shall be calculated pursuant to the laws and  
28 rules in effect in November 1996.

29 (2) For excess levies for collection in calendar year 1998 and  
30 thereafter, the maximum dollar amount shall be the sum of (a) plus or  
31 minus (b) and (c) of this subsection (~~minus (d) of this subsection~~):

32 (a) The district's levy base as defined in subsection (3) of this  
33 section multiplied by the district's maximum levy percentage as defined  
34 in subsection (4) of this section;

35 (b) For districts in a high/nonhigh relationship, the high school  
36 district's maximum levy amount shall be reduced and the nonhigh school  
37 district's maximum levy amount shall be increased by an amount equal to

1 the estimated amount of the nonhigh payment due to the high school  
2 district under RCW 28A.545.030(3) and 28A.545.050 for the school year  
3 commencing the year of the levy;

4 (c) For districts in an interdistrict cooperative agreement, the  
5 nonresident school district's maximum levy amount shall be reduced and  
6 the resident school district's maximum levy amount shall be increased  
7 by an amount equal to the per pupil basic education allocation included  
8 in the nonresident district's levy base under subsection (3) of this  
9 section multiplied by:

10 (i) The number of full-time equivalent students served from the  
11 resident district in the prior school year; multiplied by:

12 (ii) The serving district's maximum levy percentage determined  
13 under subsection (4) of this section; increased by:

14 (iii) The percent increase per full-time equivalent student as  
15 stated in the state basic education appropriation section of the  
16 biennial budget between the prior school year and the current school  
17 year divided by fifty-five percent((÷

18 ~~(d) The district's maximum levy amount shall be reduced by the~~  
19 ~~maximum amount of state matching funds for which the district is~~  
20 ~~eligible under RCW 28A.500.010)).~~

21 (3) For excess levies for collection in calendar year ((1998 and  
22 thereafter)) 2012, a district's levy base shall be the sum of  
23 allocations in (a) through (c) of this subsection received by the  
24 district for the prior school year, including allocations for  
25 compensation increases, plus the sum of such allocations multiplied by  
26 the percent increase per full-time equivalent student as stated in the  
27 state basic education appropriation section of the biennial budget  
28 between the prior school year and the current school year and divided  
29 by fifty-five percent. A district's levy base shall not include local  
30 school district property tax levies or other local revenues, or state  
31 and federal allocations not identified in (a) through (c) of this  
32 subsection.

33 (a) The district's basic education allocation as determined  
34 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350, as they  
35 existed for the 2010-11 school year;

36 (b) State and federal categorical allocations for the following  
37 programs:

38 (i) Pupil transportation;

- 1 (ii) Special education;
- 2 (iii) Education of highly capable students;
- 3 (iv) Compensatory education, including but not limited to learning
- 4 assistance, migrant education, Indian education, refugee programs, and
- 5 bilingual education;
- 6 (v) Food services; and
- 7 (vi) Statewide block grant programs; and
- 8 (c) Any other federal allocations for elementary and secondary
- 9 school programs, including direct grants, other than federal impact aid
- 10 funds and allocations in lieu of taxes.

11 (4) For excess levies for collection in calendar year 2013 and

12 thereafter, a district's levy base shall be the sum of allocations in

13 (a) through (c) of this subsection received by the district for the

14 prior school year, including allocations for compensation increases,

15 plus the sum of such allocations multiplied by the percent increase per

16 full-time equivalent student as stated in the state basic education

17 appropriation section of the biennial budget between the prior school

18 year and the current school year and divided by fifty-five percent. A

19 district's levy base shall not include local school district property

20 tax levies or other local revenues, or state and federal allocations

21 not identified in (a) through (c) of this subsection.

22 (a) The district's basic education allocation as determined

23 pursuant to section 106 of this act, except amounts to fund special

24 education programs, the learning assistance program, and the

25 transitional bilingual instructional program, which are accounted for

26 under (b) of this subsection;

27 (b) State and federal categorical allocations for the following

28 programs:

29 (i) Pupil transportation;

30 (ii) Special education;

31 (iii) Education of highly capable students;

32 (iv) Compensatory education, including but not limited to learning

33 assistance, migrant education, Indian education, refugee programs, and

34 bilingual education;

35 (v) Food services; and

36 (vi) Statewide block grant programs; and

37 (c) Any other federal allocations for elementary and secondary

1 school programs, including direct grants, other than federal impact aid  
2 funds and allocations in lieu of taxes.

3 (5) A district's maximum levy percentage shall be twenty-two  
4 percent in 1998 and twenty-four percent in 1999 and every year  
5 thereafter ~~(; plus, for qualifying districts, the grandfathered~~  
6 ~~percentage determined as follows:~~

7 ~~(a) For 1997, the difference between the district's 1993 maximum~~  
8 ~~levy percentage and twenty percent; and~~

9 ~~(b) For 1998 and thereafter, the percentage calculated as follows:~~

10 ~~(i) Multiply the grandfathered percentage for the prior year times~~  
11 ~~the district's levy base determined under subsection (3) of this~~  
12 ~~section;~~

13 ~~(ii) Reduce the result of (b)(i) of this subsection by any levy~~  
14 ~~reduction funds as defined in subsection (5) of this section that are~~  
15 ~~to be allocated to the district for the current school year;~~

16 ~~(iii) Divide the result of (b)(ii) of this subsection by the~~  
17 ~~district's levy base; and~~

18 ~~(iv) Take the greater of zero or the percentage calculated in~~  
19 ~~(b)(iii) of this subsection).~~

20 ~~((+5))~~ (6) "Levy reduction funds" shall mean increases in state  
21 funds from the prior school year for programs included under subsection  
22 (3) or (4) of this section: (a) That are not attributable to  
23 enrollment changes, compensation increases, or inflationary  
24 adjustments; and (b) that are or were specifically identified as levy  
25 reduction funds in the appropriations act. If levy reduction funds are  
26 dependent on formula factors which would not be finalized until after  
27 the start of the current school year, the superintendent of public  
28 instruction shall estimate the total amount of levy reduction funds by  
29 using prior school year data in place of current school year data.  
30 Levy reduction funds shall not include moneys received by school  
31 districts from cities or counties.

32 ~~((+6))~~ (7) For the purposes of this section, "prior school year"  
33 means the most recent school year completed prior to the year in which  
34 the levies are to be collected.

35 ~~((+7))~~ (8) For the purposes of this section, "current school year"  
36 means the year immediately following the prior school year.

37 ~~((+8))~~ (9) Funds collected from transportation vehicle fund tax  
38 levies shall not be subject to the levy limitations in this section.

1       (~~(9)~~) (10) The superintendent of public instruction shall  
2 (~~develop~~) adopt rules (~~and regulations~~) and inform school districts  
3 of the pertinent data necessary to carry out the provisions of this  
4 section.

5       NEW SECTION. Sec. 404. REPEAL OF LOCAL EFFORT ASSISTANCE. The  
6 following acts or parts of acts are each repealed:

7       (1) RCW 28A.500.010 (Local effort assistance funds--Purpose--Not  
8 basic education allocation) and 1999 c 317 s 1, 1997 c 259 s 4, 1993 c  
9 410 s 1, 1992 c 49 s 2, & 1987 1st ex.s. c 2 s 102;

10       (2) RCW 28A.500.020 (Definitions) and 2004 c 21 s 1 & 1999 c 317 s  
11 2;

12       (3) RCW 28A.500.030 (Allocation of state matching funds--  
13 Determination) and 2006 c 372 s 904, 2006 c 119 s 1, 2005 c 518 s 914,  
14 2003 1st sp.s. c 25 s 912, 2002 c 317 s 4, & 1999 c 317 s 3;

15       (4) RCW 28A.500.040 (Distribution of funds) and 1999 c 317 s 4; and

16       (5) RCW 28A.500.900 (Effective date--1999 c 317) and 1999 c 317 s  
17 5.

18       **Sec. 405.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to  
19 read as follows:

20       HIGHLY CAPABLE ALLOCATION. (1) Supplementary funds as may be  
21 provided by the state for (~~this program, in accordance with RCW~~  
22 ~~28A.150.370,~~) the program for highly capable students shall be  
23 categorical funding on an excess cost basis based upon a per student  
24 (~~amount~~) allocation to provide services to highly capable students  
25 not to exceed three percent of any district's full-time equivalent  
26 enrollment. The amount of supplementary funding for this program shall  
27 be established by the legislature in the omnibus appropriations act.  
28 The program for highly capable students shall not be considered part of  
29 the program of basic education as defined under section 101 of this  
30 act.

