

**E2SHB 3098** - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED AS AMENDED 02/28/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** In 2005, the legislature reconstituted the  
4 state board of education to refocus its purpose; abolished the academic  
5 achievement and accountability commission; and assigned policy and  
6 rule-making authority for educator preparation and certification to the  
7 professional educator standards board. The purpose of this act is to  
8 address the remaining statutory responsibilities of the state board of  
9 education held before 2005. The legislature finds that some duties  
10 should be retained with the reconstituted board; many duties should be  
11 transferred to other agencies or organizations, primarily but not  
12 exclusively to the superintendent of public instruction; and some  
13 duties should be repealed. This act also corrects statutes to  
14 implement fully the transfer of responsibilities authorized in 2005.

15 **PART 1**

16 **NEW STATE BOARD OF EDUCATION**

17 NEW SECTION. **Sec. 101.** The legislature encourages the members of  
18 the new state board of education to review the transfer of duties from  
19 the state board to other entities made in this act and if any of the  
20 duties that were transferred away from the state board are necessary  
21 for the board to accomplish the purpose set out in this act then the  
22 state board shall come back to the legislature to request those  
23 necessary duties to be returned to the state board of education. The  
24 state board of education is encouraged to make such a request by  
25 January 15, 2007.

26 **Sec. 102.** RCW 28A.305.130 and 2005 c 497 s 104 are each amended to  
27 read as follows:

1           The purpose of the state board of education is to (~~adopt statewide~~  
2 ~~policies that promote achievement of the goals of RCW 28A.150.210;~~  
3 ~~implement a standards based accountability system; and provide~~  
4 ~~leadership in the creation of an education system that respects the~~  
5 ~~diverse cultures, abilities, and learning styles of all students))  
6 provide advocacy and strategic oversight of public education; implement  
7 a standards-based accountability system to improve student academic  
8 achievement; provide leadership in the creation of a system that  
9 personalizes education for each student and respects diverse cultures,  
10 abilities, and learning styles; and promote achievement of the goals of  
11 RCW 28A.150.210. In addition to any other powers and duties as  
12 provided by law, the state board of education shall:~~

13           (1) (~~Until January 1, 2006, approve or disapprove the program of~~  
14 ~~courses leading to teacher, school administrator, and school~~  
15 ~~specialized personnel certification offered by all institutions of~~  
16 ~~higher education within the state which may be accredited and whose~~  
17 ~~graduates may become entitled to receive such certification.~~

18           (2) ~~Until January 1, 2006, conduct every five years a review of the~~  
19 ~~program approval standards, including the minimum standards for~~  
20 ~~teachers, administrators, and educational staff associates, to reflect~~  
21 ~~research findings and assure continued improvement of preparation~~  
22 ~~programs for teachers, administrators, and educational staff~~  
23 ~~associates.~~

24           (3) ~~Until January 1, 2006, investigate the character of the work~~  
25 ~~required to be performed as a condition of entrance to and graduation~~  
26 ~~from any institution of higher education in this state relative to such~~  
27 ~~certification as provided for in subsection (1) of this section, and~~  
28 ~~prepare a list of accredited institutions of higher education of this~~  
29 ~~and other states whose graduates may be awarded such certificates.~~

30           (4) ~~Until January 1, 2006:~~

31           (a) ~~Adopt rules to allow a teacher certification candidate to~~  
32 ~~fulfill, in part, teacher preparation program requirements through work~~  
33 ~~experience as a classified teacher's aide in a public school or private~~  
34 ~~school meeting the requirements of RCW 28A.195.010. The rules shall~~  
35 ~~include, but are not limited to, limitations based upon the recency of~~  
36 ~~the teacher preparation candidate's teacher aide work experience, and~~  
37 ~~limitations based on the amount of work experience that may apply~~  
38 ~~toward teacher preparation program requirements under this chapter; and~~

1       ~~(b) Require that at the time of the individual's enrollment in a~~  
2 ~~teacher preparation program, the supervising teacher and the building~~  
3 ~~principal shall jointly provide to the teacher preparation program of~~  
4 ~~the higher education institution at which the teacher candidate is~~  
5 ~~enrolled, a written assessment of the performance of the teacher~~  
6 ~~candidate. The assessment shall contain such information as determined~~  
7 ~~by the state board of education and shall include: Evidence that at~~  
8 ~~least fifty percent of the candidate's work as a classified teacher's~~  
9 ~~aide was involved in instructional activities with children under the~~  
10 ~~supervision of a certificated teacher and that the candidate worked a~~  
11 ~~minimum of six hundred thirty hours for one school year; the type of~~  
12 ~~work performed by the candidate; and a recommendation of whether the~~  
13 ~~candidate's work experience as a classified teacher's aide should be~~  
14 ~~substituted for teacher preparation program requirements. In~~  
15 ~~compliance with such rules as may be established by the state board of~~  
16 ~~education under this section, the teacher preparation programs of the~~  
17 ~~higher education institution where the candidate is enrolled shall make~~  
18 ~~the final determination as to what teacher preparation program~~  
19 ~~requirements may be fulfilled by teacher aide work experience.~~

20       ~~(5) Until January 1, 2006, supervise the issuance of such~~  
21 ~~certificates as provided for in subsection (1) of this section and~~  
22 ~~specify the types and kinds of certificates necessary for the several~~  
23 ~~departments of the common schools by rule or regulation in accordance~~  
24 ~~with RCW 28A.410.010.~~

25       ~~(6)) Hold regularly scheduled meetings at such time and place~~  
26 ~~within the state as the board shall determine and may hold such special~~  
27 ~~meetings as may be deemed necessary for the transaction of public~~  
28 ~~business((~~-~~))i~~

29       ~~((~~+7~~)) (2) Form committees as necessary to effectively and~~  
30 ~~efficiently conduct the work of the board((~~-~~))i~~

31       ~~((~~+8~~)) (3) Seek advice from the public and interested parties~~  
32 ~~regarding the work of the board((~~-~~))i~~

33       ~~((~~+9~~)) (4) For purposes of statewide accountability((~~-~~, the board~~  
34 ~~shall))):~~

35       (a) Adopt and revise performance improvement goals in reading,  
36 writing, science, and mathematics, by subject and grade level, once  
37 assessments in these subjects are required statewide; academic and  
38 technical skills, as appropriate, in secondary career and technical

1 education programs; and student attendance, as the board deems  
2 appropriate to improve student learning. The goals shall be consistent  
3 with student privacy protection provisions of RCW 28A.655.090(7) and  
4 shall not conflict with requirements contained in Title I of the  
5 federal elementary and secondary education act of 1965, or the  
6 requirements of the Carl D. Perkins vocational education act of 1998,  
7 each as amended. The goals may be established for all students,  
8 economically disadvantaged students, limited English proficient  
9 students, students with disabilities, and students from  
10 disproportionately academically underachieving racial and ethnic  
11 backgrounds. The board may establish school and school district goals  
12 addressing high school graduation rates and dropout reduction goals for  
13 students in grades seven through twelve. The board shall adopt the  
14 goals by rule. However, before each goal is implemented, the board  
15 shall present the goal to the education committees of the house of  
16 representatives and the senate for the committees' review and comment  
17 in a time frame that will permit the legislature to take statutory  
18 action on the goal if such action is deemed warranted by the  
19 legislature;

20 (b) Identify the scores students must achieve in order to meet the  
21 standard on the Washington assessment of student learning and, for high  
22 school students, to obtain a certificate of academic achievement. The  
23 board shall also determine student scores that identify levels of  
24 student performance below and beyond the standard. The board shall  
25 consider the incorporation of the standard error of measurement into  
26 the decision regarding the award of the certificates. The board shall  
27 set such performance standards and levels in consultation with the  
28 superintendent of public instruction and after consideration of any  
29 recommendations that may be developed by any advisory committees that  
30 may be established for this purpose. The initial performance standards  
31 and any changes recommended by the board in the performance standards  
32 for the tenth grade assessment shall be presented to the education  
33 committees of the house of representatives and the senate by November  
34 30th of the school year in which the changes will take place to permit  
35 the legislature to take statutory action before the changes are  
36 implemented if such action is deemed warranted by the legislature. The  
37 legislature shall be advised of the initial performance standards and

1 any changes made to the elementary level performance standards and the  
2 middle school level performance standards;

3 (c) Adopt objective, systematic criteria to identify successful  
4 schools and school districts and recommend to the superintendent of  
5 public instruction schools and districts to be recognized for two types  
6 of accomplishments, student achievement and improvements in student  
7 achievement. Recognition for improvements in student achievement shall  
8 include consideration of one or more of the following accomplishments:

9 (i) An increase in the percent of students meeting standards. The  
10 level of achievement required for recognition may be based on the  
11 achievement goals established by the legislature and by the board under  
12 (a) of this subsection;

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

15 (iii) Improvements despite challenges such as high levels of  
16 mobility, poverty, English as a second language learners, and large  
17 numbers of students in special populations as measured by either the  
18 percent of students meeting the standard, or the improvement index.  
19 When determining the baseline year or years for recognizing individual  
20 schools, the board may use the assessment results from the initial  
21 years the assessments were administered, if doing so with individual  
22 schools would be appropriate;

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

28 (e) Identify schools and school districts in which state  
29 intervention measures will be needed and a range of appropriate  
30 intervention strategies after the legislature has authorized a set of  
31 intervention strategies. After the legislature has authorized a set of  
32 intervention strategies, at the request of the board, the  
33 superintendent shall intervene in the school or school district and  
34 take corrective actions. This chapter does not provide additional  
35 authority for the board or the superintendent of public instruction to  
36 intervene in a school or school district;

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

1 (g) Annually review the assessment reporting system to ensure  
2 fairness, accuracy, timeliness, and equity of opportunity, especially  
3 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; and

6 (h) Include in the biennial report required under RCW 28A.305.035,  
7 information on the progress that has been made in achieving goals  
8 adopted by the board(~~(-)~~);

9 ~~((+10+))~~ (5) Accredit, subject to such accreditation standards and  
10 procedures as may be established by the state board of education, all  
11 private schools that apply for accreditation, and approve, subject to  
12 the provisions of RCW 28A.195.010, private schools carrying out a  
13 program for any or all of the grades kindergarten through twelve:  
14 PROVIDED, That no private school may be approved that operates a  
15 kindergarten program only: PROVIDED FURTHER, That no ~~((public or))~~  
16 private schools shall be placed upon the list of accredited schools so  
17 long as secret societies are knowingly allowed to exist among its  
18 students by school officials(~~(:- PROVIDED FURTHER, That the state board~~  
19 ~~may elect to require all or certain classifications of the public~~  
20 ~~schools to conduct and participate in such preaccreditation examination~~  
21 ~~and evaluation processes as may now or hereafter be established by the~~  
22 ~~board.~~

