

2 **SSB 5625** - S AMD 076

3 By Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and
4 Regala

5

6 Strike everything after the enacting clause and insert the
7 following:

8 "NEW SECTION. **Sec. 1.** The legislature finds that Washington's
9 educators have made significant progress in preparing students for
10 successful and productive lives in the twenty-first century.

11 The legislature further finds the need for an effective
12 accountability system to help fulfill the promise of statewide school
13 improvement efforts for all Washington students. The legislature
14 recognizes that all stakeholders in Washington's public education
15 system share in the responsibility for an effective accountability
16 system, including educators, students, parents, the community, and
17 state policymakers. An effective accountability system should inform,
18 support, and motivate, as well as require achievement of the state's
19 learning goals.

20 The legislature further finds that the goals of this accountability
21 system are to promote learning and achievement of the goals and
22 academic standards for all students as measured by the elementary,
23 middle, and high school criterion-referenced and norm-referenced
24 assessments; to acknowledge the challenges faced by students and
25 educators in achieving these goals; and to help support schools address
26 these challenges.

27 The legislature further finds that an effective accountability
28 system should encourage educators to work in schools facing these
29 challenges. Districts and schools should be measured for continuous
30 improvement over time against their own baseline, not against the
31 performance of other schools.

32 The legislature further finds that the accountability system should
33 rely on local responsibility and leadership. State-level
34 responsibility should emphasize assistance, technical support, and
35 monitoring. At the same time, the legislature finds that state
36 intervention may be necessary in schools that show no progress in

1 student achievement and improvement in student learning over time. In
2 such cases, the state must have the capacity to intervene effectively
3 on behalf of students.

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

6 The powers and duties of the academic achievement and
7 accountability commission shall include, but are not limited to the
8 following:

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

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

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

35 (c) Adopt objective, systematic criteria to identify successful
36 schools and school districts and recommend to the superintendent of
37 public instruction schools and districts to be recognized for two types
38 of accomplishments, student achievement and improvements in student

1 achievement. Recognition for improvements in student achievement shall
2 include consideration of one or more of the following accomplishments:

3 (i) An increase in the percent of students meeting standards. The
4 level of achievement required for recognition may be based on the
5 achievement goals established by the legislature under RCW 28A.655.050
6 and the commission under (a) of this subsection;

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

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

13 When determining the baseline year or years for recognizing
14 individual schools, the commission may use the assessment results from
15 the initial years the assessments were administered, if doing so with
16 individual schools would be appropriate;

17 (d) Adopt objective, systematic criteria to be used by school
18 districts under section 3 of this act to identify schools ((and school
19 districts)) in need of assistance ((and those)) in which significant
20 numbers of students persistently fail to meet state standards. Adopt
21 objective, systematic criteria to be used by the superintendent of
22 public instruction and the academic achievement and accountability
23 commission under section 4 of this act, to identify schools that have
24 shown no progress in improving student learning under the school
25 improvement plan and have the highest need of assistance. In its
26 deliberations, the commission shall consider the use of all statewide
27 mandated criterion-referenced and norm-referenced standardized tests;

28 (e) Adopt objective, systematic criteria to identify schools and
29 school districts in which state intervention measures will be needed
30 ((and a range of appropriate intervention strategies, beginning no
31 earlier than June 30, 2001, and after the legislature has authorized a
32 set of intervention strategies. Beginning no earlier than June 30,
33 2001, and after the legislature has authorized a set of intervention
34 strategies, at the request of the commission, the superintendent shall
35 intervene in the school or school district and take corrective actions.
36 This chapter does not provide additional authority for the commission
37 or the superintendent of public instruction to intervene in a school or
38 school district)) in accordance with section 5 of this act;

1 (f) Review state interventions that have taken place in other
2 states and identify state interventions that have been successful;
3 (g) Identify performance incentive systems that have improved or
4 have the potential to improve student achievement;
5 ~~((g))~~ (h) Annually review the assessment reporting system to
6 ensure fairness, accuracy, timeliness, and equity of opportunity,
7 especially with regard to schools with special circumstances and unique
8 populations of students, and a recommendation to the superintendent of
9 public instruction of any improvements needed to the system;
10 ~~((h))~~ (i) Annually report by December 1st to the legislature, the
11 governor, the superintendent of public instruction, and the state board
12 of education on the progress, findings, and recommendations of the
13 commission. The report may include recommendations of actions to help
14 improve student achievement;
15 ~~((i))~~ (j) By December 1, 2000, and by December 1st annually
16 thereafter, report to the education committees of the house of
17 representatives and the senate on the progress that has been made in
18 achieving the reading goal under RCW 28A.655.050 and any additional
19 goals adopted by the commission;
20 ~~((j))~~ (k) Coordinate its activities with the state board of
21 education and the office of the superintendent of public instruction;
22 ~~((k))~~ (l) Seek advice from the public and all interested
23 educational organizations in the conduct of its work; and
24 ~~((l))~~ (m) Establish advisory committees, which may include
25 persons who are not members of the commission;
26 (2) Holding meetings and public hearings, which may include
27 regional meetings and hearings;
28 (3) Hiring necessary staff and determining the staff's duties and
29 compensation. However, the office of the superintendent of public
30 instruction shall provide staff support to the commission until the
31 commission has hired its own staff, and shall provide most of the
32 technical assistance and logistical support needed by the commission
33 thereafter. The office of the superintendent of public instruction
34 shall be the fiscal agent for the commission. The commission may direct
35 the office of the superintendent of public instruction to enter into
36 subcontracts, within the commission's resources, with school districts,
37 teachers, higher education faculty, state agencies, business
38 organizations, and other individuals and organizations to assist the
39 commission in its deliberations; and

1 (4) Receiving per diem and travel allowances as permitted under RCW
2 43.03.050 and 43.03.060.

