

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6696

Chapter 235, Laws of 2010

61st Legislature
2010 Regular Session

EDUCATION REFORM

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 11, 2010
YEAS 46 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House March 11, 2010
YEAS 72 NAYS 25

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2010, 2:19 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6696** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 30, 2010

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6696

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington **61st Legislature** **2010 Regular Session**

By Senate Ways & Means (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin, and Kohl-Welles; by request of Governor Gregoire)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to education reform; amending RCW 28A.305.225,
2 28A.150.230, 28A.405.100, 28A.405.220, 28A.405.210, 28A.405.230,
3 28A.405.300, 28A.400.200, 28A.660.020, 28B.76.335, 28A.655.110,
4 41.56.100, 41.59.120, and 28A.300.136; reenacting and amending RCW
5 28A.660.040 and 28A.660.050; adding new sections to chapter 28A.405
6 RCW; adding new sections to chapter 28A.410 RCW; adding a new section
7 to chapter 28B.76 RCW; adding new sections to chapter 28A.655 RCW;
8 adding a new section to chapter 28A.605 RCW; adding a new section to
9 chapter 28A.300 RCW; adding a new section to chapter 41.56 RCW; adding
10 a new section to chapter 41.59 RCW; adding a new chapter to Title 28A
11 RCW; creating new sections; recodifying RCW 28A.305.225; repealing RCW
12 28A.660.010, 28A.415.100, 28A.415.105, 28A.415.125, 28A.415.130,
13 28A.415.135, 28A.415.140, 28A.415.145, and 28A.660.030; and providing
14 an expiration date.

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

16 **PART I**

17 **ACCOUNTABILITY FRAMEWORK**

1 NEW SECTION. **Sec. 101.** The legislature finds that it is the
2 state's responsibility to create a coherent and effective
3 accountability framework for the continuous improvement for all schools
4 and districts. This system must provide an excellent and equitable
5 education for all students; an aligned federal/state accountability
6 system; and the tools necessary for schools and districts to be
7 accountable. These tools include the necessary accounting and data
8 reporting systems, assessment systems to monitor student achievement,
9 and a system of general support, targeted assistance, and if necessary,
10 intervention.

11 The office of the superintendent of public instruction is
12 responsible for developing and implementing the accountability tools to
13 build district capacity and working within federal and state
14 guidelines. The legislature assigned the state board of education
15 responsibility and oversight for creating an accountability framework.
16 This framework provides a unified system of support for challenged
17 schools that aligns with basic education, increases the level of
18 support based upon the magnitude of need, and uses data for decisions.
19 Such a system will identify schools and their districts for recognition
20 as well as for additional state support. For a specific group of
21 challenged schools, defined as persistently lowest-achieving schools,
22 and their districts, it is necessary to provide a required action
23 process that creates a partnership between the state and local district
24 to target funds and assistance to turn around the identified lowest-
25 achieving schools.

26 Phase I of this accountability system will recognize schools that
27 have done an exemplary job of raising student achievement and closing
28 the achievement gaps using the state board of education's
29 accountability index. The state board of education shall have ongoing
30 collaboration with the achievement gap oversight and accountability
31 committee regarding the measures used to measure the closing of the
32 achievement gaps and the recognition provided to the school districts
33 for closing the achievement gaps. Phase I will also target the lowest
34 five percent of persistently lowest-achieving schools defined under
35 federal guidelines to provide federal funds and federal intervention
36 models through a voluntary option in 2010, and for those who do not
37 volunteer and have not improved student achievement, a required action
38 process beginning in 2011.

1 Phase II of this accountability system will work toward
2 implementing the state board of education's accountability index for
3 identification of schools in need of improvement, including those that
4 are not Title I schools, and the use of state and local intervention
5 models and state funds through a required action process beginning in
6 2013, in addition to the federal program. Federal approval of the
7 state board of education's accountability index must be obtained or
8 else the federal guidelines for persistently lowest-achieving schools
9 will continue to be used.

10 The expectation from implementation of this accountability system
11 is the improvement of student achievement for all students to prepare
12 them for postsecondary education, work, and global citizenship in the
13 twenty-first century.

14 NEW_SECTION. **Sec. 102.** (1) Beginning in 2010, and each year
15 thereafter, by December 1st, the superintendent of public instruction
16 shall annually identify schools as one of the state's persistently
17 lowest-achieving schools if the school is a Title I school, or a school
18 that is eligible for but does not receive Title I funds, that is among
19 the lowest-achieving five percent of Title I or Title I eligible
20 schools in the state.

21 (2) The criteria for determining whether a school is among the
22 persistently lowest-achieving five percent of Title I schools, or Title
23 I eligible schools, under subsection (1) of this section shall be
24 established by the superintendent of public instruction. The criteria
25 must meet all applicable requirements for the receipt of a federal
26 school improvement grant under the American recovery and reinvestment
27 act of 2009 and Title I of the elementary and secondary education act
28 of 1965, and take into account both:

29 (a) The academic achievement of the "all students" group in a
30 school in terms of proficiency on the state's assessment, and any
31 alternative assessments, in reading and mathematics combined; and

32 (b) The school's lack of progress on the mathematics and reading
33 assessments over a number of years in the "all students" group.

34 NEW_SECTION. **Sec. 103.** (1) Beginning in January 2011, the
35 superintendent of public instruction shall annually recommend to the
36 state board of education school districts for designation as required

1 action districts. A district with at least one school identified as a
2 persistently lowest-achieving school shall be designated as a required
3 action district if it meets the criteria developed by the
4 superintendent of public instruction. However, a school district shall
5 not be recommended for designation as a required action district if the
6 district was awarded a federal school improvement grant by the
7 superintendent in 2010 and for three consecutive years following
8 receipt of the grant implemented a federal school intervention model at
9 each school identified for improvement. The state board of education
10 may designate a district that received a school improvement grant in
11 2010 as a required action district if after three years of voluntarily
12 implementing a plan the district continues to have a school identified
13 as persistently lowest-achieving and meets the criteria for designation
14 established by the superintendent of public instruction.

15 (2) The superintendent of public instruction shall provide a school
16 district superintendent with written notice of the recommendation for
17 designation as a required action district by certified mail or personal
18 service. A school district superintendent may request reconsideration
19 of the superintendent of public instruction's recommendation. The
20 reconsideration shall be limited to a determination of whether the
21 school district met the criteria for being recommended as a required
22 action district. A request for reconsideration must be in writing and
23 served on the superintendent of public instruction within ten days of
24 service of the notice of the superintendent's recommendation.

25 (3) The state board of education shall annually designate those
26 districts recommended by the superintendent in subsection (1) of this
27 section as required action districts. A district designated as a
28 required action district shall be required to notify all parents of
29 students attending a school identified as a persistently lowest-
30 achieving school in the district of the state board of education's
31 designation of the district as a required action district and the
32 process for complying with the requirements set forth in sections 104
33 through 110 of this act.

34 NEW SECTION. **Sec. 104.** (1) The superintendent of public
35 instruction shall contract with an external review team to conduct an
36 academic performance audit of the district and each persistently
37 lowest-achieving school in a required action district to identify the

1 potential reasons for the school's low performance and lack of
2 progress. The review team must consist of persons under contract with
3 the superintendent who have expertise in comprehensive school and
4 district reform and may not include staff from the agency, the school
5 district that is the subject of the audit, or members or staff of the
6 state board of education.

7 (2) The audit must be conducted based on criteria developed by the
8 superintendent of public instruction and must include but not be
9 limited to an examination of the following:

- 10 (a) Student demographics;
- 11 (b) Mobility patterns;
- 12 (c) School feeder patterns;
- 13 (d) The performance of different student groups on assessments;
- 14 (e) Effective school leadership;
- 15 (f) Strategic allocation of resources;
- 16 (g) Clear and shared focus on student learning;
- 17 (h) High standards and expectations for all students;
- 18 (i) High level of collaboration and communication;
- 19 (j) Aligned curriculum, instruction, and assessment to state
20 standards;
- 21 (k) Frequency of monitoring of learning and teaching;
- 22 (l) Focused professional development;
- 23 (m) Supportive learning environment;
- 24 (n) High level of family and community involvement;
- 25 (o) Alternative secondary schools best practices; and
- 26 (p) Any unique circumstances or characteristics of the school or
27 district.

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

30 NEW SECTION. **Sec. 105.** (1) The local district superintendent and
31 local school board of a school district designated as a required action
32 district must submit a required action plan to the state board of
33 education for approval. Unless otherwise required by subsection (3) of
34 this section, the plan must be submitted under a schedule as required
35 by the state board. A required action plan must be developed in
36 collaboration with administrators, teachers, and other staff, parents,
37 unions representing any employees within the district, students, and

1 other representatives of the local community. The superintendent of
2 public instruction shall provide a district with assistance in
3 developing its plan if requested. The school board must conduct a
4 public hearing to allow for comment on a proposed required action plan.
5 The local school district shall submit the plan first to the office of
6 the superintendent of public instruction to review and approve that the
7 plan is consistent with federal guidelines. After the office of the
8 superintendent of public instruction has approved that the plan is
9 consistent with federal guidelines, the local school district must
10 submit its required action plan to the state board of education for
11 approval.