31       (2) It is the intent of the legislature that the per student  
32 allocation for this program be calculated for each school district  
33 based on costs to provide classroom teachers and maintenance, supplies,  
34 and operating costs in prototypical schools as described under section  
35 106 of this act and provide for the following supplemental instruction:

1 (a) An extended school day for a prototypical school of two  
2 instructional hours per week with an average class size of five  
3 students;

4 (b) An extended school year for a prototypical school of ten  
5 instructional hours per week for four weeks with an average class size  
6 of five students; and

7 (c) A per student allocation for maintenance, supplies, and  
8 operating costs as provided in the omnibus appropriations act.

9 (3) The distribution formula under this section shall be for  
10 allocation purposes only.

11 **Sec. 406.** RCW 28B.102.040 and 2008 c 170 s 306 are each amended to  
12 read as follows:

13 TEACHER CONDITIONAL SCHOLARSHIPS. (1) The board may select  
14 participants based on an application process conducted by the board or  
15 the board may utilize selection processes for similar students in  
16 cooperation with the professional educator standards board or the  
17 office of the superintendent of public instruction.

18 (2) If the board selects participants for the program, it shall  
19 establish a selection committee for screening and selecting recipients  
20 of the conditional scholarships. The criteria shall emphasize factors  
21 demonstrating excellence including but not limited to superior  
22 scholastic achievement, leadership ability, community contributions,  
23 bilingual ability, willingness to commit to providing teaching service  
24 in shortage areas, and an ability to act as a role model for students.  
25 Priority will be given to individuals seeking certification or an  
26 additional endorsement in math, science, technology education,  
27 (~~agricultural education, business and marketing education, family and~~  
28 ~~consumer science education, or~~) special education, bilingual  
29 education, or English as a second language instruction.

30 NEW SECTION. **Sec. 407.** REPEAL OF STUDENT ACHIEVEMENT FUND. The  
31 following acts or parts of acts are each repealed:

32 (1) RCW 28A.505.210 (Student achievement funds--Use and accounting  
33 of funds--Public hearing--Report) and 2005 c 497 s 105 & 2001 c 3 s 3;

34 (2) RCW 28A.505.220 (Student achievement funds--Allocations) and  
35 2008 c 170 s 401 & 2005 c 514 s 1103;

1 (3) RCW 28A.150.380 (Appropriations by legislature) and 2001 c 3 s  
2 10, 1995 c 335 s 103, 1990 c 33 s 115, 1980 c 6 s 3, & 1969 ex.s. c 223  
3 s 28A.41.050; and

4 (4) RCW 84.52.068 (State levy--Distribution to school districts)  
5 and 2005 c 514 s 1104, 2003 1st sp.s. c 19 s 1, & 2001 c 3 s 5.

6 **Sec. 408.** RCW 84.52.067 and 2001 c 3 s 7 are each amended to read  
7 as follows:

8 STUDENT ACHIEVEMENT FUND. All property taxes levied by the state  
9 for the support of common schools shall be paid into the general fund  
10 of the state treasury as provided in RCW 84.56.280(~~(, except for the~~  
11 ~~amounts collected under RCW 84.52.068 which shall be directly deposited~~  
12 ~~into the student achievement fund and distributed to school districts~~  
13 ~~as provided in RCW 84.52.068))).~~

14 **Sec. 409.** RCW 83.100.230 and 2008 c 329 s 924 are each amended to  
15 read as follows:

16 STUDENT ACHIEVEMENT FUND. The education legacy trust account is  
17 created in the state treasury. Money in the account may be spent only  
18 after appropriation. Expenditures from the account may be used only  
19 for (~~deposit into the student achievement fund and for~~) expanding  
20 access to higher education through funding for new enrollments and  
21 financial aid, and other educational improvement efforts. (~~During the~~  
22 ~~2007-2009 fiscal biennium,~~) Moneys in the account may also be  
23 transferred into the state general fund.

24 **PART V**

25 **GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION**

26 NEW SECTION. **Sec. 501.** RULE-MAKING AUTHORITY. (1) The  
27 superintendent of public instruction is authorized to adopt such rules  
28 and require such reports as may be necessary for administration of this  
29 chapter and RCW 28A.300.170.

30 (2) The superintendent of public instruction shall make every  
31 effort to reduce the amount of paperwork required in administration of  
32 this chapter and RCW 28A.300.170 to simplify the application,  
33 monitoring, and evaluation processes used; to eliminate all duplicative  
34 requests for information from local school districts; and to make every

1 effort to integrate and standardize information requests for other  
2 state education acts and federal aid to education acts administered by  
3 the superintendent of public instruction so as to reduce paperwork  
4 requirements and duplicative information requests.

5 **Sec. 502.** RCW 28A.150.350 and 1990 c 33 s 112 are each amended to  
6 read as follows:

7 PART-TIME STUDENTS. (1) For purposes of this section, the  
8 following definitions shall apply:

9 (a) "Private school student" shall mean any student enrolled full  
10 time in a private school;

11 (b) "School" shall mean any primary, secondary or vocational  
12 school;

13 (c) "School funding authority" shall mean any nonfederal  
14 governmental authority which provides moneys to common schools;

15 (d) "Part-time student" shall mean and include: Any student  
16 enrolled in a course of instruction in a private school and taking  
17 courses at and/or receiving ancillary services offered by any public  
18 school not available in such private school; or any student who is not  
19 enrolled in a private school and is receiving home-based instruction  
20 under RCW 28A.225.010 which instruction includes taking courses at or  
21 receiving ancillary services from the local school district or both; or  
22 any student involved in any work training program and taking courses in  
23 any public school, which work training program is approved by the  
24 school board of the district in which such school is located.

25 (2) The board of directors of any school district is authorized  
26 and, in the same manner as for other public school students, shall  
27 permit the enrollment of and provide ancillary services for part-time  
28 students: PROVIDED, That this section shall only apply to part-time  
29 students who would be otherwise eligible for full-time enrollment in  
30 the school district.

31 (3) The superintendent of public instruction shall recognize the  
32 costs to each school district occasioned by enrollment of and/or  
33 ancillary services provided for part-time students authorized by  
34 subsection (2) of this section and shall include such costs in the  
35 distribution of funds to school districts pursuant to ((RCW  
36 ~~28A.150.260~~)) section 106 of this act. Each school district shall be  
37 reimbursed for the costs or a portion thereof, occasioned by attendance

1 of and/or ancillary services provided for part-time students on a part-  
2 time basis, by the superintendent of public instruction, according to  
3 law.

4 (4) Each school funding authority shall recognize the costs  
5 occasioned to each school district by enrollment of and ancillary  
6 services provided for part-time students authorized by subsection (2)  
7 of this section, and shall include said costs in funding the activities  
8 of said school districts.

