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ENGROSSED SUBSTITUTE HOUSE BILL 2261

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State of Washington

61st Legislature

2009 Regular Session

By House Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Lias, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler, and Cox)

READ FIRST TIME 03/03/09.

1 AN ACT Relating to education; amending RCW 28A.150.200,  
2 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390,  
3 28A.150.380, 28A.150.315, 28A.230.090, 28A.305.130, 28A.160.150,  
4 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.150.410,  
5 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080,  
6 28A.185.010, 28A.185.020, and 28A.225.200; adding new sections to  
7 chapter 28A.150 RCW; adding new sections to chapter 28A.410 RCW; adding  
8 a new section to chapter 28B.10 RCW; adding a new section to chapter  
9 28A.305 RCW; adding a new section to chapter 28A.655 RCW; adding a new  
10 section to chapter 28A.500 RCW; adding a new section to chapter 43.79  
11 RCW; adding new sections to chapter 28A.160 RCW; creating new sections;  
12 repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040,  
13 28A.150.370, 28A.155.180, and 28A.150.205; and providing effective  
14 dates.

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

16 NEW SECTION. **Sec. 1.** INTENT. (1) In enacting this legislation,  
17 the legislature intends to fulfill its obligation under Article IX of  
18 the Washington state Constitution to define and fund a program of basic

1 education for children residing in the state and attending public  
2 schools. This act defines the educational opportunities that school  
3 districts shall provide and for which the state shall allocate funding.

4 (2) The legislature also intends that the policies and allocation  
5 formulas in this act fulfill the legislature's obligation under Article  
6 IX to establish a general and uniform system of public schools. The  
7 legislature finds that in some instances providing general and uniform  
8 educational opportunity requires tailoring basic education allocations  
9 to reflect certain needs and circumstances of each school district,  
10 including district size, certain student characteristics, and regional  
11 labor market differences. It is the intent of the legislature that  
12 these allocation formulas address these differences in order to promote  
13 equity and uniformity of educational opportunity.

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

26 (4) For practical and educational reasons, wholesale change of the  
27 program of basic education and the funding formulas to support it  
28 cannot occur instantaneously. Financial experts must develop the  
29 details of the funding formulas. New systems of educator  
30 certification, evaluation, mentoring, and compensation must be  
31 developed and implemented. Data and accountability systems must be  
32 created. Significant increases in resources for staffing and class  
33 size reduction will have detrimental impact on student learning if  
34 school districts hire unprepared teachers and lack facilities to house  
35 them. The legislature intends to adopt a schedule for the concurrent  
36 implementation of the redefined program of basic education and the  
37 resources necessary to support it, beginning in the 2011-12 school year  
38 and phased in over a six-year time period.

1        NEW SECTION.    **Sec. 2.**    INTENT TO MAKE NECESSARY CORRECTIONS.    It is  
2    the intent of the legislature that the policies and allocation formulas  
3    adopted under this act, including the implementation schedule for these  
4    formulas, constitute the legislature's definition of basic education  
5    under Article IX of the state Constitution.    It is the further intent  
6    of the legislature that these policies, formulas, and schedules should  
7    not be revised or delayed other than for educational reasons.    The  
8    legislature intends, however, to continue to review and revise the  
9    formulas and schedules and may make revisions for technical purposes  
10   and consistency in the event of mathematical or other technical errors.

11        NEW SECTION.    **Sec. 3.**    STEERING COMMITTEE TO OVERSEE  
12   IMPLEMENTATION.    (1)    The basic education steering committee is  
13   established to monitor and oversee implementation of the new definition  
14   of basic education.    The steering committee shall be composed of the  
15   following members:

16        (a)    Four members of the house of representatives, with two members  
17   representing each of the major caucuses and appointed by the speaker of  
18   the house of representatives;

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

21        (c)    One representative each from the office of the governor, office  
22   of the superintendent of public instruction, state board of education,  
23   professional educator standards board, and department of early  
24   learning.

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

27        (3)    The steering committee shall monitor and oversee the following  
28   technical working groups:

29        (a)    The finance and compensation working group under section 112 of  
30   this act;

31        (b)    The early learning working group under section 113 of this act;  
32   and

33        (c)    The achievement gap working group under section 4 of this act.

34        (4)    Each of the working groups shall submit a preliminary report to  
35   the steering committee by November 15, 2009, and a final report by  
36   September 1, 2010.    The steering committee may also request updates and  
37   progress reports from the office of the superintendent of public

1 instruction, the state board of education, the professional educator  
2 standards board, and the department of early learning on the  
3 implementation of this act. The steering committee shall also monitor  
4 and request updates and progress reports from groups or agencies  
5 developing comprehensive education data systems.

6 (5) The steering committee shall submit an initial report to the  
7 governor and the legislature by January 1, 2010, detailing its  
8 recommendations based on analysis of reports from the working groups  
9 and state agencies, including recommendations for resolving issues or  
10 decisions requiring legislative action during the 2010 legislative  
11 session, and recommendations for any funding necessary to continue  
12 development and implementation of this act. The initial report from  
13 the steering committee shall also contain a recommended schedule for  
14 the concurrent phase-in of any changes in the instructional program of  
15 basic education and the implementation of the funding formulas and  
16 allocations to support the instructional program of basic education.  
17 The objective of the schedule is to assure that increases in funding  
18 allocations occur concurrently with increases in program and  
19 instructional requirements.

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

23 (7) Staff support for the basic education steering committee shall  
24 be provided by the state agencies with representatives on the  
25 committee, the senate committee services, and the office of program  
26 research of the house of representatives. Legislative members of the  
27 steering committee shall be reimbursed for travel expenses in  
28 accordance with RCW 44.04.120.

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

30 NEW SECTION. **Sec. 4.** ACHIEVEMENT GAP WORKING GROUP. (1) The  
31 legislature finds compelling evidence from five commissioned studies  
32 that additional progress must be made to address the achievement gap.  
33 Many students are in demographic groups that are overrepresented in  
34 measures such as school disciplinary sanctions; failure to meet state  
35 academic standards; failure to graduate; enrollment in special  
36 education and underperforming schools; enrollment in advanced placement  
37 courses, honors programs, and college preparatory classes; and

1 enrollment in and completion of college. The studies contain specific  
2 recommendations that are data-driven and drawn from education research,  
3 as well as the personal, professional, and cultural experience of those  
4 who contributed to the studies. The legislature finds there is no  
5 better opportunity to make a strong commitment to closing the  
6 achievement gap than in legislation affirming the state's  
7 constitutional obligation to provide opportunities to learn for all  
8 students without distinction or preference on account of race,  
9 ethnicity, socioeconomic status, or gender.

10 (2) An achievement gap working group is created to provide  
11 oversight and accountability in the development of policies to close  
12 the achievement gap. The working group shall synthesize the findings  
13 and recommendations from the 2008 achievement gap studies into a single  
14 implementation plan that recommends specific policies and strategies to  
15 address the academic achievement gap in at least the following areas:

16 (a) Supporting and facilitating parent and community involvement  
17 and outreach;

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

20 (c) Expanding pathways and strategies to prepare and recruit  
21 diverse teachers and administrators;

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

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

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

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

30 (3) The achievement gap working group shall be composed of three  
31 members appointed by the superintendent of public instruction and  
32 twelve members appointed by the governor, with two governor-appointed  
33 members to represent each of the following groups: African-Americans,  
34 African-American immigrants, Asian-Americans, Pacific Islander  
35 Americans, Hispanic Americans, and Native Americans. The chair or  
36 cochairs of the working group shall be selected by the members of the  
37 group. Staff support for the working group shall be provided within

1 available funds by the office of the superintendent of public  
2 instruction through the center for the improvement of student learning.

3 (4) The achievement gap working group shall be monitored and  
4 overseen by the basic education steering committee under section 3 of  
5 this act.

6 **PART I**

7 **PROGRAM AND FUNDING OF BASIC EDUCATION**

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

10 PROGRAM OF EDUCATION. (~~((This 1977 amendatory act shall be known~~  
11 ~~and may be cited as "The Washington Basic Education Act of 1977." The~~  
12 ~~program evolving from the Basic Education Act shall include (1) the~~  
13 ~~goal of the school system as defined in RCW 28A.150.210, (2) those~~  
14 ~~program requirements enumerated in RCW 28A.150.220, and (3) the~~  
15 ~~determination and distribution of state resources as defined in RCW~~  
16 ~~28A.150.250 and 28A.150.260.~~

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

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

29 (a) The instructional program of basic education the minimum  
30 components of which are described in RCW 28A.150.220;

31 (b) The program of education provided by chapter 28A.190 RCW for  
32 students in residential schools as defined by RCW 28A.190.020 and for  
33 juveniles in detention facilities as identified by RCW 28A.190.010;

34 (c) The program of education provided by chapter 28A.193 RCW for  
35 individuals under the age of eighteen who are incarcerated in adult  
36 correctional facilities; and

1        (d) Transportation and transportation services to and from school  
2 for eligible students as provided under RCW 28A.160.150 through  
3 28A.160.180.

4        NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this  
5 section apply throughout this chapter unless the context clearly  
6 requires otherwise.

7        (1) "Basic education goal" means the student learning goals and the  
8 student knowledge and skills described under RCW 28A.150.210.

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

13        (3) "Certificated employee" as used in this chapter and RCW  
14 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,  
15 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those  
16 persons who hold certificates as authorized by rule of the Washington  
17 professional educator standards board.

18        (4) "Certificated instructional staff" means those persons employed  
19 by a school district who are nonsupervisory certificated employees  
20 within the meaning of RCW 41.59.020(8).

21        (5) "Class size" means an instructional grouping of students where,  
22 on average, the ratio of students to teacher is the number specified.

23        (6) "Classified employee" means a person who does not hold a  
24 certificate authorized by rule of the Washington professional educator  
25 standards board or is employed in a position that does not require such  
26 a certificate.

27        (7) "Classroom teacher" means a certificated instructional staff  
28 person who is employed in a position that requires certification and  
29 whose primary duty is the daily educational instruction of students.  
30 In exceptional cases, people of unusual competence but without  
31 certification may teach students so long as a certificated person  
32 exercises general supervision, but the hiring of such classified people  
33 shall not occur during a labor dispute, and such classified people  
34 shall not be hired to replace certificated employees during a labor  
35 dispute.