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

13 (a) Implementation of one of the four federal intervention models
14 required for the receipt of a federal school improvement grant, for
15 those persistently lowest-achieving schools that the district will be
16 focusing on for required action. However, a district may not establish
17 a charter school under a federal intervention model without express
18 legislative authority. The intervention models are the turnaround,
19 restart, school closure, and transformation models. The intervention
20 model selected must address the concerns raised in the academic
21 performance audit and be intended to improve student performance to
22 allow a school district to be removed from the list of districts
23 designated as a required action district by the state board of
24 education within three years of implementation of the plan;

25 (b) Submission of an application for a federal school improvement
26 grant or a grant from other federal funds for school improvement to the
27 superintendent of public instruction;

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

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

35 (e) Identification of the measures that the school district will
36 use in assessing student achievement at a school identified as a
37 persistently lowest-achieving school, which include improving
38 mathematics and reading student achievement and graduation rates as

1 defined by the office of the superintendent of public instruction that
2 enable the school to no longer be identified as a persistently lowest-
3 achieving school.

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

10 (b) If the school district and the employee organizations are
11 unable to agree on the terms of an addendum or modification to an
12 existing collective bargaining agreement, the parties, including all
13 labor organizations affected under the required action plan, shall
14 request the public employment relations commission to, and the
15 commission shall, appoint an employee of the commission to act as a
16 mediator to assist in the resolution of a dispute between the school
17 district and the employee organizations. Beginning in 2011, and each
18 year thereafter, mediation shall commence no later than April 15th.
19 All mediations held under this section shall include the employer and
20 representatives of all affected bargaining units.

21 (c) If the executive director of the public employment relations
22 commission, upon the recommendation of the assigned mediator, finds
23 that the employer and any affected bargaining unit are unable to reach
24 agreement following a reasonable period of negotiations and mediation,
25 but by no later than May 15th of the year in which mediation occurred,
26 the executive director shall certify any disputed issues for a decision
27 by the superior court in the county where the school district is
28 located. The issues for determination by the superior court must be
29 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

8 (ii) Within seven days after the filing of the petition, each party
9 shall file with the court the proposal it is asking the court to order
10 be implemented in a required action plan for the district for each
11 issue certified by the executive director. Contemporaneously with the
12 filing of the proposal, a party must file a brief with the court
13 setting forth the reasons why the court should order implementation of
14 its proposal in the final plan.

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

20 (iv) The court must enter an order selecting the proposal for
21 inclusion in a required action plan that best responds to the issues
22 raised in the school district's academic performance audit, and allows
23 for the award of a federal school improvement grant or a grant from
24 other federal funds for school improvement to the district from the
25 office of the superintendent of public instruction to implement one of
26 the four federal intervention models. The court's decision must be
27 issued no later than June 15th of the year in which the petition is
28 filed and is final and binding on the parties; however the court's
29 decision is subject to appeal only in the case where it does not allow
30 the school district to implement a required action plan consistent with
31 the requirements for the award of a federal school improvement grant or
32 other federal funds for school improvement by the superintendent of
33 public instruction.

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

36 (f) Any party that proceeds with the process in this section after
37 knowledge that any provision of this section has not been complied with

1 and who fails to state its objection in writing is deemed to have
2 waived its right to object.

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

7 NEW SECTION. **Sec. 106.** A required action plan developed by a
8 district's school board and superintendent must be submitted to the
9 state board of education for approval. The state board must accept for
10 inclusion in any required action plan the final decision by the
11 superior court on any issue certified by the executive director of the
12 public employment relations commission under the process in section 105
13 of this act. The state board of education shall approve a plan
14 proposed by a school district only if the plan meets the requirements
15 in section 105 of this act and provides sufficient remedies to address
16 the findings in the academic performance audit to improve student
17 achievement. Any addendum or modification to an existing collective
18 bargaining agreement, negotiated under section 105 of this act or by
19 agreement of the district and the exclusive bargaining unit, related to
20 student achievement or school improvement shall not go into effect
21 until approval of a required action plan by the state board of
22 education. If the state board does not approve a proposed plan, it
23 must notify the local school board and local district's superintendent
24 in writing with an explicit rationale for why the plan was not
25 approved. Nonapproval by the state board of education of the local
26 school district's initial required action plan submitted is not
27 intended to trigger any actions under section 108 of this act. With
28 the assistance of the office of the superintendent of public
29 instruction, the superintendent and school board of the required action
30 district shall either: (a) Submit a new plan to the state board of
31 education for approval within forty days of notification that its plan
32 was rejected, or (b) submit a request to the required action plan
33 review panel established under section 107 of this act for
34 reconsideration of the state board's rejection within ten days of the
35 notification that the plan was rejected. If federal funds are not
36 available, the plan is not required to be implemented until such
37 funding becomes available. If federal funds for this purpose are

1 available, a required action plan must be implemented in the immediate
2 school year following the district's designation as a required action
3 district.

4 NEW SECTION. **Sec. 107.** (1) A required action plan review panel
5 shall be established to offer an objective, external review of a
6 request from a school district for reconsideration of the state board
7 of education's rejection of the district's required action plan. The
8 review and reconsideration by the panel shall be based on whether the
9 state board of education gave appropriate consideration to the unique
10 circumstances and characteristics identified in the academic
11 performance audit of the local school district whose required action
12 plan was rejected.

13 (2)(a) The panel shall be composed of five individuals with
14 expertise in school improvement, school and district restructuring, or
15 parent and community involvement in schools. Two of the panel members
16 shall be appointed by the speaker of the house of representatives; two
17 shall be appointed by the president of the senate; and one shall be
18 appointed by the governor.

19 (b) The speaker of the house of representatives, president of the
20 senate, and governor shall solicit recommendations for possible panel
21 members from the Washington association of school administrators, the
22 Washington state school directors' association, the association of
23 Washington school principals, the achievement gap oversight and
24 accountability committee, and associations representing certificated
25 teachers, classified school employees, and parents.

26 (c) Members of the panel shall be appointed no later than December
27 1, 2010, but the superintendent of public instruction shall convene the
28 panel only as needed to consider a school district's request for
29 reconsideration. Appointments shall be for a four-year term, with
30 opportunity for reappointment. Reappointments in the case of a vacancy
31 shall be made expeditiously so that all requests are considered in a
32 timely manner.

33 (3) The required action plan review panel may reaffirm the decision
34 of the state board of education, recommend that the state board
35 reconsider the rejection, or recommend changes to the required action
36 plan that should be considered by the district and the state board of
37 education to secure approval of the plan. The state board of education

1 shall consider the recommendations of the panel and issue a decision in
2 writing to the local school district and the panel. If the school
3 district must submit a new required action plan to the state board of
4 education, the district must submit the plan within forty days of the
5 board's decision.

6 (4) The state board of education and superintendent of public
7 instruction must develop timelines and procedures for the deliberations
8 under this section so that school districts can implement a required
9 action plan within the time frame required under section 106 of this
10 act.

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

18 NEW SECTION. **Sec. 109.** A school district must implement a
19 required action plan upon approval by the state board of education.
20 The office of superintendent of public instruction must provide the
21 required action district with technical assistance and federal school
22 improvement grant funds or other federal funds for school improvement,
23 if available, to implement an approved plan. The district must submit
24 a report to the superintendent of public instruction that provides the
25 progress the district is making in meeting the student achievement
26 goals based on the state's assessments, identifying strategies and
27 assets used to solve audit findings, and establishing evidence of
28 meeting plan implementation benchmarks as set forth in the required
29 action plan.

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

34 (2) The superintendent of public instruction must recommend to the
35 state board of education that a school district be released from the

1 designation as a required action district after the district implements
2 a required action plan for a period of three years; has made progress,
3 as defined by the superintendent of public instruction, in reading and
4 mathematics on the state's assessment over the past three consecutive
5 years; and no longer has a school within the district identified as
6 persistently lowest achieving. The state board shall release a school
7 district from the designation as a required action district upon
8 confirmation that the district has met the requirements for a release.

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

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

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

20 (2) The state board of education shall develop an accountability
21 index to identify schools and districts for recognition, for continuous
22 improvement, and for additional state support. The index shall be
23 based on criteria that are fair, consistent, and transparent.
24 Performance shall be measured using multiple outcomes and indicators
25 including, but not limited to, graduation rates and results from
26 statewide assessments. The index shall be developed in such a way as
27 to be easily understood by both employees within the schools and
28 districts, as well as parents and community members. It is the
29 legislature's intent that the index provide feedback to schools and
30 districts to self-assess their progress, and enable the identification
31 of schools with exemplary student performance and those that need
32 assistance to overcome challenges in order to achieve exemplary student
33 performance. (~~Once the accountability index has identified schools~~
34 ~~that need additional help, a more thorough analysis will be done to~~
35 ~~analyze specific conditions in the district including but not limited~~
36 ~~to the level of state resources a school or school district receives in~~

1 support of the basic education system, achievement gaps for different
2 groups of students, and community support.