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

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

14 (2) Based on the results of the school district's analysis
15 conducted pursuant to subsection (1) of this section, if the school
16 district identifies a school within the district as a school in need of
17 assistance the school district shall conduct a needs assessment of the
18 school. The needs assessment shall analyze multiple indicators
19 including, but not limited to:

20 (a) The student achievement from school, district, and statewide
21 assessments;

22 (b) The improvement in student achievement and student learning
23 over time;

24 (c) The current allocation, distribution, and use of existing
25 resources;

26 (d) The current alignment of the school's curriculum and
27 instruction with the goals and standards of the Washington assessment
28 of student learning.

29 (3) Based on the results of the needs assessment conducted pursuant
30 to subsection (2) of this section, a school improvement plan shall be
31 developed or revised by the school in consultation with the school
32 district. The plan shall be developed with the involvement of the
33 school employees, students (when appropriate), parents, and the
34 community. The improvement plan shall include, but not be limited to:

35 (a) Student learning and achievement goals and expectations;

36 (b) How existing funds will be used more effectively; and

37 (c) How instruction and curriculum will be realigned to improve
38 student learning.

1 The plan may include a request of waivers of state laws or local
2 policies and agreements if a waiver is necessary to improve student
3 learning and to implement the improvement plan. Waivers that are
4 available prior to January 1, 2001, shall be obtained under an
5 expedited decision-making process. Other waivers of the education code
6 may be obtained from the superintendent of public instruction if the
7 superintendent has the authority to grant such a waiver.

8 The plan may include replacement of school staff if the employee
9 organization that represents the individual staff member shows evidence
10 of support of the replacement of the individual.

11 (4) School districts shall have one school year to complete the
12 needs assessments and to develop the improvement plans.

13 (5) Each school district shall annually report to the
14 superintendent of public instruction and the academic achievement and
15 accountability commission on the local efforts and the results of the
16 school improvement plans developed or revised under subsection (3) of
17 this section.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.655
19 RCW to read as follows:

20 (1) Beginning September 2003, the superintendent of public
21 instruction and the academic achievement and accountability commission
22 shall annually review and analyze the reports submitted by the school
23 districts under section 3 of this act. The analysis shall include, but
24 not be limited to, consideration of the levels of student achievement
25 and the levels of student improvement on criterion-referenced and norm-
26 referenced assessments achieved under the local school improvement
27 plan. The superintendent and the commission shall use the analysis of
28 the local school district reports and the criteria established by the
29 commission under RCW 28A.655.030 to identify schools annually that have
30 shown no progress in improving student learning and have the highest
31 need for assistance.

32 (2) Beginning September 2003, if the superintendent and the
33 commission determine that a school is eligible for assistance under
34 subsection (1) of this section then the superintendent shall notify the
35 school district within which the eligible school is located of such
36 eligibility.

37 (3) School districts with a school that is eligible for assistance
38 may request assistance under this section by notifying the

1 superintendent of public instruction by October 1st. If an eligible
2 school district requests assistance then the superintendent, or the
3 superintendent's designee, shall conduct a full needs assessment. The
4 superintendent or the superintendent's designee shall seek input from
5 the school employees, students (when appropriate), parents, and the
6 community. The needs assessment shall analyze multiple indicators
7 including, but not limited to:

8 (a) Student achievement from school, district, and statewide
9 assessments;

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

11 (c) Current allocation, distribution, and use of existing
12 resources;

13 (d) Student mobility and poverty indicators;

14 (e) Attendance rates;

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

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

17 (h) Percent of students in special programs;

18 (i) School climate and safety indicators;

19 (j) Other barriers to student learning; and

20 (k) Other information submitted by the school and school district.

21 (4) Based on the needs assessment, the superintendent of public
22 instruction, or the superintendent's designee, and the eligible school
23 district requesting assistance shall jointly negotiate the terms of a
24 performance agreement to address the barriers to the improvement of
25 student learning identified by the needs assessment. Any assistance
26 provided under the terms of the performance agreement shall be limited
27 to specific, cost-effective strategies for improving student learning,
28 or to specific promising strategies that are part of a rigorous and
29 ongoing evaluation, as stipulated in the performance agreement. The
30 superintendent shall present the performance agreement to the
31 commission. The commission shall either accept or reject the
32 performance agreement without changes. If the commission rejects the
33 performance agreement then the commission must provide a written
34 explanation for the rejection. The superintendent and the school
35 district shall have up to one year to submit another performance
36 agreement to be accepted or rejected by the commission. The duration
37 of a performance agreement shall be two years. The performance
38 agreements shall include, but not be limited to:

39 (a) Student performance goals and learning expectations;

1 (b) How existing funds will be used more effectively;
2 (c) How assistance resources, if any, will be used;
3 (d) How the most significant barriers to improvement will be
4 addressed;

5 (e) Which specific waivers, if any, of state laws or local policies
6 and agreements are needed to improve student learning and to implement
7 the performance agreement. Waivers that are available prior to January
8 1, 2001, shall be obtained under an expedited decision-making process.
9 Other waivers of the education code may be obtained from the
10 superintendent of public instruction if the superintendent has the
11 authority to grant such a waiver;

12 (f) Whether there will be replacement of school staff. If staff is
13 replaced then the employee organization that represents the individual
14 staff member must show evidence of support of the replacement of the
15 individual;

16 (g) Who is responsible for implementing the specific actions in the
17 agreement; and

18 (h) Measurable benchmarks for actions in the performance agreement
19 with a timeline for completion to determine progress.