23 ~~(11) Make rules and regulations governing the establishment in any~~  
24 ~~existing nonhigh school district of any secondary program or any new~~  
25 ~~grades in grades nine through twelve. Before any such program or any~~  
26 ~~new grades are established the district must obtain prior approval of~~  
27 ~~the state board.~~

28 ~~(12) Prepare such outline of study for the common schools as the~~  
29 ~~board shall deem necessary, and in conformance with legislative~~  
30 ~~requirements, and prescribe such rules for the general government of~~  
31 ~~the common schools, as shall seek to secure regularity of attendance,~~  
32 ~~prevent truancy, secure efficiency, and promote the true interest of~~  
33 ~~the common schools.~~

34 ~~(13) Continuously reevaluate courses and other requirements and~~  
35 ~~adopt and enforce regulations within the common schools so as to meet~~  
36 ~~the educational needs of students.~~

37 ~~(14) Evaluate course of study requirements and))~~;

1        (6) Articulate with the institutions of higher education, work  
2 force representatives, and early learning policymakers and providers to  
3 coordinate and unify the work of the public school system(~~(-)~~);

4        ~~((15) Carry out board powers and duties relating to the  
5 organization and reorganization of school districts.~~

6        ~~(16) Hear and decide appeals as otherwise provided by law.~~

7        ~~(17) Promulgate information and rules dealing with the prevention  
8 of child abuse for purposes of curriculum use in the common schools.~~

9        ~~(18))~~ (7) Hire an executive director and an administrative  
10 assistant to reside in the office of the superintendent of public  
11 instruction for administrative purposes. Any other personnel of the  
12 board shall be appointed as provided by RCW 28A.300.020. The executive  
13 director, administrative assistant, and all but one of the other  
14 personnel of the board are exempt from civil service, together with  
15 other staff as now or hereafter designated as exempt in accordance with  
16 chapter 41.06 RCW(~~(-)~~); and

17        ~~((19))~~ (8) Adopt a seal that shall be kept in the office of the  
18 superintendent of public instruction.

19        **Sec. 103.** RCW 28A.305.035 and 2005 c 497 s 103 are each amended to  
20 read as follows:

21        (1) By October 15th of each even-numbered year, the state board of  
22 education and the professional educator standards board shall submit a  
23 joint report to the legislative education committees, the governor, and  
24 the superintendent of public instruction. The report shall address the  
25 progress the boards have made and the obstacles they have encountered,  
26 individually and collectively, in the work of achieving the goals in  
27 RCW 28A.150.210.

28        (2) The state board of education shall include the chairs and  
29 ranking minority members of the legislative education committees in  
30 board communications so that the legislature can be kept apprised of  
31 the discussions and proposed actions of the board.

32        **Sec. 104.** RCW 28A.300.040 and 2005 c 360 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:

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

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

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

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

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

29 ~~(6) ((To act as ex officio member and the chief executive officer  
30 of the state board of education;~~

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



1        ~~((+8+))~~ (7) To require annually, on or before the 15th day of  
2 August, of the president, manager, or principal of every educational  
3 institution in this state, a report as required by the superintendent  
4 of public instruction; and it is the duty of every president, manager,  
5 or principal, to complete and return such forms within such time as the  
6 superintendent of public instruction shall direct;

7        ~~((+9+))~~ (8) To keep in the superintendent's office a record of all  
8 teachers receiving certificates to teach in the common schools of this  
9 state;

10       ~~((+10+))~~ (9) To issue certificates as provided by law;

11       ~~((+11+))~~ (10) To keep in the superintendent's office at the capital  
12 of the state, all books and papers pertaining to the business of the  
13 superintendent's office, and to keep and preserve in the  
14 superintendent's office a complete record of statistics, as well as a  
15 record of the meetings of the state board of education;

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

25       ~~((+13+))~~ (12) To administer oaths and affirmations in the discharge  
26 of the superintendent's official duties;

27       ~~((+14+))~~ (13) To deliver to his or her successor, at the expiration  
28 of the superintendent's term of office, all records, books, maps,  
29 documents and papers of whatever kind belonging to the superintendent's  
30 office or which may have been received by the superintendent's for the  
31 use of the superintendent's office;

32       ~~((+15+))~~ (14) To administer family services and programs to promote  
33 the state's policy as provided in RCW 74.14A.025;

34       ~~((+16+))~~ (15) To promote the adoption of school-based curricula and  
35 policies that provide quality, daily physical education for all  
36 students, and to encourage policies that provide all students with  
37 opportunities for physical activity outside of formal physical  
38 education classes;

1       (~~(17)~~) (16) To perform such other duties as may be required by  
2 law.

3       **Sec. 105.** RCW 28A.305.011 and 2005 c 497 s 101 are each amended to  
4 read as follows:

5       (1) The membership of the state board of education shall be  
6 composed of sixteen members who are residents of the state of  
7 Washington:

8       (a) Seven shall be members representing the educational system, as  
9 follows:

10       (i) Five members elected by school district directors. Three of  
11 the members elected by school district directors shall be residents of  
12 western Washington and two members shall be residents of eastern  
13 Washington;

14       (ii) One member elected at-large by the members of the boards of  
15 directors of all private schools in the state meeting the requirements  
16 of RCW 28A.195.010; and

17       (iii) The superintendent of public instruction;

18       (b) Seven members appointed by the governor; and

19       (c) Two students selected in a manner determined by the state board  
20 of education.

21       (2) Initial appointments shall be for terms from one to four years  
22 in length, with the terms expiring on the second Monday of January of  
23 the applicable year. As the terms of the first appointees expire or  
24 vacancies on the board occur, the governor shall appoint or reappoint  
25 members of the board to complete the initial terms or to four-year  
26 terms, as appropriate.

27       (a) Appointees of the governor must be individuals who have  
28 demonstrated interest in public schools and are supportive of  
29 educational improvement, have a positive record of service, and who  
30 will devote sufficient time to the responsibilities of the board.

31       (b) In appointing board members, the governor shall consider the  
32 diversity of the population of the state.

33       (c) All appointments to the board made by the governor are subject  
34 to confirmation by the senate.

35       (d) No person may serve as a member of the board, except the  
36 superintendent of public instruction, for more than two consecutive  
37 full four-year terms.

1 (3) The governor may remove an appointed member of the board for  
2 neglect of duty, misconduct, malfeasance, or misfeasance in office, or  
3 for incompetent or unprofessional conduct as defined in chapter 18.130  
4 RCW. In such a case, the governor shall file with the secretary of  
5 state a statement of the causes for and the order of removal from  
6 office, and the secretary of state shall send a certified copy of the  
7 statement of causes and order of removal to the last known post office  
8 address of the member.

9 (4)(a) The chair of the board shall be elected by a majority vote  
10 of the members of the board. The chair of the board shall serve a term  
11 of two years, and may be reelected to an additional term. A member of  
12 the board may not serve as chair for more than two consecutive terms.

13 (b) Eight voting members of the board constitute a quorum for the  
14 transaction of business.

15 (c) All members except the student members are voting members.

16 (5) Members of the board appointed by the governor who are not  
17 public employees shall be compensated in accordance with RCW  
18 (~~43.03.240~~) 43.03.250 and shall be reimbursed for travel expenses  
19 incurred in carrying out the duties of the board in accordance with RCW  
20 43.03.050 and 43.03.060.

## 21 PART 2

### 22 BASIC EDUCATION ACT RESPONSIBILITIES

23 **Sec. 201.** RCW 28A.150.230 and 1994 c 245 s 9 are each amended to  
24 read as follows:

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

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

4 (a) Establish performance criteria and an evaluation process for  
5 its certificated personnel, including administrative staff, and for all  
6 programs constituting a part of such district's curriculum;

7 (b) Determine the final assignment of staff, certificated or  
8 classified, according to board enumerated classroom and program needs;

9 (c) Determine the amount of instructional hours necessary for any  
10 student to acquire a quality education in such district, in not less  
11 than an amount otherwise required in RCW 28A.150.220, or rules (~~and~~  
12 ~~regulations~~)) of the state board of education;

13 (d) Determine the allocation of staff time, whether certificated or  
14 classified;

15 (e) Establish final curriculum standards consistent with law and  
16 rules (~~and regulations of the state board of education~~) of the  
17 superintendent of public instruction, relevant to the particular needs  
18 of district students or the unusual characteristics of the district,  
19 and ensuring a quality education for each student in the district; and

20 (f) Evaluate teaching materials, including text books, teaching  
21 aids, handouts, or other printed material, in public hearing upon  
22 complaint by parents, guardians or custodians of students who consider  
23 dissemination of such material to students objectionable.

24 **Sec. 202.** RCW 28A.505.140 and 1990 c 33 s 422 are each amended to  
25 read as follows:

26 (1) Notwithstanding any other provision of law, the superintendent  
27 of public instruction (~~is hereby directed to promulgate~~) shall adopt  
28 such rules (~~and regulations~~) as will (~~insure~~) ensure proper  
29 budgetary procedures and practices, including monthly financial  
30 statements consistent with the provisions of RCW 43.09.200, and this  
31 chapter.

32 (2) If the superintendent of public instruction determines upon a  
33 review of the budget of any district that said budget does not comply  
34 with the budget procedures established by this chapter or by rules  
35 (~~and regulations promulgated~~) adopted by the superintendent of public  
36 instruction, or the provisions of RCW 43.09.200, the superintendent

1 shall give written notice of this determination to the board of  
2 directors of the local school district.

3 (3) The local school district, notwithstanding any other provision  
4 of law, shall, within thirty days from the date the superintendent of  
5 public instruction issues a notice pursuant to subsection (2) of this  
6 section, submit a revised budget which meets the requirements of RCW  
7 43.09.200, this chapter, and the rules ((and regulations)) of the  
8 superintendent of public instruction((: PROVIDED, That if the district  
9 fails or refuses to submit a revised budget which in the determination  
10 of the superintendent of public instruction meets the requirements of  
11 RCW 43.09.200, this chapter, and the rules and regulations of the  
12 superintendent of public instruction, the matter shall be submitted to  
13 the state board of education, which board shall meet and adopt a  
14 financial plan which shall be in effect until a budget can be adopted  
15 and submitted by the district in compliance with this section)).