36        (8) "Instructional hours" means those hours students are provided  
37 the opportunity to engage in educational activity planned by and under

1 the direction of school district staff, as directed by the  
2 administration and board of directors of the district, inclusive of  
3 intermissions for class changes, recess, and teacher/parent-guardian  
4 conferences that are planned and scheduled by the district for the  
5 purpose of discussing students' educational needs or progress, and  
6 exclusive of time actually spent for meals.

7 (9) "Instructional program of basic education" means the minimum  
8 program required to be provided by school districts and includes  
9 instructional hour requirements and other components under RCW  
10 28A.150.220.

11 (10) "Program of basic education" means the overall program under  
12 RCW 28A.150.200 and deemed by the legislature to comply with the  
13 requirements of Article IX, section 1 of the state Constitution.

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

18 (12) "School year" includes the minimum number of school days  
19 required under RCW 28A.150.220 and begins on the first day of September  
20 and ends with the last day of August, except that any school district  
21 may elect to commence the annual school term in the month of August of  
22 any calendar year and in such case the operation of a school district  
23 for such period in August shall be credited by the superintendent of  
24 public instruction to the succeeding school year for the purpose of the  
25 allocation and distribution of state funds for the support of such  
26 school district.

27 (13) "Teacher planning period" means a period of a school day as  
28 determined by the administration and board of the directors of the  
29 district that may be used by teachers for instruction-related  
30 activities including but not limited to preparing instructional  
31 materials; reviewing student performance; recording student data;  
32 consulting with other teachers, instructional assistants, mentors,  
33 instructional coaches, administrators, and parents; or participating in  
34 professional development.

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

37 BASIC EDUCATION GOAL. (~~The goal of the basic education act for~~



1 ~~the schools of the state of Washington set forth in this chapter shall~~  
2 ~~be to~~) A basic education is an evolving program of instruction that  
3 provides students with the opportunity to become responsible and  
4 respectful global citizens, to contribute to their economic well-being  
5 and that of their families and communities, to explore and understand  
6 different perspectives, and to enjoy productive and satisfying lives.  
7 (~~Additionally,~~) The state of Washington intends to provide for a  
8 public school system that is able to evolve and adapt in order to  
9 better focus on strengthening the educational achievement of all  
10 students, which includes high expectations for all students and gives  
11 all students the opportunity to achieve personal and academic success.  
12 A basic education must also provide all students with the opportunity  
13 to graduate from high school with a meaningful high school diploma,  
14 ready for success in postsecondary education, gainful employment, and  
15 citizenship. To these ends, the goals of each school district, with  
16 the involvement of parents and community members, shall be to provide  
17 opportunities for every student to develop the knowledge and skills  
18 essential to:

19 (1) Read with comprehension, write effectively, and communicate  
20 successfully in a variety of ways and settings and with a variety of  
21 audiences;

22 (2) Know and apply the core concepts and principles of mathematics;  
23 social, physical, and life sciences; civics and history, including  
24 different cultures and participation in representative government;  
25 geography; arts; and health and fitness;

26 (3) Think analytically, logically, and creatively, and to integrate  
27 different experiences and knowledge to form reasoned judgments and  
28 solve problems; and

29 (4) Understand the importance of work and finance and how  
30 performance, effort, and decisions directly affect future career and  
31 educational opportunities.

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

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

1       ~~(a) Each school district shall make available to students enrolled~~  
2 ~~in kindergarten at least a total instructional offering of four hundred~~  
3 ~~fifty hours. The program shall include instruction in the essential~~  
4 ~~academic learning requirements under RCW 28A.630.885 and such other~~  
5 ~~subjects and such activities as the school district shall determine to~~  
6 ~~be appropriate for the education of the school district's students~~  
7 ~~enrolled in such program;~~

8       ~~(b) Each school district shall make available to students enrolled~~  
9 ~~in grades one through twelve, at least a district-wide annual average~~  
10 ~~total instructional hour offering of one thousand hours. The state~~  
11 ~~board of education may define alternatives to classroom instructional~~  
12 ~~time for students in grades nine through twelve enrolled in alternative~~  
13 ~~learning experiences. The state board of education shall establish~~  
14 ~~rules to determine annual average instructional hours for districts~~  
15 ~~including fewer than twelve grades. The program shall include the~~  
16 ~~essential academic learning requirements under RCW 28A.630.885 and such~~  
17 ~~other subjects and such activities as the school district shall~~  
18 ~~determine to be appropriate for the education of the school district's~~  
19 ~~students enrolled in such group))~~ In order for students to have the  
20 opportunity to develop the basic education knowledge and skills under  
21 RCW 28A.150.210, school districts must provide instruction of  
22 sufficient quantity and quality and give students the opportunity to  
23 complete graduation requirements that are intended to prepare them for  
24 postsecondary education, gainful employment, and citizenship. The  
25 program established under this section shall be the minimum  
26 instructional program of basic education offered by school districts.

27       (2) Each school district shall make available to students the  
28 following minimum instructional offering each school year:

29       (a) For students enrolled in grades one through twelve, at least a  
30 district-wide annual average of one thousand hours, which shall be  
31 increased to at least one thousand eighty instructional hours for  
32 students enrolled in each of grades seven through twelve and at least  
33 one thousand instructional hours for students in each of grades one  
34 through six according to an implementation schedule adopted by the  
35 legislature; and

36       (b) For students enrolled in kindergarten, at least four hundred  
37 fifty instructional hours, which shall be increased to at least one

1 thousand instructional hours according to the implementation schedule  
2 under RCW 28A.150.315.

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

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

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

12 (c) If the essential academic learning requirements include a  
13 requirement of languages other than English, the requirement may be met  
14 by students receiving instruction in one or more American Indian  
15 languages;

16 (d) Supplemental instruction and services for underachieving  
17 students through the learning assistance program under RCW 28A.165.005  
18 through 28A.165.065;

19 (e) Supplemental instruction and services for eligible and enrolled  
20 students whose primary language is other than English through the  
21 transitional bilingual instruction program under RCW 28A.180.010  
22 through 28A.180.080;

23 (f) The opportunity for an appropriate education at public expense  
24 as defined by RCW 28A.155.020 for all eligible students with  
25 disabilities as defined in RCW 28A.155.020; and

26 (g) Programs for highly capable students under RCW 28A.185.010  
27 through 28A.185.030.

28 ~~((+2))~~ (4) Nothing contained in ~~((subsection (1) of))~~ this section  
29 shall be construed to require individual students to attend school for  
30 any particular number of hours per day or to take any particular  
31 courses.

32 ~~((+3))~~ (5) Each school district's kindergarten through twelfth  
33 grade basic educational program shall be accessible to all students who  
34 are five years of age, as provided by RCW 28A.225.160, and less than  
35 twenty-one years of age and shall consist of a minimum of one hundred  
36 eighty school days per school year in such grades as are conducted by  
37 a school district, and one hundred eighty half-days of instruction, or  
38 equivalent, in kindergarten~~((: PROVIDED, That))~~, to be increased to a

1 minimum of one hundred eighty school days per school year according to  
2 the implementation schedule under RCW 28A.150.315. However, effective  
3 May 1, 1979, a school district may schedule the last five school days  
4 of the one hundred and eighty day school year for noninstructional  
5 purposes in the case of students who are graduating from high school,  
6 including, but not limited to, the observance of graduation and early  
7 release from school upon the request of a student, and all such  
8 students may be claimed as a full time equivalent student to the extent  
9 they could otherwise have been so claimed for the purposes of RCW  
10 28A.150.250 and 28A.150.260.

11 ~~((4))~~ (6) The state board of education shall adopt rules to  
12 implement and ensure compliance with the program requirements imposed  
13 by this section, RCW 28A.150.250 and 28A.150.260, and such related  
14 supplemental program approval requirements as the state board may  
15 establish.

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

18 FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From  
19 those funds made available by the legislature for the current use of  
20 the common schools, the superintendent of public instruction shall  
21 distribute annually as provided in RCW 28A.510.250 to each school  
22 district of the state operating a basic education instructional program  
23 approved by the state board of education an ~~((amount which, when~~  
24 ~~combined with an appropriate portion of such locally available~~  
25 ~~revenues, other than)) allocation based on the formulas provided in RCW~~  
26 28A.150.260, 28A.150.390, and section 108 of this act. The basic  
27 education instructional allocation shall be net of receipts from  
28 federal forest revenues distributed to school districts pursuant to RCW  
29 28A.520.010 and 28A.520.020 ~~((7 as the superintendent of public~~  
30 ~~instruction may deem appropriate for consideration in computing state~~  
31 ~~equalization support, excluding excess property tax levies, will~~  
32 ~~constitute a basic education allocation in dollars for each annual~~  
33 ~~average full-time equivalent student enrolled, based upon one full~~  
34 ~~school year of one hundred eighty days, except that for kindergartens~~  
35 ~~one full school year shall be one hundred eighty half days of~~  
36 ~~instruction, or the equivalent as provided in RCW 28A.150.220)).~~

1        (2) The instructional program of basic education shall be  
2 considered to be fully funded by those amounts of dollars appropriated  
3 by the legislature pursuant to RCW ~~((28A.150.250 and))~~ 28A.150.260,  
4 28A.150.390, and section 108 of this act to fund those program  
5 requirements identified in RCW 28A.150.220 in accordance with the  
6 formula and ratios provided in RCW 28A.150.260 and those amounts of  
7 dollars appropriated by the legislature to fund the salary requirements  
8 of RCW ~~((28A.150.100 and))~~ 28A.150.410.

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

24        (3) If a school district's basic education program fails to meet  
25 the basic education requirements enumerated in RCW ~~((28A.150.250,))~~  
26 28A.150.260~~((7))~~ and 28A.150.220, the state board of education shall  
27 require the superintendent of public instruction to withhold state  
28 funds in whole or in part for the basic education allocation until  
29 program compliance is assured~~((: PROVIDED, That))~~. However, the state  
30 board of education may waive this requirement in the event of  
31 substantial lack of classroom space.

