
SECOND SUBSTITUTE SENATE BILL 5625

State of Washington**57th Legislature****2001 Regular Session**

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

READ FIRST TIME 03/30/01.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (e) Student mobility and poverty indicators;

37 (f) Attendance rates;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (a) Student achievement from school, district, and statewide
33 assessments;

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

35 (c) Current allocation, distribution, and use of existing
36 resources;

37 (d) Student mobility and poverty indicators;

38 (e) Attendance rates;

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

- 1 (g) Posthigh school indicators, if applicable and available;
- 2 (h) Percent of students in special programs;
- 3 (i) School climate and safety indicators;
- 4 (j) Other barriers to student learning; and
- 5 (k) Other information submitted by the school and school district.

6 (5) Based on the needs assessment, the superintendent of public
7 instruction, or the superintendent's designee, and the eligible school
8 district requesting assistance shall jointly negotiate the terms of a
9 performance agreement to address the barriers to the improvement of
10 student learning identified by the needs assessment. Any assistance
11 provided under the terms of the performance agreement shall be limited
12 to specific, cost-effective strategies for improving student learning,
13 or to specific promising strategies that are part of a rigorous and
14 ongoing evaluation, as stipulated in the performance agreement. The
15 superintendent shall present the performance agreement to the
16 commission. The commission shall either accept or reject the
17 performance agreement without changes. If the commission rejects the
18 performance agreement then the commission must provide a written
19 explanation for the rejection. The superintendent and the school
20 district shall have up to one year to submit another performance
21 agreement to be accepted or rejected by the commission. The duration
22 of a performance agreement entered into under this section shall be two
23 years. The performance agreements shall include, but not be limited
24 to:

- 25 (a) Student performance goals and learning expectations;
- 26 (b) How existing funds will be used more effectively;
- 27 (c) How assistance resources, if any, will be used;
- 28 (d) How the most significant barriers to improvement will be
29 addressed;
- 30 (e) Which specific waivers, if any, of state laws or local policies
31 and agreements are needed to improve student learning and to implement
32 the performance agreement. The performance agreement may include
33 replacement of school staff if the employee bargaining representative
34 organization that represents the individual staff member shows evidence
35 of support of the replacement of the individual. Waivers of state laws
36 that are available prior to January 1, 2001, shall be obtained under an
37 expedited decision-making process. Other waivers are contained in
38 sections 10 through 20 and 27 through 29 of this act;

1 (f) Who is responsible for implementing the specific actions in the
2 agreement; and

3 (g) Measurable benchmarks for actions in the performance agreement
4 with a timeline for completion to determine progress.

5 (6) The superintendent of public instruction shall have one school
6 year to complete both the needs assessment under subsection (4) of this
7 section and the performance agreement under subsection (5) of this
8 section, including having the academic achievement and accountability
9 commission accept or reject the performance agreement.

10 (7) Once a performance agreement has been accepted by the academic
11 achievement and accountability commission and signed by the parties,
12 the school district shall hold a public meeting to notify the public of
13 the components of the performance agreement.

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

35 NEW SECTION. **Sec. 7.** PERFORMANCE AGREEMENT--EVALUATION--
36 INTERVENTIONS. (1) Beginning in July 2005, and annually thereafter, at
37 the end of the first year of a performance agreement negotiated

1 pursuant to section 5 of this act, the superintendent of public
2 instruction or the superintendent's designee shall evaluate the
3 progress on meeting the benchmarks, timelines, and other components of
4 the performance agreement. The superintendent shall report the
5 findings of the evaluation to the school district and to the academic
6 achievement and accountability commission.

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

22 (3) Based on the results of the evaluation and analysis performed
23 under subsection (2) of this section and using the criteria developed
24 by the commission under RCW 28A.655.030, the superintendent of public
25 instruction shall recommend and the academic achievement and
26 accountability commission shall decide whether the performance
27 agreement shall be:

- 28 (a) Ended because the agreement was successfully completed;
29 (b) Extended with existing or newly negotiated conditions; or
30 (c) Ended because more intensive intervention strategies are
31 required.