9 ~~((5) The superintendent of public instruction is authorized to  
10 adopt rules and regulations to carry out the purposes of RCW  
11 28A.150.260 and 28A.150.350.))~~

12 **Sec. 503.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to  
13 read as follows:

14 EMERGENCIES. (1) ~~((The superintendent of public instruction shall  
15 have the power and duty to make such rules and regulations as are  
16 necessary for the proper administration of this chapter and RCW  
17 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010 not  
18 inconsistent with the provisions thereof, and in addition to require  
19 such reports as may be necessary to carry out his or her duties under  
20 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and  
21 28A.500.010.~~

22 ~~(2))~~ The superintendent of public instruction shall have the  
23 authority to ~~((make))~~ adopt rules ~~((and regulations))~~ which establish  
24 the terms and conditions for allowing school districts to receive state  
25 basic education moneys as provided in ~~((RCW 28A.150.250))~~ section 106  
26 of this act when said districts are unable to fulfill for one or more  
27 schools as officially scheduled the requirement of a full school year  
28 of one hundred eighty days or the ~~((annual average total))~~ minimum  
29 instructional hour offering imposed by ~~((RCW 28A.150.220 and  
30 28A.150.260))~~ section 104 of this act due to one or more of the  
31 following conditions:

32 (a) An unforeseen natural event, including, but not necessarily  
33 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or  
34 volcanic eruption that has the direct or indirect effect of rendering  
35 one or more school district facilities unsafe, unhealthy, inaccessible,  
36 or ~~((inoperable))~~ inoperative; and

1 (b) An unforeseen mechanical failure or an unforeseen action or  
2 inaction by one or more persons, including negligence and threats, that  
3 (i) is beyond the control of both a school district board of directors  
4 and its employees and (ii) has the direct or indirect effect of  
5 rendering one or more school district facilities unsafe, unhealthy,  
6 inaccessible, or ~~((inoperable))~~ inoperative. Such actions, inactions  
7 or mechanical failures may include, but are not necessarily limited to,  
8 arson, vandalism, riots, insurrections, bomb threats, bombings, delays  
9 in the scheduled completion of construction projects, and the  
10 discontinuance or disruption of utilities such as heating, lighting,  
11 and water: PROVIDED, That an unforeseen action or inaction shall not  
12 include any labor dispute between a school district board of directors  
13 and any employee of the school district.

14 (2) A condition is foreseeable for the purposes of this subsection  
15 to the extent a reasonably prudent person would have anticipated prior  
16 to August first of the preceding school year that the condition  
17 probably would occur during the ensuing school year because of the  
18 occurrence of an event or a circumstance which existed during such  
19 preceding school year or a prior school year. A board of directors of  
20 a school district is deemed for the purposes of this subsection to have  
21 knowledge of events and circumstances which are a matter of common  
22 knowledge within the school district and of those events and  
23 circumstances which can be discovered upon prudent inquiry or  
24 inspection.

25 ~~((3) The superintendent of public instruction shall make every  
26 effort to reduce the amount of paperwork required in administration of  
27 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and  
28 28A.500.010; to simplify the application, monitoring and evaluation  
29 processes used; to eliminate all duplicative requests for information  
30 from local school districts; and to make every effort to integrate and  
31 standardize information requests for other state education acts and  
32 federal aid to education acts administered by the superintendent of  
33 public instruction so as to reduce paperwork requirements and  
34 duplicative information requests.))~~

35 **Sec. 504.** RCW 28A.150.400 and 1990 c 33 s 117 are each amended to  
36 read as follows:

37 FUNDING FACTORS. State and county funds which may become due and

1 apportionable to school districts shall be apportioned in such a manner  
2 that any apportionment factors used shall utilize data and statistics  
3 derived in the school year that such funds are paid: PROVIDED, That  
4 the superintendent of public instruction may make necessary  
5 administrative provision for the use of estimates, and corresponding  
6 adjustments to the extent necessary: PROVIDED FURTHER, That as to  
7 those revenues used in determining the amount of state funds to be  
8 apportioned to school districts pursuant to ((RCW 28A.150.250)) section  
9 105 of this act, any apportionment factors shall utilize data and  
10 statistics derived in an annual period established pursuant to rules  
11 ((and regulations promulgated)) adopted by the superintendent of public  
12 instruction in cooperation with the department of revenue.

13 **Sec. 505.** RCW 28A.150.275 and 1995 c 77 s 4 are each amended to  
14 read as follows:

15 TECHNICAL COLLEGE PROGRAMS. The basic education ((allocation,  
16 including applicable vocational entitlements and special education  
17 program money,)) core instructional allocation generated under section  
18 106 of this act, plus the special education excess cost allocation  
19 generated under ((this chapter)) section 107 of this act and under  
20 state appropriation acts by school districts for students enrolled in  
21 a technical college program established by an interlocal agreement  
22 under RCW 28B.50.533 shall be allocated in amounts as determined by the  
23 superintendent of public instruction to the serving college rather than  
24 to the school district, unless the college chooses to continue to  
25 receive the allocations through the school districts. This section  
26 does not apply to students enrolled in the running start program  
27 established in RCW 28A.600.310.

28 **Sec. 506.** RCW 28A.150.310 and 2002 c 291 s 2 are each amended to  
29 read as follows:

30 YOUTH CHALLENGE PROGRAM. Basic and nonbasic education funding,  
31 including applicable ((vocational entitlements)) career and technical  
32 education enhancements and special education program money, generated  
33 under ((this)) chapter 28A.--- RCW (created in section 702 of this act)  
34 and under state appropriations acts shall be allocated directly to the  
35 military department for a national guard youth challenge program for  
36 students earning high school graduation credit under RCW

1 ((~~28A.305.170~~)) 28A.300.165. Funding shall be provided based on  
2 statewide average rates for basic education, special education,  
3 categorical, and block grant programs as determined by the office of  
4 the superintendent of public instruction. The monthly full-time  
5 equivalent enrollment reported for students enrolled in the national  
6 guard youth challenge program shall be based on one full-time  
7 equivalent for every one hundred student hours of scheduled instruction  
8 eligible for high school graduation credit. The office of the  
9 superintendent of public instruction, in consultation with the military  
10 department, shall adopt such rules as are necessary to implement this  
11 section.

12 **Sec. 507.** RCW 28A.150.230 and 2006 c 263 s 201 are each amended to  
13 read as follows:

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

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

28 (a) Establish performance criteria and an evaluation process for  
29 its certificated personnel, including administrative staff, and for all  
30 programs constituting a part of such district's curriculum;

31 (b) Determine the final assignment of staff, certificated or  
32 classified, according to board enumerated classroom and program needs;

33 (c) Determine the amount of instructional hours necessary for any  
34 student to acquire a quality education in such district, in not less  
35 than an amount otherwise required in RCW ((~~28A.150.220~~)) section 104 of  
36 this act, or rules of the state board of education;

1 (d) Determine the allocation of staff time, whether certificated or  
2 classified;

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

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

12 **Sec. 508.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to  
13 read as follows:

14 LAP ADJUSTMENTS. (~~The learning assistance program requirements~~  
15 ~~in~~) This chapter ((are)) is designed to: (1) Promote the use of  
16 assessment data when developing programs to assist underachieving  
17 students; and (2) guide school districts in providing the most  
18 effective and efficient practices when implementing (~~programs~~)  
19 supplemental instruction and services to assist underachieving  
20 students. (~~Further, this chapter provides the means by which a school~~  
21 ~~district becomes eligible for learning assistance program funds and the~~  
22 ~~distribution of those funds.))~~

23 **Sec. 509.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to  
24 read as follows:

25 LAP ADJUSTMENTS. Unless the context clearly indicates otherwise  
26 the definitions in this section apply throughout this chapter.

27 (1) "Approved program" means a program submitted to and approved by  
28 the office of the superintendent of public instruction and conducted  
29 pursuant to the plan that addresses the required elements as provided  
30 for in this chapter.

31 (2) "Basic skills areas" means reading, writing, and mathematics as  
32 well as readiness associated with these skills.

33 (3) "Participating student" means a student in kindergarten through  
34 grade (~~eleven who scores below standard for his or her grade level on~~  
35 ~~the statewide assessments and who is identified in the approved plan to~~  
36 ~~receive services. Beginning with the 2007-2008 school year,~~

1 ~~"participating student" means a student in kindergarten through grade~~)  
2 twelve who scores below standard for his or her grade level on the  
3 statewide assessments and who is identified in the approved plan to  
4 receive services.

5 (4) "Statewide assessments" means one or more of the several basic  
6 skills assessments administered as part of the state's student  
7 assessment system, and assessments in the basic skills areas  
8 administered by local school districts.

9 (5) "Underachieving students" means students with the greatest  
10 academic deficits in basic skills as identified by the statewide  
11 assessments.