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

34        ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ~~((The  
35 basic education allocation for each annual average full time equivalent  
36 student shall be determined in accordance with the following  
37 procedures))~~ The purpose of this section is to provide for the

1 allocation of state funding that the legislature deems necessary to  
2 support school districts in offering the minimum instructional program  
3 of basic education under RCW 28A.150.220. The allocation shall be  
4 determined as follows:

5 (1) The governor shall and the superintendent of public instruction  
6 may recommend to the legislature a formula (~~based on a ratio of~~  
7 ~~students to staff~~) for the distribution of a basic education  
8 instructional allocation for each (~~annual average full time equivalent~~  
9 ~~student enrolled in a~~) common school district. (~~The distribution~~  
10 ~~formula shall have the primary objective of equalizing educational~~  
11 ~~opportunities and shall provide appropriate recognition of the~~  
12 ~~following costs among the various districts within the state:~~

13 ~~(a) Certificated instructional staff and their related costs;~~

14 ~~(b) Certificated administrative staff and their related costs;~~

15 ~~(c) Classified staff and their related costs;~~

16 ~~(d) Nonsalary costs;~~

17 ~~(e) Extraordinary costs, including school facilities, of remote and~~  
18 ~~necessary schools as judged by the superintendent of public~~  
19 ~~instruction, with recommendations from the school facilities citizen~~  
20 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~  
21 ~~costs of additional certificated and classified staff; and~~

22 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~  
23 ~~28A.225.250 who do not reside within the servicing school district.)~~

24 (2)((~~a~~)) The distribution formula under this section shall be for  
25 allocation purposes only. Except as may be required under chapter  
26 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations,  
27 nothing in this section requires school districts to use basic  
28 education instructional funds to implement a particular instructional  
29 approach or service. Nothing in this section requires school districts  
30 to maintain a particular classroom teacher-to-student ratio or other  
31 staff-to-student ratio or to use allocated funds to pay for particular  
32 types or classifications of staff. Nothing in this section entitles an  
33 individual teacher to a particular teacher planning period.

34 (3)(a) The distribution formula for the basic education  
35 instructional allocation shall be based on minimum staffing and  
36 nonstaff costs the legislature deems necessary to support instruction  
37 and operations in prototypical schools serving high, middle, and  
38 elementary school students as provided in this section. The use of

1 prototypical schools for the distribution formula does not constitute  
2 legislative intent that schools should be operated or structured in a  
3 similar fashion as the prototypes. Prototypical schools illustrate the  
4 level of resources needed to operate a school of a particular size with  
5 particular types and grade levels of students using commonly understood  
6 terms and inputs, such as class size, hours of instruction, and various  
7 categories of school staff. Funding allocations to school districts  
8 shall be adjusted from the school prototypes based on the actual number  
9 of annual average full-time equivalent students in each grade level at  
10 each school in the district and not based on the grade-level  
11 configuration of the school. The allocations shall be further adjusted  
12 from the school prototypes with minimum allocations for small schools  
13 and to reflect other factors identified in the omnibus appropriations  
14 act.

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

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

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

22 (iii) A prototypical elementary school has four hundred average  
23 annual full-time equivalent students in grades kindergarten through  
24 six.

25 (c) The minimum allocation for each level of prototypical school  
26 shall be based on the number of full-time equivalent classroom teachers  
27 needed to provide instruction over the minimum required annual  
28 instructional hours under RCW 28A.150.220 and provide at least one  
29 teacher planning period per school day, and based on an average class  
30 size as specified in the omnibus appropriations act. The omnibus  
31 appropriations act shall specify:

32 (i) Basic average class size;

33 (ii) Basic average class size in schools where more than fifty  
34 percent of the students are eligible for free and reduced-price meals;

35 (iii) Average class size for exploratory and preparatory career and  
36 technical education, laboratory science, advanced placement, and  
37 international baccalaureate courses; and

38 (iv) Average class size in grades kindergarten through three.

1 (d) The minimum allocation for each level of prototypical school  
2 shall include allocations for the following types of staff in addition  
3 to classroom teachers:

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

6 (ii) Teacher librarians, a function that includes information  
7 literacy, technology, and media to support school library media  
8 programs;

9 (iii) Student health services, a function that includes school  
10 nurses and social workers;

11 (iv) Guidance counselors, a function that includes parent outreach  
12 and graduation advisor;

13 (v) Professional development coaches;

14 (vi) Office support and other staff providing noninstructional  
15 support services;

16 (vii) Custodians and other maintenance; and

17 (viii) Classified staff providing student and staff safety.

18 (4)(a) The minimum allocation for each school district shall  
19 include allocations per annual average full-time equivalent student for  
20 the following materials, supplies, and operating costs: Student  
21 technology; utilities; curriculum, textbooks, library materials, and  
22 instructional supplies; instructional professional development; other  
23 building-level costs including maintenance, custodial, and security;  
24 and central office administration.

25 (b) The annual average full-time equivalent student amounts in (a)  
26 of this subsection shall be enhanced based on full-time equivalent  
27 student enrollment in exploratory career and technical education  
28 courses for students in grades seven through twelve; laboratory science  
29 courses for students in grades nine through twelve; preparatory career  
30 and technical education courses for students in grades nine through  
31 twelve offered in a high school; and preparatory career and technical  
32 education courses for students in grades eleven and twelve offered  
33 through a skill center.

34 (5) The allocations provided under subsections (3) and (4) of this  
35 section shall be enhanced as follows to provide additional allocations  
36 for classroom teachers and maintenance, supplies, and operating costs:

37 (a) To provide supplemental instruction and services for  
38 underachieving students through the learning assistance program under



1 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
2 percent of students in each school who are eligible for free and  
3 reduced-price meals. The minimum allocation for the learning  
4 assistance program shall provide an extended school day and extended  
5 school year for each level of prototypical school and a per student  
6 allocation for maintenance, supplies, and operating costs.

7 (b) To provide supplemental instruction and services for students  
8 whose primary language is other than English, allocations shall be  
9 based on the number of students in each school who are eligible for and  
10 enrolled in the transitional bilingual instruction program under RCW  
11 28A.180.010 through 28A.180.080. The minimum allocation for each level  
12 of prototypical school shall provide for supplemental instruction based  
13 on percent of the school day a student is assumed to receive  
14 supplemental instruction and a per student allocation for maintenance,  
15 supplies, and operating costs.

16 (6) The allocations provided under subsections (3) and (4) of this  
17 section shall be enhanced to provide additional allocations to support  
18 programs for highly capable students under RCW 28A.185.010 through  
19 28A.185.030, based on two percent of each school district's full-time  
20 equivalent enrollment. The minimum allocation for the programs shall  
21 provide an extended school day and extended school year for each level  
22 of prototypical school and a per student allocation for maintenance,  
23 supplies, and operating costs.

24 (7) The allocations under subsections (3) through (5) of this  
25 section shall be enhanced as provided under RCW 28A.150.390 on an  
26 excess cost basis to provide supplemental instructional resources for  
27 students with disabilities.

28 (8) The distribution formula shall include allocations to school  
29 districts to support certificated and classified staffing of central  
30 office administration. The minimum allocation shall be calculated as  
31 a percentage, identified in the omnibus appropriations act, of the  
32 total allocations for staff under subsection (3) of this section for  
33 all schools in the district.

34 (9)(a) For the purposes of allocations for prototypical high  
35 schools and middle schools under subsections (3) and (5) of this  
36 section that are based on the percent of students in the school who are  
37 eligible for free and reduced-price meals, the actual percent of such

1 students in a school shall be adjusted by a factor identified in the  
2 omnibus appropriations act to reflect underreporting of free and  
3 reduced-price meal eligibility among middle and high school students.

4 (b) Allocations or enhancements provided under subsections (3) and  
5 (4) of this section for exploratory and preparatory career and  
6 technical education courses shall be provided only for courses approved  
7 by the office of the superintendent of public instruction under chapter  
8 28A.700 RCW.

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

17 ~~(b) The formula adopted by the legislature shall reflect the~~  
18 ~~following ratios at a minimum: (i) Forty nine certificated~~  
19 ~~instructional staff to one thousand annual average full time equivalent~~  
20 ~~students enrolled in grades kindergarten through three; (ii) forty six~~  
21 ~~certificated instructional staff to one thousand annual average full~~  
22 ~~time equivalent students in grades four through twelve; (iii) four~~  
23 ~~certificated administrative staff to one thousand annual average full~~  
24 ~~time equivalent students in grades kindergarten through twelve; and~~  
25 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~  
26 ~~thousand annual average full time equivalent students enrolled in~~  
27 ~~grades kindergarten through twelve.~~

28 ~~(e))~~ (b) In the event the legislature rejects the distribution  
29 formula recommended by the governor, without adopting a new  
30 distribution formula, the distribution formula for the previous school  
31 year shall remain in effect ~~((: PROVIDED, That the distribution formula~~  
32 ~~developed pursuant to this section shall be for state apportionment and~~  
33 ~~equalization purposes only and shall not be construed as mandating~~  
34 ~~specific operational functions of local school districts other than~~  
35 ~~those program requirements identified in RCW 28A.150.220 and~~  
36 ~~28A.150.100)).~~

37 (c) The enrollment of any district shall be the annual average  
38 number of full-time equivalent students and part-time students as

1 provided in RCW 28A.150.350, enrolled on the first school day of each  
2 month ~~((and shall exclude full-time equivalent students with~~  
3 ~~disabilities recognized for the purposes of allocation of state funds~~  
4 ~~for programs under RCW 28A.155.010 through 28A.155.100)), including  
5 students who are in attendance pursuant to RCW 28A.335.160 and  
6 28A.225.250 who do not reside within the servicing school district.  
7 The definition of full-time equivalent student shall be determined by  
8 rules of the superintendent of public instruction ~~((: PROVIDED, That~~  
9 ~~the definition))~~ and shall be included as part of the superintendent's  
10 biennial budget request ~~((: PROVIDED, FURTHER, That))~~. The definition  
11 shall be based on the minimum instructional hour offerings required  
12 under RCW 28A.150.220. Any revision of the present definition shall  
13 not take effect until approved by the house appropriations committee  
14 and the senate ways and means committee ~~((: PROVIDED, FURTHER, That))~~.~~

