
SUBSTITUTE SENATE BILL 6243

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Carlson, Kastama, Rasmussen and Kohl-Welles)

READ FIRST TIME 02/07/2002.

1 AN ACT Relating to efficiencies in the current state-level
2 governance structure of the K-12 public school system in Washington
3 state; amending RCW 28A.305.010, 28A.305.040, 28A.305.080, 28A.305.090,
4 28A.655.010, 28A.655.030, 28A.655.070, 28A.300.130, and 28A.505.210;
5 creating a new section; repealing RCW 28A.655.020; and providing an
6 effective date.

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

8 **Sec. 1.** RCW 28A.305.010 and 1992 c 56 s 1 are each amended to read
9 as follows:

10 (1) The state board of education shall be comprised of one member
11 from each congressional district of the state, not including any
12 congressional district at large, elected by the members of the boards
13 of directors of school districts thereof, as hereinafter in this
14 chapter provided, four members appointed by the governor with the
15 consent of the senate, the superintendent of public instruction, and
16 one member elected at large, as provided in this chapter, by the
17 members of the boards of directors of all private schools in the state
18 meeting the requirements of RCW 28A.195.010. The member representing
19 private schools shall not vote on matters affecting public schools. If

1 there is a dispute about whether or not an issue directly affects
2 public schools, the dispute shall be settled by a majority vote of the
3 other members of the board.

4 (2) Each major caucus of the senate and of the house of
5 representatives shall submit a list of three names from which the
6 governor shall make appointments. The governor shall select a member
7 from each list provided by each caucus. The governor is encouraged to
8 appoint members who are supportive of educational improvement, who have
9 a positive record of service, and who will devote sufficient time to
10 the responsibilities of the board to ensure that the objectives of the
11 board are achieved. The appointees shall include educators, business
12 leaders, and parents, but may not be legislators.

13 **Sec. 2.** RCW 28A.305.040 and 1990 c 33 s 260 are each amended to
14 read as follows:

15 (1) Candidates for membership on the state board of education shall
16 file declarations of candidacy with the superintendent of public
17 instruction on forms prepared by the superintendent. Declarations of
18 candidacy may be filed by person or by mail not earlier than the first
19 day of September, or later than the sixteenth day of September. The
20 superintendent of public instruction may not accept any declaration of
21 candidacy that is not on file in the superintendent's office or is not
22 postmarked before the seventeenth day of September, or if not
23 postmarked or the postmark is not legible, if received by mail after
24 the twenty-first day of September. No person employed in any school,
25 college, university, or other educational institution or any
26 educational service district superintendent's office or in the office
27 of superintendent of public instruction shall be eligible for
28 membership on the state board of education, whether elected or
29 appointed, and each member elected who is not representative of the
30 private schools in this state and thus not running-at-large must be a
31 resident of the congressional district from which he or she was
32 elected. No member of a board of directors of a local school district
33 or private school shall continue to serve in that capacity after having
34 been elected or appointed to the state board.

35 (2) The prohibitions against membership upon the board of directors
36 of a school district or school and against employment, as well as the
37 residence requirement, established by this section, are conditions to
38 the eligibility of state board members to serve as such which apply

1 throughout the terms for which they have been elected or appointed.
2 Any state board member who hereafter fails to meet one or more of the
3 conditions to eligibility shall be deemed to have immediately forfeited
4 his or her membership upon the board for the balance of his or her
5 term: PROVIDED, That such a forfeiture of office shall not affect the
6 validity of board actions taken prior to the date of notification to
7 the board during an open public meeting of the violation.

8 **Sec. 3.** RCW 28A.305.080 and 1992 c 56 s 2 are each amended to read
9 as follows:

10 (1) The term of office of each elected member of the state board of
11 education shall begin on the second Monday in January next following
12 the election at which he or she was elected, and he or she shall hold
13 office for the term for which he or she was elected and until his or
14 her successor is elected and qualified. Except as otherwise provided
15 in RCW 28A.305.030, each elected member of the state board of education
16 shall be elected for a term of four years.

17 (2) Except for initial members, the term of office of each
18 appointed member of the state board of education shall be four years
19 and until his or her successor is appointed and qualified. Members
20 shall be reappointed in the same manner as original appointments.
21 Terms of initial appointed members shall be staggered such that two
22 members are appointed to two-year terms and two members are appointed
23 to four-year terms. For initial appointments, the governor is
24 encouraged to appoint persons who served with distinction on the
25 academic achievement and accountability commission.