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

13 ~~(4)(a) The state board of education shall develop a proposal and~~
14 ~~implementation timeline for a more formalized comprehensive system~~
15 ~~improvement targeted to challenged schools and districts that have not~~
16 ~~demonstrated sufficient improvement through the voluntary system. The~~
17 ~~timeline must take into account and accommodate capacity limitations of~~
18 ~~the K-12 educational system. The proposal and timeline shall be~~
19 ~~submitted to the education committees of the legislature by December 1,~~
20 ~~2009, and shall include recommended legislation and recommended~~
21 ~~resources to implement the system according to the timeline developed.~~

22 ~~(b) The proposal shall outline a process for addressing performance~~
23 ~~challenges that will include the following features: (i) An academic~~
24 ~~performance audit using peer review teams of educators that considers~~
25 ~~school and community factors in addition to other factors in developing~~
26 ~~recommended specific corrective actions that should be undertaken to~~
27 ~~improve student learning; (ii) a requirement for the local school board~~
28 ~~plan to develop and be responsible for implementation of corrective~~
29 ~~action plan taking into account the audit findings, which plan must be~~
30 ~~approved by the state board of education at which time the plan becomes~~
31 ~~binding upon the school district to implement; and (iii) monitoring of~~
32 ~~local district progress by the office of the superintendent of public~~
33 ~~instruction. The proposal shall take effect only if formally~~
34 ~~authorized by the legislature through the omnibus appropriations act or~~
35 ~~other enacted legislation.~~

36 (5)) (3) The state board of education, in cooperation with the
37 office of the superintendent of public instruction, shall annually
38 recognize schools for exemplary performance as measured on the state

1 board of education accountability index. The state board of education
2 shall have ongoing collaboration with the achievement gap oversight and
3 accountability committee regarding the measures used to measure the
4 closing of the achievement gaps and the recognition provided to the
5 school districts for closing the achievement gaps.

6 (4) In coordination with the superintendent of public instruction,
7 the state board of education shall seek approval from the United States
8 department of education for use of the accountability index and the
9 state system of support, assistance, and intervention, to replace the
10 federal accountability system under P.L. 107-110, the no child left
11 behind act of 2001.

12 ((+6+)) (5) The state board of education shall work with the
13 education data center established within the office of financial
14 management and the technical working group established in section 112,
15 chapter 548, Laws of 2009 to determine the feasibility of using the
16 prototypical funding allocation model as not only a tool for allocating
17 resources to schools and districts but also as a tool for schools and
18 districts to report to the state legislature and the state board of
19 education on how the state resources received are being used.

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

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

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

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

30 NEW SECTION. Sec. 114. (1) The legislature finds that a unified
31 and equitable system of education accountability must include
32 expectations and benchmarks for improvement, along with support for
33 schools and districts to make the necessary changes that will lead to
34 success for all students. Such a system must also clearly address the
35 consequences for persistent lack of improvement. Establishing a

1 process for school districts to prepare and implement a required action
2 plan is one such consequence. However, to be truly accountable to
3 students, parents, the community, and taxpayers, the legislature must
4 also consider what should happen if a required action district
5 continues not to make improvement after an extended period of time.
6 Without an answer to this significant question, the state's system of
7 education accountability is incomplete. Furthermore, accountability
8 must be appropriately shared among various levels of decision makers,
9 including in the building, in the district, and at the state.

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

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

15 (ii) The speaker of the house of representatives shall appoint two
16 members from each of the two largest caucuses of the house of
17 representatives.

18 (b) The committee shall choose its cochairs from among its
19 membership.

20 (3) The committee shall:

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

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

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

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

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

32 (4) Staff support for the committee must be provided by the senate
33 committee services and the house of representatives office of program
34 research.

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

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

PART II
EVALUATIONS

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

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

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

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

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

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

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less

1 than an amount otherwise required in RCW 28A.150.220, or rules of the
2 state board of education;

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

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

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

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

16 (1)(a) Except as provided in subsection (2) of this section, the
17 superintendent of public instruction shall establish and may amend from
18 time to time minimum criteria for the evaluation of the professional
19 performance capabilities and development of certificated classroom
20 teachers and certificated support personnel. For classroom teachers
21 the criteria shall be developed in the following categories:
22 Instructional skill; classroom management, professional preparation and
23 scholarship; effort toward improvement when needed; the handling of
24 student discipline and attendant problems; and interest in teaching
25 pupils and knowledge of subject matter.

26 (b) Every board of directors shall, in accordance with procedure
27 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
28 establish evaluative criteria and procedures for all certificated
29 classroom teachers and certificated support personnel. The evaluative
30 criteria must contain as a minimum the criteria established by the
31 superintendent of public instruction pursuant to this section and must
32 be prepared within six months following adoption of the superintendent
33 of public instruction's minimum criteria. The district must certify to
34 the superintendent of public instruction that evaluative criteria have
35 been so prepared by the district.

36 (2)(a) Pursuant to the implementation schedule established in
37 subsection (7)(b) of this section, every board of directors shall, in

1 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
2 41.59.910, and 41.59.920, establish revised evaluative criteria and a
3 four-level rating system for all certificated classroom teachers.

4 (b) The minimum criteria shall include: (i) Centering instruction
5 on high expectations for student achievement; (ii) demonstrating
6 effective teaching practices; (iii) recognizing individual student
7 learning needs and developing strategies to address those needs; (iv)
8 providing clear and intentional focus on subject matter content and
9 curriculum; (v) fostering and managing a safe, positive learning
10 environment; (vi) using multiple student data elements to modify
11 instruction and improve student learning; (vii) communicating and
12 collaborating with parents and school community; and (viii) exhibiting
13 collaborative and collegial practices focused on improving
14 instructional practice and student learning.

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

24 (3)(a) Except as provided in subsection ((+5)) (10) of this
25 section, it shall be the responsibility of a principal or his or her
26 designee to evaluate all certificated personnel in his or her school.
27 During each school year all classroom teachers and certificated support
28 personnel(~~, hereinafter referred to as "employees" in this section,~~)
29 shall be observed for the purposes of evaluation at least twice in the
30 performance of their assigned duties. Total observation time for each
31 employee for each school year shall be not less than sixty minutes. An
32 employee in the third year of provisional status as defined in RCW
33 28A.405.220 shall be observed at least three times in the performance
34 of his or her duties and the total observation time for the school year
35 shall not be less than ninety minutes. Following each observation, or
36 series of observations, the principal or other evaluator shall promptly
37 document the results of the observation in writing, and shall provide
38 the employee with a copy thereof within three days after such report is

1 prepared. New employees shall be observed at least once for a total
2 observation time of thirty minutes during the first ninety calendar
3 days of their employment period.

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

7 (4)(a) At any time after October 15th, an employee whose work is
8 not judged (~~(unsatisfactory)~~) satisfactory based on district evaluation
9 criteria shall be notified in writing of the specific areas of
10 deficiencies along with a reasonable program for improvement. During
11 the period of probation, the employee may not be transferred from the
12 supervision of the original evaluator. Improvement of performance or
13 probable cause for nonrenewal must occur and be documented by the
14 original evaluator before any consideration of a request for transfer
15 or reassignment as contemplated by either the individual or the school
16 district. A probationary period of sixty school days shall be
17 established. The establishment of a probationary period does not
18 adversely affect the contract status of an employee within the meaning
19 of RCW 28A.405.300. The purpose of the probationary period is to give
20 the employee opportunity to demonstrate improvements in his or her
21 areas of deficiency. The establishment of the probationary period and
22 the giving of the notice to the employee of deficiency shall be by the
23 school district superintendent and need not be submitted to the board
24 of directors for approval. During the probationary period the
25 evaluator shall meet with the employee at least twice monthly to
26 supervise and make a written evaluation of the progress, if any, made
27 by the employee. The evaluator may authorize one additional
28 certificated employee to evaluate the probationer and to aid the
29 employee in improving his or her areas of deficiency; such additional
30 certificated employee shall be immune from any civil liability that
31 might otherwise be incurred or imposed with regard to the good faith
32 performance of such evaluation. The probationer may be removed from
33 probation if he or she has demonstrated improvement to the satisfaction
34 of the principal in those areas specifically detailed in his or her
35 initial notice of deficiency and subsequently detailed in his or her
36 improvement program. Lack of necessary improvement during the
37 established probationary period, as specifically documented in writing

1 with notification to the probationer and shall constitute grounds for
2 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

3 (b) Immediately following the completion of a probationary period
4 that does not produce performance changes detailed in the initial
5 notice of deficiencies and improvement program, the employee may be
6 removed from his or her assignment and placed into an alternative
7 assignment for the remainder of the school year. This reassignment may
8 not displace another employee nor may it adversely affect the
9 probationary employee's compensation or benefits for the remainder of
10 the employee's contract year. If such reassignment is not possible,
11 the district may, at its option, place the employee on paid leave for
12 the balance of the contract term.