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

18 ~~((3)(a) - Certificated instructional staff shall include those~~  
19 ~~persons employed by a school district who are nonsupervisory employees~~  
20 ~~within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional~~  
21 ~~cases, people of unusual competence but without certification may teach~~  
22 ~~students so long as a certificated person exercises general~~  
23 ~~supervision: PROVIDED, FURTHER, That the hiring of such classified~~  
24 ~~people shall not occur during a labor dispute and such classified~~  
25 ~~people shall not be hired to replace certificated employees during a~~  
26 ~~labor dispute.~~

27 ~~(b) - Certificated administrative staff shall include all those~~  
28 ~~persons who are chief executive officers, chief administrative~~  
29 ~~officers, confidential employees, supervisors, principals, or assistant~~  
30 ~~principals within the meaning of RCW 41.59.020(4).))~~

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

33 SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent  
34 of public instruction shall submit to each regular session of the  
35 legislature during an odd-numbered year a programmed budget request for  
36 special education programs for students with disabilities. Funding for  
37 programs operated by local school districts shall be on an excess cost

1 basis from appropriations provided by the legislature for special  
2 education programs for students with disabilities and shall take  
3 account of state funds accruing through RCW ~~((28A.150.250,))~~  
4 28A.150.260~~((7))~~ (3) through (5) and federal medical assistance and  
5 private funds accruing under RCW 74.09.5249 through 74.09.5253 and  
6 74.09.5254 through 74.09.5256~~((7--and--other--state--and--local--funds,~~  
7 ~~excluding special excess levies))~~.

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

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

15 (b) A district's annual average full-time equivalent basic  
16 education enrollment, multiplied by the district's funded enrollment  
17 percent, multiplied by the district's base allocation per full-time  
18 equivalent student, multiplied by 0.9309.

19 (3) As used in this section:

20 (a) "Base allocation" means the total state allocation to all  
21 schools in the district generated by the distribution formula under RCW  
22 28A.150.260 (3) through (5), to be divided by the district's full-time  
23 equivalent enrollment.

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

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

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

36 NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the  
37 extent necessary, funds shall be made available for safety net awards

1 for districts with demonstrated needs for special education funding  
2 beyond the amounts provided through the special education funding  
3 formula under RCW 28A.150.390. If the federal safety net awards based  
4 on the federal eligibility threshold exceed the federal appropriation  
5 in any fiscal year, then the superintendent shall expend all available  
6 federal discretionary funds necessary to meet this need. Safety net  
7 funds shall be awarded by the state safety net oversight committee  
8 subject to the following conditions and limitations:

9 (a) The committee shall consider additional funds for districts  
10 that can convincingly demonstrate that all legitimate expenditures for  
11 special education exceed all available revenues from state funding  
12 formulas. In the determination of need, the committee shall also  
13 consider additional available revenues from federal sources.  
14 Differences in program costs attributable to district philosophy,  
15 service delivery choice, or accounting practices are not a legitimate  
16 basis for safety net awards. In the determination of need, the  
17 committee shall require that districts demonstrate that they are  
18 maximizing their eligibility for all state and federal revenues related  
19 to services for special education students and federal impact aid.

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

25 (c) Using criteria developed by the committee, the committee shall  
26 then consider extraordinary costs associated with communities that draw  
27 a larger number of families with children in need of special education  
28 services, which may include consideration of proximity to group homes,  
29 military bases, and regional hospitals. Safety net awards under this  
30 subsection (1)(c) shall be adjusted to reflect amounts awarded under  
31 (b) of this subsection.

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

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

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

3 (2) The superintendent of public instruction may adopt such rules  
4 and procedures as are necessary to administer the special education  
5 funding and safety net award process. Before revising any standards,  
6 procedures, or rules, the superintendent shall consult with the office  
7 of financial management and the fiscal committees of the legislature.  
8 In adopting and revising the rules, the superintendent shall ensure the  
9 application process to access safety net funding is streamlined,  
10 timelines for submission are not in conflict, feedback to school  
11 districts is timely and provides sufficient information to allow school  
12 districts to understand how to correct any deficiencies in a safety net  
13 application, and that there is consistency between awards approved by  
14 school district and by application period. The office of the  
15 superintendent of public instruction shall also provide technical  
16 assistance to school districts in preparing and submitting special  
17 education safety net applications.

18 (3) On an annual basis, the superintendent shall survey districts  
19 regarding their satisfaction with the safety net process and consider  
20 feedback from districts to improve the safety net process. Each year  
21 by December 1st, the superintendent shall prepare and submit a report  
22 to the office of financial management and the appropriate policy and  
23 fiscal committees of the legislature that summarizes the survey results  
24 and those changes made to the safety net process as a result of the  
25 school district feedback.

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

28 (a) One staff member from the office of the superintendent of  
29 public instruction;

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

32 (c) One or more representatives from school districts or  
33 educational service districts knowledgeable of special education  
34 programs and funding.

35 **Sec. 109.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to  
36 read as follows:

37 LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall,

1 at each regular session in an odd-numbered year, appropriate (~~((from the~~  
2 ~~state general fund))~~) for the current use of the common schools such  
3 amounts as needed for state support to (~~((the common schools))~~) school  
4 districts during the ensuing biennium (~~((as provided in this chapter,~~  
5 ~~RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010))~~) for  
6 the program of basic education under RCW 28A.150.200.

7 (2) In addition to those state funds provided to school districts  
8 for basic education, the legislature may appropriate funds to be  
9 distributed to school districts for other factors and for other special  
10 programs to enhance or enrich the program of basic education.

11 (3) The state legislature shall also, at each regular session in an  
12 odd-numbered year, appropriate from the student achievement fund and  
13 education construction fund solely for the purposes of and in  
14 accordance with the provisions of the student achievement act during  
15 the ensuing biennium.

16 **Sec. 110.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to  
17 read as follows:

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

- 30 (a) Provide at least a one thousand-hour instructional program;
- 31 (b) Provide a curriculum that offers a rich, varied set of  
32 experiences that assist students in:
- 33 (i) Developing initial skills in the academic areas of reading,  
34 mathematics, and writing;
- 35 (ii) Developing a variety of communication skills;
- 36 (iii) Providing experiences in science, social studies, arts,  
37 health and physical education, and a world language other than English;

- 1 (iv) Acquiring large and small motor skills;
- 2 (v) Acquiring social and emotional skills including successful
- 3 participation in learning activities as an individual and as part of a
- 4 group; and
- 5 (vi) Learning through hands-on experiences;
- 6 (c) Establish learning environments that are developmentally
- 7 appropriate and promote creativity;
- 8 (d) Demonstrate strong connections and communication with early
- 9 learning community providers; and
- 10 (e) Participate in kindergarten program readiness activities with
- 11 early learning providers and parents.

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

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

26 **Sec. 111.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to  
27 read as follows:

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

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

36 (b) The certificate of academic achievement requirements under RCW



1 28A.655.061 or the certificate of individual achievement requirements  
2 under RCW 28A.155.045 are required for graduation from a public high  
3 school but are not the only requirements for graduation.

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

7 (2)(a) In recognition of the statutory authority of the state board  
8 of education to establish and enforce minimum high school graduation  
9 requirements, the state board shall periodically reevaluate the  
10 graduation requirements and shall report such findings to the  
11 legislature in a timely manner as determined by the state board.

12 (b) The state board shall reevaluate the graduation requirements  
13 for students enrolled in vocationally intensive and rigorous career and  
14 technical education programs, particularly those programs that lead to  
15 a certificate or credential that is state or nationally recognized.  
16 The purpose of the evaluation is to ensure that students enrolled in  
17 these programs have sufficient opportunity to earn a certificate of  
18 academic achievement, complete the program and earn the program's  
19 certificate or credential, and complete other state and local  
20 graduation requirements. (~~The board shall reports {report} its  
21 findings and recommendations for additional flexibility in graduation  
22 requirements, if necessary, to the legislature by December 1, 2007.~~)

23 (c) The state board shall forward any proposed changes to the high  
24 school graduation requirements to the education committees of the  
25 legislature for review, and the legislature shall have the opportunity  
26 to act during a regular legislative session before the changes are  
27 adopted through administrative rule by the state board. Changes that  
28 have a fiscal impact on school districts, as identified by a fiscal  
29 analysis prepared by the office of the superintendent of public  
30 instruction, shall take effect only if formally authorized by the  
31 legislature through the omnibus appropriations act or other enacted  
32 legislation.

33 (3) Pursuant to any requirement for instruction in languages other  
34 than English established by the state board of education or a local  
35 school district, or both, for purposes of high school graduation,  
36 students who receive instruction in American sign language or one or  
37 more American Indian languages shall be considered to have satisfied

1 the state or local school district graduation requirement for  
2 instruction in one or more languages other than English.

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

7 (a) The course was taken with high school students, if the academic  
8 level of the course exceeds the requirements for seventh and eighth  
9 grade classes, and the student has successfully passed by completing  
10 the same course requirements and examinations as the high school  
11 students enrolled in the class; or

12 (b) The academic level of the course exceeds the requirements for  
13 seventh and eighth grade classes and the course would qualify for high  
14 school credit, because the course is similar or equivalent to a course  
15 offered at a high school in the district as determined by the school  
16 district board of directors.

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

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

23 NEW SECTION. **Sec. 112.** FINANCE AND COMPENSATION WORKING GROUP.

24 (1) The funding formulas under RCW 28A.150.260 to support the  
25 instructional program shall be implemented beginning in the 2011-12  
26 school year and are intended to be phased in over a six-year period  
27 according to an implementation schedule to be adopted by the  
28 legislature. The object of the schedule is to assure that increases in  
29 funding allocations are timely, predictable, and occur concurrently  
30 with any increases in program or instructional requirements.