32 The commission shall report to the house of representatives and
33 senate committees on education and the superintendent of public
34 instruction shall implement more intensive intervention strategies if
35 the commission determines the following:

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

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

4 (4) The superintendent of public instruction shall notify the
5 school district of the intent of the academic achievement and
6 accountability commission to require more intensive intervention
7 strategies.

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

14 (a) If the school district does not notify the superintendent of
15 public instruction and the commission within ten days that the district
16 intends to appeal, the superintendent of public instruction must design
17 and implement an intervention plan that addresses the improvement of
18 student learning.

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

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

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

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

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

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

4 (3) To prepare and have printed such forms, registers, courses of
5 study, rules for the government of the common schools, and such other
6 material and books as may be necessary for the discharge of the duties
7 of teachers and officials charged with the administration of the laws
8 relating to the common schools, and to distribute the same to
9 educational service district superintendents;

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

14 (5) To prepare and from time to time to revise a manual of the
15 Washington state common school code, copies of which shall be provided
16 in such numbers as determined by the superintendent of public
17 instruction at no cost to those public agencies within the common
18 school system and which shall be sold at approximate actual cost of
19 publication and distribution per volume to all other public and
20 nonpublic agencies or individuals, said manual to contain Titles 28A
21 and 28C RCW, rules related to the common schools, and such other matter
22 as the state superintendent or the state board of education shall
23 determine. Proceeds of the sale of such code shall be transmitted to
24 the public printer who shall credit the state superintendent's account
25 within the state printing plant revolving fund by a like amount;

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

28 (7) To file all papers, reports and public documents transmitted to
29 the superintendent by the school officials of the several counties or
30 districts of the state, each year separately. Copies of all papers
31 filed in the superintendent's office, and the superintendent's official
32 acts, may, or upon request, shall be certified by the superintendent
33 and attested by the superintendent's official seal, and when so
34 certified shall be evidence of the papers or acts so certified to;

35 (8) To require annually, on or before the 15th day of August, of
36 the president, manager, or principal of every educational institution
37 in this state, a report as required by the superintendent of public
38 instruction; and it is the duty of every president, manager or

1 principal, to complete and return such forms within such time as the
2 superintendent of public instruction shall direct;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 In addition to such other duties as a district school board shall
37 prescribe and except as what may be provided in a performance agreement

1 under section 5 or 6 of this act, or an intervention plan under section
2 7 of this act, the school district superintendent shall:

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

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

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

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

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

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

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

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

33 (1) Assume administrative authority, responsibility and
34 instructional leadership, under the supervision of the school district
35 superintendent, and in accordance with the policies of the school
36 district board of directors, for the planning, management, supervision
37 and evaluation of the educational program of the attendance area for
38 which he or she is responsible.

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

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

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

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

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

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

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

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

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

35 (c) For certificated and classified employees, annual leave with
36 compensation for illness, injury, and emergencies shall be granted and
37 accrue at a rate not to exceed twelve days per year; provisions of any
38 contract in force on June 12, 1980, which conflict with requirements of

1 this subsection shall continue in effect until contract expiration;
2 after expiration, any new contract executed between the parties shall
3 be consistent with this subsection;

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

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

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

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

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

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

34 When any certificated or classified employee leaves one school
35 district within the state and commences employment with another school
36 district within the state, the employee shall retain the same
37 seniority, leave benefits and other benefits that the employee had in
38 his or her previous position: PROVIDED, That classified employees who
39 transfer between districts after July 28, 1985, shall not retain any

1 seniority rights other than longevity when leaving one school district
2 and beginning employment with another. If the school district to which
3 the person transfers has a different system for computing seniority,
4 leave benefits, and other benefits, then the employee shall be granted
5 the same seniority, leave benefits and other benefits as a person in
6 that district who has similar occupational status and total years of
7 service.

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

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

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

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

36 This section shall not be applicable to "provisional employees" as
37 so designated in RCW 28A.405.220; transfer to a subordinate
38 certificated position as that procedure is set forth in RCW 28A.405.230

1 shall not be construed as a nonrenewal of contract for the purposes of
2 this section.