13 ~~((+2))~~ (5) Every board of directors shall establish evaluative
14 criteria and procedures for all superintendents, principals, and other
15 administrators. It shall be the responsibility of the district
16 superintendent or his or her designee to evaluate all administrators.
17 Except as provided in subsection (6) of this section, such evaluation
18 shall be based on the administrative position job description. Such
19 criteria, when applicable, shall include at least the following
20 categories: Knowledge of, experience in, and training in recognizing
21 good professional performance, capabilities and development; school
22 administration and management; school finance; professional preparation
23 and scholarship; effort toward improvement when needed; interest in
24 pupils, employees, patrons and subjects taught in school; leadership;
25 and ability and performance of evaluation of school personnel.

26 ~~((+3))~~ (6)(a) Pursuant to the implementation schedule established
27 by subsection (7)(b) of this section, every board of directors shall
28 establish revised evaluative criteria and a four-level rating system
29 for principals.

30 (b) The minimum criteria shall include: (i) Creating a school
31 culture that promotes the ongoing improvement of learning and teaching
32 for students and staff; (ii) demonstrating commitment to closing the
33 achievement gap; (iii) providing for school safety; (iv) leading the
34 development, implementation, and evaluation of a data-driven plan for
35 increasing student achievement, including the use of multiple student
36 data elements; (v) assisting instructional staff with alignment of
37 curriculum, instruction, and assessment with state and local district
38 learning goals; (vi) monitoring, assisting, and evaluating effective

1 instruction and assessment practices; (vii) managing both staff and
2 fiscal resources to support student achievement and legal
3 responsibilities; and (viii) partnering with the school community to
4 promote student learning.

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

13 (7)(a) The superintendent of public instruction, in collaboration
14 with state associations representing teachers, principals,
15 administrators, and parents, shall create models for implementing the
16 evaluation system criteria, student growth tools, professional
17 development programs, and evaluator training for certificated classroom
18 teachers and principals. Human resources specialists, professional
19 development experts, and assessment experts must also be consulted.
20 Due to the diversity of teaching assignments and the many developmental
21 levels of students, classroom teachers and principals must be
22 prominently represented in this work. The models must be available for
23 use in the 2011-12 school year.

24 (b) A new certificated classroom teacher evaluation system that
25 implements the provisions of subsection (2) of this section and a new
26 principal evaluation system that implements the provisions of
27 subsection (6) of this section shall be phased-in beginning with the
28 2010-11 school year by districts identified in (c) of this subsection
29 and implemented in all school districts beginning with the 2013-14
30 school year.

31 (c) A set of school districts shall be selected by the
32 superintendent of public instruction to participate in a collaborative
33 process resulting in the development and piloting of new certificated
34 classroom teacher and principal evaluation systems during the 2010-11
35 and 2011-12 school years. These school districts must be selected
36 based on: (i) The agreement of the local associations representing
37 classroom teachers and principals to collaborate with the district in
38 this developmental work and (ii) the agreement to participate in the

1 full range of development and implementation activities, including:
2 Development of rubrics for the evaluation criteria and ratings in
3 subsections (2) and (6) of this section; identification of or
4 development of appropriate multiple measures of student growth in
5 subsections (2) and (6) of this section; development of appropriate
6 evaluation system forms; participation in professional development for
7 principals and classroom teachers regarding the content of the new
8 evaluation system; participation in evaluator training; and
9 participation in activities to evaluate the effectiveness of the new
10 systems and support programs. The school districts must submit to the
11 office of the superintendent of public instruction data that is used in
12 evaluations and all district-collected student achievement, aptitude,
13 and growth data regardless of whether the data is used in evaluations.
14 If the data is not available electronically, the district may submit it
15 in nonelectronic form. The superintendent of public instruction must
16 analyze the districts' use of student data in evaluations, including
17 examining the extent that student data is not used or is underutilized.
18 The superintendent of public instruction must also consult with
19 participating districts and stakeholders, recommend appropriate
20 changes, and address statewide implementation issues. The
21 superintendent of public instruction shall report evaluation system
22 implementation status, evaluation data, and recommendations to
23 appropriate committees of the legislature and governor by July 1, 2011,
24 and at the conclusion of the development phase by July 1, 2012. In the
25 July 1, 2011 report, the superintendent shall include recommendations
26 for whether a single statewide evaluation model should be adopted,
27 whether modified versions developed by school districts should be
28 subject to state approval, and what the criteria would be for
29 determining if a school district's evaluation model meets or exceeds a
30 statewide model. The report shall also identify challenges posed by
31 requiring a state approval process.

32 (8) Each certificated (~~employee~~) classroom teacher and
33 certificated support personnel shall have the opportunity for
34 confidential conferences with his or her immediate supervisor on no
35 less than two occasions in each school year. Such confidential
36 conference shall have as its sole purpose the aiding of the
37 administrator in his or her assessment of the employee's professional
38 performance.

1 ~~((4))~~ (9) The failure of any evaluator to evaluate or supervise
2 or cause the evaluation or supervision of certificated ~~((employees))~~
3 classroom teachers and certificated support personnel or administrators
4 in accordance with this section, as now or hereafter amended, when it
5 is his or her specific assigned or delegated responsibility to do so,
6 shall be sufficient cause for the nonrenewal of any such evaluator's
7 contract under RCW 28A.405.210, or the discharge of such evaluator
8 under RCW 28A.405.300.

9 ~~((5))~~ (10) After ~~((an employee))~~ a certificated classroom teacher
10 or certificated support personnel has four years of satisfactory
11 evaluations under subsection (1) of this section or has received one of
12 the two top ratings for four years under subsection (2) of this
13 section, a school district may use a short form of evaluation, a
14 locally bargained evaluation emphasizing professional growth, an
15 evaluation under subsection (1) or (2) of this section, or any
16 combination thereof. The short form of evaluation shall include either
17 a thirty minute observation during the school year with a written
18 summary or a final annual written evaluation based on the criteria in
19 subsection (1) or (2) of this section and based on at least two
20 observation periods during the school year totaling at least sixty
21 minutes without a written summary of such observations being prepared.
22 A locally bargained short-form evaluation emphasizing professional
23 growth must provide that the professional growth activity conducted by
24 the certificated classroom teacher be specifically linked to one or
25 more of the certificated classroom teacher evaluation criteria.
26 However, the evaluation process set forth in subsection (1) or (2) of
27 this section shall be followed at least once every three years unless
28 this time is extended by a local school district under the bargaining
29 process set forth in chapter 41.59 RCW. The employee or evaluator may
30 require that the evaluation process set forth in subsection (1) or (2)
31 of this section be conducted in any given school year. No evaluation
32 other than the evaluation authorized under subsection (1) or (2) of
33 this section may be used as a basis for determining that an employee's
34 work is ~~((unsatisfactory))~~ not satisfactory under subsection (1) or (2)
35 of this section or as probable cause for the nonrenewal of an
36 employee's contract under RCW 28A.405.210 unless an evaluation process
37 developed under chapter 41.59 RCW determines otherwise.

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

3 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
4 employed by a school district in a teaching or other nonsupervisory
5 certificated position shall be subject to nonrenewal of employment
6 contract as provided in this section during the first (~~two~~) three
7 years of employment by such district, unless: (a) The employee has
8 previously completed at least two years of certificated employment in
9 another school district in the state of Washington, in which case the
10 employee shall be subject to nonrenewal of employment contract pursuant
11 to this section during the first year of employment with the new
12 district; or (b) the school district superintendent may make a
13 determination to remove an employee from provisional status if the
14 employee has received one of the top two evaluation ratings during the
15 second year of employment by the district. Employees as defined in
16 this section shall hereinafter be referred to as "provisional
17 employees(~~="~~)."

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

32 (3) Every such provisional employee so notified, at his or her
33 request made in writing and filed with the superintendent of the
34 district within ten days after receiving such notice, shall be given
35 the opportunity to meet informally with the superintendent for the
36 purpose of requesting the superintendent to reconsider his or her
37 decision. Such meeting shall be held no later than ten days following
38 the receipt of such request, and the provisional employee shall be

1 given written notice of the date, time and place of meeting at least
2 three days prior thereto. At such meeting the provisional employee
3 shall be given the opportunity to refute any facts upon which the
4 superintendent's determination was based and to make any argument in
5 support of his or her request for reconsideration.

6 (4) Within ten days following the meeting with the provisional
7 employee, the superintendent shall either reinstate the provisional
8 employee or shall submit to the school district board of directors for
9 consideration at its next regular meeting a written report recommending
10 that the employment contract of the provisional employee be nonrenewed
11 and stating the reason or reasons therefor. A copy of such report
12 shall be delivered to the provisional employee at least three days
13 prior to the scheduled meeting of the board of directors. In taking
14 action upon the recommendation of the superintendent, the board of
15 directors shall consider any written communication which the
16 provisional employee may file with the secretary of the board at any
17 time prior to that meeting.

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

23 (6) This section applies to any person employed by a school
24 district in a teaching or other nonsupervisory certificated position
25 after June 25, 1976. This section provides the exclusive means for
26 nonrenewing the employment contract of a provisional employee and no
27 other provision of law shall be applicable thereto, including, without
28 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

29 NEW SECTION. **Sec. 204.** A new section is added to chapter 28A.405
30 RCW to read as follows:

31 (1) Representatives of the office of the superintendent of public
32 instruction and statewide associations representing administrators,
33 principals, human resources specialists, and certificated classroom
34 teachers shall analyze how the evaluation systems in RCW 28A.405.100
35 (2) and (6) affect issues related to a change in contract status.