20 (5) The superintendent of public instruction shall have one school
21 year to complete both the needs assessment under subsection (3) of this
22 section and the performance agreement under subsection (4) of this
23 section, including having the academic achievement and accountability
24 commission accept or reject the performance agreement.

25 (6) Once a performance agreement has been accepted by the academic
26 achievement and accountability commission and signed by the parties,
27 the school district shall hold a public hearing to notify the public of
28 the components of the performance agreement.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.655
30 RCW to read as follows:

31 (1) Beginning in July 2005, and annually thereafter, at the end of
32 the first year of a performance agreement negotiated pursuant to
33 section 4 of this act, the superintendent of public instruction or the
34 superintendent's designee shall evaluate the progress on meeting the
35 benchmarks, timelines, and other components of the performance
36 agreement. The superintendent shall report the findings of the
37 evaluation to the school district and to the academic achievement and
38 accountability commission.

1 (2) Beginning in July 2006, and annually thereafter, at the end of
2 the second year of a performance agreement negotiated pursuant to
3 section 4 of this act, the superintendent of public instruction or the
4 superintendent's designee shall conduct a full evaluation using
5 multiple sources of information to determine whether each party to the
6 performance agreement complied with the components of the performance
7 agreement; whether the benchmarks, timelines, and other components of
8 the performance agreement were met; and whether student learning was
9 improved. If student learning was not improved then the superintendent
10 or the superintendent's designee shall conduct an analysis to determine
11 why student learning was not improved. The superintendent shall report
12 the findings of the evaluation and the analysis to the school district
13 and to the academic achievement and accountability commission.

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

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

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

- 26 (i) The parties to the performance agreement complied with the
27 performance agreement but the school district and the school are making
28 insufficient progress in improving student learning as determined by
29 the criteria developed by the commission under RCW 28A.655.030; and
30 (ii) The Washington assessment of student learning that is used in
31 the criteria developed by the commission in RCW 28A.655.030 has been
32 determined to be reliable and valid.

33 (4) The superintendent of public instruction shall notify the
34 school district of the intent of the academic achievement and
35 accountability commission to implement more intensive intervention
36 strategies. The school district shall be provided the opportunity to
37 present information to the commission to appeal the decision.

38 (5) If after the appeal by the school district the academic
39 achievement and accountability commission determine that more intensive

1 strategies are required then the superintendent shall design and
2 implement an intervention plan that addresses the improvement of
3 student learning.

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

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

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

11 (1) To have supervision over all matters pertaining to the public
12 schools of the state;

13 (2) To report to the governor and the legislature such information
14 and data as may be required for the management and improvement of the
15 schools;

16 (3) To prepare and have printed such forms, registers, courses of
17 study, rules for the government of the common schools, and such other
18 material and books as may be necessary for the discharge of the duties
19 of teachers and officials charged with the administration of the laws
20 relating to the common schools, and to distribute the same to
21 educational service district superintendents;

22 (4) To travel, without neglecting his or her other official duties
23 as superintendent of public instruction, for the purpose of attending
24 educational meetings or conventions, of visiting schools, of consulting
25 educational service district superintendents or other school officials;

26 (5) To prepare and from time to time to revise a manual of the
27 Washington state common school code, copies of which shall be provided
28 in such numbers as determined by the superintendent of public
29 instruction at no cost to those public agencies within the common
30 school system and which shall be sold at approximate actual cost of
31 publication and distribution per volume to all other public and
32 nonpublic agencies or individuals, said manual to contain Titles 28A
33 and 28C RCW, rules related to the common schools, and such other matter
34 as the state superintendent or the state board of education shall
35 determine. Proceeds of the sale of such code shall be transmitted to
36 the public printer who shall credit the state superintendent's account
37 within the state printing plant revolving fund by a like amount;

1 (6) To act as ex officio member and the chief executive officer of
2 the state board of education;

3 (7) To file all papers, reports and public documents transmitted to
4 the superintendent by the school officials of the several counties or
5 districts of the state, each year separately. Copies of all papers
6 filed in the superintendent's office, and the superintendent's official
7 acts, may, or upon request, shall be certified by the superintendent
8 and attested by the superintendent's official seal, and when so
9 certified shall be evidence of the papers or acts so certified to;

10 (8) To require annually, on or before the 15th day of August, of
11 the president, manager, or principal of every educational institution
12 in this state, a report as required by the superintendent of public
13 instruction; and it is the duty of every president, manager or
14 principal, to complete and return such forms within such time as the
15 superintendent of public instruction shall direct;

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

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

19 (11) To keep in the superintendent's office at the capital of the
20 state, all books and papers pertaining to the business of the
21 superintendent's office, and to keep and preserve in the
22 superintendent's office a complete record of statistics, as well as a
23 record of the meetings of the state board of education;

24 (12) With the assistance of the office of the attorney general, to
25 decide all points of law which may be submitted to the superintendent
26 in writing by any educational service district superintendent, or that
27 may be submitted to the superintendent by any other person, upon appeal
28 from the decision of any educational service district superintendent;
29 and the superintendent shall publish his or her rulings and decisions
30 from time to time for the information of school officials and teachers;
31 and the superintendent's decision shall be final unless set aside by a
32 court of competent jurisdiction;

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

35 (14) To deliver to his or her successor, at the expiration of the
36 superintendent's term of office, all records, books, maps, documents
37 and papers of whatever kind belonging to the superintendent's office or
38 which may have been received by the superintendent's for the use of the
39 superintendent's office;

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

3 (16) To grant waivers for school improvement plans in accordance
4 with section 3 of this act, negotiate and implement performance
5 agreements pursuant to section 4 of this act, and implement state
6 intervention strategies as authorized under section 5 of this act; and

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

8 **Sec. 7.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are each
9 amended to read as follows:

10 (1) If a local school district fails to comply with any binding
11 restrictions issued by the superintendent of public instruction, the
12 allocation of state funds for support of the local school district may
13 be withheld, pending an investigation of the reason for such
14 noncompliance by the office of the superintendent of public
15 instruction. Written notice of the intent to withhold state funds,
16 with reasons stated for this action, shall be made to the school
17 district by the office of the superintendent of public instruction
18 before any portion of the state allocation is withheld.