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

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

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

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

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

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

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

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

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

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

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

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

1 under section 5 or 6 of this act, or an intervention plan under section
2 7 of this act.

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

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

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

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

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

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

27 Every superintendent determining that the best interests of the
28 school district would be served by transferring any administrator to a
29 subordinate certificated position, and every superintendent notified
30 that, pursuant to an improvement plan under section 4 of this act, a
31 performance agreement under section 5 or 6 of this act, or an
32 intervention plan under section 7 of this act, the superintendent of
33 public instruction has determined that the best interests of the school
34 district would be served by transferring any administrator to a
35 subordinate certificated position shall notify that administrator in
36 writing on or before May 15th preceding the commencement of such school
37 term of that determination, or if the omnibus appropriations act has
38 not passed the legislature by May 15th, then notification shall be no

1 later than June 1st, which notification shall state the reason or
2 reasons for the transfer, and shall identify the subordinate
3 certificated position to which the administrator will be transferred.
4 Such notice shall be served upon the administrator personally, or by
5 certified or registered mail, or by leaving a copy of the notice at the
6 place of his or her usual abode with some person of suitable age and
7 discretion then resident therein.

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

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

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

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

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

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

33 A school district shall constitute a body corporate and shall
34 possess all the usual powers of a public corporation except as may be
35 provided pursuant to an improvement plan under section 4 of this act,
36 a performance agreement under section 5 or 6 of this act, or an
37 intervention plan under section 7 of this act, and in that name and

1 style may sue and be sued and transact all business necessary for
2 maintaining school and protecting the rights of the district, and enter
3 into such obligations as are authorized therefor by law.

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

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

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

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

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

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

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

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

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

31 (1) The board of directors of a school district may contract with
32 other school districts, educational service districts, public or
33 private organizations, agencies, schools, or individuals to implement
34 the board's powers and duties provided that such contracts are
35 consistent with any provisions which may be implemented pursuant to an
36 improvement plan under section 4 of this act, a performance agreement
37 under section 5 or 6 of this act, or an intervention plan under section

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

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

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

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

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

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

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

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

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

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

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

35 (b) Establish methods and procedures whereby changes in the school
36 district system may be brought about by the people concerned and
37 affected.

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

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

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

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

21 (d) Promoting a wiser use of public funds through improvement in
22 the school district system of the educational service districts and the
23 state; and

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

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

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

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

36 As used in this chapter:

37 (1) "Change in the organization and extent of school districts"
38 means the formation and establishment of new school districts, the

1 dissolution of existing school districts, the alteration of the
2 boundaries of existing school districts, or all of them. "Change" does
3 not include any change implemented pursuant to an improvement plan
4 under section 4 of this act, a performance agreement under section 5 or
5 6 of this act, or an intervention plan under section 7 of this act.

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

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

9 (4) "School district" means the territory under the jurisdiction of
10 a single governing board designated and referred to as the board of
11 directors.

12 (5) "Educational service district superintendent" means the
13 educational service district superintendent as provided for in RCW
14 28A.310.170 or his or her designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 Each school district in the state shall adopt and implement a
33 policy allowing intradistrict enrollment options no later than June 30,
34 1990. Each district shall establish its own policy establishing
35 standards on how the intradistrict enrollment options will be
36 implemented. The student transfer is authorized for those students
37 attending a school under an intervention plan under section 7 of this
38 act. However, if a school denies such a request for transfer for any

1 student attending a school under an intervention plan, the parent or
2 guardian of the student may appeal the denial to the state board of
3 education. The state board of education shall review why the transfer
4 was denied and make the final determination. In making their decision,
5 the state board of education must approve the transfer if the education
6 of the student would be reasonably improved as a result of the
7 transfer, and if the board believes there is space available at the
8 receiving school.

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

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

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

18 Any contract or agreement entered into by a school district after
19 the effective date of this section that is in conflict with the
20 effective implementation of any decision or action authorized under
21 this act is null and void with respect to the particular provision of
22 the contract or agreement that is in conflict with this act.

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

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

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

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

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

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

9 NEW SECTION. **Sec. 34.** Section 31 of this act takes effect
10 September 1, 2001.

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