12 **Sec. 510.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to  
13 read as follows:

14 LAP ADJUSTMENTS. ~~((+1))~~ Each school district with an approved  
15 program is eligible for state funds provided for the learning  
16 assistance program. The funds shall be appropriated for the learning  
17 assistance program in accordance with section 106 of this act and the  
18 ~~((biennial))~~ omnibus appropriations act. The distribution formula is  
19 for school district allocation purposes only, but funds appropriated  
20 for the learning assistance program must be expended for the purposes  
21 of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula~~  
22 ~~shall be based on one or more family income factors measuring economic~~  
23 ~~need.~~

24 ~~(2) In addition to the funds allocated to eligible school districts~~  
25 ~~on the basis of family income factors, enhanced funds shall be~~  
26 ~~allocated for school districts where more than twenty percent of~~  
27 ~~students are eligible for and enrolled in the transitional bilingual~~  
28 ~~instruction program under chapter 28A.180 RCW as provided in this~~  
29 ~~subsection. The enhanced funding provided in this subsection shall~~  
30 ~~take effect beginning in the 2008-09 school year.~~

31 ~~(a) If, in the prior school year, a district's percent of October~~  
32 ~~headcount student enrollment in grades kindergarten through twelve who~~  
33 ~~are enrolled in the transitional bilingual instruction program, based~~  
34 ~~on an average of the program headcount taken in October and May,~~  
35 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~  
36 ~~district's percent transitional bilingual instruction program~~

1 enrollment and the resulting percent shall be multiplied by the  
2 district's kindergarten through twelve annual average full-time  
3 equivalent enrollment for the prior school year.

4 (b) The number calculated under (a) of this subsection shall be the  
5 number of additional funded students for purposes of this subsection,  
6 to be multiplied by the per-funded student allocation rates specified  
7 in the omnibus appropriations act.

8 (c) School districts are only eligible for the enhanced funds under  
9 this subsection if their percentage of October headcount enrollment in  
10 grades kindergarten through twelve eligible for free or reduced-price  
11 lunch exceeded forty percent in the prior school year.))

12 **Sec. 511.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to  
13 read as follows:

14 TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be  
15 known and cited as "the transitional bilingual instruction act." The  
16 legislature finds that there are large numbers of children who come  
17 from homes where the primary language is other than English. The  
18 legislature finds that a transitional bilingual education program can  
19 meet the needs of these children. Pursuant to the policy of this state  
20 to insure equal educational opportunity to every child in this state,  
21 it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for  
22 the implementation of transitional bilingual education programs in the  
23 public schools(~~(, and to provide supplemental financial assistance to~~  
24 ~~school districts to meet the extra costs of these programs))~~).

25 **Sec. 512.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to  
26 read as follows:

27 TBIP ADJUSTMENTS. (~~The superintendent of public instruction shall~~  
28 ~~prepare and submit biennially to the governor and the legislature a~~  
29 ~~budget request for bilingual instruction programs.)) Moneys  
30 appropriated by the legislature for the purposes of RCW 28A.180.010  
31 through 28A.180.080 shall be allocated by the superintendent of public  
32 instruction to school districts for the sole purpose of operating an  
33 approved bilingual instruction program(~~(; priorities for funding shall~~  
34 ~~exist for the early elementary grades. No moneys shall be allocated~~  
35 ~~pursuant to this section to fund more than three school years of~~  
36 ~~bilingual instruction for each eligible pupil within a district:~~~~

1 ~~PROVIDED, That such moneys may be allocated to fund more than three~~  
2 ~~school years of bilingual instruction for any pupil who fails to~~  
3 ~~demonstrate improvement in English language skills adequate to remove~~  
4 ~~impairment of learning when taught only in English. The superintendent~~  
5 ~~of public instruction shall set standards and approve a test for the~~  
6 ~~measurement of such English language skills)).~~

7 **Sec. 513.** RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each  
8 amended to read as follows:

9 TBIP ADJUSTMENTS. The superintendent of public instruction shall  
10 develop an evaluation system designed to measure increases in the  
11 English and academic proficiency of eligible pupils. When developing  
12 the system, the superintendent shall:

13 (1) Require school districts to assess potentially eligible pupils  
14 within ten days of registration using an English proficiency assessment  
15 or assessments as specified by the superintendent of public  
16 instruction. Results of these assessments shall be made available to  
17 both the superintendent of public instruction and the school district;

18 (2) Require school districts to annually assess all eligible pupils  
19 at the end of the school year using an English proficiency assessment  
20 or assessments as specified by the superintendent of public  
21 instruction. Results of these assessments shall be made available to  
22 both the superintendent of public instruction and the school district;

23 and

24 (3) Develop a system to evaluate increases in the English and  
25 academic proficiency of students who are, or were, eligible pupils.  
26 This evaluation shall include students when they are in the program and  
27 after they exit the program until they finish their K-12 career or  
28 transfer from the school district. The purpose of the evaluation  
29 system is to inform schools, school districts, parents, and the state  
30 of the effectiveness of the transitional bilingual programs in school  
31 and school districts in teaching these students English and other  
32 content areas, such as mathematics and writing(~~and~~

33 ~~(4) Report to the education and fiscal committees of the~~  
34 ~~legislature by November 1, 2002, regarding the development of the~~  
35 ~~systems described in this section and a timeline for the full~~  
36 ~~implementation of those systems. The legislature shall approve and~~

1 ~~provide funding for the evaluation system in subsection (3) of this~~  
2 ~~section before any implementation of the system developed under~~  
3 ~~subsection (3) of this section may occur)).~~

4 **Sec. 514.** RCW 28A.600.310 and 2005 c 125 s 1 are each amended to  
5 read as follows:

6 RUNNING START ALLOCATION. (1) Eleventh and twelfth grade students  
7 or students who have not yet received the credits required for the  
8 award of a high school diploma and are eligible to be in the eleventh  
9 or twelfth grades may apply to a participating institution of higher  
10 education to enroll in courses or programs offered by the institution  
11 of higher education. A student receiving home-based instruction  
12 enrolling in a public high school for the sole purpose of participating  
13 in courses or programs offered by institutions of higher education  
14 shall not be counted by the school district in any required state or  
15 federal accountability reporting if the student's parents or guardians  
16 filed a declaration of intent to provide home-based instruction and the  
17 student received home-based instruction during the school year before  
18 the school year in which the student intends to participate in courses  
19 or programs offered by the institution of higher education. Students  
20 receiving home-based instruction under chapter 28A.200 RCW and students  
21 attending private schools approved under chapter 28A.195 RCW shall not  
22 be required to meet the student learning goals, obtain a certificate of  
23 academic achievement or a certificate of individual achievement to  
24 graduate from high school, or to master the essential academic learning  
25 requirements. However, students are eligible to enroll in courses or  
26 programs in participating universities only if the board of directors  
27 of the student's school district has decided to participate in the  
28 program. Participating institutions of higher education, in  
29 consultation with school districts, may establish admission standards  
30 for these students. If the institution of higher education accepts a  
31 secondary school pupil for enrollment under this section, the  
32 institution of higher education shall send written notice to the pupil  
33 and the pupil's school district within ten days of acceptance. The  
34 notice shall indicate the course and hours of enrollment for that  
35 pupil.

36 (2) The pupil's school district shall transmit to the institution  
37 of higher education an amount per each full-time equivalent college

1 student at statewide uniform rates for vocational and nonvocational  
2 students. The superintendent of public instruction shall separately  
3 calculate and allocate moneys appropriated (~~(for basic education under~~  
4 ~~RCW 28A.150.260)~~) under section 106 of this act to school districts for  
5 purposes of making such payments and for granting school districts  
6 seven percent thereof to offset program related costs. The  
7 calculations and allocations shall be based upon the estimated  
8 statewide annual average per full-time equivalent high school student  
9 basic education core instructional allocations under (~~RCW~~  
10 ~~28A.150.260)~~) section 106 of this act, excluding small high school  
11 enhancements, and applicable rules adopted under chapter 34.05 RCW.  
12 The superintendent of public instruction, the higher education  
13 coordinating board, and the state board for community and technical  
14 colleges shall consult on the calculation and distribution of the  
15 funds. The institution of higher education shall not require the pupil  
16 to pay any other fees. The funds received by the institution of higher  
17 education from the school district shall not be deemed tuition or  
18 operating fees and may be retained by the institution of higher  
19 education. A student enrolled under this subsection shall not be  
20 counted for the purpose of determining any enrollment restrictions  
21 imposed by the state on the institution of higher education.