19 (2) Pursuant to an intervention plan authorized under chapter
20 28A.655 RCW, the superintendent may withhold the allocation of all or
21 a portion of nonbasic education state funds from the local school
22 district pending a determination by the superintendent and the academic
23 achievement and accountability commission that withholding such funds
24 is no longer an appropriate state intervention strategy for the
25 improvement of student learning in the affected school district.
26 Written notice of the intent to withhold such state funds, with reasons
27 stated for this action, shall be made to the school district by the
28 office of the superintendent of public instruction before any portion
29 of the state allocation is withheld.

30 **Sec. 8.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to
31 read as follows:

32 Except as what may be provided in an improvement plan under section
33 3 of this act, a performance agreement under section 4 of this act, or
34 an intervention plan under section 5 of this act in all districts:

35 (1) The board of directors shall elect a superintendent who shall
36 have such qualification as the local school board alone shall
37 determine. The superintendent shall have supervision over the several

1 departments of the schools thereof and carry out such other powers and
2 duties as prescribed by law.

3 (2) Notwithstanding the provisions of RCW 28A.400.300(1), the board
4 may contract with such superintendent for a term not to exceed three
5 years when deemed in the best interest of the district. The right to
6 renew a contract of employment with any school superintendent shall
7 rest solely with the discretion of the school board employing such
8 school superintendent. Regarding such renewal of contracts of school
9 superintendents the provisions of RCW 28A.405.210, 28A.405.240, and
10 28A.645.010 shall be inapplicable.

11 **Sec. 9.** RCW 28A.400.030 and 1991 c 116 s 14 are each amended to
12 read as follows:

13 In addition to such other duties as a district school board shall
14 prescribe and except as what may be provided in an improvement plan
15 under section 3 of this act, a performance agreement under section 4 of
16 this act, or an intervention plan under section 5 of this act, the
17 school district superintendent shall:

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

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

24 (3) Keep accurate and detailed accounts of all receipts and
25 expenditures of school money. At each annual school meeting the
26 superintendent must present his or her record book of board proceedings
27 for public inspection, and shall make a statement of the financial
28 condition of the district and such record book must always be open for
29 public inspection.

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

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

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

1 **Sec. 10.** RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended
2 to read as follows:

3 School districts may employ public school principals and/or vice
4 principals to supervise the operation and management of the school to
5 which they are assigned. Such persons shall hold valid teacher and
6 administrative certificates. In addition to such other duties as shall
7 be prescribed by law (~~and~~), by the job description adopted by the
8 board of directors, and as what may be provided in an improvement plan
9 under section 3 of this act, a performance agreement under section 4 of
10 this act, or an intervention plan under section 5 of this act, each
11 principal shall:

12 (1) Assume administrative authority, responsibility and
13 instructional leadership, under the supervision of the school district
14 superintendent, and in accordance with the policies of the school
15 district board of directors, for the planning, management, supervision
16 and evaluation of the educational program of the attendance area for
17 which he or she is responsible.

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

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

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

28 **Sec. 11.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
29 read as follows:

30 Every board of directors, unless otherwise specially provided by
31 law and except as what may be provided in an improvement plan under
32 section 3 of this act, a performance agreement under section 4 of this
33 act, or an intervention plan under section 5 of this act, shall:

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

36 (2) Adopt written policies granting leaves to persons under
37 contracts of employment with the school district(s) in positions
38 requiring either certification or classified qualifications, including

1 but not limited to leaves for attendance at official or private
2 institutes and conferences and sabbatical leaves for employees in
3 positions requiring certification qualification, and leaves for
4 illness, injury, bereavement and, emergencies for both certificated and
5 classified employees, and with such compensation as the board of
6 directors prescribe: PROVIDED, That the board of directors shall adopt
7 written policies granting to such persons annual leave with
8 compensation for illness, injury and emergencies as follows:

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

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

14 (c) For certificated and classified employees, annual leave with
15 compensation for illness, injury, and emergencies shall be granted and
16 accrue at a rate not to exceed twelve days per year; provisions of any
17 contract in force on June 12, 1980, which conflict with requirements of
18 this subsection shall continue in effect until contract expiration;
19 after expiration, any new contract executed between the parties shall
20 be consistent with this subsection;

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

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

31 (f) Sick leave heretofore accumulated under section 1, chapter 195,
32 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under
33 administrative practice of school districts prior to the effective date
34 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is
35 hereby declared valid, and shall be added to leave for illness or
36 injury accumulated under this proviso;

37 (g) Any leave for injury or illness accumulated up to a maximum of
38 forty-five days shall be creditable as service rendered for the purpose
39 of determining the time at which an employee is eligible to retire, if

1 such leave is taken it may not be compensated under the provisions of
2 RCW 28A.400.210 and 28A.310.490;

3 (h) Accumulated leave under this proviso shall be transferred to
4 and from one district to another, the office of superintendent of
5 public instruction and offices of educational service district
6 superintendents and boards, to and from such districts and such
7 offices;

8 (i) Leave accumulated by a person in a district prior to leaving
9 said district may, under rules and regulations of the board, be granted
10 to such person when the person returns to the employment of the
11 district.