31 (2) The office of financial management and the office of the  
32 superintendent of public instruction shall convene a technical working  
33 group to:

34 (a) Develop the details of the funding formulas under RCW  
35 28A.150.260;

36 (b) Recommend an implementation schedule for phasing-in any

1 increased program or instructional requirements concurrently with  
2 increases in funding for adoption by the legislature;

3 (c) Examine possible sources of revenue to support increases in  
4 funding allocations and present options to the steering committee for  
5 consideration;

6 (d) Recommend options for a compensation system that provides  
7 support for effective teaching and recruitment and retention of high  
8 quality staff, including:

9 (i) Developing options and cost estimates for a salary allocation  
10 schedule for new certificated instructional staff into which current  
11 staff have the option to transfer. At a minimum, the schedules shall  
12 align with the educator certification system developed by the  
13 professional educator standards board;

14 (ii) Updating the comparable wage and regional wage analysis  
15 conducted by the Washington state institute for public policy in 2008  
16 and developing options and cost estimates for a regional wage  
17 adjustment schedule that could be applied to state salary allocations  
18 for certificated instructional, administrative, and classified staff;

19 (iii) Developing options and cost estimates for allocations for  
20 administrative and classified staff through the funding formulas in RCW  
21 28A.150.260; and

22 (iv) Collecting and analyzing detailed data on supplemental  
23 contracts for time, responsibilities, or incentives; and

24 (e) Develop options for a new system of supplemental school funding  
25 through local school levies and local effort assistance. The working  
26 group shall take into consideration the impact on overall school  
27 district revenues of the new funding formulas established under RCW  
28 28A.150.260 and recommend a phase-in plan that reduces reliance on  
29 local school levies concurrently with increased state funding and  
30 assures that no district suffers a decrease in overall funding from one  
31 school year to the next due to implementation of the new systems.

32 (3) The working group shall include representatives of the state  
33 board of education, the professional educator standards board, the  
34 legislative evaluation and accountability program committee, school  
35 district and educational service district financial managers, the  
36 Washington association of school business officers, the Washington  
37 education association, the Washington association of school  
38 administrators, the association of Washington school principals, the

1 Washington state school directors' association, classified school  
2 employees, parents, higher education, and other interested persons with  
3 expertise in education finance. The working group may convene advisory  
4 subgroups on specific topics as necessary to assure participation and  
5 input from a broad array of diverse stakeholders. The office of  
6 financial management and the office of the superintendent of public  
7 instruction may divide the working group into subgroups to focus on the  
8 funding formulas, compensation, revenue, and supplemental school  
9 funding.

10 (4) The working group shall be monitored and overseen by the basic  
11 education steering committee under section 3 of this act.

12 NEW SECTION. **Sec. 113.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

13 (1) The legislature finds that a critical factor in the eventual  
14 successful outcome of a K-12 education is for students to begin school  
15 ready, both intellectually and socially, to learn. The legislature  
16 also finds that, due to a variety of factors, disadvantaged young  
17 children need supplemental instruction in preschool to assure that they  
18 have the opportunity to meaningfully participate and reach the  
19 necessary levels of achievement in the regular program of basic  
20 education. Therefore the legislature intends to establish a program of  
21 early learning for at-risk children and intends to include this program  
22 within the overall program of basic education.

23 (2) The department of early learning and the office of the  
24 superintendent of public instruction shall convene a working group to  
25 develop the basic education program of early learning. The early  
26 learning working group shall be composed of representatives from head  
27 start and early childhood education and assistance program providers,  
28 school districts, thrive by five of Washington, and other stakeholders  
29 with expertise in early learning. The working group may convene  
30 advisory subgroups on specific topics as necessary to assure  
31 participation and input from a broad array of diverse stakeholders.

32 (3) The early learning working group shall continue the preliminary  
33 work of the department of early learning under RCW 43.215.125 to  
34 develop a proposal for a statewide Washington head start program. The  
35 working group shall:

36 (a) Recommend student eligibility criteria that focus on children  
37 aged three and four considered most at-risk;

1 (b) Develop options for a service delivery system that includes  
2 school districts, educational service districts, community and  
3 technical colleges, and public and private nonsectarian organizations;

4 (c) Develop options for shared governance that include the  
5 superintendent of public instruction and the department of early  
6 learning each with appropriate supervisory and administrative  
7 responsibilities;

8 (d) Develop recommended parameters and minimum standards for the  
9 program; and

10 (e) Continue development of a statewide kindergarten assessment  
11 process.

12 (4) The early learning working group shall be monitored and  
13 overseen by the basic education steering committee under section 3 of  
14 this act.

15 **PART II**  
16 **EFFECTIVE TEACHING**

17 NEW SECTION. **Sec. 201.** INTENT. The legislature finds that in  
18 order to offer all students the opportunity to achieve the basic  
19 education goal, school districts must provide effective teaching and  
20 instruction. Teachers should be provided opportunities to gain the  
21 knowledge and skills that will enable them to be effective. Designing  
22 a system that clearly defines, supports, measures, and recognizes  
23 effective teaching is one of the most important investments to be made  
24 in improving student learning.

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

27 CERTIFICATION. (1) By January 1, 2010, the professional educator  
28 standards board shall adopt a set of teacher knowledge, skill, and  
29 performance standards for effective teaching that are documented in  
30 high-quality research as being associated with improved student  
31 learning and articulated on a career continuum.

32 (2) By January 1, 2010, the professional educator standards board  
33 shall submit to the governor and the education and fiscal committees of  
34 the legislature:

1 (a) An update on the status of implementation of the professional  
2 certificate external and uniform assessment authorized in RCW  
3 28A.410.210;

4 (b) A proposal for a valid and reliable classroom-based means of  
5 evaluating teacher effectiveness as a culminating measure for residency  
6 certification that involves multiple measures of teacher performance in  
7 classrooms and a role for state-trained evaluators;

8 (c) Estimated costs and statutory authority needed for further  
9 development and implementation of the assessments in this subsection  
10 (2); and

11 (d) Recommendations for other modifications to residency,  
12 professional, and ongoing professional certification that focus on  
13 demonstrated performance and professional growth rather than enrollment  
14 in certification programs or continuing education.

15 (3) By January 1, 2011, the professional educator standards board  
16 shall submit recommendations to the governor and the education  
17 committees of the legislature providing definitions for voluntary  
18 master-level certification for teachers and educational staff  
19 associates. Within the definition established by the board,  
20 individuals certified through the national board for professional  
21 teaching standards shall be considered to have achieved master-level  
22 certification.

23 NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.410  
24 RCW to read as follows:

25 MATH AND SCIENCE TEACHERS. (1) The Washington professional  
26 educator standards board shall serve as the lead agency in a  
27 coordinated approach with school districts, institutions of higher  
28 education, the office of the superintendent of public instruction,  
29 local and national nonprofit organizations, and the business community  
30 to create an adequate supply of well-qualified mathematics and science  
31 teachers for Washington's public schools. In fulfilling this role, the  
32 board shall:

33 (a) Work with institutions of higher education, including community  
34 colleges, to build stronger connections and partnerships with school  
35 districts and to craft innovative teacher preparation programs,  
36 particularly in rural areas;

1 (b) Work with in-state and national organizations to identify  
2 barriers and craft solutions to improved recruitment, hiring,  
3 preparation, and retention of mathematics and science teachers;

4 (c) Expand information to students and counselors, from middle  
5 school through college, about teacher preparation options and  
6 opportunities;

7 (d) Seek private and federal support for innovations and  
8 initiatives; and

9 (e) Set goals, collect and analyze data, and monitor progress  
10 toward achieving the goals.

11 (2) Strategies overseen and coordinated by the board to achieve the  
12 objectives of this section include but are not limited to the  
13 following:

14 (a) Building pipelines to mathematics and science teaching,  
15 beginning in middle school and through college using the recruiting  
16 Washington teachers program under RCW 28A.415.370, the pipeline for  
17 paraeducators conditional scholarship program under RCW 28A.660.042,  
18 and the Washington teach initiative under section 204 of this act;

19 (b) Streamlining teacher preparation and improving the geographic  
20 distribution of mathematics and science teachers through the retooling  
21 to teach mathematics and science conditional scholarship program under  
22 RCW 28A.660.045 and alternative route to teacher certification programs  
23 under RCW 28A.660.040;

24 (c) Shifting and building capacity in public four-year institutions  
25 of higher education to prepare mathematics and science teachers through  
26 institutional priority initiatives under section 204 of this act; and

27 (d) Attracting individuals to careers in mathematics and science  
28 teaching, including through the future teachers conditional scholarship  
29 and loan repayment program under chapter 28B.102 RCW.

30 NEW SECTION. **Sec. 204.** A new section is added to chapter 28B.10  
31 RCW to read as follows:

32 WASHINGTON TEACH INITIATIVE. (1) Each public four-year institution  
33 of higher education with a teacher preparation program approved by the  
34 professional educator standards board to offer a residency teaching  
35 certificate and subject area endorsements in middle level mathematics  
36 or science, or secondary mathematics or science, including any of the  
37 branch campuses under RCW 28B.45.014, shall develop a plan for a

1 Washington teach initiative for recruitment and development of  
2 mathematics and science teachers from within the student population of  
3 the institution and among high school students in partnering school  
4 districts. Each institution shall submit a preliminary plan and  
5 strategies for its Washington teach initiative to the professional  
6 educator standards board by October 30, 2009, and an updated plan with  
7 any progress to report by October 31, 2010. The plan must include:

8 (a) Evidence of a commitment by the institution to make development  
9 of mathematics and science teachers an institutional priority;

10 (b) Collaboration between institutional leadership, the college of  
11 education, and the mathematics and science departments of the college  
12 of arts and sciences;

13 (c) Proposed targeted outreach, student advising, and recruitment  
14 efforts;

15 (d) Proposed streamlined course requirements to enable students to  
16 obtain both a mathematics or science major and residency certification  
17 within four years of study;

18 (e) Development of opportunities for classroom experiences early in  
19 the students' academic careers;

20 (f) Evidence of increased collaboration and partnership with school  
21 districts, including districts outside the immediate geographic  
22 vicinity of the institution and including exploration of opportunities  
23 for alternative route programs; and

24 (g) Measurable goals and objectives, including the estimated shift  
25 in enrollment under the institutional priority initiative under  
26 subsection (3) of this section.