22 **Sec. 515.** RCW 28A.600.405 and 2007 c 355 s 4 are each amended to  
23 read as follows:

24 HIGH SCHOOL COMPLETION OPTION ALLOCATION. (1) For purposes of this  
25 section and RCW 28B.50.534, "eligible student" means a student who has  
26 completed all state and local high school graduation requirements  
27 except the certificate of academic achievement under RCW 28A.655.061 or  
28 the certificate of individual achievement under RCW 28A.155.045, who is  
29 less than age twenty-one as of September 1st of the academic year the  
30 student enrolls at a community and technical college under this  
31 section, and who meets the following criteria:

32 (a) Receives a level 2 (basic) score on the reading and writing  
33 content areas of the high school Washington assessment of student  
34 learning;

35 (b) Has not successfully met state standards on a retake of the  
36 assessment or an alternative assessment;

37 (c) Has participated in assessment remediation; and

1 (d) Receives a recommendation to enroll in courses or a program of  
2 study made available under RCW 28B.50.534 from his or her high school  
3 principal.

4 (2) An eligible student may enroll in courses or a program of study  
5 made available by a community or technical college participating in the  
6 pilot program created under RCW 28B.50.534 for the purpose of obtaining  
7 a high school diploma.

8 (3) For eligible students in courses or programs delivered directly  
9 by the community or technical college participating in the pilot  
10 program under RCW 28B.50.534 and only for enrollment in courses that  
11 lead to a high school diploma, the superintendent of public instruction  
12 shall transmit to the colleges participating in the pilot program an  
13 amount per each full-time equivalent college student at statewide  
14 uniform rates. The amount shall be the sum of (a), (b), and (c) (~~, and~~  
15 ~~(d)~~) of this subsection, as applicable.

16 (a) The superintendent shall separately calculate and allocate  
17 moneys appropriated (~~for basic education under RCW 28A.150.260~~) under  
18 section 106 of this act for purposes of making payments under this  
19 section. The calculations and allocations shall be based upon the  
20 estimated statewide annual average per full-time equivalent high school  
21 student basic education core instructional allocations under (~~RCW~~  
22 ~~28A.150.260~~) section 106 of this act, excluding small high school  
23 enhancements, and applicable rules adopted under chapter 34.05 RCW.

24 (b) The superintendent shall allocate an amount equal to the per  
25 funded student state allocation for the learning assistance program  
26 under chapter 28A.165 RCW for each full-time equivalent college student  
27 or a pro rata amount for less than full-time enrollment.

28 (~~(c) (The superintendent shall allocate an amount equal to the per~~  
29 ~~full-time equivalent student allocation for the student achievement~~  
30 ~~program under RCW 28A.505.210 for each full-time equivalent college~~  
31 ~~student or a pro rata amount for less than full-time enrollment.~~

32 ~~(d)~~) For eligible students who meet eligibility criteria for the  
33 state transitional bilingual instruction program under chapter 28A.180  
34 RCW, the superintendent shall allocate an amount equal to the per  
35 student state allocation for the transitional bilingual instruction  
36 program or a pro rata amount for less than full-time enrollment.

37 (4) The superintendent may adopt rules establishing enrollment  
38 reporting, recordkeeping, and accounting requirements necessary to

1 ensure accountability for the use of basic education, learning  
2 assistance, and transitional bilingual program funds under this section  
3 for the pilot program created under RCW 28B.50.534.

4 (5) All school districts in the geographic area of the two  
5 community and technical colleges selected pursuant to section 8,  
6 chapter 355, Laws of 2007 to participate in the pilot program shall  
7 provide information about the high school completion option under RCW  
8 28B.50.534 to students in grades ten, eleven, and twelve and the  
9 parents or guardians of those students.

10 **Sec. 516.** RCW 28A.320.190 and 2008 c 321 s 3 are each amended to  
11 read as follows:

12 EXTENDED LEARNING OPPORTUNITIES. (1) The extended learning  
13 opportunities program is created for eligible eleventh and twelfth  
14 grade students who are not on track to meet local or state graduation  
15 requirements as well as eighth grade students who may not be on track  
16 to meet the standard on the Washington assessment of student learning  
17 or need additional assistance in order to have the opportunity for a  
18 successful entry into high school. The program shall provide early  
19 notification of graduation status and information on education  
20 opportunities including preapprenticeship programs that are available.

21 (2) Under the extended learning opportunities program, districts  
22 shall make available to students in grade twelve who have failed to  
23 meet one or more local or state graduation requirements the option of  
24 continuing enrollment in the school district in accordance with RCW  
25 28A.225.160. Districts are authorized to use basic education program  
26 funding to provide instruction to eligible students under ((RCW  
27 ~~28A.150.220(3)~~)) section 104(2) of this act.

28 (3) Under the extended learning ((~~opportunities~~)) opportunities  
29 program, instructional services for eligible students can occur during  
30 the regular school day, evenings, on weekends, or at a time and  
31 location deemed appropriate by the school district, including the  
32 educational service district, in order to meet the needs of these  
33 students. Instructional services provided under this section do not  
34 include services offered at private schools. Instructional services  
35 can include, but are not limited to, the following:

36 (a) Individual or small group instruction;

1 (b) Instruction in English language arts and/or mathematics that  
2 eligible students need to pass all or part of the Washington assessment  
3 of student learning;

4 (c) Attendance in a public high school or public alternative school  
5 classes or at a skill center;

6 (d) Inclusion in remediation programs, including summer school;

7 (e) Language development instruction for English language learners;

8 (f) Online curriculum and instructional support, including programs  
9 for credit retrieval and Washington assessment of student learning  
10 preparatory classes; and

11 (g) Reading improvement specialists available at the educational  
12 service districts to serve eighth, eleventh, and twelfth grade  
13 educators through professional development in accordance with RCW  
14 28A.415.350. The reading improvement specialist may also provide  
15 direct services to eligible students and those students electing to  
16 continue a fifth year in a high school program who are still struggling  
17 with basic reading skills.

18 **Sec. 517.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to  
19 read as follows:

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

28 Principals of private schools or superintendents of private school  
29 districts shall file each year with the state superintendent of public  
30 instruction a statement certifying that the minimum requirements  
31 hereinafter set forth are being met, noting any deviations. After  
32 review of the statement, the state superintendent will notify schools  
33 or school districts of those deviations which must be corrected. In  
34 case of major deviations, the school or school district may request and  
35 the state board of education may grant provisional status for one year  
36 in order that the school or school district may take action to meet the  
37 requirements. The state board of education shall not require private

1 school students to meet the student learning goals, obtain a  
2 certificate of academic achievement, or a certificate of individual  
3 achievement to graduate from high school, to master the essential  
4 academic learning requirements, or to be assessed pursuant to RCW  
5 28A.655.061. However, private schools may choose, on a voluntary  
6 basis, to have their students master these essential academic learning  
7 requirements, take the assessments, and obtain a certificate of  
8 academic achievement or a certificate of individual achievement.  
9 Minimum requirements shall be as follows:

10 (1) The minimum school year for instructional purposes shall  
11 consist of no less than one hundred eighty school days or the  
12 equivalent in annual minimum (~~(program)~~) instructional hour offerings  
13 (~~(as prescribed in RCW 28A.150.220)~~), with a schoolwide annual average  
14 total instructional hour offering of one thousand hours for students  
15 enrolled in grades one through twelve, and at least four hundred fifty  
16 hours for students enrolled in kindergarten.

17 (2) The school day shall be the same as (~~(that required in RCW~~  
18 ~~28A.150.030 and 28A.150.220, except that the percentages of total~~  
19 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~  
20 ~~skills, work skills, and optional subjects and activities shall not~~  
21 ~~apply to private schools or private sectarian schools)~~) defined in  
22 section 102 of this act.

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

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

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

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

37 (a) The parent, guardian, or custodian be under the supervision of

1 an employee of the approved private school who is certified under  
2 chapter 28A.410 RCW;

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

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

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

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

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

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

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

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

30 All decisions of policy, philosophy, selection of books, teaching  
31 material, curriculum, except as in subsection (7) of this section  
32 provided, school rules and administration, or other matters not  
33 specifically referred to in this section, shall be the responsibility  
34 of the administration and administrators of the particular private  
35 school involved.