12 When any certificated or classified employee leaves one school
13 district within the state and commences employment with another school
14 district within the state, the employee shall retain the same
15 seniority, leave benefits and other benefits that the employee had in
16 his or her previous position: PROVIDED, That classified employees who
17 transfer between districts after July 28, 1985, shall not retain any
18 seniority rights other than longevity when leaving one school district
19 and beginning employment with another. If the school district to which
20 the person transfers has a different system for computing seniority,
21 leave benefits, and other benefits, then the employee shall be granted
22 the same seniority, leave benefits and other benefits as a person in
23 that district who has similar occupational status and total years of
24 service.

25 **Sec. 12.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
26 read as follows:

27 (1) No teacher, principal, supervisor, superintendent, or other
28 certificated employee, holding a position as such with a school
29 district, hereinafter referred to as "employee", shall be employed
30 except by written order of a majority of the directors of the district
31 at a regular or special meeting thereof and as may be provided in an
32 improvement plan under section 3 of this act, a performance agreement
33 under section 4 of this act, or an intervention plan under section 5 of
34 this act, nor unless he or she is the holder of an effective teacher's
35 certificate or other certificate required by law or the state board of
36 education for the position for which the employee is employed, nor
37 unless his or her employment with a school district is consistent with
38 any and all determinations made by the superintendent of public

1 instruction and the academic achievement and accountability commission
2 under the authority granted in sections 3, 4, and 5 of this act and RCW
3 28A.655.030.

4 The board shall make with each employee employed by it a written
5 contract, which shall be in conformity with the laws of this state, and
6 except as otherwise provided by law, limited to a term of not more than
7 one year. Any employment contract approved after September 1, 2001,
8 that is inconsistent with any provision of this act is null and void
9 solely with respect to those provisions in conflict with this act.
10 Every such contract shall be made in duplicate, one copy to be retained
11 by the school district superintendent or secretary and one copy to be
12 delivered to the employee. No contract shall be offered by any board
13 for the employment of any employee who has previously signed an
14 employment contract for that same term in another school district of
15 the state of Washington unless such employee shall have been released
16 from his or her obligations under such previous contract by the board
17 of directors of the school district to which he or she was obligated.
18 Any contract signed in violation of this provision shall be void.

19 In the event it is determined that there is probable cause or
20 causes that the employment contract of an employee should not be
21 renewed by the district for the next ensuing term such employee shall
22 be notified in writing on or before May 15th preceding the commencement
23 of such term of that determination, or if the omnibus appropriations
24 act has not passed the legislature by May 15th, then notification shall
25 be no later than June 1st, which notification shall specify the cause
26 or causes for nonrenewal of contract. Such determination of probable
27 cause for certificated employees, other than the superintendent, shall
28 be made by the superintendent or in accordance with an improvement plan
29 under section 3 of this act, a performance agreement under section 4 of
30 this act, or an intervention plan under section 5 of this act. Such
31 notice shall be served upon the employee personally, or by certified or
32 registered mail, or by leaving a copy of the notice at the house of his
33 or her usual abode with some person of suitable age and discretion then
34 resident therein. Every such employee so notified, except employees
35 notified pursuant to the implementation of an improvement plan under
36 section 3 of this act, a performance agreement under section 4 of this
37 act, or an intervention plan under section 5 of this act, at his or her
38 request made in writing and filed with the president, chair, or
39 secretary of the board of directors of the district within ten days

1 after receiving such notice, shall be granted opportunity for hearing
2 pursuant to RCW 28A.405.310 to determine whether there is sufficient
3 cause or causes for nonrenewal of contract: PROVIDED, That any
4 employee receiving notice of nonrenewal of contract due to an
5 enrollment decline or loss of revenue may, in his or her request for a
6 hearing, stipulate that initiation of the arrangements for a hearing
7 officer as provided for by RCW 28A.405.310(4) shall occur within ten
8 days following July 15 rather than the day that the employee submits
9 the request for a hearing. If any such notification or opportunity for
10 hearing is not timely given, the employee entitled thereto shall be
11 conclusively presumed to have been reemployed by the district for the
12 next ensuing term upon contractual terms identical with those which
13 would have prevailed if his or her employment had actually been renewed
14 by the board of directors for such ensuing term.

15 This section shall not be applicable to "provisional employees" as
16 so designated in RCW 28A.405.220; transfer to a subordinate
17 certificated position as that procedure is set forth in RCW 28A.405.230
18 shall not be construed as a nonrenewal of contract for the purposes of
19 this section.

20 (2) In the event that a determination is made pursuant to an
21 improvement plan under section 3 of this act, a performance agreement
22 under section 4 of this act, or an intervention plan under section 5 of
23 this act that there is probable cause that the employment contract of
24 an employee should not be renewed for the ensuing term:

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

34 (b) The determination of nonrenewal by the academic achievement and
35 accountability commission shall consider any evaluations conducted
36 pursuant to RCW 28A.405.100 and shall be in accordance with the
37 provisions of an improvement plan under section 3 of this act, a
38 performance agreement under section 4 of this act, or an intervention
39 plan under section 5 of this act.