36 (2) The analysis shall be conducted during each of the phase-in
37 years of the certificated classroom teacher and principal evaluation

1 systems. The analysis shall include: Procedures, timelines,
2 probationary periods, appeal procedures, and other items related to the
3 timely exercise of employment decisions and due process provisions for
4 certificated classroom teachers and principals.

5 NEW SECTION. **Sec. 205.** A new section is added to chapter 28A.405
6 RCW to read as follows:

7 If funds are provided for professional development activities
8 designed specifically for first through third-year teachers, the funds
9 shall be allocated first to districts participating in the evaluation
10 systems in RCW 28A.405.100 (2) and (6) before the required
11 implementation date under that section.

12 **PART III**
13 **PRINCIPAL PERFORMANCE**

14 NEW SECTION. **Sec. 301.** The legislature finds that the presence of
15 highly effective principals in schools has never been more important
16 than it is today. To enable students to meet high academic standards,
17 principals must lead and encourage teams of teachers and support staff
18 to work together, align curriculum and instruction, use student data to
19 target instruction and intervention strategies, and serve as the chief
20 school officer with parents and the community. Greater responsibility
21 should come with greater authority over personnel, budgets, resource
22 allocation, and programs. But greater responsibility also comes with
23 greater accountability for outcomes. Washington is putting into place
24 an updated and rigorous system of evaluating principal performance, one
25 that will measure what matters. This system will never be truly
26 effective unless the results are meaningfully used.

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

29 (1) Any certificated employee of a school district under this
30 section who is first employed as a principal after the effective date
31 of this section shall be subject to transfer as provided under this
32 section, at the expiration of the term of his or her employment
33 contract, to any subordinate certificated position within the school
34 district. "Subordinate certificated position" as used in this section

1 means any administrative or nonadministrative certificated position for
2 which the annual compensation is less than the position currently held
3 by the administrator. This section applies only to school districts
4 with an annual average student enrollment of more than thirty-five
5 thousand full-time equivalent students.

6 (2) During the first three consecutive school years of employment
7 as a principal by the school district, or during the first full school
8 year of such employment in the case of a principal who has been
9 previously employed as a principal by another school district in the
10 state for three or more consecutive school years, the transfer of the
11 principal to a subordinate certificated position may be made by a
12 determination of the superintendent that the best interests of the
13 school district would be served by the transfer.

14 (3) Commencing with the fourth consecutive school year of
15 employment as a principal, or the second consecutive school year of
16 such employment in the case of a principal who has been previously
17 employed as a principal by another school district in the state for
18 three or more consecutive school years, the transfer of the principal
19 to a subordinate certificated position shall be based on the
20 superintendent's determination that the results of the evaluation of
21 the principal's performance using the evaluative criteria and rating
22 system established under RCW 28A.405.100 provide a valid reason for the
23 transfer without regard to whether there is probable cause for the
24 transfer. If a valid reason is shown, it shall be deemed that the
25 transfer is reasonably related to the principal's performance. No
26 probationary period is required. However, provision of support and an
27 attempt at remediation of the performance of the principal, as defined
28 by the superintendent, are required for a determination by the
29 superintendent under this subsection that the principal should be
30 transferred to a subordinate certificated position.

31 (4) Any superintendent transferring a principal under this section
32 to a subordinate certificated position shall notify that principal in
33 writing on or before May 15th before the beginning of the school year
34 of that determination, or if the omnibus appropriations act has not
35 passed the legislature by May 15th, then notification shall be no later
36 than June 15th. The notification shall state the reason or reasons for
37 the transfer and shall identify the subordinate certificated position
38 to which the principal will be transferred. The notification shall be

1 served upon the principal personally, or by certified or registered
2 mail, or by leaving a copy of the notice at the place of his or her
3 usual abode with some person of suitable age and discretion then
4 resident therein.

5 (5) Any principal so notified may request to the president or chair
6 of the board of directors of the district, in writing and within ten
7 days after receiving notice, an opportunity to meet informally with the
8 board of directors in an executive session for the purpose of
9 requesting the board to reconsider the decision of the superintendent,
10 and shall be given such opportunity. The board, upon receipt of such
11 request, shall schedule the meeting for no later than the next
12 regularly scheduled meeting of the board, and shall give the principal
13 written notice at least three days before the meeting of the date,
14 time, and place of the meeting. At the meeting the principal shall be
15 given the opportunity to refute any evidence upon which the
16 determination was based and to make any argument in support of his or
17 her request for reconsideration. The principal and the board may
18 invite their respective legal counsel to be present and to participate
19 at the meeting. The board shall notify the principal in writing of its
20 final decision within ten days following its meeting with the
21 principal. No appeal to the courts shall lie from the final decision
22 of the board of directors to transfer a principal to a subordinate
23 certificated position.

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

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

31 No teacher, principal, supervisor, superintendent, or other
32 certificated employee, holding a position as such with a school
33 district, hereinafter referred to as "employee", shall be employed
34 except by written order of a majority of the directors of the district
35 at a regular or special meeting thereof, nor unless he or she is the
36 holder of an effective teacher's certificate or other certificate

1 required by law or the Washington professional educator standards board
2 for the position for which the employee is employed.

3 The board shall make with each employee employed by it a written
4 contract, which shall be in conformity with the laws of this state, and
5 except as otherwise provided by law, limited to a term of not more than
6 one year. Every such contract shall be made in duplicate, one copy to
7 be retained by the school district superintendent or secretary and one
8 copy to be delivered to the employee. No contract shall be offered by
9 any board for the employment of any employee who has previously signed
10 an employment contract for that same term in another school district of
11 the state of Washington unless such employee shall have been released
12 from his or her obligations under such previous contract by the board
13 of directors of the school district to which he or she was obligated.
14 Any contract signed in violation of this provision shall be void.

15 In the event it is determined that there is probable cause or
16 causes that the employment contract of an employee should not be
17 renewed by the district for the next ensuing term such employee shall
18 be notified in writing on or before May 15th preceding the commencement
19 of such term of that determination, or if the omnibus appropriations
20 act has not passed the legislature by May 15th, then notification shall
21 be no later than June 15th, which notification shall specify the cause
22 or causes for nonrenewal of contract. Such determination of probable
23 cause for certificated employees, other than the superintendent, shall
24 be made by the superintendent. Such notice shall be served upon the
25 employee personally, or by certified or registered mail, or by leaving
26 a copy of the notice at the house of his or her usual abode with some
27 person of suitable age and discretion then resident therein. Every
28 such employee so notified, at his or her request made in writing and
29 filed with the president, chair or secretary of the board of directors
30 of the district within ten days after receiving such notice, shall be
31 granted opportunity for hearing pursuant to RCW 28A.405.310 to
32 determine whether there is sufficient cause or causes for nonrenewal of
33 contract: PROVIDED, That any employee receiving notice of nonrenewal
34 of contract due to an enrollment decline or loss of revenue may, in his
35 or her request for a hearing, stipulate that initiation of the
36 arrangements for a hearing officer as provided for by RCW
37 28A.405.310(4) shall occur within ten days following July 15 rather
38 than the day that the employee submits the request for a hearing. If

1 any such notification or opportunity for hearing is not timely given,
2 the employee entitled thereto shall be conclusively presumed to have
3 been reemployed by the district for the next ensuing term upon
4 contractual terms identical with those which would have prevailed if
5 his or her employment had actually been renewed by the board of
6 directors for such ensuing term.

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

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

14 Any certificated employee of a school district employed as an
15 assistant superintendent, director, principal, assistant principal,
16 coordinator, or in any other supervisory or administrative position,
17 hereinafter in this section referred to as "administrator", shall be
18 subject to transfer, at the expiration of the term of his or her
19 employment contract, to any subordinate certificated position within
20 the school district. "Subordinate certificated position" as used in
21 this section, shall mean any administrative or nonadministrative
22 certificated position for which the annual compensation is less than
23 the position currently held by the administrator.

24 Every superintendent determining that the best interests of the
25 school district would be served by transferring any administrator to a
26 subordinate certificated position shall notify that administrator in
27 writing on or before May 15th preceding the commencement of such school
28 term of that determination, or if the omnibus appropriations act has
29 not passed the legislature by May 15th, then notification shall be no
30 later than June 15th, which notification shall state the reason or
31 reasons for the transfer, and shall identify the subordinate
32 certificated position to which the administrator will be transferred.
33 Such notice shall be served upon the administrator personally, or by
34 certified or registered mail, or by leaving a copy of the notice at the
35 place of his or her usual abode with some person of suitable age and
36 discretion then resident therein.