36 **Sec. 518.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to  
37 read as follows:

1 EDUCATION BY OTHER DISTRICTS. (1) A local district may be  
2 authorized by the educational service district superintendent to  
3 transport and educate its pupils in other districts for one year,  
4 either by payment of a compensation agreed upon by such school  
5 districts, or under other terms mutually satisfactory to the districts  
6 concerned when this will afford better educational facilities for the  
7 pupils and when a saving may be effected in the cost of education(~~+~~  
8 ~~PROVIDED, That~~)). Notwithstanding any other provision of law, the  
9 amount to be paid by the state to the resident school district for  
10 apportionment purposes and otherwise payable pursuant to ((RCW  
11 28A.150.100, 28A.150.250 through 28A.150.290, 28A.150.350 through  
12 28A.150.410)) sections 105 through 108 and 112 of this act, RCW  
13 28A.150.280, 28A.150.290 (as recodified by this act), 28A.150.350 (as  
14 recodified by this act), 28A.150.400 (as recodified by this act),  
15 sections 204, 207, and 209 of this act, 28A.160.150 through  
16 28A.160.200, ((28A.160.220)) 28A.300.035, and 28A.300.170((, and  
17 28A.500.010)) shall not be greater than the regular apportionment for  
18 each high school student of the receiving district. Such authorization  
19 may be extended for an additional year at the discretion of the  
20 educational service district superintendent.

21 (2) Subsection (1) of this section shall not apply to districts  
22 participating in a cooperative project established under RCW  
23 28A.340.030 which exceeds two years in duration.

24 NEW SECTION. Sec. 519. The following acts or parts of acts are  
25 each repealed:

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

28 (2) RCW 28A.150.205 (Definition) and 1992 c 141 s 502;

29 (3) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,  
30 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &  
31 1973 1st ex.s. c 105 s 1;

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

35 (5) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s  
36 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s  
37 22, & 1969 ex.s. c 223 s 28A.01.020;

1 (6) RCW 28A.305.140 (Waiver from provisions of RCW 28A.150.200  
2 through 28A.150.220 authorized) and 1990 c 33 s 267, & 1985 c 349 s 6;

3 (7) RCW 28A.305.145 (Application process for waivers under RCW  
4 28A.305.140) and 1993 c 336 s 302;

5 (8) RCW 28A.655.180 (Waivers for educational restructuring  
6 programs--Study by joint select committee on education restructuring--  
7 Report to legislature) and 1995 c 208 s 1; and

8 (9) RCW 28A.155.180 (Safety net funds--Application--Technical  
9 assistance--Annual survey) and 2007 c 400 s 8.

10 **PART VI**

11 **GENERAL PROVISIONS--COMPENSATION AND CERTIFICATION**

12 **Sec. 601.** RCW 28A.415.020 and 2007 c 319 s 3 are each amended to  
13 read as follows:

14 CLOCK HOURS. (1) Certificated personnel shall receive for each ten  
15 clock hours of approved in-service training attended the equivalent of  
16 a one credit college quarter course on the salary schedule developed by  
17 the legislative evaluation and accountability program committee.

18 (2) Certificated personnel shall receive for each ten clock hours  
19 of approved continuing education earned, as continuing education is  
20 defined by rule adopted by the professional educator standards board,  
21 the equivalent of a one credit college quarter course on the salary  
22 schedule developed by the legislative evaluation and accountability  
23 program committee.

24 (3) Certificated personnel shall receive for each forty clock hours  
25 of participation in an approved internship with a business, an  
26 industry, or government, as an internship is defined by rule of the  
27 professional educator standards board in accordance with RCW  
28 28A.415.025, the equivalent of a one credit college quarter course on  
29 the salary schedule developed by the legislative evaluation and  
30 accountability program committee.

31 (4) An approved in-service training program shall be a program  
32 approved by a school district board of directors, which meet standards  
33 adopted by the professional educator standards board, and the  
34 development of said program has been participated in by an in-service  
35 training task force whose membership is the same as provided under RCW  
36 28A.415.040, or a program offered by an education agency approved to

1 provide in-service for the purposes of continuing education as provided  
2 for under rules adopted by the professional educator standards board,  
3 or both.

4 (5) Clock hours eligible for application to the salary schedule  
5 developed by the legislative evaluation and accountability program  
6 committee as described in subsections (1) and (2) of this section,  
7 shall be those hours acquired after August 31, 1987. Clock hours  
8 eligible for application to the salary schedule as described in  
9 subsection (3) of this section shall be those hours acquired after  
10 December 31, 1995.

11 (6) In-service training or continuing education in first peoples'  
12 language, culture, or oral tribal traditions provided by a sovereign  
13 tribal government participating in the Washington state first peoples'  
14 language, culture, and oral tribal traditions teacher certification  
15 program authorized under RCW 28A.410.045 shall be considered approved  
16 in-service training or approved continuing education under this section  
17 and RCW 28A.415.023.

18 (7) Beginning in the 2012-13 school year, this section applies only  
19 to certificated instructional staff whose first employment with a  
20 school district commenced before the 2012-13 school year and who have  
21 not transferred under section 205 of this act to the compensation  
22 system with salary allocation schedules provided under section 204 of  
23 this act.

24 (8) This section expires August 31, 2022.

25 **Sec. 602.** RCW 28A.415.023 and 2005 c 497 s 209 and 2005 c 393 s 1  
26 are each reenacted and amended to read as follows:

27 CREDITS ON SALARY ALLOCATION MODEL. (1) Credits earned by  
28 certificated instructional staff after September 1, 1995, shall be  
29 eligible for application to the salary schedule developed by the  
30 legislative evaluation and accountability program committee only if the  
31 course content:

32 (a) Is consistent with a school-based plan for mastery of student  
33 learning goals as referenced in RCW 28A.655.110, the annual school  
34 performance report, for the school in which the individual is assigned;

35 (b) Pertains to the individual's current assignment or expected  
36 assignment for the subsequent school year;

1 (c) Is necessary to obtain an endorsement as prescribed by the  
2 Washington professional educator standards board;

3 (d) Is specifically required to obtain advanced levels of  
4 certification;

5 (e) Is included in a college or university degree program that  
6 pertains to the individual's current assignment, or potential future  
7 assignment, as a certified instructional staff; or

8 (f) Addresses research-based assessment and instructional  
9 strategies for students with dyslexia, dysgraphia, and language  
10 disabilities when addressing learning goal one under ((RCW  
11 ~~28A.150.210~~) section 103 of this act, as applicable and appropriate  
12 for individual certificated instructional staff.

13 (2) For the purpose of this section, "credits" mean college quarter  
14 hour credits and equivalent credits for approved in-service, approved  
15 continuing education, or approved internship hours computed in  
16 accordance with RCW 28A.415.020.

17 (3) The superintendent of public instruction shall adopt rules and  
18 standards consistent with the limits established by this section for  
19 certificated instructional staff.

20 (4) Beginning in the 2012-13 school year, this section applies only  
21 to certificated instructional staff whose first employment with a  
22 school district commenced before the 2012-13 school year and who have  
23 not transferred under section 205 of this act to the compensation  
24 system with salary allocation schedules provided under section 204 of  
25 this act.

26 (5) This section expires August 31, 2022.

27 **Sec. 603.** RCW 28A.415.024 and 2006 c 263 s 809 are each amended to  
28 read as follows:

29 DEGREES ON SALARY ALLOCATION MODEL. (1) All credits earned in  
30 furtherance of degrees earned by certificated staff, that are used to  
31 increase earnings on the salary schedule consistent with RCW  
32 28A.415.023, must be obtained from an educational institution  
33 accredited by an accrediting association recognized by rule of the  
34 professional educator standards board.

35 (2) The office of the superintendent of public instruction shall  
36 verify for school districts the accreditation status of educational

1 institutions granting degrees that are used by certificated staff to  
2 increase earnings on the salary schedule consistent with RCW  
3 28A.415.023.

4 (3) The office of the superintendent of public instruction shall  
5 provide school districts with training and additional resources to  
6 ensure they can verify that degrees earned by certificated staff, that  
7 are used to increase earnings on the salary schedule consistent with  
8 RCW 28A.415.023, are obtained from an educational institution  
9 accredited by an accrediting association recognized by rule of the  
10 professional educator standards board.

11 (4)(a) No school district may submit degree information before  
12 there has been verification of accreditation under subsection (3) of  
13 this section.