26 **Sec. 4.** RCW 28A.305.090 and 1990 c 33 s 264 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, whenever
29 there shall be a vacancy upon the state board of education, from any
30 cause whatever, it shall be the duty of the remaining members of the
31 board to fill such vacancy by appointment, and the person so appointed
32 shall continue in office until his or her successor has been specially
33 elected, as hereinafter in this section provided, and has qualified.
34 Whenever a vacancy occurs, the superintendent of public instruction
35 shall call, in the month of August next following the date of the
36 occurrence of such vacancy, a special election to be held in the same
37 manner as other elections provided for in this chapter, at which

1 election a successor shall be elected to hold office for the unexpired
2 term of the member whose office was vacated.

3 (2) Vacancies in appointed board positions shall be filled by
4 appointment by the governor with the consent of the senate. The person
5 so appointed shall fill the position for the unexpired term of the
6 member whose position was vacated.

7 **Sec. 5.** RCW 28A.655.010 and 1993 c 336 s 201 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout RCW (~~(28A.630.885)~~) 28A.655.060 and
11 28A.300.130.

12 (1) (~~("Commission" means the commission on student learning created~~
13 ~~in RCW 28A.630.885.~~

14 ~~(2))~~ "Student learning goals" (~~(mean[s])~~) means the goals
15 established in RCW 28A.150.210.

16 (~~(3))~~ (2) "Essential academic learning requirements" means more
17 specific academic and technical skills and knowledge, based on the
18 student learning goals, as determined under RCW (~~(28A.630.885)~~)
19 28A.655.060(3)(a). Essential academic learning requirements shall not
20 limit the instructional strategies used by schools or school districts
21 or require the use of specific curriculum.

22 (~~(4))~~ (3) "Performance standards" or "standards" means the
23 criteria used to determine if a student has successfully learned the
24 specific knowledge or skill being assessed as determined under RCW
25 (~~(28A.630.885)~~) 28A.655.060(3)(b). The standards should be set at
26 internationally competitive levels.

27 (~~(5))~~ (4) "Assessment system" or "student assessment system"
28 means a series of assessments used to determine if students have
29 successfully learned the essential academic learning requirements. The
30 assessment system shall be developed under RCW (~~(28A.630.885)~~)
31 28A.655.060(3)(b).

32 (~~(6))~~ (5) "Performance-based education system" means an education
33 system in which a significantly greater emphasis is placed on how well
34 students are learning, and significantly less emphasis is placed on
35 state-level laws and rules that dictate how instruction is to be
36 provided. The performance-based education system does not require that
37 schools use an outcome-based instructional model. Decisions regarding

1 how instruction is provided are to be made, to the greatest extent
2 possible, by schools and school districts, not by the state.

3 **Sec. 6.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to
4 read as follows:

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

8 ~~((1) For purposes of statewide accountability, the commission))~~
9 superintendent of public instruction shall:

10 ~~((a))~~ (1) Adopt and revise performance improvement goals in
11 reading, writing, science, and mathematics by subject and grade level
12 as the ~~((commission))~~ superintendent of public instruction deems
13 appropriate to improve student learning, once assessments in these
14 subjects are required statewide. The goals shall be in addition to any
15 goals adopted in RCW 28A.655.050. The ~~((commission))~~ superintendent of
16 public instruction may also revise any goal adopted in RCW 28A.655.050.
17 The ~~((commission))~~ superintendent of public instruction shall adopt the
18 goals by rule. However, before each goal is implemented, the
19 ~~((commission))~~ superintendent of public instruction shall present the
20 goal to the education committees of the house of representatives and
21 the senate for the committees' review and comment in a time frame that
22 will permit the legislature to take statutory action on the goal if
23 such action is deemed warranted by the legislature;

24 ~~((b))~~ (2) Identify the scores students must achieve in order to
25 meet the standard on the Washington assessment of student learning and
26 determine student scores that identify levels of student performance
27 below and beyond the standard. The ~~((commission))~~ superintendent of
28 public instruction shall set such performance standards and levels ~~((in~~
29 ~~consultation with the superintendent of public instruction and))~~ after
30 consideration of any recommendations that may be developed by any
31 advisory committees that may be established for this purpose;

32 ~~((c))~~ (3) Adopt objective, systematic criteria to identify
33 successful schools and school districts ~~((and recommend to the~~
34 ~~superintendent of public instruction schools and districts))~~ to be
35 recognized for two types of accomplishments, student achievement and
36 improvements in student achievement. When determining the baseline
37 year or years for recognizing individual schools, the superintendent of
38 public instruction may use the assessment results from the initial