16 NEW SECTION. **Sec. 203.** (1) As the governor's steering committee  
17 for the comprehensive education study created under chapter 496, Laws  
18 of 2005 continues the study of the state funding of public education in  
19 Washington and makes final recommendations, the legislature strongly  
20 encourages the steering committee to carefully examine whether the use  
21 of inputs, such as the number of instructional hours, the number of  
22 instructional days, and student/teacher ratios, is the most efficient  
23 and effective funding system that is oriented toward student  
24 achievement and whether any changes to the current method of allocating  
25 funds can be created to implement the intent of education reform that  
26 all children can learn.

27 (2) This section expires July 1, 2007.

### 28 PART 3

### 29 SCHOOL FACILITIES AND ORGANIZATION

30 **Sec. 301.** RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are  
31 each amended to read as follows:

32 The ((state board of education)) superintendent of public  
33 instruction, considering policy recommendations from the school  
34 facilities citizen advisory panel, shall have the power and ((it shall  
35 be its)) duty (1) to prescribe rules ((and regulations)) governing the

1 administration, control, terms, conditions, and disbursements of  
2 allotments to school districts to assist them in providing school plant  
3 facilities; (2) to approve allotments to districts that apply for state  
4 assistance whenever (~~the board deems~~) such action is advisable (~~and~~  
5 ~~in so doing to give due consideration to the findings, reports, and~~  
6 ~~recommendations of the superintendent of public instruction pertaining~~  
7 ~~thereto~~); (3) to authorize the payment of approved allotments by  
8 warrant of the state treasurer; and (4) in the event that the amount of  
9 state assistance applied for exceeds the funds available for such  
10 assistance during any biennium, to make allotments on the basis of the  
11 urgency of need for school facilities in the districts that apply for  
12 assistance and/or to prorate allotments among such districts in  
13 conformity with applicable procedures and (~~regulations applicable~~  
14 ~~thereto which shall be established by the state board~~) rules.

15 **Sec. 302.** RCW 28A.525.030 and 1995 c 77 s 23 are each amended to  
16 read as follows:

17 Whenever funds are appropriated for modernization of existing  
18 school facilities, the (~~state board of education~~) superintendent of  
19 public instruction is authorized to approve the use of such funds for  
20 modernization of existing facilities, modernization being limited to  
21 major structural changes in such facilities and, as necessary to bring  
22 such facilities into compliance with the barrier free access  
23 requirements of section 504 of the federal rehabilitation act of 1973  
24 (29 U.S.C. Sec. 706) and rules implementing the act, both major and  
25 minor structural changes, and may include as incidental thereto the  
26 replacement of fixtures, fittings, furnishings and service systems of  
27 a building in order to bring it up to a contemporary state consistent  
28 with the needs of changing educational programs. The allocation of  
29 such funds shall be made upon the same basis as funds used for the  
30 financing of a new school plant project utilized for a similar purpose.

31 **Sec. 303.** RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are  
32 each amended to read as follows:

33 All applications by school districts for state assistance in  
34 providing school plant facilities shall be made to the superintendent  
35 of public instruction (~~in conformity with rules and regulations which~~  
36 ~~shall be prescribed by the state board of education~~). Studies and

1 surveys shall be conducted by the (~~aforsaid officer~~) superintendent  
2 for the purpose of securing information relating to (1) the kind and  
3 extent of the school plant facilities required and the urgency of need  
4 for such facilities in districts that seek state assistance, (2) the  
5 ability of such districts to provide capital outlay funds by local  
6 effort, (3) the need for improvement of school administrative units and  
7 school attendance areas among or within such districts, and (4) any  
8 other pertinent matters. Recommendations respecting action on the  
9 (~~aforsaid~~) applications shall be submitted to the (~~state board of~~  
10 ~~education by the~~) superintendent of public instruction (~~together with~~  
11 ~~such reports of the findings, studies, and surveys made by said officer~~  
12 ~~as may be required by the state board~~)).

13 **Sec. 304.** RCW 28A.525.055 and 1994 c 219 s 11 are each amended to  
14 read as follows:

15 The (~~state board of education,~~) rules adopted by the  
16 superintendent of public instruction for (~~purposes of~~) determining  
17 eligibility for state assistance for new construction(~~(,)~~) shall  
18 (~~adopt rules excluding~~) exclude from the inventory of available  
19 educational space those spaces that have been constructed for  
20 educational and community activities from grants received from other  
21 public or private entities.

22 **Sec. 305.** RCW 28A.525.070 and 1985 c 136 s 1 are each amended to  
23 read as follows:

24 The superintendent of public instruction shall furnish (~~(1)~~) to  
25 school districts seeking state assistance consultatory and advisory  
26 service in connection with the development of school building programs  
27 and the planning of school plant facilities for such district(~~(, and~~  
28 ~~(2) to the state board of education such service as may be required by~~  
29 ~~the board in the exercise of the powers and the performance of the~~  
30 ~~duties vested in and required to be performed by the board~~)).

31 **Sec. 306.** RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are  
32 each amended to read as follows:

33 Insofar as is permissible under acts of congress, funds made  
34 available by the federal government for the purpose of assisting school  
35 districts in providing school plant facilities shall be made available

1 to such districts in conformity with rules (~~and regulations which~~)  
2 that the (~~state board of education~~) superintendent, considering  
3 policy recommendations from the school facilities citizen advisory  
4 panel, shall establish.

5 **Sec. 307.** RCW 28A.525.090 and 1999 c 313 s 2 are each amended to  
6 read as follows:

7 (1) The (~~state board of education~~) superintendent of public  
8 instruction, considering policy recommendations from the school  
9 facilities citizen advisory panel, shall adopt rules for appropriate  
10 use of the following construction management techniques: Value  
11 engineering, constructibility review, building commissioning, and  
12 construction management. Rules adopted under this section shall:

- 13 (a) Define each technique as it applies to school buildings;
- 14 (b) Describe the scope of work for each technique;
- 15 (c) Define the timing for implementing each technique in the  
16 construction process;
- 17 (d) Determine the appropriate size of projects for the use of each  
18 technique; and
- 19 (e) Determine standards for qualification and performance for each  
20 technique.

21 (2) Except as provided in rules adopted under subsection (1)(d) of  
22 this section, in allocating state moneys provided under this chapter,  
23 the (~~state board of education~~) superintendent of public instruction  
24 shall include in funding for each project, at the state matching  
25 percentage, the cost of each of the construction management techniques  
26 listed in subsection (1) of this section.

27 (3) When assigning priority and allocating state funds for  
28 construction of common school facilities, the (~~state board of~~  
29 ~~education~~) superintendent shall consider the adequacy of the  
30 construction management techniques used by a district and the  
31 compliance with the rules adopted under subsection (1) of this section.

32 (4) Except as provided in rules adopted under subsection (1)(d) of  
33 this section, the construction management techniques in subsection (1)  
34 of this section shall be used on each project submitted for approval by  
35 the (~~state board of education~~) superintendent.

36 (5)(a) School districts applying for state assistance for school  
37 facilities shall:



1 (i) Cause value engineering, constructibility review, and building  
2 commissioning to be performed by contract with a professional firm  
3 specializing in those construction management techniques; and

4 (ii) Contract or employ personnel to perform professional  
5 construction management.

6 (b) All recommendations from the value engineering and  
7 constructibility review construction techniques for a school project  
8 shall be presented to the school district's board of directors for  
9 acceptance or rejection. If the board of directors rejects a  
10 recommendation it shall provide a statement explaining the reasons for  
11 rejecting the recommendation and include the statement in the  
12 application for state assistance to the (~~state board of education~~)  
13 superintendent of public instruction.

14 (6) The office of the superintendent of public instruction shall  
15 provide:

16 (a) An information and training program for school districts on the  
17 use of the construction management techniques; and

18 (b) Consulting services to districts on the benefits and best uses  
19 of these construction management techniques.

20 NEW SECTION. Sec. 308. A new section is added to chapter 28A.525  
21 RCW to read as follows:

22 (1) To maintain citizen oversight on issues pertaining to school  
23 facilities and funding for school construction, a school facilities  
24 citizen advisory panel shall be created by the state board of  
25 education. The panel shall advise and make recommendations to the  
26 superintendent of public instruction regarding school facilities,  
27 funding for school construction, joint planning and financing of  
28 educational facilities, facility plans and programs for nonhigh school  
29 districts, and determinations of remote and necessary schools.

30 (2) The membership of the school facilities citizen advisory panel  
31 shall be as follows:

32 (a) One member of the state board of education;

33 (b) Two school district directors representing school districts of  
34 various sizes and geographic locations, who are appointed by the state  
35 board of education and selected from a list of five names submitted to  
36 the board by the Washington state school directors' association. The

1 directors shall have some experience or knowledge in school plant  
2 facility issues. One of the directors shall represent a nonhigh school  
3 district; and

4 (c) Four additional citizen members appointed by the state board of  
5 education.

6 (3) Members of the panel shall be reimbursed for travel expenses in  
7 accordance with RCW 43.03.050 and 43.03.060.

8 (4) In addition to the school facilities citizen advisory panel,  
9 the superintendent of public instruction may convene a technical  
10 advisory group including representatives from school business officers,  
11 building and construction contracting and trade organizations,  
12 architecture and engineering organizations, and other organizations  
13 with expertise in school facilities.

14 **Sec. 309.** RCW 28A.525.162 and 1995 c 77 s 24 are each amended to  
15 read as follows:

16 (1) Funds appropriated to the (~~state board of education~~)  
17 superintendent of public instruction from the common school  
18 construction fund shall be allotted by the (~~state board of education~~)  
19 superintendent of public instruction in accordance with student  
20 enrollment and the provisions of RCW 28A.525.200.

21 (2) No allotment shall be made to a school district until such  
22 district has provided matching funds equal to or greater than the  
23 difference between the total approved project cost and the amount of  
24 state assistance to the district for financing the project computed  
25 pursuant to RCW 28A.525.166, with the following exceptions:

26 (a) The (~~state board~~) superintendent of public instruction may  
27 waive the matching requirement for districts which have provided funds  
28 for school building construction purposes through the authorization of  
29 bonds or through the authorization of excess tax levies or both in an  
30 amount equivalent to two and one-half percent of the value of its  
31 taxable property, as defined in RCW 39.36.015.