14 (b) Certificated staff who submit degrees received from an  
15 unaccredited educational institution for the purposes of receiving a  
16 salary increase shall be fined three hundred dollars. The fine shall  
17 be paid to the office of the superintendent of public instruction and  
18 used for costs of administering this section.

19 (c) In addition to the fine in (b) of this subsection, certificated  
20 staff who receive salary increases based upon degrees earned from  
21 educational institutions that have been verified to be unaccredited  
22 must reimburse the district for any compensation received based on  
23 these degrees.

24 (5) Beginning in the 2012-13 school year, this section applies only  
25 to certificated instructional staff whose first employment with a  
26 school district commenced before the 2012-13 school year and who have  
27 not transferred under section 205 of this act to the compensation  
28 system with salary allocations provided under section 204 of this act.

29 (6) This section expires August 31, 2022.

30 **Sec. 604.** RCW 28A.415.025 and 2006 c 263 s 810 are each amended to  
31 read as follows:

32 INTERNSHIP CLOCK HOURS. (1) The professional educator standards  
33 board shall establish rules for awarding clock hours for participation  
34 of certificated personnel in internships with business, industry, or  
35 government. To receive clock hours for an internship, the individual  
36 must demonstrate that the internship will provide beneficial skills and

1 knowledge in an area directly related to his or her current assignment,  
2 or to his or her assignment for the following school year.

3 (2) An individual may not receive more than the equivalent of two  
4 college quarter credits for internships during a calendar-year period.  
5 The total number of credits for internships that an individual may earn  
6 to advance on the salary schedule developed by the legislative  
7 evaluation and accountability program committee or its successor agency  
8 is limited to the equivalent of fifteen college quarter credits.

9 (3) Beginning in the 2012-13 school year, subsection (2) of this  
10 section applies only to certificated instructional staff whose first  
11 employment with a school district commenced before the 2012-13 school  
12 year and who have not transferred under section 205 of this act to the  
13 compensation system with salary allocations provided under section 204  
14 of this act.

15 **Sec. 605.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each  
16 amended to read as follows:

17 COST-OF-LIVING INCREASES. (1) School district employees shall be  
18 provided an annual salary cost-of-living increase in accordance with  
19 this section.

20 (a) The cost-of-living increase shall be calculated by applying the  
21 rate of the yearly increase in the cost-of-living index to any state-  
22 funded salary base used in state funding formulas for teachers and  
23 other school district employees. Beginning with the 2001-02 school  
24 year, and for each subsequent school year, except for the 2003-04 and  
25 2004-05 school years, each school district shall be provided a cost-of-  
26 living allocation sufficient to grant this cost-of-living increase.

27 (b) A school district shall distribute its cost-of-living  
28 allocation for salaries and salary-related benefits in accordance with  
29 the district's salary schedules, collective bargaining agreements, and  
30 compensation policies. No later than the end of the school year, each  
31 school district shall certify to the superintendent of public  
32 instruction that it has spent funds provided for cost-of-living  
33 increases on salaries and salary-related benefits.

34 (c) Any funded cost-of-living increase shall be included in the  
35 salary base used to determine cost-of-living increases for school  
36 employees in subsequent years. For teachers and other certificated  
37 instructional staff, the rate of the annual cost-of-living increase

1 funded for certificated instructional staff shall be applied to the  
2 base salary used with the statewide salary allocation schedules  
3 established under ((~~RCW 28A.150.410~~)) sections 204 and 207 of this act  
4 and to any other salary models used to recognize school district  
5 personnel costs.

6 (2) For the purposes of this section, "cost-of-living index" means,  
7 for any school year, the previous calendar year's annual average  
8 consumer price index, using the official current base, compiled by the  
9 bureau of labor statistics, United States department of labor for the  
10 state of Washington. If the bureau of labor statistics develops more  
11 than one consumer price index for areas within the state, the index  
12 covering the greatest number of people, covering areas exclusively  
13 within the boundaries of the state, and including all items shall be  
14 used for the cost-of-living index in this section.

15 **Sec. 606.** RCW 28A.410.210 and 2008 c 176 s 1 are each amended to  
16 read as follows:

17 RESPONSIBILITIES OF PROFESSIONAL EDUCATOR STANDARDS BOARD. The  
18 purpose of the professional educator standards board is to establish  
19 policies and requirements for the preparation and certification of  
20 educators that provide standards for competency in professional  
21 knowledge and practice in the areas of certification; a foundation of  
22 skills, knowledge, and attitudes necessary to help students with  
23 diverse needs, abilities, cultural experiences, and learning styles  
24 meet or exceed the learning goals outlined in ((~~RCW 28A.150.210~~))  
25 section 103 of this act; knowledge of research-based practice; and  
26 professional development throughout a career. The Washington  
27 professional educator standards board shall:

28 (1) Establish policies and practices for the approval of programs  
29 of courses, requirements, and other activities leading to educator  
30 certification including teacher, school administrator, and educational  
31 staff associate certification;

32 (2) Establish policies and practices for the approval of the  
33 character of work required to be performed as a condition of entrance  
34 to and graduation from any educator preparation program including  
35 teacher, school administrator, and educational staff associate  
36 preparation program as provided in subsection (1) of this section;

- 1 (3) Establish a list of accredited institutions of higher education  
2 of this and other states whose graduates may be awarded educator  
3 certificates as teacher, school administrator, and educational staff  
4 associate and establish criteria and enter into agreements with other  
5 states to acquire reciprocal approval of educator preparation programs  
6 and certification, including teacher certification from the national  
7 board for professional teaching standards;
- 8 (4) Establish policies for approval of nontraditional educator  
9 preparation programs;
- 10 (5) Conduct a review of educator program approval standards at  
11 least every five years, beginning in 2006, to reflect research findings  
12 and assure continued improvement of preparation programs for teachers,  
13 administrators, and school specialized personnel;
- 14 (6) Specify the types and kinds of educator certificates to be  
15 issued and conditions for certification in accordance with subsection  
16 (1) of this section and RCW 28A.410.010 and section 202 of this act;
- 17 (7) Hear and determine educator certification appeals as provided  
18 by RCW 28A.410.100;
- 19 (8) Apply for and receive federal or other funds on behalf of the  
20 state for purposes related to the duties of the board;
- 21 (9) Adopt rules under chapter 34.05 RCW that are necessary for the  
22 effective and efficient implementation of this chapter;
- 23 (10) Maintain data concerning educator preparation programs and  
24 their quality, educator certification, educator employment trends and  
25 needs, and other data deemed relevant by the board;
- 26 (11) Serve as an advisory body to the superintendent of public  
27 instruction on issues related to educator recruitment, hiring,  
28 mentoring and support, professional growth, retention, educator  
29 evaluation including but not limited to peer evaluation, and revocation  
30 and suspension of licensure;
- 31 (12) Submit, by October 15th of each even-numbered year, a joint  
32 report with the state board of education to the legislative education  
33 committees, the governor, and the superintendent of public instruction.  
34 The report shall address the progress the boards have made and the  
35 obstacles they have encountered, individually and collectively, in the  
36 work of achieving the goals set out in ((RCW 28A.150.210)) section 103  
37 of this act;

1 (13) Establish the prospective teacher assessment system for basic  
2 skills and subject knowledge that shall be required to obtain residency  
3 certification pursuant to RCW 28A.410.220 through 28A.410.240; and

4 ~~(14) ((By January 2010, set performance standards and develop,~~  
5 ~~pilot, and implement a uniform and externally administered~~  
6 ~~professional level certification assessment based on demonstrated~~  
7 ~~teaching skill. In the development of this assessment, consideration~~  
8 ~~shall be given to changes in professional certification program~~  
9 ~~components such as the culminating seminar; and~~

10 ~~(15))~~ Conduct meetings under the provisions of chapter 42.30 RCW.

11 **Sec. 607.** RCW 28A.410.220 and 2008 c 176 s 2 are each amended to  
12 read as follows:

13 PESB EVALUATIONS AND ASSESSMENTS. (1)(a) Beginning not later than  
14 September 1, 2001, the Washington professional educator standards board  
15 shall make available and pilot a means of assessing an applicant's  
16 knowledge in the basic skills. For the purposes of this section,  
17 "basic skills" means the subjects of at least reading, writing, and  
18 mathematics. Beginning September 1, 2002, except as provided in (c) of  
19 this subsection and subsection (4) of this section, passing this  
20 assessment shall be required for admission to approved teacher  
21 preparation programs and for persons from out-of-state applying for a  
22 Washington state residency teaching certificate.