27 (2) Each institution under this section shall begin exploring  
28 opportunities for partnerships with one or more school districts to  
29 provide one or more of the alternative route programs under RCW  
30 28A.660.040 using routes two, three, or four to offer candidates a  
31 postbaccalaureate residency teaching certificate in middle level  
32 mathematics or science or secondary mathematics or science. In the  
33 plans and updates required under subsection (1) of this section, each  
34 institution shall identify possible partner school districts, describe  
35 prospects and barriers for partnership, and provide an analysis of the  
36 opportunities and progress in developing an alternative route program.

37 (3) Each institution under this section shall include in its  
38 Washington teach initiative a specific plan to reduce admittance and



1 enrollment of students seeking residency teacher certification with an  
2 endorsement in elementary education and increase enrollment capacity  
3 for students seeking residency teacher certification with an  
4 endorsement in middle level mathematics or science, or secondary  
5 mathematics or science.

6 **PART III**  
7 **CONTINUOUS SCHOOL IMPROVEMENT**

8 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds that  
9 comprehensive education finance reform and the increased investment of  
10 public resources necessary to implement that reform must be accompanied  
11 by an equally comprehensive and transparent system of continuous school  
12 and school district improvement.

13 (2) However, the legislature also finds that the state and school  
14 districts share responsibility for continuous improvement and achieving  
15 state educational standards. It is the state's responsibility to  
16 provide schools and districts with the tools necessary for continuous  
17 improvement. These tools include the necessary accounting and data  
18 reporting systems, assessment systems to monitor student achievement,  
19 and a system of general support, targeted assistance, recognition, and,  
20 if necessary, intervention. It is also the state's responsibility to  
21 take into account the capacity of the school system to implement  
22 changes and meet new requirements, and adjust expectations accordingly.

23 (3) The legislature intends to maintain a single system of  
24 continuous school improvement under both state and federal law. The  
25 legislature intends that a new state system be implemented only if  
26 Washington receives authorization from the United States department of  
27 education to use the state system for federal accountability purposes  
28 under P.L. 107-110, the no child left behind act of 2001.

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

31 STATE BOARD OF EDUCATION AUTHORITY. The purpose of the state board  
32 of education is to provide advocacy and strategic oversight of public  
33 education; implement a standards-based accountability system to improve  
34 student academic achievement; provide leadership in the creation of a  
35 system that personalizes education for each student and respects

1 diverse cultures, abilities, and learning styles; and promote  
2 achievement of the goals of RCW 28A.150.210. In addition to any other  
3 powers and duties as provided by law, the state board of education  
4 shall:

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

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

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

13 (4) For purposes of statewide accountability:

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

37 (b) Identify the scores students must achieve in order to meet the  
38 standard on the Washington assessment of student learning and, for high

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

19 (c) Adopt objective, systematic criteria based on multiple outcomes  
20 and indicators to identify successful schools and school districts  
21 (~~and recommend to the superintendent of public instruction schools and~~  
22 ~~districts to be recognized for two types of accomplishments, student~~  
23 ~~achievement and improvements in student achievement. Recognition for~~  
24 ~~improvements in student achievement shall include consideration of one~~  
25 ~~or more of the following accomplishments:~~

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

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

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

1 ~~years the assessments were administered, if doing so with individual~~  
2 ~~schools would be appropriate;~~

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

9 (d) Recommend to the superintendent of public instruction ways for  
10 exemplary schools and districts to be recognized for student  
11 achievement and improvements in student achievement;

12 (e) Identify schools and school districts in which state  
13 (~~intervention measures~~) support and assistance will be needed and  
14 recommend to the legislature a range of appropriate intervention  
15 strategies, which may be implemented only after the legislature has  
16 authorized a set of intervention strategies. After the legislature has  
17 authorized a set of intervention strategies, at the request of the  
18 board, the superintendent shall intervene in the school or school  
19 district and take corrective actions. This chapter does not provide  
20 additional authority for the board or the superintendent of public  
21 instruction to intervene in a school or school district;

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

24 (g) Annually review the assessment reporting system to ensure  
25 fairness, accuracy, timeliness, and equity of opportunity, especially  
26 with regard to schools with special circumstances and unique  
27 populations of students, and a recommendation to the superintendent of  
28 public instruction of any improvements needed to the system; and

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

32 (5) Accredite, subject to such accreditation standards and  
33 procedures as may be established by the state board of education, all  
34 private schools that apply for accreditation, and approve, subject to  
35 the provisions of RCW 28A.195.010, private schools carrying out a  
36 program for any or all of the grades kindergarten through twelve:  
37 PROVIDED, That no private school may be approved that operates a  
38 kindergarten program only: PROVIDED FURTHER, That no private schools

1 shall be placed upon the list of accredited schools so long as secret  
2 societies are knowingly allowed to exist among its students by school  
3 officials;

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

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

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

21 NEW SECTION. **Sec. 303.** A new section is added to chapter 28A.305  
22 RCW to read as follows:

23 SYSTEM OF SUPPORT AND ASSISTANCE. In consultation with the  
24 superintendent of public instruction, the state board of education  
25 shall:

26 (1) Develop a comprehensive system of voluntary support and  
27 assistance for schools and school districts where the level of  
28 intensity of support and assistance for continuous school improvement  
29 increases based on objective, systematic criteria. The superintendent  
30 of public instruction shall implement the system to the extent funds  
31 are available;

32 (2) Develop a proposal for support and assistance for schools and  
33 school districts that have not demonstrated sufficient improvement  
34 through a voluntary system. The proposal shall be implemented only if  
35 formally authorized by the legislature through enacted legislation;

36 (3) Develop a methodology for using the prototypical school funding

1 model under RCW 28A.150.260 as an analytic tool for comparing funding  
2 allocation assumptions and the actual use and distribution of  
3 resources, as well as outcomes, at the school and district level; and

4 (4) Examine opportunities for and the feasibility of incorporating  
5 a system of quality management, accountability, and performance  
6 improvement such as the Baldrige national quality program into the  
7 overall state system continuous school improvement.

8 NEW SECTION. **Sec. 304.** PROGRESS REPORTS. (1) The state board of  
9 education and the superintendent of public instruction shall seek  
10 approval from the United States department of education for use of the  
11 objective criteria and the state system of support, assistance, and  
12 intervention to replace the federal accountability system under P.L.  
13 107-110, the no child left behind act of 2001.

14 (2) The state board of education and the superintendent of public  
15 instruction shall submit a progress report on the implementation of RCW  
16 28A.305.130 and section 303 of this act to the education and fiscal  
17 committees of the legislature by December 1, 2009, and a final report  
18 with proposals and recommendations by December 1, 2010.

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

21 EDUCATION DATA SYSTEM. It is the legislature's intent to establish  
22 comprehensive K-12 education data systems for financial, student, and  
23 educator data. The objective of the systems is to monitor student  
24 progress, assure educator quality, monitor and analyze the costs of  
25 programs, provide for financial integrity and accountability, and have  
26 the capacity to link across these various data components by student,  
27 by school, by district, and statewide. Education data systems must be  
28 flexible and able to adapt to evolving needs for information, but there  
29 must be an objective and orderly process for determining when changes  
30 are needed and how to implement them. The first priority for any new  
31 data systems should be financial, budgeting, and accounting systems  
32 necessary to support the new K-12 financial models and funding  
33 formulas. The benefits of significant increases in the amount of data  
34 available for analysis must be carefully weighed against the costs to  
35 school districts to enter, update, maintain, and submit the data and to  
36 implement new software and data management systems.

**PART IV**  
**OTHER FINANCE**

1  
2  
3       NEW SECTION.   **Sec. 401.**   A new section is added to chapter 28A.500  
4 RCW to read as follows:

5       NEW LEVY/LEA SYSTEM--INTENT.   (1) The legislature finds that while  
6 the state has the responsibility to provide for a general and uniform  
7 system of public schools, there is also a need for some diversity in  
8 the public school system. A successful system of public education must  
9 permit some variation among school districts outside the basic  
10 education provided for by the state to respond to and reflect the  
11 unique desires of local communities. The opportunity for local  
12 communities to invest in enriched education programs promotes support  
13 for local public schools. Further, the ability of local school  
14 districts to experiment with enriched programs can inform the  
15 legislature's long-term evolution of the definition of basic education.  
16 Therefore, local levy authority remains an important component of the  
17 overall finance system in support of the public schools even though it  
18 is outside the state's obligation for basic education.

19       (2) However, the value of permitting local levies must be balanced  
20 with the value of equity and fairness to students and to taxpayers,  
21 neither of whom should be unduly disadvantaged due to differences in  
22 the tax bases used to support local levies. Equity and fairness  
23 require both an equitable basis for supplemental funding outside basic  
24 education and a mechanism for property tax-poor school districts to  
25 fairly access supplemental funding. As such, local effort assistance,  
26 while also outside the state's obligation for basic education, is  
27 another important component of school finance.

28       NEW SECTION.   **Sec. 402.**   A new section is added to chapter 43.79  
29 RCW to read as follows:

30       GROWTH IN REVENUE.   (1) The basic education account is created in  
31 the state treasury. Moneys in the account may be spent only after  
32 appropriation and only for the purposes of RCW 28A.150.260. All  
33 receipts from subsection (2) of this section shall be deposited into  
34 the account.

35       (2) By September 30, 2011, and by September 30th of each odd-  
36 numbered year thereafter, if general state revenues from the prior  
37 fiscal biennium exceed the revenues from the fiscal biennium

1 immediately preceding the prior fiscal biennium by more than five  
2 percent, the state treasurer shall transfer fifty percent of the amount  
3 over five percent to the basic education account.

4 (3) For the purposes of this section, "general state revenues"  
5 shall be as defined by Article VIII, section 1 of the state  
6 Constitution.