1 (c) Every such employee notified pursuant to this subsection, at
2 his or her request made in writing and filed with the superintendent of
3 the district within ten days after receiving such notice, shall be
4 given the opportunity to meet informally with the superintendent for
5 the purpose of requesting the superintendent to recommend that the
6 academic achievement and accountability commission reconsider their
7 decision. Such meeting shall be held no later than ten days following
8 the receipt of such request, and the employee shall be given at least
9 three days' written notice of the date, time, and place of the meeting.
10 At such meeting the employee shall be given the opportunity to refute
11 any facts upon which the superintendent's or the academic achievement
12 and accountability commission's determination was based and to make any
13 argument in support of his or her request for reconsideration.

14 (d) Within ten days following the meeting with the employee, the
15 superintendent shall either recommend to the superintendent of public
16 instruction that the employee be reinstated or shall submit to the
17 school district board of directors for consideration at its next
18 regular meeting a written report recommending that the employment
19 contract of the employee be nonrenewed and stating the reason or
20 reasons therefor. A copy of such report shall be delivered to the
21 employee at least three days before the scheduled meeting of the board
22 of directors. The district superintendent may request an informal
23 meeting with the superintendent of public instruction to consider a
24 recommendation to reinstate the employee. The superintendent of public
25 instruction shall consider but is not required to grant such request
26 for an informal meeting with the district superintendent and the
27 employee. In taking action upon the recommendation of the
28 superintendent or the direction of the superintendent of public
29 instruction and the commission, the board of directors may consider any
30 written communication that the employee may file with the secretary of
31 the board at any time before that meeting.

32 (e) The board of directors shall notify the employee in writing of
33 its final decision and action within ten days following the meeting at
34 which the superintendent's recommendation or the direction of the
35 superintendent of public instruction and the commission was considered.
36 The action of the board of directors to nonrenew the contract of an
37 employee under this subsection shall be final and not subject to
38 appeal.

1 **Sec. 13.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to
2 read as follows:

3 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 and under an improvement plan
7 under section 3 of this act, a performance agreement under section 4 of
8 this act, or an intervention plan under section 5 of this act during
9 the first two years of employment by such district, unless the employee
10 has previously completed at least two years of certificated employment
11 in another school district in the state of Washington, in which case
12 the employee shall be subject to nonrenewal of employment contract
13 pursuant to this section during the first year of employment with the
14 new district or as may be provided pursuant to an improvement plan
15 under section 3 of this act, a performance agreement under section 4 of
16 this act, or an intervention plan under section 5 of this act.
17 Employees as defined in this section shall hereinafter be referred to
18 as "provisional employees".

19 In the event the superintendent of the school district or the
20 superintendent of public instruction and the academic achievement and
21 accountability commission determine((s)) that the employment contract
22 of any provisional employee should not be renewed by the district for
23 the next ensuing term such provisional employee shall be notified
24 thereof by the district superintendent in writing on or before May 15th
25 preceding the commencement of such school term, or if the omnibus
26 appropriations act has not passed the legislature by May 15th, then
27 notification shall be no later than June 1st, which notification shall
28 state the reason or reasons for such determination. Such notice shall
29 be served upon the provisional employee personally, or by certified or
30 registered mail, or by leaving a copy of the notice at the place of his
31 or her usual abode with some person of suitable age and discretion then
32 resident therein. ((The)) A determination ((of)) by the superintendent
33 of the school district shall be subject to the evaluation requirements
34 of RCW 28A.405.100. A determination by the superintendent of public
35 instruction and the commission shall be made pursuant to an improvement
36 plan under section 3 of this act, a performance agreement under section
37 4 of this act, or an intervention plan under section 5 of this act.

38 Every such provisional employee so notified, at his or her request
39 made in writing and filed with the superintendent of the district

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

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

31 The board of directors shall notify the provisional employee in
32 writing of its final decision within ten days following the meeting at
33 which the superintendent's recommendation was considered. The decision
34 of the board of directors to nonrenew the contract of a provisional
35 employee shall be final and not subject to appeal.

36 This section applies to any person employed by a school district in
37 a teaching or other nonsupervisory certificated position after June 25,
38 1976. This section and an improvement plan under section 3 of this
39 act, a performance agreement under section 4 of this act, or an

1 intervention plan under section 5 of this act provide((s)) the
2 exclusive means for nonrenewing the employment contract of a
3 provisional employee and no other provision of law shall be applicable
4 thereto, including, without limitation, RCW 28A.405.210 and chapter
5 28A.645 RCW.

6 **Sec. 14.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to
7 read as follows:

8 Any certificated employee of a school district employed as an
9 assistant superintendent, director, principal, assistant principal,
10 coordinator, or in any other supervisory or administrative position,
11 hereinafter in this section referred to as "administrator", shall be
12 subject to transfer, at the expiration of the term of his or her
13 employment contract or as may be provided pursuant to an improvement
14 plan under section 3 of this act, a performance agreement under section
15 4 of this act, or an intervention plan under section 5 of this act
16 during the term of such an employee's employment contract that took
17 effect after September 1, 2001, to any subordinate certificated
18 position within the school district. "Subordinate certificated
19 position" as used in this section, shall mean any administrative or
20 nonadministrative certificated position for which the annual
21 compensation is less than the position currently held by the
22 administrator.

23 Every superintendent determining that the best interests of the
24 school district would be served by transferring any administrator to a
25 subordinate certificated position, and every superintendent notified
26 that, pursuant to an improvement plan under section 3 of this act, a
27 performance agreement under section 4 of this act, or an intervention
28 plan under section 5 of this act, the superintendent of public
29 instruction and the academic achievement and accountability commission
30 have determined that the best interests of the school district would be
31 served by transferring any administrator to a subordinate certificated
32 position shall notify that administrator in writing on or before May
33 15th preceding the commencement of such school term of that
34 determination, or if the omnibus appropriations act has not passed the
35 legislature by May 15th, then notification shall be no later than June
36 1st, which notification shall state the reason or reasons for the
37 transfer, and shall identify the subordinate certificated position to
38 which the administrator will be transferred. Such notice shall be

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

1 this section shall apply only to the first full school year of such
2 employment.