1 Every such administrator so notified, at his or her request made in
2 writing and filed with the president or chair, or secretary of the
3 board of directors of the district within ten days after receiving such
4 notice, shall be given the opportunity to meet informally with the
5 board of directors in an executive session thereof for the purpose of
6 requesting the board to reconsider the decision of the superintendent.
7 Such board, upon receipt of such request, shall schedule the meeting
8 for no later than the next regularly scheduled meeting of the board,
9 and shall notify the administrator in writing of the date, time and
10 place of the meeting at least three days prior thereto. At such
11 meeting the administrator shall be given the opportunity to refute any
12 facts upon which the determination was based and to make any argument
13 in support of his or her request for reconsideration. The
14 administrator and the board may invite their respective legal counsel
15 to be present and to participate at the meeting. The board shall
16 notify the administrator in writing of its final decision within ten
17 days following its meeting with the administrator. No appeal to the
18 courts shall lie from the final decision of the board of directors to
19 transfer an administrator to a subordinate certificated position:
20 PROVIDED, That in the case of principals such transfer shall be made at
21 the expiration of the contract year and only during the first three
22 consecutive school years of employment as a principal by a school
23 district; except that if any such principal has been previously
24 employed as a principal by another school district in the state of
25 Washington for three or more consecutive school years the provisions of
26 this section shall apply only to the first full school year of such
27 employment.

28 This section applies to any person employed as an administrator by
29 a school district on June 25, 1976, and to all persons so employed at
30 any time thereafter, except that section 302 of this act applies to
31 persons first employed after the effective date of this section as a
32 principal by a school district meeting the criteria of section 302 of
33 this act. This section provides the exclusive means for transferring
34 an administrator subject to this section to a subordinate certificated
35 position at the expiration of the term of his or her employment
36 contract.

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

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

23 In the event any such notice or opportunity for hearing is not
24 timely given, or in the event cause for discharge or other adverse
25 action is not established by a preponderance of the evidence at the
26 hearing, such employee shall not be discharged or otherwise adversely
27 affected in his or her contract status for the causes stated in the
28 original notice for the duration of his or her contract.

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

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

36 **PART IV**

1 **ENCOURAGING INNOVATIONS**

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

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

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

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

15 (3)(a) The actual average salary paid to certificated instructional
16 staff shall not exceed the district's average certificated
17 instructional staff salary used for the state basic education
18 allocations for that school year as determined pursuant to RCW
19 28A.150.410.

20 (b) Fringe benefit contributions for certificated instructional
21 staff shall be included as salary under (a) of this subsection only to
22 the extent that the district's actual average benefit contribution
23 exceeds the amount of the insurance benefits allocation provided per
24 certificated instructional staff unit in the state operating
25 appropriations act in effect at the time the compensation is payable.
26 For purposes of this section, fringe benefits shall not include payment
27 for unused leave for illness or injury under RCW 28A.400.210; employer
28 contributions for old age survivors insurance, workers' compensation,
29 unemployment compensation, and retirement benefits under the Washington
30 state retirement system; or employer contributions for health benefits
31 in excess of the insurance benefits allocation provided per
32 certificated instructional staff unit in the state operating
33 appropriations act in effect at the time the compensation is payable.
34 A school district may not use state funds to provide employer
35 contributions for such excess health benefits.

36 (c) Salary and benefits for certificated instructional staff in
37 programs other than basic education shall be consistent with the salary

1 and benefits paid to certificated instructional staff in the basic
2 education program.

3 (4) Salaries and benefits for certificated instructional staff may
4 exceed the limitations in subsection (3) of this section only by
5 separate contract for additional time, for additional responsibilities,
6 ~~((or))~~ for incentives, or for implementing specific measurable
7 innovative activities, including professional development, specified by
8 the school district to: (a) Close one or more achievement gaps, (b)
9 focus on development of science, technology, engineering, and
10 mathematics (STEM) learning opportunities, or (c) provide arts
11 education. Beginning September 1, 2011, school districts shall
12 annually provide a brief description of the innovative activities
13 included in any supplemental contract to the office of the
14 superintendent of public instruction. The office of the superintendent
15 of public instruction shall summarize the district information and
16 submit an annual report to the education committees of the house of
17 representatives and the senate. Supplemental contracts shall not cause
18 the state to incur any present or future funding obligation.
19 Supplemental contracts shall be subject to the collective bargaining
20 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,
21 shall not exceed one year, and if not renewed shall not constitute
22 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.
23 No district may enter into a supplemental contract under this
24 subsection for the provision of services which are a part of the basic
25 education program required by Article IX, section 3 of the state
26 Constitution.

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

29 PART V

30 EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION

31 NEW SECTION. Sec. 501. A new section is added to chapter 28A.410
32 RCW to read as follows:

33 (1) Beginning with the 2011-12 school year, all professional
34 educator standards board-approved teacher preparation programs must
35 administer to all preservice candidates the evidence-based assessment
36 of teaching effectiveness adopted by the professional educator

1 standards board. The professional educator standards board shall adopt
2 rules that establish a date during the 2012-13 school year after which
3 candidates completing teacher preparation programs must successfully
4 pass this assessment. Assessment results from persons completing each
5 preparation program must be reported annually by the professional
6 educator standards board to the governor and the education and fiscal
7 committees of the legislature by December 1st.

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

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

13 (b) Related clerical and administrative activities; or

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

15 (3) Candidates for residency certification who are required to
16 successfully complete the assessment under this section, and who are
17 charged a fee for the assessment by a third party contracted with under
18 this section, shall pay the fee charged by the contractor directly to
19 the contractor. Such fees shall be reasonably related to the actual
20 costs of the contractor in providing the assessment.

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

23 (1) By September 30, 2010, the professional educator standards
24 board shall review and revise teacher and administrator preparation
25 program approval standards and proposal review procedures at the
26 residency certificate level to ensure they are rigorous and appropriate
27 standards for an expanded range of potential providers, including
28 community college and nonhigher education providers. All approved
29 providers must adhere to the same standards and comply with the same
30 requirements.

31 (2) Beginning September 30, 2010, the professional educator
32 standards board must accept proposals for community college and
33 nonhigher education providers of educator preparation programs.
34 Proposals must be processed and considered by the board as
35 expeditiously as possible.

36 (3) By September 1, 2011, all professional educator standards
37 board- approved residency teacher preparation programs at institutions

1 of higher education as defined in RCW 28B.10.016 not currently a
2 partner in an alternative route program approved by the professional
3 educator standards board must submit to the board a proposal to offer
4 one or more of the alternative route programs that meet the
5 requirements of RCW 28A.660.020 and 28A.660.040.

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

8 (1) ~~((Each))~~ The professional educator standards board shall
9 transition the alternative route partnership grant program from a
10 separate competitive grant program to a preparation program model to be
11 expanded among approved preparation program providers. Alternative
12 routes are partnerships between professional educator standards board-
13 approved preparation programs, Washington school districts, and other
14 partners as appropriate.

15 (2) Each prospective teacher preparation program provider, in
16 cooperation with a Washington school district or consortia of school
17 districts applying ~~((for the))~~ to operate alternative route
18 certification program shall ~~((submit a))~~ include in its proposal to the
19 Washington professional educator standards board ~~((specifying))~~:

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

23 (b) The estimated number of candidates that will be enrolled per
24 route;

25 (c) An identification, indication of commitment, and description of
26 the role of approved teacher preparation programs ~~((that are))~~ and
27 partnering ~~((with the))~~ district or consortia of districts;

28 (d) An assurance ~~((of))~~ that the district ~~((provision of))~~ or
29 approved preparation program provider will provide adequate training
30 for mentor teachers ~~((either through participation in a state mentor~~
31 ~~training academy or district provided training that meets state~~
32 ~~established mentor training standards))~~ specific to the mentoring of
33 alternative route candidates;

34 (e) An assurance that significant time will be provided for mentor
35 teachers to spend with the alternative route teacher candidates
36 throughout the internship. Partnerships must provide each candidate

1 with intensive classroom mentoring until such time as the candidate
2 demonstrates the competency necessary to manage the classroom with less
3 intensive supervision and guidance from a mentor;

4 (f) A description of the rigorous screening process for applicants
5 to alternative route programs, including entry requirements specific to
6 each route, as provided in RCW 28A.660.040; ~~((and))~~

7 (g) A summary of procedures that provide flexible completion
8 opportunities for candidates to achieve a residency certificate; and

9 (h) The design and use of a teacher development plan for each
10 candidate. The plan shall specify the alternative route coursework and
11 training required of each candidate and shall be developed by comparing
12 the candidate's prior experience and coursework with the state's new
13 performance-based standards for residency certification and adjusting
14 any requirements accordingly. The plan may include the following
15 components:

16 (i) A minimum of one-half of a school year, and an additional
17 significant amount of time if necessary, of intensive mentorship during
18 field experience, starting with full-time mentoring and progressing to
19 increasingly less intensive monitoring and assistance as the intern
20 demonstrates the skills necessary to take over the classroom with less
21 intensive support. ~~((For route one and two candidates,))~~ Before the
22 supervision is diminished, the mentor of the teacher candidate at the
23 school and the supervisor of the teacher candidate from the ~~((higher~~
24 ~~education))~~ teacher preparation program must both agree that the
25 teacher candidate is ready to manage the classroom with less intensive
26 supervision~~((For route three and four candidates, the mentor of the~~
27 ~~teacher candidate shall make the decision))~~;

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

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

33 (iv) A description of strategies for assessing candidate
34 performance on the benchmarks;

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

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

4 (vii) A description of how the district intends for the alternative
5 route program to support its workforce development plan and how the
6 presence of alternative route interns will advance its school
7 improvement plans.