7 **Sec. 403.** RCW 28A.160.150 and 1996 c 279 s 1 are each amended to  
8 read as follows:

9 PUPIL TRANSPORTATION. Funds allocated for transportation costs  
10 shall be in addition to the basic education allocation. The  
11 distribution formula developed in RCW 28A.160.150 through 28A.160.180  
12 shall be for allocation purposes only and shall not be construed as  
13 mandating specific levels of pupil transportation services by local  
14 districts. Operating costs as determined under RCW 28A.160.150 through  
15 28A.160.180 shall be funded at one hundred percent or as close thereto  
16 as reasonably possible for transportation of an eligible student to and  
17 from school as defined in RCW 28A.160.160(3). In addition, funding  
18 shall be provided for transportation services for students living  
19 within (~~one radius mile from~~) the school walk area as determined  
20 under RCW (~~28A.160.180(2)~~) 28A.160.160(5).

21 **Sec. 404.** RCW 28A.160.160 and 1996 c 279 s 2 are each amended to  
22 read as follows:

23 PUPIL TRANSPORTATION. For purposes of RCW 28A.160.150 through  
24 28A.160.190, except where the context shall clearly indicate otherwise,  
25 the following definitions apply:

26 (1) "Eligible student" means any student served by the  
27 transportation program of a school district or compensated for  
28 individual transportation arrangements authorized by RCW 28A.160.030  
29 whose route stop is (~~more than one radius mile from the~~) outside the  
30 walk area for a student's school, except if the student to be  
31 transported is disabled under RCW 28A.155.020 and is either not  
32 ambulatory or not capable of protecting his or her own welfare while  
33 traveling to or from the school or agency where special education  
34 services are provided, in which case no mileage distance restriction  
35 applies.



1 (2) "Superintendent" means the superintendent of public  
2 instruction.

3 (3) "To and from school" means the transportation of students for  
4 the following purposes:

5 (a) Transportation to and from route stops and schools;

6 (b) Transportation to and from schools pursuant to an interdistrict  
7 agreement pursuant to RCW 28A.335.160;

8 (c) Transportation of students between schools and learning centers  
9 for instruction specifically required by statute; and

10 (d) Transportation of students with disabilities to and from  
11 schools and agencies for special education services.

12 Academic extended day transportation for the instructional program  
13 of basic education under RCW 28A.150.220 shall ((not)) be considered  
14 part of transportation of students "to and from school" for the  
15 purposes of ((chapter 61, Laws of 1983 1st ex. sess)) this section.  
16 Transportation for field trips may not be considered part of  
17 transportation of students "to and from school" under this section.

18 (4) "Transportation services" for students living within ((~~one~~  
19 ~~radius-mile-from~~)) the school walk area means school transportation  
20 services including the use of buses, funding of crossing guards, and  
21 matching funds for local and state transportation projects intended to  
22 mitigate hazardous walking conditions. Priority for transportation  
23 services shall be given to students in grades kindergarten through  
24 five.

25 (5) The "walk area" means that area around a school with an  
26 adequate roadway configuration to provide students access to school  
27 with a walking distance of less than one mile. Mileage must be  
28 measured along the shortest roadway or maintained public walkway where  
29 hazardous conditions do not exist. The hazardous conditions must be  
30 documented by a process established in rule by the superintendent of  
31 public instruction and must include roadway, environmental, and social  
32 conditions. Each elementary school shall identify walk routes within  
33 the walk area.

34 **Sec. 405.** RCW 28A.160.170 and 2007 c 139 s 1 are each amended to  
35 read as follows:

36 PUPIL TRANSPORTATION. Each district shall submit three times each

1 year to the superintendent of public instruction during October,  
2 February, and May of each year a report containing the following:

3 (1)(a) The number of eligible students transported to and from  
4 school as provided for in RCW 28A.160.150 (~~((for the current school year~~  
5 ~~and the number of miles estimated to be driven for pupil transportation~~  
6 ~~services))), along with (~~((a — map — describing — student — route))~~  
7 identification of stop locations and school locations, and (b) the  
8 number of miles driven for pupil transportation services as authorized  
9 in RCW 28A.160.150 the previous school year; and~~

10 (2) Other operational data and descriptions as required by the  
11 superintendent to determine allocation requirements for each district.  
12 The superintendent shall require that districts separate the costs of  
13 operating the program for the transportation of eligible students to  
14 and from school as defined by RCW 28A.160.160(3) from non-to-and-from-  
15 school pupil transportation costs in the annual financial statement.  
16 The cost, quantity, and type of all fuel purchased by school districts  
17 for use in to-and-from-school transportation shall be included in the  
18 annual financial statement.

19 Each district shall submit the information required in this section  
20 on a timely basis as a condition of the continuing receipt of school  
21 transportation moneys.

22 **Sec. 406.** RCW 28A.160.180 and 1996 c 279 s 3 are each amended to  
23 read as follows:

24 PUPIL TRANSPORTATION. Each district's annual student  
25 transportation allocation shall be (~~((based on differential rates))~~)  
26 determined by the superintendent of public instruction in the following  
27 manner:

28 (1) The superintendent shall annually calculate (~~((a — standard~~  
29 ~~student — mile — allocation — rate — for — determining))~~) the transportation  
30 allocation for those services provided for in RCW 28A.160.150.  
31 (~~("Standard — student — mile — allocation — rate," — as — used — in — this — chapter,~~  
32 ~~means — the — per — mile — allocation — rate — for — transporting — an — eligible~~  
33 ~~student.)) The (~~((standard student mile))~~) allocation (~~((rate))~~) formula  
34 may be adjusted to include such additional differential factors as  
35 (~~((distance; — restricted))~~) basic and special passenger (~~((load;~~  
36 ~~circumstances — that — require — use — of — special — types — of — transportation~~~~

1 ~~vehicles; student with disabilities load; and small fleet maintenance))~~  
2 counts as defined by the superintendent of public instruction, average  
3 distance to school, and number of locations served.

4 (2) ~~((For transportation services for students living within one~~  
5 ~~radius-mile-from-school,))~~ The allocation shall be based on a  
6 regression analysis of the number of basic and special students ~~((in~~  
7 ~~grades-kindergarten-through-five-living-within-one-radius-mile-as~~  
8 ~~specified in the biennial appropriations act))~~ transported and as many  
9 other site characteristics that are identified as being statistically  
10 significant.

11 (3) ~~((The superintendent of public instruction shall annually~~  
12 ~~calculate allocation rate(s), which shall include vehicle amortization,~~  
13 ~~for determining))~~ The transportation allocation for transporting  
14 students in district-owned passenger cars, as defined in RCW 46.04.382,  
15 pursuant to RCW 28A.160.010 for services provided for in RCW  
16 28A.160.150 if a school district deems it advisable to use such  
17 vehicles after the school district board of directors has considered  
18 the safety of the students being transported as well as the economy of  
19 utilizing a district-owned passenger car in lieu of a school bus is the  
20 private vehicle reimbursement rate in effect on September 1st of each  
21 school year. Students transported in district-owned passenger cars  
22 must be included in the corresponding basic or special passenger  
23 counts.

24 (4) Prior to June 1st of each year the superintendent shall submit  
25 to the office of financial management, and the education and fiscal  
26 committees ~~((on education and ways and means of the senate and house of~~  
27 ~~representatives))~~ of the legislature, a report outlining the  
28 methodology and rationale used in determining the statistical  
29 coefficients for each site characteristic used to determine the  
30 allocation ~~((rates to be used))~~ for the following year.

31 **Sec. 407.** RCW 28A.160.190 and 1990 c 33 s 145 are each amended to  
32 read as follows:

33 PUPIL TRANSPORTATION. The superintendent shall notify districts of  
34 their student transportation allocation before January 15th. ~~((If the~~  
35 ~~number of eligible students in a school district changes ten percent or~~  
36 ~~more from the October report, and the change is maintained for a period~~  
37 ~~of twenty consecutive school days or more, the district may submit~~

1 ~~revised — eligible — student — data — to — the — superintendent — of — public~~  
2 ~~instruction.)~~) The superintendent shall (~~(, — to — the — extent — funds — are~~  
3 ~~available,)~~) recalculate and prorate the district's allocation for the  
4 transportation of pupils to and from school.

5 The superintendent shall make the student transportation allocation  
6 in accordance with the apportionment payment schedule in RCW  
7 28A.510.250. Such allocation payments may be based on (~~(estimated~~  
8 ~~amounts)~~) the prior school year's ridership report for payments to be  
9 made in September, October, November, December, and January.

10 NEW SECTION. Sec. 408. A new section is added to chapter 28A.160  
11 RCW to read as follows:

12 PUPIL TRANSPORTATION. The superintendent of public instruction  
13 shall ensure that the allocation formula results in adequate  
14 appropriation for low enrollment districts, nonhigh districts,  
15 districts involved in cooperative transportation agreements, and  
16 cooperative special transportation services operated by educational  
17 service districts. If necessary, the superintendent shall develop a  
18 separate process to adjust the allocation of the districts.

19 NEW SECTION. Sec. 409. A new section is added to chapter 28A.160  
20 RCW to read as follows:

21 PUPIL TRANSPORTATION. The superintendent of public instruction  
22 shall encourage efficient use of state resources by providing a linear  
23 programming process that compares school district transportation  
24 operations. If a school district's operation is calculated to be less  
25 than ninety percent efficient, the regional transportation coordinators  
26 shall provide an individual review to determine what measures are  
27 available to the school district to improve efficiency. The evaluation  
28 shall include such measures as:

- 29 (1) Efficient routing of buses;
- 30 (2) Efficient use of vehicle capacity; and
- 31 (3) Reasonable controls on compensation costs.

32 The superintendent shall submit to the fiscal and education  
33 committees of the legislature no later than December 1st of each year  
34 a report summarizing the efficiency reviews and the resulting changes  
35 implemented by school districts in response to the recommendations of  
36 the regional transportation coordinators.

1        NEW SECTION.    **Sec. 410.**    A new section is added to chapter 28A.160  
2    RCW to read as follows:

3        PUPIL TRANSPORTATION.    (1) The superintendent of public instruction  
4    shall phase-in implementation of the new distribution formula for  
5    allocating state funds to school districts for transportation of  
6    students to and from school, beginning with the 2011-12 school year.

7        (a) The formula must be developed and revised on an ongoing basis  
8    using the major cost factors in student transportation, including basic  
9    and special student loads, school district land area, average distance  
10   to school, roadway miles, and number of locations served. Factors will  
11   include all those site characteristics that are statistically  
12   significant after analysis of the data required by the revised  
13   reporting process.