32 (b) No such matching funds shall be required as a condition to the  
33 allotment of funds for the purpose of making major or minor structural  
34 changes to existing school facilities in order to bring such facilities  
35 into compliance with the barrier free access requirements of section  
36 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and  
37 rules implementing the act.

1 (3) For the purpose of computing the state matching percentage  
2 under RCW 28A.525.166 when a school district is granted authority to  
3 enter into contracts, adjusted valuation per pupil shall be calculated  
4 using headcount student enrollments from the most recent October  
5 enrollment reports submitted by districts to the superintendent of  
6 public instruction, adjusted as follows:

7 (a) In the case of projects for which local bonds were approved  
8 after May 11, 1989:

9 (i) For districts which have been designated as serving high school  
10 districts under RCW 28A.540.110, students residing in the nonhigh  
11 district so designating shall be excluded from the enrollment count if  
12 the student is enrolled in any grade level not offered by the nonhigh  
13 district;

14 (ii) The enrollment of nonhigh school districts shall be increased  
15 by the number of students residing within the district who are enrolled  
16 in a serving high school district so designated by the nonhigh school  
17 district under RCW 28A.540.110, including only students who are  
18 enrolled in grade levels not offered by the nonhigh school district;  
19 and

20 (iii) The number of preschool students with disabilities included  
21 in the enrollment count shall be multiplied by one-half;

22 (b) In the case of construction or modernization of high school  
23 facilities in districts serving students from nonhigh school districts,  
24 the adjusted valuation per pupil shall be computed using the combined  
25 adjusted valuations and enrollments of each district, each weighted by  
26 the percentage of the district's resident high school students served  
27 by the high school district; and

28 (c) The number of kindergarten students included in the enrollment  
29 count shall be multiplied by one-half.

30 (4) The (~~state board of education~~) superintendent of public  
31 instruction, considering policy recommendations from the school  
32 facilities citizen advisory panel, shall prescribe (~~and make~~  
33 ~~effective~~) such rules as are necessary to equate insofar as possible  
34 the efforts made by school districts to provide capital funds by the  
35 means aforesaid.

36 (5) For the purposes of this section, "preschool students with  
37 disabilities" means developmentally disabled children of preschool age

1 who are entitled to services under RCW 28A.155.010 through 28A.155.100  
2 and are not included in the kindergarten enrollment count of the  
3 district.

4 **Sec. 310.** RCW 28A.525.164 and 1990 c 33 s 456 are each amended to  
5 read as follows:

6 In allotting the state funds provided by RCW (~~(28A.525.160 through~~  
7 ~~28A.525.182)) 28A.525.162 through 28A.525.180, the (~~(state board of~~  
8 ~~education)) superintendent of public instruction shall:~~~~

9 (1) Prescribe rules (~~(and regulations)~~) not inconsistent with RCW  
10 (~~(28A.525.160 through 28A.525.182)) 28A.525.162 through 28A.525.180~~  
11 governing the administration, control, terms, conditions, and  
12 disbursement of allotments to school districts to assist them in  
13 providing school plant facilities;

14 (2) Approve(~~(, whenever the board deems such action advisable,)~~)  
15 allotments to districts that apply for state assistance;

16 (3) Authorize the payment of approved allotments by warrant of the  
17 state treasurer; and

18 (4) In the event that the amount of state assistance applied for  
19 pursuant to the provisions hereof exceeds the funds available for such  
20 assistance during any biennium, make allotments on the basis of the  
21 urgency of need for school facilities in the districts that apply for  
22 assistance or prorate allotments among such districts in conformity  
23 with (~~(procedures and regulations)~~) applicable (~~(thereto which shall be~~  
24 ~~established by the board)) rules.~~

25 **Sec. 311.** RCW 28A.525.166 and 1997 c 369 s 9 are each amended to  
26 read as follows:

27 Allocations to school districts of state funds provided by RCW  
28 (~~(28A.525.160 through 28A.525.182)) 28A.525.162 through 28A.525.180~~  
29 shall be made by the (~~(state board of education)) superintendent of  
30 public instruction and the amount of state assistance to a school  
31 district in financing a school plant project shall be determined in the  
32 following manner:~~

33 (1) The boards of directors of the districts shall determine the  
34 total cost of the proposed project, which cost may include the cost of  
35 acquiring and preparing the site, the cost of constructing the building  
36 or of acquiring a building and preparing the same for school use, the

1 cost of necessary equipment, taxes chargeable to the project, necessary  
 2 architects' fees, and a reasonable amount for contingencies and for  
 3 other necessary incidental expenses: PROVIDED, That the total cost of  
 4 the project shall be subject to review and approval by the (~~state~~  
 5 ~~board of education~~) superintendent.

6 (2) The state matching percentage for a school district shall be  
 7 computed by the following formula:

8 The ratio of the school district's adjusted valuation per pupil  
 9 divided by the ratio of the total state adjusted valuation per pupil  
 10 shall be subtracted from three, and then the result of the foregoing  
 11 shall be divided by three plus (the ratio of the school district's  
 12 adjusted valuation per pupil divided by the ratio of the total state  
 13 adjusted valuation per pupil).

		District adjusted	Total state	
		3-valuation	÷ adjusted valuation	
	Computed	per pupil	per pupil	State
	State =	-----		= - % Assistance
	Ratio	District adjusted	Total state	
		3+valuation	÷ adjusted valuation	
		per pupil	per pupil	

21 PROVIDED, That in the event the percentage of state assistance to any  
 22 school district based on the above formula is less than twenty percent  
 23 and such school district is otherwise eligible for state assistance  
 24 under RCW (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through  
 25 28A.525.180, the (~~state board of education~~) superintendent may  
 26 establish for such district a percentage of state assistance not in  
 27 excess of twenty percent of the approved cost of the project, if the  
 28 (~~state board~~) superintendent finds that such additional assistance is  
 29 necessary to provide minimum facilities for housing the pupils of the  
 30 district.

31 (3) In addition to the computed percent of state assistance  
 32 developed in subsection (2) (~~above~~) of this section, a school  
 33 district shall be entitled to additional percentage points determined  
 34 by the average percentage of growth for the past three years. One  
 35 percent shall be added to the computed percent of state assistance for  
 36 each percent of growth, with a maximum of twenty percent.

37 (4) The approved cost of the project determined in the manner  
 38 (~~herein~~) prescribed (~~times~~) in this section multiplied by the  
 39 percentage of state assistance derived as provided for (~~herein~~) in

1 this section shall be the amount of state assistance to the district  
2 for the financing of the project: PROVIDED, That need therefor has  
3 been established to the satisfaction of the (~~state board of~~  
4 ~~education~~) superintendent: PROVIDED, FURTHER, That additional state  
5 assistance may be allowed if it is found by the (~~state board of~~  
6 ~~education~~) superintendent, considering policy recommendations from the  
7 school facilities citizen advisory panel that such assistance is  
8 necessary in order to meet (a) a school housing emergency resulting  
9 from the destruction of a school building by fire, the condemnation of  
10 a school building by properly constituted authorities, a sudden  
11 excessive and clearly foreseeable future increase in school population,  
12 or other conditions similarly emergent in nature; or (b) a special  
13 school housing burden resulting from industrial projects of statewide  
14 significance or imposed by virtue of the admission of nonresident  
15 students into educational programs established, maintained and operated  
16 in conformity with the requirements of law; or (c) a deficiency in the  
17 capital funds of the district resulting from financing, subsequent to  
18 April 1, 1969, and without benefit of the state assistance provided by  
19 prior state assistance programs, the construction of a needed school  
20 building project or projects approved in conformity with the  
21 requirements of such programs, after having first applied for and been  
22 denied state assistance because of the inadequacy of state funds  
23 available for the purpose, or (d) a condition created by the fact that  
24 an excessive number of students live in state owned housing, or (e) a  
25 need for the construction of a school building to provide for improved  
26 school district organization or racial balance, or (f) conditions  
27 similar to those defined under (a), (b), (c), (d), and (e)  
28 (~~hereinabove~~) of this subsection, creating a like emergency.

29 **Sec. 312.** RCW 28A.525.168 and 1990 c 33 s 458 are each amended to  
30 read as follows:

31 Whenever the voters of a school district authorize the issuance of  
32 bonds and/or the levying of excess taxes in an amount sufficient to  
33 meet the requirements of RCW 28A.525.162 respecting eligibility for  
34 state assistance in providing school facilities, the taxable valuation  
35 of the district and the percentage of state assistance in providing  
36 school facilities prevailing at the time of such authorization shall be  
37 the valuation and the percentage used for the purpose of determining

1 the eligibility of the district for an allotment of state funds and the  
2 amount or amounts of such allotments, respectively, for all projects  
3 for which the voters authorize capital funds as aforesaid, unless a  
4 higher percentage of state assistance prevails on the date that state  
5 funds for assistance in financing a project are allotted by the ((state  
6 board of education)) superintendent of public instruction in which case  
7 the percentage prevailing on the date of allotment by the ((state  
8 board)) superintendent of funds for each project shall govern:  
9 PROVIDED, That if the ((state board of education)) superintendent of  
10 public instruction, considering policy recommendations from the school  
11 facilities citizen advisory panel, determines at any time that there  
12 has been undue or unwarranted delay on the part of school district  
13 authorities in advancing a project to the point of readiness for an  
14 allotment of state funds, the taxable valuation of the school district  
15 and the percentage of state assistance prevailing on the date that the  
16 allotment is made shall be used for the purposes aforesaid: PROVIDED,  
17 FURTHER, That the date ((herein)) specified in this section as  
18 applicable in determining the eligibility of an individual school  
19 district for state assistance and in determining the amount of such  
20 assistance shall be applicable also to cases where it is necessary in  
21 administering chapter 28A.540 RCW to determine eligibility for and the  
22 amount of state assistance for a group of school districts considered  
23 as a single school administrative unit.