1 years the assessments were administered, if doing so with individual
2 schools would be appropriate. Recognition for improvements in student
3 achievement shall include consideration of one or more of the following
4 accomplishments:

5 ~~((i))~~ (a) An increase in the percent of students meeting
6 standards. The level of achievement required for recognition may be
7 based on the achievement goals established by the legislature under RCW
8 28A.655.050 and the ~~((commission))~~ superintendent of public instruction
9 under ~~((a) of this))~~ subsection (1) of this section;

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

12 ~~((iii))~~ (c) Improvements despite challenges such as high levels
13 of mobility, poverty, English as a second language learners, and large
14 numbers of students in special populations as measured by either the
15 percent of students meeting the standard, or the improvement index(~~(-~~

16 ~~When determining the baseline year or years for recognizing~~
17 ~~individual schools, the commission may use the assessment results from~~
18 ~~the initial years the assessments were administered, if doing so with~~
19 ~~individual schools would be appropriate))~~);

20 ~~((d))~~ (4) Adopt objective, systematic criteria to identify
21 schools and school districts in need of assistance and those in which
22 significant numbers of students persistently fail to meet state
23 standards. In its deliberations, the ~~((commission))~~ superintendent of
24 public instruction shall consider the use of all statewide mandated
25 criterion-referenced and norm-referenced standardized tests;

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

37 ~~((f))~~ (6) Identify performance incentive systems that have
38 improved or have the potential to improve student achievement;

1 ~~((g))~~ (7) 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~~
5 ~~of public instruction of any improvements needed to the system))~~;

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

11 ~~((i))~~ (9) Annually by ~~((December 1, 2000, and by))~~ December 1st
12 ~~((annually thereafter))~~, report to the education committees of the
13 house of representatives and the senate on the progress that has been
14 made in achieving the reading goal under RCW 28A.655.050 and any
15 additional goals adopted by the ~~((commission))~~ superintendent of public
16 instruction;

17 ~~((j))~~ (10) Coordinate its activities with the state board of
18 education ~~((and the office of the superintendent of public~~
19 ~~instruction))~~; and

20 ~~((k))~~ (11) Seek advice from the public and all interested
21 educational organizations ~~((in the conduct of its work; and~~

22 ~~(1) Establish advisory committees, which may include persons who~~
23 ~~are not members of the commission;~~

24 ~~(2) Holding meetings and public hearings, which may include~~
25 ~~regional meetings and hearings;~~

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

38 ~~(4) Receiving per diem and travel allowances as permitted under RCW~~
39 ~~43.03.050 and 43.03.060))~~ regarding the duties under this section.

1 **Sec. 7.** RCW 28A.655.070 and 1999 c 388 s 501 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall identify the
4 knowledge and skills all public school students need to know and be
5 able to do based on the student learning goals in RCW 28A.150.210(~~(7~~
6 ~~develop student assessments, and implement the accountability~~
7 ~~recommendations and requests regarding assistance, rewards, and~~
8 ~~recognition of the academic achievement and accountability~~
9 ~~commission)).~~

10 (2) The superintendent of public instruction shall periodically
11 revise the essential academic learning requirements, as needed, based
12 on the student learning goals in RCW 28A.150.210. Goals one and two
13 shall be considered primary. To the maximum extent possible, the
14 superintendent shall integrate goal four and the knowledge and skill
15 areas in the other goals in the essential academic learning
16 requirements.

17 (3) (~~In consultation with the academic achievement and~~
18 ~~accountability commission,)~~ The superintendent of public instruction
19 shall maintain and continue to develop and revise a statewide academic
20 assessment system for use in the elementary, middle, and high school
21 years designed to determine if each student has mastered the essential
22 academic learning requirements identified in subsection (1) of this
23 section. The academic assessment system shall include a variety of
24 assessment methods, including criterion-referenced and performance-
25 based measures.

26 (4) The assessment system shall be designed so that the results
27 under the assessment system are used by educators as tools to evaluate
28 instructional practices, and to initiate appropriate educational
29 support for students who have not mastered the essential academic
30 learning requirements at the appropriate periods in the student's
31 educational development.

32 (5) To the maximum extent possible, the superintendent shall
33 integrate knowledge and skill areas in development of the assessments.

34 (6) Assessments for goals three and four of RCW 28A.150.210 shall
35 be integrated in the essential academic learning requirements and
36 assessments for goals one and two.