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

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

20       (a) Annually, each school district shall receive the lesser of the  
21   previous school year's pupil transportation operations allocation, or  
22   the total of allowable pupil transportation expenditures identified on  
23   the previous school year's final expenditure report to the state plus  
24   district indirect expenses using the state recovery rate identified by  
25   the superintendent; and

26       (b) Annually, any funds appropriated by the legislature in excess  
27   of the maintenance level funding amount for student transportation  
28   shall be distributed among school districts on a prorated basis using  
29   the difference between the amount identified in (a) of this subsection  
30   and the amount determined under the formula in RCW 28A.160.180.

31       (3) The superintendent shall develop, implement, and provide a copy  
32   of the rules specifying the student transportation reporting  
33   requirements to the legislature and school districts no later than  
34   December 1, 2009.

35       (4) Beginning in December 2009, and continuing until December 2014,  
36   the superintendent shall provide quarterly updates and progress reports  
37   to the fiscal committees of the legislature on the implementation and  
38   testing of the distribution formula.

1 PART V

2 GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

3 Sec. 501. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to  
4 read as follows:

5 SALARY ALLOCATION MODEL. (1) The legislature shall establish for  
6 each school year in the appropriations act a statewide salary  
7 allocation schedule, for allocation purposes only, to be used to  
8 distribute funds for basic education certificated instructional staff  
9 salaries under RCW 28A.150.260. For the purposes of this section,  
10 beginning in the 2011-12 school year, the staff allocations for  
11 classroom teachers, librarians, professional development coaches,  
12 student health services staff, and guidance counselors under RCW  
13 28A.150.260 are allocations for certificated instructional staff.

14 (2) Salary allocations for state-funded (~~basic~~—education)  
15 certificated instructional staff shall be calculated by the  
16 superintendent of public instruction by determining the district's  
17 average salary for all certificated instructional staff, using the  
18 statewide salary allocation schedule and related documents, conditions,  
19 and limitations established by the omnibus appropriations act.

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

25 (a) The employee has a masters degree; or

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

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

1 applied to service credit totals for purposes of any retirement benefit  
2 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement  
3 system benefits.

4 **Sec. 502.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to  
5 read as follows:

6 LAP ADJUSTMENTS. (~~The learning assistance program requirements~~  
7 ~~in~~) This chapter (~~are~~) is designed to: (1) Promote the use of  
8 assessment data when developing programs to assist underachieving  
9 students; and (2) guide school districts in providing the most  
10 effective and efficient practices when implementing (~~programs~~)  
11 supplemental instruction and services to assist underachieving  
12 students. (~~Further, this chapter provides the means by which a school~~  
13 ~~district becomes eligible for learning assistance program funds and the~~  
14 ~~distribution of those funds.~~)

15 **Sec. 503.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to  
16 read as follows:

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

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

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

25 (3) "Participating student" means a student in kindergarten through  
26 grade (~~eleven who scores below standard for his or her grade level on~~  
27 ~~the statewide assessments and who is identified in the approved plan to~~  
28 ~~receive services. Beginning with the 2007-2008 school year,~~  
29 ~~"participating student" means a student in kindergarten through grade~~)  
30 twelve who scores below standard for his or her grade level on the  
31 statewide assessments and who is identified in the approved plan to  
32 receive services.

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

1 (5) "Underachieving students" means students with the greatest  
2 academic deficits in basic skills as identified by the statewide  
3 assessments.

4 **Sec. 504.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to  
5 read as follows:

6 LAP ADJUSTMENTS. ~~((1))~~ Each school district with an approved  
7 program is eligible for state funds provided for the learning  
8 assistance program. The funds shall be appropriated for the learning  
9 assistance program in accordance with RCW 28A.150.260 and the  
10 ~~((biennial))~~ omnibus appropriations act. The distribution formula is  
11 for school district allocation purposes only, but funds appropriated  
12 for the learning assistance program must be expended for the purposes  
13 of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula~~  
14 ~~shall be based on one or more family income factors measuring economic~~  
15 ~~need.~~

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

23 ~~(a) If, in the prior school year, a district's percent of October~~  
24 ~~headcount student enrollment in grades kindergarten through twelve who~~  
25 ~~are enrolled in the transitional bilingual instruction program, based~~  
26 ~~on an average of the program headcount taken in October and May,~~  
27 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~  
28 ~~district's percent transitional bilingual instruction program~~  
29 ~~enrollment and the resulting percent shall be multiplied by the~~  
30 ~~district's kindergarten through twelve annual average full-time~~  
31 ~~equivalent enrollment for the prior school year.~~

32 ~~(b) The number calculated under (a) of this subsection shall be the~~  
33 ~~number of additional funded students for purposes of this subsection,~~  
34 ~~to be multiplied by the per-funded student allocation rates specified~~  
35 ~~in the omnibus appropriations act.~~

36 ~~(c) School districts are only eligible for the enhanced funds under~~



1 ~~this subsection if their percentage of October headcount enrollment in~~  
2 ~~grades kindergarten through twelve eligible for free or reduced price~~  
3 ~~lunch exceeded forty percent in the prior school year.))~~

4 **Sec. 505.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to  
5 read as follows:

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

17 **Sec. 506.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to  
18 read as follows:

19 TBIP ADJUSTMENTS. (~~(The superintendent of public instruction shall~~  
20 ~~prepare and submit biennially to the governor and the legislature a~~  
21 ~~budget — request — for — bilingual — instruction — programs.))~~ Moneys  
22 appropriated by the legislature for the purposes of RCW 28A.180.010  
23 through 28A.180.080 shall be allocated by the superintendent of public  
24 instruction to school districts for the sole purpose of operating an  
25 approved bilingual instruction program(~~(; priorities for funding shall~~  
26 ~~exist for the early elementary grades. — No moneys shall be allocated~~  
27 ~~pursuant to this section to fund more than three school years of~~  
28 ~~bilingual instruction for each eligible pupil within a district:~~  
29 ~~PROVIDED, That such moneys may be allocated to fund more than three~~  
30 ~~school years of bilingual instruction for any pupil who fails to~~  
31 ~~demonstrate improvement in English language skills adequate to remove~~  
32 ~~impairment of learning when taught only in English. The superintendent~~  
33 ~~of public instruction shall set standards and approve a test for the~~  
34 ~~measurement of such English language skills))~~).

1           **Sec. 507.** RCW 28A.185.010 and 1984 c 278 s 12 are each amended to  
2 read as follows:

3           Pursuant to rules (~~(and regulations)~~) adopted by the superintendent  
4 of public instruction for the administration of this chapter, the  
5 superintendent of public instruction shall carry out a program for  
6 highly capable students. Such program may include conducting,  
7 coordinating and aiding in research (including pilot programs),  
8 disseminating information to local school districts, providing  
9 statewide staff development, and allocating to school districts  
10 supplementary funds for additional costs of district programs, as  
11 provided by RCW (~~(28A.185.020)~~) 28A.150.260.

12           **Sec. 508.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to  
13 read as follows:

14           (1) The legislature finds that, for highly capable students, access  
15 to accelerated learning and enhanced instruction is access to a basic  
16 education. There are multiple definitions of highly capable, from  
17 intellectual to academic to artistic. The research literature strongly  
18 supports using multiple criteria to identify highly capable students,  
19 and therefore, the legislature does not intend to prescribe a single  
20 method. Instead, the legislature intends to allocate funding based on  
21 two percent of each school district's population and authorize school  
22 districts to identify through the use of multiple, objective criteria  
23 those students most highly capable and eligible to receive accelerated  
24 learning and enhanced instruction in the program offered by the  
25 district. Access to accelerated learning and enhanced instruction  
26 through the program for highly capable students does not constitute an  
27 individual entitlement for any particular student.

28           (2) Supplementary funds (~~(as may be)~~) provided by the state for  
29 (~~(this program, in accordance with RCW 28A.150.370,)~~) the program for  
30 highly capable students under RCW 28A.150.260 shall be categorical  
31 funding (~~(on an excess cost basis based upon a per student amount not~~  
32 to exceed three percent of any district's full-time equivalent  
33 enrollment)) to provide services to highly capable students as  
34 determined by a school district under RCW 28A.185.030.

35           **Sec. 509.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to  
36 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, 28A.160.150 through 28A.160.200, (~~(28A.160.220)~~)  
13 28A.300.035, and 28A.300.170(~~(, and 28A.500.010)~~) shall not be greater  
14 than the regular apportionment for each high school student of the  
15 receiving district. Such authorization may be extended for an  
16 additional year at the discretion of the educational service district  
17 superintendent.

18 (2) Subsection (1) of this section shall not apply to districts  
19 participating in a cooperative project established under RCW  
20 28A.340.030 which exceeds two years in duration.

21 NEW SECTION. Sec. 510. The following acts or parts of acts are  
22 each repealed:

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

25 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,  
26 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &  
27 1973 1st ex.s. c 105 s 1;

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

31 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s  
32 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s  
33 22, & 1969 ex.s. c 223 s 28A.01.020;

34 (5) RCW 28A.150.370 (Additional programs for which legislative  
35 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s  
36 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;

1 (6) RCW 28A.155.180 (Safety net funds--Application--Technical  
2 assistance--Annual survey) and 2007 c 400 s 8; and  
3 (7) RCW 28A.150.205 (Definition) and 1992 c 141 s 502.

4 **PART VI**  
5 **MISCELLANEOUS PROVISIONS**

6 NEW SECTION. **Sec. 601.** Part headings and captions used in this  
7 act are not any part of the law.

8 NEW SECTION. **Sec. 602.** Sections 3, 102, and 108 of this act are  
9 each added to chapter 28A.150 RCW.

10 NEW SECTION. **Sec. 603.** Sections 101 through 110, 402 through 408,  
11 and 501 through 510 of this act take effect September 1, 2011.

12 NEW SECTION. **Sec. 604.** Section 409 of this act takes effect  
13 September 1, 2013.

14 NEW SECTION. **Sec. 605.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

--- END ---