24 **Sec. 313.** RCW 28A.525.170 and 1990 c 33 s 459 are each amended to  
25 read as follows:

26 If a school district which has qualified for an allotment of state  
27 funds under the provisions of RCW ((28A.525.160 through 28A.525.182))  
28 28A.525.162 through 28A.525.180 for school building construction is  
29 found by the ((state board of education)) superintendent of public  
30 instruction, considering policy recommendations from the school  
31 facilities citizen advisory panel, to have a school housing emergency  
32 requiring an allotment of state funds in excess of the amount allocable  
33 under RCW 28A.525.166, an additional allotment may be made to such  
34 district: PROVIDED, That the total amount allotted shall not exceed  
35 ninety percent of the total cost of the approved project which may  
36 include the cost of the site and equipment. At any time thereafter  
37 when the ((state board of education)) superintendent finds that the

1 financial position of such school district has improved through an  
2 increase in its taxable valuation or through retirement of bonded  
3 indebtedness or through a reduction in school housing requirements, or  
4 for any combination of these reasons, the amount of such additional  
5 allotment, or any part of such amount as the (~~state board of~~  
6 ~~education~~) superintendent determines, shall be deducted, under terms  
7 and conditions prescribed by the (~~board~~) superintendent, from any  
8 state school building construction funds which might otherwise be  
9 provided to such district.

10 **Sec. 314.** RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each  
11 amended to read as follows:

12 All applications by school districts for state assistance in  
13 providing school plant facilities shall be made to the superintendent  
14 of public instruction in conformity with rules (~~and regulations which~~  
15 ~~shall be prescribed~~) adopted by the (~~state board of education~~)  
16 superintendent of public instruction, considering policy  
17 recommendations from the school facilities citizen advisory panel.  
18 Studies and surveys shall be conducted by the (~~state board~~)  
19 superintendent for the purpose of securing information relating to (a)  
20 the kind and extent of the school plant facilities required and the  
21 urgency of need for such facilities in districts that seek state  
22 assistance, (b) the ability of such districts to provide capital funds  
23 by local effort, (c) the need for improvement of school administrative  
24 units and school attendance areas among or within such districts, and  
25 (d) any other pertinent matters.

26 **Sec. 315.** RCW 28A.525.174 and 1990 c 33 s 460 are each amended to  
27 read as follows:

28 It shall be the duty of the (~~state board of education~~)  
29 superintendent of public instruction, in consultation with the  
30 Washington state department of (~~social and~~) health (~~services~~), to  
31 prepare a manual and/or to specify other materials for the information  
32 and guidance of local school district authorities and others  
33 responsible for and concerned with the designing, planning, maintenance  
34 and operation of school plant facilities for the public schools. In so  
35 doing due consideration shall be given to the presentation of  
36 information regarding (~~(a)~~) (1) the need for cooperative state-local



1 district action in planning school plant facilities arising out of the  
2 cooperative plan for financing said facilities provided for in RCW  
3 (~~28A.525.160 through 28A.525.182; (b)~~) 28A.525.162 through  
4 28A.525.180; (2) procedures in inaugurating and conducting a school  
5 plant planning program for a school district; (~~(e)~~) (3) standards for  
6 use in determining the selection and development of school sites and in  
7 designing, planning, and constructing school buildings to the end that  
8 the health, safety, and educational well-being and development of  
9 school children will be served; (~~(d)~~) (4) the planning of readily  
10 expansible and flexible school buildings to meet the requirements of an  
11 increasing school population and a constantly changing educational  
12 program; (~~(e)~~) (5) an acceptable school building maintenance program  
13 and the necessity therefor; (~~(f)~~) (6) the relationship of an  
14 efficient school building operations service to the health and  
15 educational progress of pupils; and (~~(g)~~) (7) any other matters  
16 regarded by the (~~state board~~) superintendent as pertinent or related  
17 to the purposes and requirements of RCW (~~28A.525.160 through~~  
18 ~~28A.525.182~~) 28A.525.162 through 28A.525.180.

19 **Sec. 316.** RCW 28A.525.176 and 1990 c 33 s 461 are each amended to  
20 read as follows:

21 The (~~state board of education~~) superintendent of public  
22 instruction shall furnish to school districts seeking state assistance  
23 under the provisions of RCW (~~28A.525.160 through 28A.525.182~~)  
24 28A.525.162 through 28A.525.180 consultatory and advisory service in  
25 connection with the development of school building programs and the  
26 planning of school plant facilities.

27 **Sec. 317.** RCW 28A.525.178 and 1990 c 33 s 462 are each amended to  
28 read as follows:

29 (~~Whenever in the judgment of the state board of education~~) When  
30 economies may be (~~effected~~) affected without impairing the usefulness  
31 and adequacy of school buildings, (~~said board~~) the superintendent of  
32 public instruction, considering policy recommendations from the school  
33 facilities citizen advisory panel, may prescribe rules (~~and~~  
34 ~~regulations~~) and establish procedures governing the preparation and  
35 use of modifiable basic or standard plans for school building

1 construction projects for which state assistance funds provided by RCW  
2 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180 are  
3 allotted.

4 **Sec. 318.** RCW 28A.525.180 and 1990 c 33 s 463 are each amended to  
5 read as follows:

6 The total amount of funds appropriated under the provisions of RCW  
7 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180  
8 shall be reduced by the amount of federal funds made available during  
9 each biennium for school construction purposes under any applicable  
10 federal law. The funds appropriated by RCW (~~28A.525.160 through~~  
11 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 and available for  
12 allotment by the (~~state board of education~~) superintendent of public  
13 instruction shall be reduced by the amount of such federal funds made  
14 available. Notwithstanding the foregoing provisions of this section,  
15 the total amount of funds appropriated by RCW (~~28A.525.160 through~~  
16 ~~28A.525.182~~) 28A.525.162 through 28A.525.180 shall not be reduced by  
17 reason of any grants to any school district of federal moneys paid  
18 under Public Law No. 815 or any other federal act authorizing school  
19 building construction assistance to federally affected areas.

20 **Sec. 319.** RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each  
21 amended to read as follows:

22 The (~~state board of education~~) superintendent of public  
23 instruction, considering policy recommendations from the school  
24 facilities citizen advisory panel shall prioritize the construction of  
25 common school facilities only from funds appropriated and available in  
26 the common school construction fund.

27 **Sec. 320.** RCW 28A.525.200 and 1990 c 33 s 465 are each amended to  
28 read as follows:

29 Notwithstanding any other provision of RCW 28A.525.010 through  
30 28A.525.222, the allocation and distribution of funds by the (~~state~~  
31 ~~board of education which are now or may hereafter be appropriated~~)  
32 superintendent of public instruction, considering policy  
33 recommendations from the school facilities citizen advisory panel, for  
34 the purposes of providing assistance in the construction of school

1 plant facilities shall be governed by ((RCW 28A.525.010 through  
2 28A.525.080 and 28A.525.162 through 28A.525.178)) this chapter.

3 **Sec. 321.** RCW 28A.525.216 and 1990 c 33 s 467 are each amended to  
4 read as follows:

5 The proceeds from the sale of the bonds deposited under RCW  
6 28A.525.214 in the common school construction fund shall be  
7 administered by the ((state board of education)) superintendent of  
8 public instruction.

9 **Sec. 322.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to  
10 read as follows:

11 The basic education allocation for each annual average full time  
12 equivalent student shall be determined in accordance with the following  
13 procedures:

14 (1) The governor shall and the superintendent of public instruction  
15 may recommend to the legislature a formula based on a ratio of students  
16 to staff for the distribution of a basic education allocation for each  
17 annual average full time equivalent student enrolled in a common  
18 school. The distribution formula shall have the primary objective of  
19 equalizing educational opportunities and shall provide appropriate  
20 recognition of the following costs among the various districts within  
21 the state:

22 (a) Certificated instructional staff and their related costs;

23 (b) Certificated administrative staff and their related costs;

24 (c) Classified staff and their related costs;

25 (d) Nonsalary costs;

26 (e) Extraordinary costs, including school facilities, of remote and  
27 necessary schools as judged by the superintendent of public  
28 instruction, with recommendations from the school facilities citizen  
29 advisory panel under section 308 of this act, and small high schools,  
30 including costs of additional certificated and classified staff; and

31 (f) The attendance of students pursuant to RCW 28A.335.160 and  
32 28A.225.250 who do not reside within the servicing school district.

33 (2)(a) This formula for distribution of basic education funds shall  
34 be reviewed biennially by the superintendent and governor. The  
35 recommended formula shall be subject to approval, amendment or  
36 rejection by the legislature. The formula shall be for allocation

1 purposes only. While the legislature intends that the allocations for  
2 additional instructional staff be used to increase the ratio of such  
3 staff to students, nothing in this section shall require districts to  
4 reduce the number of administrative staff below existing levels.

5 (b) The formula adopted by the legislature shall reflect the  
6 following ratios at a minimum: (i) Forty-nine certificated  
7 instructional staff to one thousand annual average full time equivalent  
8 students enrolled in grades kindergarten through three; (ii) forty-six  
9 certificated instructional staff to one thousand annual average full  
10 time equivalent students in grades four through twelve; (iii) four  
11 certificated administrative staff to one thousand annual average full  
12 time equivalent students in grades kindergarten through twelve; and  
13 (iv) sixteen and sixty-seven one-hundredths classified personnel to one  
14 thousand annual average full time equivalent students enrolled in  
15 grades kindergarten through twelve.

16 (c) In the event the legislature rejects the distribution formula  
17 recommended by the governor, without adopting a new distribution  
18 formula, the distribution formula for the previous school year shall  
19 remain in effect: PROVIDED, That the distribution formula developed  
20 pursuant to this section shall be for state apportionment and  
21 equalization purposes only and shall not be construed as mandating  
22 specific operational functions of local school districts other than  
23 those program requirements identified in RCW 28A.150.220 and  
24 28A.150.100. The enrollment of any district shall be the annual  
25 average number of full time equivalent students and part time students  
26 as provided in RCW 28A.150.350, enrolled on the first school day of  
27 each month and shall exclude full time equivalent students with  
28 disabilities recognized for the purposes of allocation of state funds  
29 for programs under RCW 28A.155.010 through 28A.155.100. The definition  
30 of full time equivalent student shall be determined by rules of the  
31 superintendent of public instruction: PROVIDED, That the definition  
32 shall be included as part of the superintendent's biennial budget  
33 request: PROVIDED, FURTHER, That any revision of the present  
34 definition shall not take effect until approved by the house  
35 appropriations committee and the senate ways and means committee:  
36 PROVIDED, FURTHER, That the office of financial management shall make  
37 a monthly review of the superintendent's reported full time equivalent  
38 students in the common schools in conjunction with RCW 43.62.050.

1 (3)(a) Certificated instructional staff shall include those persons  
2 employed by a school district who are nonsupervisory employees within  
3 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,  
4 people of unusual competence but without certification may teach  
5 students so long as a certificated person exercises general  
6 supervision: PROVIDED, FURTHER, That the hiring of such classified  
7 people shall not occur during a labor dispute and such classified  
8 people shall not be hired to replace certificated employees during a  
9 labor dispute.