37 (7) The superintendent shall develop assessments that are directly
38 related to the essential academic learning requirements, and are not

1 biased toward persons with different learning styles, racial or ethnic
2 backgrounds, or on the basis of gender.

3 (8) The superintendent shall consider methods to address the unique
4 needs of special education students when developing the assessments
5 under this section.

6 (9) The superintendent shall consider methods to address the unique
7 needs of highly capable students when developing the assessments under
8 this section.

9 **Sec. 8.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
10 read as follows:

11 (1) Expanding activity in educational research, educational
12 restructuring, and educational improvement initiatives has produced and
13 continues to produce much valuable information. The legislature finds
14 that such information should be shared with the citizens and
15 educational community of the state as widely as possible. To
16 facilitate access to information and materials on educational
17 improvement and research, the superintendent of public instruction, to
18 the extent funds are appropriated, shall establish the center for the
19 improvement of student learning. The primary purpose of the center is
20 to provide assistance and advice to parents, school board members,
21 educators, and the public regarding strategies for assisting students
22 in learning the essential academic learning requirements pursuant to
23 RCW ((~~28A.630.885~~)) 28A.655.060. The center shall work in conjunction
24 with ((~~the academic achievement and accountability commission,~~))
25 educational service districts, institutions of higher education, and
26 education, parent, community, and business organizations.

27 (2) The center, in conjunction with other staff in the office of
28 the superintendent of public instruction, shall:

29 (a) Serve as a clearinghouse for the completed work and activities
30 ((~~of the academic achievement and accountability commission~~)) under
31 chapter 28A.655 RCW;

32 (b) Serve as a clearinghouse for information regarding successful
33 educational improvement and parental involvement programs in schools
34 and districts, and information about efforts within institutions of
35 higher education in the state to support educational improvement
36 initiatives in Washington schools and districts;

37 (c) Provide best practices research and advice that can be used to
38 help schools develop and implement: Programs and practices to improve

1 instruction of the essential academic learning requirements under
2 section 701 of this act; systems to analyze student assessment data,
3 with an emphasis on systems that will combine the use of state and
4 local data to monitor the academic progress of each and every student
5 in the school district; comprehensive, school-wide improvement plans;
6 school-based shared decision-making models; programs to promote
7 lifelong learning and community involvement in education; school-to-
8 work transition programs; programs to meet the needs of highly capable
9 students; programs and practices to meet the diverse needs of students
10 based on gender, racial, ethnic, economic, and special needs status;
11 research, information, and technology systems; and other programs and
12 practices that will assist educators in helping students learn the
13 essential academic learning requirements;

14 (d) Develop and distribute(~~(, in conjunction with the academic~~
15 ~~achievement and accountability commission,)~~) parental involvement
16 materials, including instructional guides developed to inform parents
17 of the essential academic learning requirements. The instructional
18 guides also shall contain actions parents may take to assist their
19 children in meeting the requirements, and should focus on reaching
20 parents who have not previously been involved with their children's
21 education;

22 (e) Identify obstacles to greater parent and community involvement
23 in school shared decision-making processes and recommend strategies for
24 helping parents and community members to participate effectively in
25 school shared decision-making processes, including understanding and
26 respecting the roles of school building administrators and staff;

27 (f) Develop and maintain an internet web site to increase the
28 availability of information, research, and other materials;

29 (g) Take other actions to increase public awareness of the
30 importance of parental and community involvement in education;

31 (h) Work with appropriate organizations to inform teachers,
32 district and school administrators, and school directors about the
33 waivers available and the broadened school board powers under RCW
34 28A.320.015;

35 (i) Provide training and consultation services, including
36 conducting regional summer institutes;

37 (j) Address methods for improving the success rates of certain
38 ethnic and racial student groups; and

1 (k) Perform other functions consistent with the purpose of the
2 center as prescribed in subsection (1) of this section.

3 (3) The superintendent of public instruction(~~(, after consultation~~
4 ~~with the academic achievement and accountability commission,~~) shall
5 select and employ a director for the center.

6 (4) The superintendent may enter into contracts with individuals or
7 organizations including but not limited to: School districts;
8 educational service districts; educational organizations; teachers;
9 higher education faculty; institutions of higher education; state
10 agencies; business or community-based organizations; and other
11 individuals and organizations to accomplish the duties and
12 responsibilities of the center. In carrying out the duties and
13 responsibilities of the center, the superintendent, whenever possible,
14 shall use practitioners to assist agency staff as well as assist
15 educators and others in schools and districts.