3 This section applies to any person employed as an administrator by
4 a school district on June 25, 1976 and to all persons so employed at
5 any time thereafter. This section and an improvement plan under
6 section 3 of this act, a performance agreement under section 4 of this
7 act, or an intervention plan under section 5 of this act provide((s))
8 the exclusive means for transferring an administrator to a subordinate
9 certificated position at the expiration of the term of his or her
10 employment contract.

11 **Sec. 15.** RCW 28A.150.020 and 1969 ex.s. c 223 s 28A.01.060 are
12 each amended to read as follows:

13 "Common schools" means schools maintained at public expense in each
14 school district or under alternative arrangements for public governance
15 or administration pursuant to an improvement plan under section 3 of
16 this act, a performance agreement under section 4 of this act, or an
17 intervention plan under section 5 of this act and carrying on a program
18 from kindergarten through the twelfth grade or any part thereof
19 including vocational educational courses otherwise permitted by law.

20 **Sec. 16.** RCW 28A.320.010 and 1969 ex.s. c 223 s 28A.58.010 are
21 each amended to read as follows:

22 A school district shall constitute a body corporate and shall
23 possess all the usual powers of a public corporation except as may be
24 provided pursuant to an improvement plan under section 3 of this act,
25 a performance agreement under section 4 of this act, or an intervention
26 plan under section 5 of this act, and in that name and style may sue
27 and be sued and transact all business necessary for maintaining school
28 and protecting the rights of the district, and enter into such
29 obligations as are authorized therefor by law.

30 **Sec. 17.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to
31 read as follows:

32 (1) Except as provided in an improvement plan under section 3 of
33 this act, a performance agreement under section 4 of this act, or an
34 intervention plan under section 5 of this act, the board of directors
35 of each school district may exercise the following:

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

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

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

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

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

12 (2) Before adopting a policy under subsection (1)(a) of this
13 section, the school district board of directors shall comply with the
14 notice requirements of the open public meetings act, chapter 42.30 RCW,
15 and shall in addition include in that notice a statement that sets
16 forth or reasonably describes the proposed policy. The board of
17 directors shall provide a reasonable opportunity for public written and
18 oral comment and consideration of the comment by the board of
19 directors.

20 **Sec. 18.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to
21 read as follows:

22 (1) The board of directors of a school district may contract with
23 other school districts, educational service districts, public or
24 private organizations, agencies, schools, or individuals to implement
25 the board's powers and duties provided that such contracts are
26 consistent with any provisions which may be implemented pursuant to an
27 improvement plan under section 3 of this act, a performance agreement
28 under section 4 of this act, or an intervention plan under section 5 of
29 this act. The board of directors of a school district may contract for
30 goods and services, including but not limited to contracts for goods
31 and services as specifically authorized in statute or rule, as well as
32 other educational, instructional, and specialized services. When a
33 school district board of directors contracts for educational,
34 instructional, or specialized services, the purpose of the contract
35 must be to improve student learning or achievement.

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

1 **Sec. 19.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to
2 read as follows:

3 (1) Under the constitutional framework and the laws of the state of
4 Washington, the governance structure for the state's public common
5 school system is comprised of the following bodies: The legislature,
6 the governor, the superintendent of public instruction, the state board
7 of education, the academic achievement and accountability commission,
8 the educational service district boards of directors, and local school
9 district boards of directors. The respective policy and administrative
10 roles of each body are determined by the state Constitution and
11 statutes.

12 (2) Local school districts are political subdivisions of the state
13 and the organization of such districts, including the powers, duties,
14 and boundaries thereof, may be altered or abolished by laws of the
15 state of Washington or by the superintendent of public instruction and
16 the academic achievement and accountability commission pursuant to an
17 improvement plan under section 3 of this act, a performance agreement
18 under section 4 of this act, or an intervention plan under section 5 of
19 this act and RCW 28A.655.030 and 28A.300.040, except that the
20 superintendent of public instruction and the academic achievement and
21 accountability commission shall not be authorized to alter school
22 district boundaries.

23 **Sec. 20.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
24 read as follows:

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

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

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

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

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

32 (b) Establish methods and procedures whereby changes in the school
33 district system may be brought about by the people concerned and
34 affected.

35 (2) It is the state's policy that decisions on proposed changes in
36 school district organization should be made, whenever possible, by
37 negotiated agreement between the affected school districts. If the
38 districts cannot agree, the decision shall be made by the regional

1 committees on school district organization, based on the committees'
2 best judgment, taking into consideration the following factors and
3 factors under RCW 28A.315.205:

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

8 (b) Responsibly serving all of the affected citizens and students
9 by contributing to logical service boundaries and recognizing a
10 changing economic pattern within the educational service districts of
11 the state;

12 (c) Enhancing the educational opportunities of pupils in the
13 territory by reducing existing disparities among the affected school
14 districts' ability to provide operating and capital funds through an
15 equitable adjustment of the assets and liabilities of the affected
16 districts;

17 (d) Promoting a wiser use of public funds through improvement in
18 the school district system of the educational service districts and the
19 state; and

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

22 (3) It is neither the intent nor purpose of this chapter to apply
23 to organizational changes and the procedure therefor relating to
24 capital fund aid by nonhigh school districts as provided for in chapter
25 28A.540 RCW.