10 (b) Certificated administrative staff shall include all those  
11 persons who are chief executive officers, chief administrative  
12 officers, confidential employees, supervisors, principals, or assistant  
13 principals within the meaning of RCW 41.59.020(4).

14 **Sec. 323.** RCW 28A.335.160 and 1995 c 335 s 604 are each amended to  
15 read as follows:

16 Any school district may cooperate with one or more school districts  
17 in the joint financing, planning, construction, equipping and operating  
18 of any educational facility otherwise authorized by law: PROVIDED,  
19 That any cooperative financing plan involving the construction of  
20 school plant facilities must be approved by the (~~state board of~~  
21 ~~education~~) superintendent of public instruction, considering policy  
22 recommendations from the school facilities citizen advisory panel under  
23 section 308 of this act, pursuant to such rules (~~as may now or~~  
24 hereafter be promulgated) adopted relating to state approval of school  
25 construction.

26 **Sec. 324.** RCW 28A.540.050 and 1990 c 33 s 485 are each amended to  
27 read as follows:

28 Subsequent to the holding of a hearing or hearings as provided in  
29 RCW 28A.540.040, the regional committee on school district organization  
30 shall determine the nonhigh school districts to be included in the plan  
31 and the amount of capital funds to be provided by every school district  
32 included therein, and shall submit the proposed plan to the (~~state~~  
33 ~~board of education~~) superintendent of public instruction together with  
34 such maps and other materials pertaining thereto as the (~~state board~~)  
35 superintendent may require. The (~~state board~~) superintendent,  
36 considering policy recommendations from the school facilities citizen

1 advisory panel under section 308 of this act, shall review such plan,  
2 shall approve any plan which in ~~((its))~~ his or her judgment makes  
3 adequate and satisfactory provision for participation by the nonhigh  
4 school districts in providing capital funds to be used for the purpose  
5 above stated, and shall notify the regional committee of such action.  
6 Upon receipt by the regional committee of such notification, the  
7 educational service district superintendent, or his or her designee,  
8 shall notify the board of directors of each school district included in  
9 the plan, supplying each board with complete details of the plan and  
10 shall state the total amount of funds to be provided and the amount to  
11 be provided by each district.

12 If any such plan submitted by a regional committee is not approved  
13 by the ~~((state board))~~ superintendent of public instruction, the  
14 regional committee shall be so notified, which notification shall  
15 contain a statement of reasons therefor and suggestions for revision.  
16 Within sixty days thereafter the regional committee shall submit to the  
17 ~~((state board))~~ superintendent a revised plan which revision shall be  
18 subject to approval or disapproval by the ~~((state board))~~  
19 superintendent, considering policy recommendations from the school  
20 facilities citizen advisory panel, and the procedural requirements and  
21 provisions of law applicable to an original plan submitted to ~~((said~~  
22 ~~board))~~ the superintendent.

23 NEW SECTION. Sec. 325. A new section is added to chapter 28A.545  
24 RCW to read as follows:

25 The superintendent of public instruction, with recommendations from  
26 the school facilities citizen advisory panel under section 308 of this  
27 act, shall adopt rules governing the establishment in any existing  
28 nonhigh school district of any secondary program or any new grades in  
29 grades nine through twelve. Before any such program or any new grades  
30 are established, the district must obtain prior approval of the  
31 superintendent of public instruction.

32 Sec. 326. RCW 28A.150.530 and 2005 c 12 s 7 are each amended to  
33 read as follows:

34 (1) In adopting implementation rules, ~~((the state board of~~  
35 ~~education, in consultation with))~~ the superintendent of public  
36 instruction ~~((and))~~, in consultation with the department of general

1 administration, shall review and modify the current requirement for an  
2 energy conservation report review by the department of general  
3 administration as provided in WAC 180-27-075.

4 (2) In adopting implementation rules, (~~the state board of~~  
5 ~~education, in consultation with~~) the superintendent of public  
6 instruction shall:

7 (a) Review and modify the current requirements for value  
8 engineering, (~~constructability~~) constructibility review, and building  
9 commissioning as provided in WAC 180-27-080;

10 (b) Review private and public utility providers' capacity and  
11 financial/technical assistance programs for affected public school  
12 districts to monitor and report utility consumption for purposes of  
13 reporting to the superintendent of public instruction as provided in  
14 RCW 39.35D.040;

15 (c) Coordinate with the department of general administration, the  
16 state board of health, the department of ecology, federal agencies, and  
17 other affected agencies as appropriate in their consideration of rules  
18 to implement this section.

19 **Sec. 327.** RCW 28A.335.210 and 2005 c 36 s 1 are each amended to  
20 read as follows:

21 The (~~state board of education and~~) superintendent of public  
22 instruction shall allocate, as a nondeductible item, out of any moneys  
23 appropriated for state assistance to school districts for the original  
24 construction of any school plant facility the amount of one-half of one  
25 percent of the appropriation to be expended by the Washington state  
26 arts commission for the acquisition of works of art. The works of art  
27 may be placed in accordance with Article IX, sections 2 and 3 of the  
28 state Constitution on public lands, integral to or attached to a public  
29 building or structure, detached within or outside a public building or  
30 structure, part of a portable exhibition or collection, part of a  
31 temporary exhibition, or loaned or exhibited in other public  
32 facilities. The Washington state arts commission shall, in  
33 consultation with the superintendent of public instruction, determine  
34 the amount to be made available for the purchase of works of art under  
35 this section, and payments therefor shall be made in accordance with  
36 law. The designation of projects and sites, selection, contracting,  
37 purchase, commissioning, reviewing of design, execution and placement,

1 acceptance, maintenance, and sale, exchange, or disposition of works of  
2 art shall be the responsibility of the Washington state arts commission  
3 in consultation with the superintendent of public instruction and  
4 representatives of school district boards of directors. The  
5 superintendent of public instruction and the school district board of  
6 directors of the districts where the sites are selected shall have the  
7 right to:

8 (1) Waive its use of the one-half of one percent of the  
9 appropriation for the acquisition of works of art before the selection  
10 process by the Washington state arts commission;

11 (2) Appoint a representative to the body established by the  
12 Washington state arts commission to be part of the selection process  
13 with full voting rights;

14 (3) Reject the results of the selection process;

15 (4) Reject the placement of a completed work or works of art on  
16 school district premises if such works are portable.

17 Rejection at any point before or after the selection process shall  
18 not cause the loss of or otherwise endanger state construction funds  
19 available to the local school district. Any works of art rejected  
20 under this section shall be applied to the provision of works of art  
21 under this chapter, at the discretion of the Washington state arts  
22 commission, notwithstanding any contract or agreement between the  
23 affected school district and the artist involved. In addition to the  
24 cost of the works of art the one-half of one percent of the  
25 appropriation as provided (~~herein~~) in this section shall be used to  
26 provide for the administration, including conservation of the state art  
27 collection, by the Washington state arts commission and all costs for  
28 installation of the work of art. For the purpose of this section  
29 building shall not include sheds, warehouses, or other buildings of a  
30 temporary nature.

31 The executive director of the arts commission, the superintendent  
32 of public instruction, and the Washington state school directors  
33 association shall appoint a study group to review the operations of the  
34 one-half of one percent for works of art under this section.

35 **Sec. 328.** RCW 28A.335.230 and 1987 c 112 s 1 are each amended to  
36 read as follows:



1 School districts shall be required to lease for a reasonable fee  
2 vacant school plant facilities from a contiguous school district  
3 wherever possible.

4 No school district with unhoused students may be eligible for the  
5 state matching funds for the construction of school plant facilities  
6 if:

7 (1) The school district contiguous to the school district applying  
8 for the state matching percentage has vacant school plant facilities;

9 (2) The superintendent of public instruction (~~and the state board~~  
10 ~~of education have~~) has determined the vacant school plant facilities  
11 available in the contiguous district will fulfill the needs of the  
12 applicant district in housing unhoused students. In determining  
13 whether the contiguous district school plant facilities meet the needs  
14 of the applicant district, consideration shall be given, but not  
15 limited to the geographic location of the vacant facilities as they  
16 relate to the applicant district; and

17 (3) A lease of the vacant school plant facilities can be  
18 negotiated.

19 **Sec. 329.** RCW 28A.540.070 and 1990 c 33 s 486 are each amended to  
20 read as follows:

21 In the event that a proposal or proposals for providing capital  
22 funds as provided in RCW 28A.540.060 is not approved by the voters of  
23 a nonhigh school district a second election thereon shall be held  
24 within sixty days thereafter. If the vote of the electors of the  
25 nonhigh school district is again in the negative, the high school  
26 students residing therein shall not be entitled to admission to the  
27 high school under the provisions of RCW 28A.225.210, following the  
28 close of the school year during which the second election is held:  
29 PROVIDED, That in any such case the regional committee on school  
30 district organization shall determine within thirty days after the date  
31 of the aforesaid election the advisability of initiating a proposal for  
32 annexation of such nonhigh school district to the school district in  
33 which the proposed facilities are to be located or to some other  
34 district where its students can attend high school without undue  
35 inconvenience: PROVIDED FURTHER, That pending such determination by  
36 the regional committee and action thereon as required by law the board  
37 of directors of the high school district shall continue to admit high

1 school students residing in the nonhigh school district. Any proposal  
2 for annexation of a nonhigh school district initiated by a regional  
3 committee shall be subject to the procedural requirements of this  
4 chapter respecting a public hearing and submission to and approval by  
5 the (~~state board of education~~) superintendent of public instruction,  
6 considering policy recommendations from the school facilities citizen  
7 advisory panel under section 308 of this act. Upon approval by the  
8 (~~state board~~) superintendent of public instruction of any such  
9 proposal, the educational service district superintendent shall make an  
10 order, establishing the annexation.

11 **Sec. 330.** RCW 39.35D.020 and 2005 c 12 s 2 are each amended to  
12 read as follows:

13 The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

15 (1) "Department" means the department of general administration.

16 (2) "High-performance public buildings" means high-performance  
17 public buildings designed, constructed, and certified to a standard as  
18 identified in this chapter.

19 (3) "Institutions of higher education" means the state  
20 universities, the regional universities, The Evergreen State College,  
21 the community colleges, and the technical colleges.

22 (4) "LEED silver standard" means the United States green building  
23 council leadership in energy and environmental design green building  
24 rating standard, referred to as silver standard.