16 **Sec. 9.** RCW 28A.505.210 and 2001 c 3 s 3 (Initiative Measure No.
17 728) are each amended to read as follows:

18 School districts shall have the authority to decide the best use of
19 student achievement funds to assist students in meeting and exceeding
20 the new, higher academic standards in each district consistent with the
21 provisions of chapter 3, Laws of 2001.

22 (1) Student achievement funds shall be allocated for the following
23 uses:

24 (a) To reduce class size by hiring certificated elementary
25 classroom teachers in grades K-4 and paying nonemployee-related costs
26 associated with those new teachers;

27 (b) To make selected reductions in class size in grades 5-12, such
28 as small high school writing classes;

29 (c) To provide extended learning opportunities to improve student
30 academic achievement in grades K-12, including, but not limited to,
31 extended school year, extended school day, before-and-after-school
32 programs, special tutoring programs, weekend school programs, summer
33 school, and all-day kindergarten;

34 (d) To provide additional professional development for educators,
35 including additional paid time for curriculum and lesson redesign and
36 alignment, training to ensure that instruction is aligned with state
37 standards and student needs, reimbursement for higher education costs
38 related to enhancing teaching skills and knowledge, and mentoring

1 programs to match teachers with skilled, master teachers. The funding
2 shall not be used for salary increases or additional compensation for
3 existing teaching duties, but may be used for extended year and
4 extended day teaching contracts;

5 (e) To provide early assistance for children who need
6 prekindergarten support in order to be successful in school;

7 (f) To provide improvements or additions to school building
8 facilities which are directly related to the class size reductions and
9 extended learning opportunities under (a) through (c) of this
10 subsection.

11 (2) Annually on or before May 1st, the school district board of
12 directors shall meet at the time and place designated for the purpose
13 of a public hearing on the proposed use of these funds to improve
14 student achievement for the coming year. Any person may appear or by
15 written submission have the opportunity to comment on the proposed plan
16 for the use of these funds. No later than August 31st, as a part of
17 the process under RCW 28A.505.060, each school district shall adopt a
18 plan for the use of these funds for the upcoming school year.
19 Annually, each school district shall provide to the citizens of their
20 district a public accounting of the funds made available to the
21 district during the previous school year under chapter 3, Laws of 2001,
22 how the funds were used, and the progress the district has made in
23 increasing student achievement, as measured by required state
24 assessments and other assessments deemed appropriate by the district.
25 Copies of this report shall be provided to the superintendent of public
26 instruction ((and to the academic achievement and accountability
27 commission)).

28 NEW SECTION. **Sec. 10.** (1) The academic achievement and
29 accountability commission is hereby abolished and its powers, duties,
30 and functions are hereby transferred to the office of the
31 superintendent of public instruction. All references to the academic
32 achievement and accountability commission in the Revised Code of
33 Washington shall be construed to mean the superintendent of public
34 instruction or the office of the superintendent of public instruction.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the academic
37 achievement and accountability commission shall be delivered to the
38 custody of the office of the superintendent of public instruction. All

1 cabinets, furniture, office equipment, motor vehicles, and other
2 tangible property employed by the academic achievement and
3 accountability commission shall be made available to the office of the
4 superintendent of public instruction.

5 (b) All unspent appropriated funds made to the academic achievement
6 and accountability commission existing on the effective date of this
7 section shall lapse.

8 (c) If any question arises as to the transfer of any funds, books,
9 documents, records, papers, files, equipment, or other tangible
10 property used or held in the exercise of the powers and the performance
11 of the duties and functions transferred, the director of financial
12 management shall make a determination as to the proper allocation and
13 certify the same to the state agencies concerned.

14 (3) The transfer of the powers, duties, and functions of the
15 academic achievement and accountability commission shall not affect the
16 validity of any act performed before the effective date of this
17 section.

18 (4) If apportionments of budgeted funds are required because of the
19 transfers directed by this section, the director of financial
20 management shall certify the apportionments to the agencies affected,
21 the state auditor, and the state treasurer. Each of these shall make
22 the appropriate transfer and adjustments in funds and appropriation
23 accounts and equipment records in accordance with the certification.

24 NEW SECTION. **Sec. 11.** RCW 28A.655.020 (Academic achievement and
25 accountability commission) and 1999 c 388 s 101 are each repealed.

26 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2003.

27 NEW SECTION. **Sec. 13.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

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