8 ~~((+2))~~ (3) To the extent funds are appropriated for this purpose,
9 ~~((districts))~~ alternative route programs may apply for program funds to
10 pay stipends to trained mentor teachers of interns during the mentored
11 internship. The per intern amount of mentor stipend provided by state
12 funds shall not exceed five hundred dollars.

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

15 ~~((Partnership grants funded))~~ Alternative route programs under this
16 chapter shall operate one to four specific route programs. Successful
17 completion of the program shall make a candidate eligible for residency
18 teacher certification. ~~((For route one and two candidates,))~~ The
19 mentor of the teacher candidate at the school and the supervisor of the
20 teacher candidate from the ~~((higher education))~~ teacher preparation
21 program must both agree that the teacher candidate has successfully
22 completed the program. ~~((For route three and four candidates, the
23 mentor of the teacher candidate shall make the determination that the
24 candidate has successfully completed the program.))~~

25 (1) ~~((Partnership grant programs seeking funds to operate))~~
26 Alternative route programs operating route one programs shall enroll
27 currently employed classified instructional employees with transferable
28 associate degrees seeking residency teacher certification with
29 endorsements in special education, bilingual education, or English as
30 a second language. It is anticipated that candidates enrolled in this
31 route will complete both their baccalaureate degree and requirements
32 for residency certification in two years or less, including a mentored
33 internship to be completed in the final year. In addition, partnership
34 programs shall uphold entry requirements for candidates that include:

35 (a) District or building validation of qualifications, including
36 one year of successful student interaction and leadership as a
37 classified instructional employee;

1 (b) Successful passage of the statewide basic skills exam(~~(, when~~
2 ~~available))~~); and

3 (c) Meeting the age, good moral character, and personal fitness
4 requirements adopted by rule for teachers.

5 (2) (~~Partnership grant programs seeking funds to operate~~)
6 Alternative route programs operating route two programs shall enroll
7 currently employed classified staff with baccalaureate degrees seeking
8 residency teacher certification in subject matter shortage areas and
9 areas with shortages due to geographic location. Candidates enrolled
10 in this route must complete a mentored internship complemented by
11 flexibly scheduled training and coursework offered at a local site,
12 such as a school or educational service district, or online or via
13 video-conference over the K-20 network, in collaboration with the
14 partnership program's higher education partner. In addition,
15 partnership grant programs shall uphold entry requirements for
16 candidates that include:

17 (a) District or building validation of qualifications, including
18 one year of successful student interaction and leadership as classified
19 staff;

20 (b) A baccalaureate degree from a regionally accredited institution
21 of higher education. The individual's college or university grade
22 point average may be considered as a selection factor;

23 (c) Successful completion of the (~~content test, once the state~~
24 ~~content test is available~~) subject matter assessment required by RCW
25 28A.410.220(3);

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

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

30 (3) (~~Partnership grant~~) Alternative route programs seeking funds
31 to operate route three programs shall enroll individuals with
32 baccalaureate degrees, who are not employed in the district at the time
33 of application. When selecting candidates for certification through
34 route three, districts and approved preparation program providers shall
35 give priority to individuals who are seeking residency teacher
36 certification in subject matter shortage areas or shortages due to
37 geographic locations. (~~For route three only, the districts may~~
38 ~~include additional candidates in nonshortage subject areas if the~~

1 candidates—~~are seeking endorsements with a secondary grade level~~
2 ~~designation as defined by rule by the professional educator standards~~
3 ~~board. The districts shall disclose to candidates in nonshortage~~
4 ~~subject areas available information on the demand in those subject~~
5 ~~areas.)) Cohorts of candidates for this route shall attend an~~
6 intensive summer teaching academy, followed by a full year employed by
7 a district in a mentored internship, followed, if necessary, by a
8 second summer teaching academy. In addition, partnership programs
9 shall uphold entry requirements for candidates that include:

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

13 (b) Successful completion of the ~~((content test, once the state~~
14 ~~content test is available))~~ subject matter assessment required by RCW
15 28A.410.220(3);

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

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

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

23 (4) ~~((Partnership grant programs seeking funds to operate))~~
24 Alternative route programs operating route four programs shall enroll
25 individuals with baccalaureate degrees, who are employed in the
26 district at the time of application, or who hold conditional teaching
27 certificates or emergency substitute certificates. Cohorts of
28 candidates for this route shall attend an intensive summer teaching
29 academy, followed by a full year employed by a district in a mentored
30 internship. If employed on a conditional certificate, the intern may
31 serve as the teacher of record, supported by a well-trained mentor. In
32 addition, partnership programs shall uphold entry requirements for
33 candidates that include:

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

37 (b) Successful completion of the ~~((content test, once the state~~

1 ~~content test is available~~) subject matter assessment required by RCW
2 28A.410.220(3);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (c) The retooling to teach mathematics and science conditional
33 scholarship program is limited to current K-12 teachers (~~and~~
34 ~~individuals having an elementary education certificate but who are not~~
35 ~~employed in positions requiring an elementary education certificate as~~
36 ~~provided by RCW 28A.660.045~~). In order to receive conditional
37 scholarship awards:

1 (i) Individuals currently employed as teachers shall pursue a
2 middle level mathematics or science, or secondary mathematics or
3 science endorsement; or

4 (ii) Individuals who are certificated with an elementary education
5 endorsement(~~(, but not employed in positions requiring an elementary~~
6 ~~education certificate,)~~) shall pursue an endorsement in middle level
7 mathematics or science, or both; and

8 (iii) Individuals shall use one of the pathways to endorsement
9 processes to receive a mathematics or science endorsement, or both,
10 which shall include passing a mathematics or science endorsement test,
11 or both tests, plus observation and completing applicable coursework to
12 attain the proper endorsement; and

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

17 (3) The Washington professional educator standards board shall
18 select individuals to receive conditional scholarships. In selecting
19 recipients, preference shall be given to eligible veterans or national
20 guard members.

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

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

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

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

3 Beginning with the 2010 school year and annually thereafter, each
4 educational service district, in cooperation with the professional
5 educator standards board, must convene representatives from school
6 districts within that region and professional educator standards board-
7 approved educator preparation programs to review district and regional
8 educator workforce data, make biennial projections of certificate
9 staffing needs, and identify how recruitment and enrollment plans in
10 educator preparation programs reflect projected need.

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

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

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

24 (1) The board must establish boundaries for service regions for
25 institutions of higher education as defined in RCW 28B.10.016
26 implementing professional educator standards board-approved educator
27 preparation programs. Regions shall be established to encourage and
28 support, not exclude, the reach of public institutions of higher
29 education across the state.

30 (2) Based on the data in the assessment in RCW 28B.76.230 and
31 28B.76.335, the board shall determine whether reasonable teacher
32 preparation program access for prospective teachers is available in
33 each region. If access is determined to be inadequate in a region, the
34 institution of higher education responsible for the region shall submit
35 a plan for meeting the access need to the board.

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

5 NEW SECTION. **Sec. 509.** In conjunction with the regional needs
6 assessments in sections 506 through 508 of this act, the council of
7 presidents shall convene an interinstitutional work group to implement
8 the plans developed under section 601, chapter 564, Laws of 2009 to
9 increase the number of mathematics and science teacher endorsements and
10 certificates. The work group must collaborate in evaluating regional
11 needs and identifying strategies to meet those needs. The council of
12 presidents shall report to the education and higher education
13 committees of the legislature on demonstrated progress toward achieving
14 outcomes identified in the plans no later than December 31, 2011.

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

17 (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1
18 & 2001 c 158 s 2;

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

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

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

25 (5) RCW 28A.415.130 (Allocation of funds for student teaching
26 centers) and 2006 c 263 s 813 & 1991 c 258 s 7;

27 (6) RCW 28A.415.135 (Alternative means of teacher placement) and
28 1991 c 258 s 8;

29 (7) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9;

30 (8) RCW 28A.415.145 (Rules) and 2006 c 263 s 814 & 1991 c 258 s 10;
31 and

32 (9) RCW 28A.660.030 (Partnership grants--Selection--Administration)
33 and 2004 c 23 s 3, 2003 c 410 s 2, & 2001 c 158 s 4.

34 **PART VI**

1 **COMMON CORE STANDARDS**

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

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

18 (2) By January 1, 2011, the superintendent of public instruction
19 shall submit to the education committees of the house of
20 representatives and the senate:

21 (a) A detailed comparison of the provisionally adopted standards
22 and the state essential academic learning requirements as of the
23 effective date of this section, including the comparative level of
24 rigor and specificity of the standards and the implications of any
25 identified differences; and

26 (b) An estimated timeline and costs to the state and to school
27 districts to implement the provisionally adopted standards, including
28 providing necessary training, realignment of curriculum, adjustment of
29 state assessments, and other actions.