25 (5)(a) "Major facility project" means: (i) A construction project  
26 larger than five thousand gross square feet of occupied or conditioned  
27 space as defined in the Washington state energy code; or (ii) a  
28 building renovation project when the cost is greater than fifty percent  
29 of the assessed value and the project is larger than five thousand  
30 gross square feet of occupied or conditioned space as defined in the  
31 Washington state energy code.

32 (b) "Major facility project" does not include: (i) Projects for  
33 which the department, public school district, or other applicable  
34 agency and the design team determine the LEED silver standard or the  
35 Washington sustainable school design protocol to be not practicable; or  
36 (ii) transmitter buildings, pumping stations, hospitals, research  
37 facilities primarily used for sponsored laboratory experimentation,

1 laboratory research, or laboratory training in research methods, or  
2 other similar building types as determined by the department. When the  
3 LEED silver standard is determined to be not practicable for a project,  
4 then it must be determined if any LEED standard is practicable for the  
5 project. If LEED standards or the Washington sustainable school design  
6 protocol are not followed for the project, the public school district  
7 or public agency shall report these reasons to the department.

8 (6) "Public agency" means every state office, officer, board,  
9 commission, committee, bureau, department, and public higher education  
10 institution.

11 (7) "Public school district" means a school district eligible to  
12 receive state basic education moneys pursuant to RCW 28A.150.250 and  
13 28A.150.260.

14 (8) "Washington sustainable school design protocol" means the  
15 school design protocol and related information developed by the (~~state~~  
16 ~~board of education and the~~) office of the superintendent of public  
17 instruction, in conjunction with school districts and the school  
18 facilities advisory board.

19 **Sec. 331.** RCW 39.35D.040 and 2005 c 12 s 4 are each amended to  
20 read as follows:

21 (1) All major facility projects of public school districts  
22 receiving any funding in a state capital budget must be designed and  
23 constructed to at least the LEED silver standard or the Washington  
24 sustainable school design protocol. To the extent appropriate LEED  
25 silver or Washington sustainable school design protocol standards exist  
26 for the type of building or facility, this subsection applies to major  
27 facility projects that have not received project approval from the  
28 superintendent of public instruction prior to: (a) July 1, 2006, for  
29 volunteering school districts; (b) July 1, 2007, for class one school  
30 districts; and (c) July 1, 2008, for class two school districts.

31 (2) Public school districts under this section shall: (a) Monitor  
32 and document appropriate operating benefits and savings resulting from  
33 major facility projects designed and constructed as required under this  
34 section for a minimum of five years following local board acceptance of  
35 a project receiving state funding; and (b) report annually to the  
36 superintendent of public instruction. The form and content of each

1 report must be mutually developed by the office of the superintendent  
2 of public instruction in consultation with school districts.

3 (3) The superintendent of public instruction shall consolidate the  
4 reports required in subsection (2) of this section into one report and  
5 report to the governor and legislature by September 1st of each even-  
6 numbered year beginning in 2006 and ending in 2016. In its report, the  
7 superintendent of public instruction shall also report on the  
8 implementation of this chapter, including reasons why the LEED standard  
9 or Washington sustainable school design protocol was not used as  
10 required by RCW 39.35D.020(5)(b). The superintendent of public  
11 instruction shall make recommendations regarding the ongoing  
12 implementation of this chapter, including a discussion of incentives  
13 and disincentives related to implementing this chapter.

14 (4) The (~~state board of education, in consultation with the~~)  
15 superintendent of public instruction(~~(7)~~) shall develop and issue  
16 guidelines for administering this chapter for public school districts.  
17 The purpose of the guidelines is to define a procedure and method for  
18 employing and verifying compliance with the LEED silver standard or the  
19 Washington sustainable school design protocol.

20 (5) The superintendent of public instruction shall utilize the  
21 school facilities advisory board as a high-performance buildings  
22 advisory committee comprised of affected public schools, (~~the state~~  
23 ~~board of education,~~) the superintendent of public instruction, the  
24 department, and others at the superintendent of public instruction's  
25 discretion to provide advice on implementing this chapter. Among other  
26 duties, the advisory committee shall make recommendations regarding an  
27 education and training process and an ongoing evaluation or feedback  
28 process to help the superintendent of public instruction (~~and the~~  
29 ~~state board of education~~) implement this chapter.

30 **Sec. 332.** RCW 39.35D.060 and 2005 c 12 s 6 are each amended to  
31 read as follows:

32 (1)(a) The department, in consultation with affected public  
33 agencies, shall develop and issue guidelines for administering this  
34 chapter for public agencies. The purpose of the guidelines is to  
35 define a procedure and method for employing and verifying activities  
36 necessary for certification to at least the LEED silver standard for  
37 major facility projects.

1 (b) The department and the office of the superintendent of public  
2 instruction shall amend their fee schedules for architectural and  
3 engineering services to accommodate the requirements in the design of  
4 major facility projects under this chapter.

5 (c) The department and the office of the superintendent of public  
6 instruction shall procure architecture and engineering services  
7 consistent with chapter 39.80 RCW.

8 (d) Major facility projects designed to meet standards identified  
9 in this chapter must include building commissioning as a critical cost-  
10 saving part of the construction process. This process includes input  
11 from the project design and construction teams and the project  
12 ownership representatives.

13 (e) As provided in the request for proposals for construction  
14 services, the operating agency shall hold a preproposal conference for  
15 prospective bidders to discuss compliance with and achievement of  
16 standards identified in this chapter for prospective respondents.

17 (2) The department shall create a high-performance buildings  
18 advisory committee comprised of representatives from the design and  
19 construction industry involved in public works contracting, personnel  
20 from the affected public agencies responsible for overseeing public  
21 works projects, (~~the state board of education,~~) the office of the  
22 superintendent of public instruction, and others at the department's  
23 discretion to provide advice on implementing this chapter. Among other  
24 duties, the advisory committee shall make recommendations regarding an  
25 education and training process and an ongoing evaluation or feedback  
26 process to help the department implement this chapter.

27 (3) The department and the (~~state board of education~~) office of  
28 the superintendent of public instruction shall adopt rules to implement  
29 this section.

30 **Sec. 333.** RCW 79.17.100 and 2003 c 334 s 322 are each amended to  
31 read as follows:

32 Except as otherwise provided in RCW 79.17.110, upon the application  
33 of a school district or any institution of higher education for the  
34 purchase or lease of lands granted to the state by the United States,  
35 the department may offer such land for sale or lease to such school  
36 district or institution of higher education in such acreage as it may  
37 determine, consideration being given upon application of a school

1 district to school site criteria established by the (~~state board of~~  
2 ~~education~~) superintendent of public instruction. However, in the  
3 event the department thereafter proposes to offer such land for sale or  
4 lease at public auction, such school district or institution of higher  
5 education shall have a preference right for six months from notice of  
6 such proposal to purchase or lease such land at the appraised value  
7 determined by the board.

8 **Sec. 334.** RCW 79.17.120 and 2003 c 334 s 438 are each amended to  
9 read as follows:

10 The purchases authorized under RCW 79.17.110 shall be classified as  
11 for the construction of common school plant facilities under RCW  
12 28A.525.010 through 28A.525.222 and shall be payable out of the common  
13 school construction fund as otherwise provided for in RCW 28A.515.320  
14 if the school district involved was under emergency school construction  
15 classification as established by the (~~state board of education~~)  
16 superintendent of public instruction at any time during the period of  
17 its lease of state lands.

18 NEW SECTION. **Sec. 335.** The following sections are each  
19 decodified:

- 20 RCW 28A.525.120
- 21 RCW 28A.525.122
- 22 RCW 28A.525.124
- 23 RCW 28A.525.126
- 24 RCW 28A.525.128
- 25 RCW 28A.525.130
- 26 RCW 28A.525.132
- 27 RCW 28A.525.134
- 28 RCW 28A.525.140
- 29 RCW 28A.525.142
- 30 RCW 28A.525.144
- 31 RCW 28A.525.146
- 32 RCW 28A.525.148
- 33 RCW 28A.525.150
- 34 RCW 28A.525.152
- 35 RCW 28A.525.154
- 36 RCW 28A.525.156

1 RCW 28A.525.158  
2 RCW 28A.525.160  
3 RCW 28A.525.182

4 **PART 4**

5 **COURSES OF STUDY AND EDUCATIONAL PROGRAMS**

6 **Sec. 401.** RCW 28A.305.220 and 2004 c 19 s 108 are each amended to  
7 read as follows:

8 (1) The (~~state board of education~~) superintendent of public  
9 instruction, in consultation with the higher education coordinating  
10 board, the state board for community and technical colleges, and the  
11 work force training and education coordinating board, shall develop for  
12 use by all public school districts a standardized high school  
13 transcript. The (~~state board of education~~) superintendent shall  
14 establish clear definitions for the terms "credits" and "hours" so that  
15 school programs operating on the quarter, semester, or trimester system  
16 can be compared.

17 (2) The standardized high school transcript shall include the  
18 following information:

19 (a) The highest scale score and level achieved in each content area  
20 on the high school Washington assessment of student learning or other  
21 high school measures successfully completed by the student as provided  
22 by RCW 28A.655.061 and 28A.155.045;

23 (b) All scholar designations as provided by RCW 28A.655.061;

24 (c) A notation of whether the student has earned a certificate of  
25 individual achievement or a certificate of academic achievement by  
26 means of the Washington assessment of student learning or by an  
27 alternative assessment.

28 (3) Transcripts are important documents to students who will apply  
29 for admission to postsecondary institutions of higher education.  
30 Transcripts are also important to students who will seek employment  
31 upon or prior to graduation from high school. It is recognized that  
32 student transcripts may be the only record available to employers in  
33 their decision-making processes regarding prospective employees. The  
34 superintendent of public instruction shall require school districts to  
35 inform annually all high school students that prospective employers may

1 request to see transcripts and that the prospective employee's decision  
2 to release transcripts can be an important part of the process of  
3 applying for employment.