26 (4) This chapter is not intended to apply in any way to the
27 provisions implemented pursuant to an improvement plan under section 3
28 of this act, a performance agreement under section 4 of this act, or an
29 intervention plan under section 5 of this act.

30 **Sec. 21.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
31 read as follows:

32 As used in this chapter:

33 (1) "Change in the organization and extent of school districts"
34 means the formation and establishment of new school districts, the
35 dissolution of existing school districts, the alteration of the
36 boundaries of existing school districts, or all of them. "Change" does
37 not include any change implemented pursuant to an improvement plan

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

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

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

6 (4) "School district" means the territory under the jurisdiction of
7 a single governing board designated and referred to as the board of
8 directors.

9 (5) "Educational service district superintendent" means the
10 educational service district superintendent as provided for in RCW
11 28A.310.170 or his or her designee.

12 **Sec. 22.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
13 read as follows:

14 Every school district shall admit on a tuition free basis all
15 persons of school age who reside within this state, and do not reside
16 within another school district carrying the grades for which they are
17 eligible to enroll: PROVIDED, That nothing in this section shall be
18 construed as affecting RCW 28A.225.220 ~~((or))~~, 28A.225.250, or an
19 improvement plan under section 3 of this act, a performance agreement
20 under section 4 of this act, or an intervention plan under section 5 of
21 this act.

22 **Sec. 23.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2
23 are each reenacted and amended to read as follows:

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

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

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

32 (a) A financial, educational, safety, or health condition affecting
33 the student would likely be reasonably improved as a result of the
34 transfer; ~~((or))~~

35 (b) Attendance at the school in the nonresident district is more
36 accessible to the parent's place of work or to the location of child
37 care; ~~((or))~~

1 (c) The student transfer is authorized pursuant to an improvement
2 plan under section 3 of this act, a performance agreement under section
3 4 of this act, or an intervention plan under section 5 of this act; or

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

5 (4) A district may deny the request of a resident student to
6 transfer to a nonresident district if the release of the student would
7 adversely affect the district's existing desegregation plan. However,
8 a district may not deny such a request for transfer if the student is
9 authorized to transfer to a nonresident district pursuant to an
10 improvement plan under section 3 of this act, a performance agreement
11 under section 4 of this act, or an intervention plan under section 5 of
12 this act.

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

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

25 **Sec. 24.** RCW 28A.225.270 and 1990 1st ex.s. c 9 s 205 are each
26 amended to read as follows:

27 Each school district in the state shall adopt and implement a
28 policy allowing intradistrict enrollment options no later than June 30,
29 1990. Each district shall establish its own policy establishing
30 standards on how the intradistrict enrollment options will be
31 implemented. However, in the event that a conflict exists between the
32 school district policy and actions required under this act by the
33 academic achievement and accountability commission and the
34 superintendent of public instruction under an improvement plan under
35 section 3 of this act, a performance agreement under section 4 of this
36 act, or an intervention plan under section 5 of this act, such actions
37 shall supersede the applicable school district policy.

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 41.56 RCW
2 to read as follows:

3 Any contract or agreement entered into by a school district after
4 the effective date of this section that is in conflict with the
5 effective implementation of any decision or action authorized under
6 this act is null and void with respect to the particular provision of
7 the contract or agreement that is in conflict with this act.

8 NEW SECTION. **Sec. 26.** A new section is added to chapter 41.59 RCW
9 to read as follows:

10 Any contract or agreement entered into by a school district after
11 the effective date of this section that is in conflict with the
12 effective implementation of any decision or action authorized under
13 this act is null and void with respect to the particular provision of
14 the contract or agreement that is in conflict with this act.

15 **Sec. 27.** RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each
16 amended to read as follows:

17 This chapter shall supersede existing statutes not expressly
18 repealed to the extent that there is a conflict between a provision of
19 this chapter and those other statutes. However, in the event that a
20 conflict exists between this chapter and this act, this act shall
21 supersede this chapter. Except as otherwise expressly provided herein,
22 nothing in this chapter shall be construed to annul, modify or preclude
23 the renewal or continuation of any lawful agreement entered into prior
24 to January 1, 1976 between an employer and an employee organization
25 covering wages, hours, and terms and conditions of employment. Where
26 there is a conflict between any collective bargaining agreement and any
27 resolution, rule, policy or regulation of the employer or its agents,
28 the terms of the collective bargaining agreement shall prevail.

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

31 NEW SECTION. **Sec. 29.** RCW 28A.655.050 (Reading goals--Mathematics
32 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

33 NEW SECTION. **Sec. 30.** Section 29 of this act takes effect
34 September 1, 2001."

1 **SSB 5625** - S AMD 076

2 By Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and
3 Regala

4

5 On page 1, line 2 of the title, after "recommendations;" strike the
6 remainder of the title and insert "amending RCW 28A.655.030,
7 28A.300.040, 28A.505.120, 28A.400.010, 28A.400.030, 28A.400.100,
8 28A.400.300, 28A.405.210, 28A.405.220, 28A.405.230, 28A.150.020,
9 28A.320.010, 28A.320.015, 28A.320.035, 28A.315.005, 28A.315.015,
10 28A.315.025, 28A.225.210, 28A.225.270, and 41.59.910; reenacting and
11 amending RCW 28A.225.220; adding new sections to chapter 28A.655 RCW;
12 adding a new section to chapter 41.56 RCW; adding a new section to
13 chapter 41.59 RCW; creating a new section; repealing RCW 28A.655.035
14 and 28A.655.050; and providing an effective date."

--- END ---