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

33 **PART VII**

34 **PARENTS AND COMMUNITY**

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

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

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

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

13 (2) The office of the superintendent of public instruction shall
14 create a working group with representatives of organizations
15 representing parents, teachers, and principals as well as diverse
16 communities. The working group shall also include a representative
17 from the achievement gap oversight and accountability committee. By
18 September 1, 2010, the working group shall develop model feedback tools
19 and strategies that school districts may use to facilitate the feedback
20 process required in subsection (1) of this section. The model tools
21 and strategies are intended to provide assistance to school districts.
22 School districts are encouraged to adapt the models or develop unique
23 tools and strategies that best fit the circumstances in their
24 communities.

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

27 (1) Beginning with the 1994-95 school year, to provide the local
28 community and electorate with access to information on the educational
29 programs in the schools in the district, each school shall publish
30 annually a school performance report and deliver the report to each
31 parent with children enrolled in the school and make the report
32 available to the community served by the school. The annual
33 performance report shall be in a form that can be easily understood and
34 be used by parents, guardians, and other members of the community who
35 are not professional educators to make informed educational decisions.
36 As data from the assessments in RCW 28A.655.060 becomes available, the

1 annual performance report should enable parents, educators, and school
2 board members to determine whether students in the district's schools
3 are attaining mastery of the student learning goals under RCW
4 28A.150.210, and other important facts about the schools' performance
5 in assisting students to learn. The annual report shall make
6 comparisons to a school's performance in preceding years (~~and shall~~
7 ~~include school-level goals under RCW 28A.655.050~~), student performance
8 relative to the goals and the percentage of students performing at each
9 level of the assessment, a comparison of student performance at each
10 level of the assessment to the previous year's performance, and
11 information regarding school-level plans to achieve the goals.

12 (2) The annual performance report shall include, but not be limited
13 to: (a) A brief statement of the mission of the school and the school
14 district; (b) enrollment statistics including student demographics; (c)
15 expenditures per pupil for the school year; (d) a summary of student
16 scores on all mandated tests; (e) a concise annual budget report; (f)
17 student attendance, graduation, and dropout rates; (g) information
18 regarding the use and condition of the school building or buildings;
19 (h) a brief description of the learning improvement plans for the
20 school; (i) a summary of the feedback from parents and community
21 members obtained under section 702 of this act; and ~~((+i))~~ (j) an
22 invitation to all parents and citizens to participate in school
23 activities.

24 (3) The superintendent of public instruction shall develop by June
25 30, 1994, and update periodically, a model report form, which shall
26 also be adapted for computers, that schools may use to meet the
27 requirements of subsections (1) and (2) of this section. In order to
28 make school performance reports broadly accessible to the public, the
29 superintendent of public instruction, to the extent feasible, shall
30 make information on each school's report available on or through the
31 superintendent's internet web site.

32 NEW SECTION. Sec. 704. A new section is added to chapter 28A.300
33 RCW to read as follows:

34 There is a sizeable body of research positively supporting the
35 involvement of parents taking an engaged and active role in their
36 child's education. Therefore, the legislature intends to provide state
37 recognition by the center for the improvement of student learning

1 within the office of the superintendent of public instruction for
2 schools that increase the level of direct parental involvement with
3 their child's education. By September 1, 2010, the center for the
4 improvement of student learning shall determine measures that can be
5 used to evaluate the level of parental involvement in a school. The
6 center for the improvement of student learning shall collaborate with
7 school district family and community outreach programs and educational
8 service districts to identify and highlight successful models and
9 practices of parent involvement.

10 **PART VIII**

11 **COLLECTIVE BARGAINING**

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

14 (1) A public employer shall have the authority to engage in
15 collective bargaining with the exclusive bargaining representative and
16 no public employer shall refuse to engage in collective bargaining with
17 the exclusive bargaining representative(~~(:—PROVIDED,—That—nothing~~
18 ~~contained herein shall require any))~~). However, a public employer is
19 not required to bargain collectively with any bargaining representative
20 concerning any matter which by ordinance, resolution, or charter of
21 said public employer has been delegated to any civil service commission
22 or personnel board similar in scope, structure, and authority to the
23 board created by chapter 41.06 RCW.

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

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

1 NEW SECTION. **Sec. 802.** A new section is added to chapter 41.56
2 RCW to read as follows:

3 All collective bargaining agreements entered into between a school
4 district employer and school district employees under this chapter
5 after the effective date of this section, as well as bargaining
6 agreements existing on the effective date of this section but renewed
7 or extended after the effective date of this section, shall be
8 consistent with section 105 of this act.

9 NEW SECTION. **Sec. 803.** A new section is added to chapter 41.59
10 RCW to read as follows:

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

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

19 (1) Either an employer or an exclusive bargaining representative
20 may declare that an impasse has been reached between them in collective
21 bargaining and may request the commission to appoint a mediator for the
22 purpose of assisting them in reconciling their differences and
23 resolving the controversy on terms which are mutually acceptable. If
24 the commission determines that its assistance is needed, not later than
25 five days after the receipt of a request therefor, it shall appoint a
26 mediator in accordance with rules and regulations for such appointment
27 prescribed by the commission. The mediator shall meet with the parties
28 or their representatives, or both, forthwith, either jointly or
29 separately, and shall take such other steps as he may deem appropriate
30 in order to persuade the parties to resolve their differences and
31 effect a mutually acceptable agreement. The mediator, without the
32 consent of both parties, shall not make findings of fact or recommend
33 terms of settlement. The services of the mediator, including, if any,
34 per diem expenses, shall be provided by the commission without cost to
35 the parties. Nothing in this subsection (1) shall be construed to
36 prevent the parties from mutually agreeing upon their own mediation

1 procedure, and in the event of such agreement, the commission shall not
2 appoint its own mediator unless failure to do so would be inconsistent
3 with the effectuation of the purposes and policy of this chapter.

4 (2) If the mediator is unable to effect settlement of the
5 controversy within ten days after his or her appointment, either party,
6 by written notification to the other, may request that their
7 differences be submitted to fact-finding with recommendations, except
8 that the time for mediation may be extended by mutual agreement between
9 the parties. Within five days after receipt of the aforesaid written
10 request for fact-finding, the parties shall select a person to serve as
11 fact finder and obtain a commitment from that person to serve. If they
12 are unable to agree upon a fact finder or to obtain such a commitment
13 within that time, either party may request the commission to designate
14 a fact finder. The commission, within five days after receipt of such
15 request, shall designate a fact finder in accordance with rules and
16 regulations for such designation prescribed by the commission. The
17 fact finder so designated shall not be the same person who was
18 appointed mediator pursuant to subsection (1) of this section without
19 the consent of both parties.

20 The fact finder, within five days after his appointment, shall meet
21 with the parties or their representatives, or both, either jointly or
22 separately, and make inquiries and investigations, hold hearings, and
23 take such other steps as he may deem appropriate. For the purpose of
24 such hearings, investigations and inquiries, the fact finder shall have
25 the power to issue subpoenas requiring the attendance and testimony of
26 witnesses and the production of evidence. If the dispute is not
27 settled within ten days after his appointment, the fact finder shall
28 make findings of fact and recommend terms of settlement within thirty
29 days after his appointment, which recommendations shall be advisory
30 only.

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

37 (4) The costs for the services of the fact finder, including, if

1 any, per diem expenses and actual and necessary travel and subsistence
2 expenses, and any other incurred costs, shall be borne by the
3 commission without cost to the parties.

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

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

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

15 PART IX

16 CLOSING THE ACHIEVEMENT GAP

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

19 (1) An achievement gap oversight and accountability committee is
20 created to synthesize the findings and recommendations from the 2008
21 achievement gap studies into an implementation plan, and to recommend
22 policies and strategies to the superintendent of public instruction,
23 the professional educator standards board, and the state board of
24 education to close the achievement gap.

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

27 (a) Supporting and facilitating parent and community involvement
28 and outreach;

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

31 (c) Expanding pathways and strategies to prepare and recruit
32 diverse teachers and administrators;

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

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

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

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

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

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

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

14 (b) One additional member of the house of representatives appointed
15 by the speaker of the house and one additional member of the senate
16 appointed by the president of the senate;

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

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

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

23 (f) Four members appointed by the governor in consultation with the
24 state ethnic commissions, who represent the following populations:
25 African-Americans, Hispanic Americans, Asian Americans, and Pacific
26 Islander Americans.

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

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

33 (7) The chair or cochairs of the committee shall be selected by the
34 members of the committee. Staff support for the committee shall be
35 provided by the center for the improvement of student learning.
36 Members of the committee shall serve without compensation but must be
37 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative

1 members of the committee shall be reimbursed for travel expenses in
2 accordance with RCW 44.04.120.

3 (8) The superintendent of public instruction, the state board of
4 education, the professional educator standards board, and the quality
5 education council shall work collaboratively with the achievement gap
6 oversight and accountability committee to close the achievement gap.

7 **PART X**

8 **MISCELLANEOUS PROVISIONS**

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

11 NEW SECTION. Sec. 1002. Sections 101 through 110 and 112 through
12 114 of this act constitute a new chapter in Title 28A RCW.

Passed by the Senate March 11, 2010.

Passed by the House March 11, 2010.

Approved by the Governor March 29, 2010.

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