23 (b) On an individual student basis, approved teacher preparation  
24 programs may admit into their programs a candidate who has not achieved  
25 the minimum basic skills assessment score established by the Washington  
26 professional educator standards board. Individuals so admitted may not  
27 receive residency certification without passing the basic skills  
28 assessment under this section.

29 (c) The Washington professional educator standards board may  
30 establish criteria to ensure that persons from out-of-state who are  
31 applying for residency certification and persons applying to master's  
32 degree level teacher preparation programs can demonstrate to the  
33 board's satisfaction that they have the requisite basic skills based  
34 upon having completed another basic skills assessment acceptable to the  
35 Washington professional educator standards board or by some other  
36 alternative approved by the Washington professional educator standards  
37 board.

1 (2) The professional educator standards board shall set performance  
2 standards and develop, pilot, and implement (~~(a uniform and externally~~  
3 ~~administered professional level certification assessment based on~~  
4 ~~demonstrated teaching skill. In the development of this assessment,~~  
5 ~~consideration shall be given to changes in professional certification~~  
6 ~~program components such as the culminating seminar)) a system of  
7 rigorous, objective evaluations of teacher competency for residency and  
8 professional teacher certification as provided under section 202 of  
9 this act.~~

10 (3) Beginning not later than September 1, 2002, the Washington  
11 professional educator standards board shall provide for the initial  
12 piloting and implementation of a means of assessing an applicant's  
13 knowledge in the subjects for which the applicant has applied for an  
14 endorsement to his or her residency or professional teaching  
15 certificate. The assessment of subject knowledge shall not include  
16 instructional methodology. Beginning September 1, 2005, passing this  
17 assessment shall be required to receive an endorsement for  
18 certification purposes.

19 (4) The Washington professional educator standards board may permit  
20 exceptions from the assessment requirements under subsections (1), (2),  
21 and (3) of this section on a case-by-case basis.

22 (5) The Washington professional educator standards board shall  
23 provide for reasonable accommodations for individuals who are required  
24 to take the assessments in subsection (1), (2), or (3) of this section  
25 if the individuals have learning or other disabilities.

26 (6) With the exception of applicants exempt from the requirements  
27 of subsections (1), (2), and (3) of this section, an applicant must  
28 achieve a minimum assessment score or scores established by the  
29 Washington professional educator standards board on each of the  
30 assessments under subsections (1), (2), and (3) of this section.

31 (7) The Washington professional educator standards board and  
32 superintendent of public instruction, as determined by the Washington  
33 professional educator standards board, may contract with one or more  
34 third parties for:

35 (a) The development, purchase, administration, scoring, and  
36 reporting of scores of the assessments established by the Washington  
37 professional educator standards board under subsections (1), (2), and  
38 (3) of this section;

1 (b) Related clerical and administrative activities; or

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

3 (8) Applicants for admission to a Washington teacher preparation  
4 program and applicants for residency and professional certificates who  
5 are required to successfully complete one or more of the assessments  
6 under subsections (1), (2), and (3) of this section, and who are  
7 charged a fee for the assessment by a third party contracted with under  
8 subsection (7) of this section, shall pay the fee charged by the  
9 contractor directly to the contractor. Such fees shall be reasonably  
10 related to the actual costs of the contractor in providing the  
11 assessment.

12 (9) The superintendent of public instruction is responsible for  
13 supervision and providing support services to administer this section.

14 (10) The Washington professional educator standards board shall  
15 collaboratively select or develop and implement the assessments and  
16 minimum assessment scores required under this section with the  
17 superintendent of public instruction and shall provide opportunities  
18 for representatives of other interested educational organizations to  
19 participate in the selection or development and implementation of such  
20 assessments in a manner deemed appropriate by the Washington  
21 professional educator standards board.

22 (11) The Washington professional educator standards board shall  
23 adopt rules under chapter 34.05 RCW that are reasonably necessary for  
24 the effective and efficient implementation of this section.

25 **Sec. 608.** RCW 28A.410.240 and 2000 c 39 s 203 are each amended to  
26 read as follows:

27 PESB REPORTS. (1) By December 1, 2003, and annually thereafter,  
28 the Washington professional educator standards board shall prepare a  
29 report that includes the following information:

30 (a) The range of scores on the basic skills assessment under RCW  
31 28A.410.220(1) for persons who passed the assessment and were admitted  
32 to a Washington preparation program; (~~and~~)

33 (b) The range of scores on the subject assessments under RCW  
34 28A.410.220(~~(+2)~~)(3) for persons who passed the assessments and earned  
35 an endorsement; and

36 (c) The range of scores on the evaluations of teacher performance

1 required for residency and professional teaching certification under  
2 RCW 28A.410.220(2) and section 202 of this act.

3 (2) The information under subsection (1) of this section shall be  
4 reported for the individual public and private colleges and  
5 universities in Washington, as well as reported on an aggregate basis.  
6 The report shall also include results disaggregated demographically.  
7 The report shall include information on the number and percentage of  
8 candidates exempted from assessments, demographic information on  
9 candidates exempted, institutions attended and endorsements sought by  
10 exempted candidates, and reasons for exclusion from the required  
11 assessments. The report shall be made available through the state  
12 library, on the web site of the office of superintendent of public  
13 instruction, and placed on the legislative alert list.

14 NEW SECTION. Sec. 609. The following acts or parts of acts, as  
15 now existing or hereafter amended, are each repealed, effective  
16 September 1, 2012:

17 (1) RCW 28A.415.250 (Teacher assistance program--Provision for  
18 mentor teachers) and 1993 c 336 s 401, 1991 c 116 s 19, 1990 c 33 s  
19 403, 1987 c 507 s 1, & 1985 c 399 s 1;

20 (2) RCW 28A.415.260 (Pilot program using full-time mentor teachers)  
21 and 1998 c 245 s 12 & 1993 c 336 s 402; and

22 (3) RCW 28A.410.250 (Washington professional educator standards  
23 board--Professional certification--Rules) and 2005 c 498 s 2.

24 **PART VII**  
25 **MISCELLANEOUS PROVISIONS**

26 NEW SECTION. Sec. 701. Part headings and captions used in this  
27 act are not any part of the law.

28 NEW SECTION. Sec. 702. The following sections are codified or  
29 recodified in the following order in a new chapter in Title 28A RCW.

- 30 RCW 28A.150.200
- 31 Section 102 of this act
- 32 RCW 28A.150.210
- 33 RCW 28A.150.211
- 34 RCW 28A.150.220

1 RCW 28A.150.250  
2 RCW 28A.150.260  
3 RCW 28A.150.390  
4 Section 108 of this act  
5 RCW 28A.150.315  
6 Section 110 of this act  
7 RCW 28A.150.370  
8 Section 113 of this act  
9 RCW 28A.150.230  
10 RCW 28A.150.240  
11 Section 115 of this act  
12 Section 2 of this act  
13 Section 3 of this act  
14 Section 204 of this act  
15 Section 205 of this act  
16 RCW 28A.150.410  
17 Section 208 of this act  
18 Section 209 of this act  
19 Section 501 of this act  
20 RCW 28A.150.350  
21 RCW 28A.150.290  
22 RCW 28A.150.400  
23 RCW 28A.150.275  
24 RCW 28A.150.270  
25 RCW 28A.150.360  
26 RCW 28A.150.420

27 NEW SECTION. **Sec. 703.** Sections 101 through 109, 112, 113, 115,  
28 117, 204, 205, 207, 208, 210, 212, 215, 305 through 308, 405, 407  
29 through 409, 502 through 506, 510, 512, and 514 through 519 of this act  
30 take effect September 1, 2011.

31 NEW SECTION. **Sec. 704.** Sections 403 and 404 of this act take  
32 effect January 1, 2012.

33 NEW SECTION. **Sec. 705.** Sections 213, 217, and 218 of this act  
34 take effect September 1, 2012.

1        NEW SECTION.    **Sec. 706.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

--- END ---