4 **Sec. 402.** RCW 28A.230.100 and 1991 c 116 s 8 are each amended to  
5 read as follows:

6 The (~~state board of education~~) superintendent of public  
7 instruction, in consultation with the higher education coordinating  
8 board, the state board for community and technical colleges, and the  
9 work force training and education coordinating board, shall adopt rules  
10 pursuant to chapter 34.05 RCW, to implement the course requirements set  
11 forth in RCW 28A.230.090. The rules shall include, as the (~~state~~  
12 ~~board~~) superintendent deems necessary, granting equivalencies for and  
13 temporary exemptions from the course requirements in RCW 28A.230.090  
14 and special alterations of the course requirements in RCW 28A.230.090.  
15 In developing such rules the (~~state board~~) superintendent shall  
16 recognize the relevance of vocational and applied courses and allow  
17 such courses to fulfill in whole or in part the courses required for  
18 graduation in RCW 28A.230.090. The rules may include provisions for  
19 competency testing in lieu of such courses required for graduation in  
20 RCW 28A.230.090 or demonstration of specific skill proficiency or  
21 understanding of concepts through work or experience.

22 **Sec. 403.** RCW 28A.230.170 and 1985 c 341 s 1 are each amended to  
23 read as follows:

24 The study of the Constitution of the United States and the  
25 Constitution of the state of Washington shall be a condition  
26 prerequisite to graduation from the public and private high schools of  
27 this state. The (~~state board of education acting upon the advice of~~  
28 ~~the~~) superintendent of public instruction shall provide by rule (~~or~~  
29 ~~regulation~~) for the implementation of this section.

30 NEW SECTION. **Sec. 404.** The state board of education, in  
31 consultation with the state board for community and technical colleges,  
32 shall examine the statutory authority, rules, and jurisdiction between  
33 the K-12 and postsecondary education systems regarding the general  
34 educational development test and adult education. The board shall make



1 recommendations for change or clarification to the education committees  
2 of the legislature by January 15, 2007.

3 NEW SECTION. **Sec. 405.** (1) The state board of education shall  
4 develop and propose a revised definition of the purpose and  
5 expectations for high school diplomas issued by public schools in  
6 Washington state. The revised definition shall address whether  
7 attainment of a high school diploma is intended to signify that a  
8 student is ready for success in college, ready for successful and  
9 gainful employment in the workplace, or some combination of these and  
10 other objectives. The revised definition shall focus on the knowledge,  
11 skills, and abilities that students are expected to demonstrate to  
12 receive a high school diploma, as well as the various methods to be  
13 used to measure student performance, rather than focusing on courses,  
14 credits, seat time, and test scores.

15 (2) In developing the revised definition of the high school  
16 diploma, the state board of education shall consult with educators,  
17 parents, institutions of higher education, employers, and community  
18 leaders. The board shall also work with the state board for community  
19 and technical colleges, the higher education coordinating board, and  
20 the work force training and education coordinating board.

21 (3) The state board of education shall submit the proposed revised  
22 definition of the high school diploma, along with any necessary  
23 revisions to state statutes and rules, to the education committees of  
24 the legislature by December 1, 2007.

25 **Sec. 406.** RCW 28A.305.170 and 2002 c 291 s 3 are each amended to  
26 read as follows:

27 (1) In addition to any other powers and duties as provided by law,  
28 the ((~~state board of education~~)) superintendent of public instruction,  
29 in consultation with the military department, shall adopt rules  
30 governing and authorizing the acceptance of national guard high school  
31 career training and the national guard youth challenge program in lieu  
32 of either required high school credits or elective high school credits.

33 (2) With the exception of students enrolled in the national guard  
34 youth challenge program, students enrolled in such national guard  
35 programs shall be considered enrolled in the common school last  
36 attended preceding enrollment in such national guard program.

1           (3) The ((board)) superintendent shall adopt rules to ensure that  
2 students who successfully complete the national guard youth challenge  
3 program are granted an appropriate number of high school credits, based  
4 on the students' levels of academic proficiency as measured by the  
5 program.

6           **Sec. 407.** RCW 28A.230.130 and 2003 c 49 s 2 are each amended to  
7 read as follows:

8           (1) All public high schools of the state shall provide a program,  
9 directly or in cooperation with a community college or another school  
10 district, for students whose educational plans include application for  
11 entrance to a baccalaureate-granting institution after being granted a  
12 high school diploma. The program shall help these students to meet at  
13 least the minimum entrance requirements under RCW 28B.10.050.

14           (2) All public high schools of the state shall provide a program,  
15 directly or in cooperation with a community or technical college, a  
16 skills center, an apprenticeship committee, or another school district,  
17 for students who plan to pursue career or work opportunities other than  
18 entrance to a baccalaureate-granting institution after being granted a  
19 high school diploma. These programs may:

20           (a) Help students demonstrate the application of essential academic  
21 learning requirements to the world of work, occupation-specific skills,  
22 knowledge of more than one career in a chosen pathway, and  
23 employability and leadership skills; and

24           (b) Help students demonstrate the knowledge and skill needed to  
25 prepare for industry certification, and/or have the opportunity to  
26 articulate to postsecondary education and training programs.

27           ~~((3) The state board of education, upon request from local school  
28 districts, may grant waivers from the requirements to provide the  
29 program described in subsections (1) and (2) of this section for  
30 reasons relating to school district size and the availability of staff  
31 authorized to teach subjects which must be provided. In considering  
32 waiver requests related to programs in subsection (2) of this section,  
33 the state board of education shall consider the extent to which the  
34 school district has offered such programs before the 2003-04 school  
35 year.))~~

1       **Sec. 408.** RCW 28A.205.010 and 2005 c 497 s 214 are each amended to  
2 read as follows:

3       (1) As used in this chapter, unless the context thereof shall  
4 clearly indicate to the contrary:

5       "Education center" means any private school operated on a profit or  
6 nonprofit basis which does the following:

7       (a) Is devoted to the teaching of basic academic skills, including  
8 specific attention to improvement of student motivation for achieving,  
9 and employment orientation.

10       (b) Operates on a clinical, client centered basis. This shall  
11 include, but not be limited to, performing diagnosis of individual  
12 educational abilities, determination and setting of individual goals,  
13 prescribing and providing individual courses of instruction therefor,  
14 and evaluation of each individual client's progress in his or her  
15 educational program.

16       (c) Conducts courses of instruction by professionally trained  
17 personnel certificated by the Washington professional educator  
18 standards board according to rules adopted for the purposes of this  
19 chapter and providing, for certification purposes, that a year's  
20 teaching experience in an education center shall be deemed equal to a  
21 year's teaching experience in a common or private school.

22       (2) For purposes of this chapter, basic academic skills shall  
23 include the study of mathematics, speech, language, reading and  
24 composition, science, history, literature and political science or  
25 civics; it shall not include courses of a vocational training nature  
26 and shall not include courses deemed nonessential to the accrediting  
27 (~~of the common schools~~) or the approval of private schools under RCW  
28 28A.305.130.

29       (3) The (~~state board of education~~) superintendent of public  
30 instruction shall certify an education center only upon application and  
31 (a) determination that such school comes within the definition thereof  
32 as set forth in subsection (1) of this section and (b) demonstration on  
33 the basis of actual educational performance of such applicants'  
34 students which shows after consideration of their students'  
35 backgrounds, educational gains that are a direct result of the  
36 applicants' educational program. Such certification may be withdrawn  
37 if the (~~board~~) superintendent finds that a center fails to provide  
38 adequate instruction in basic academic skills. No education center

1 certified by the (~~state board of education~~) superintendent of public  
2 instruction pursuant to this section shall be deemed a common school  
3 under RCW 28A.150.020 or a private school for the purposes of RCW  
4 28A.195.010 through 28A.195.050.

5 **Sec. 409.** RCW 28A.205.070 and 1993 c 211 s 6 are each amended to  
6 read as follows:

7 In allocating funds appropriated for education centers, the  
8 superintendent of public instruction shall:

9 (1) Place priority upon stability and adequacy of funding for  
10 education centers that have demonstrated superior performance as  
11 defined in RCW 28A.205.040(2).

12 (2) Initiate and maintain a competitive review process to select  
13 new or expanded center programs in unserved or underserved areas. The  
14 criteria for review of competitive proposals for new or expanded  
15 education center services shall include but not be limited to:

16 (a) The proposing organization shall have obtained certification  
17 from the (~~state board of education~~) superintendent of public  
18 instruction as provided in RCW 28A.205.010;

19 (b) The cost-effectiveness of the proposal; and

20 (c) The availability of committed nonstate funds to support,  
21 enrich, or otherwise enhance the basic program.

22 (3) In selecting areas for new or expanded education center  
23 programs, the superintendent of public instruction shall consider  
24 factors including but not limited to:

25 (a) The proportion and total number of dropouts unserved by  
26 existing center programs, if any;

27 (b) The availability within the geographic area of programs other  
28 than education centers which address the basic educational needs of  
29 dropouts; and

30 (c) Waiting lists or other evidence of demand for expanded  
31 education center programs.

32 (4) In the event of any curtailment of services resulting from  
33 lowered legislative appropriations, the superintendent of public  
34 instruction shall issue pro rata reductions to all centers funded at  
35 the time of the lowered appropriation. Individual centers may be  
36 exempted from such pro rata reductions if the superintendent finds that  
37 such reductions would impair the center's ability to operate at

1 minimally acceptable levels of service. In the event of such  
2 exceptions, the superintendent shall determine an appropriate rate for  
3 reduction to permit the center to continue operation.

4 (5) In the event that an additional center or centers become  
5 certified and apply to the superintendent for funds to be allocated  
6 from a legislative appropriation which does not increase from the  
7 immediately preceding biennium, or does not increase sufficiently to  
8 allow such additional center or centers to operate at minimally  
9 acceptable levels of service without reducing the funds available to  
10 previously funded centers, the superintendent shall not provide funding  
11 for such additional center or centers from such appropriation.

12 **Sec. 410.** RCW 28A.215.010 and 1995 c 335 s 104 are each amended to  
13 read as follows:

14 The board of directors of any school district shall have the power  
15 to establish and maintain preschools and to provide before-and-after-  
16 school and vacation care in connection with the common schools of said  
17 district located at such points as the board shall deem most suitable  
18 for the convenience of the public, for the care and instruction of  
19 infants and children residing in said district. The board shall  
20 establish such courses, activities, rules, and regulations governing  
21 preschools and before-and-after-school care as it may deem best:  
22 PROVIDED, That these courses and activities shall meet the minimum  
23 standard for such preschools as established by the United States  
24 department of health, education and welfare, or its successor agency,  
25 and the (~~state board of education~~) superintendent of public  
26 instruction. Except as otherwise provided by state or federal law, the  
27 board of directors may fix a reasonable charge for the care and  
28 instruction of children attending such schools. The board may, if  
29 necessary, supplement such funds as are received for the superintendent  
30 of public instruction or any agency of the federal government, by an  
31 appropriation from the general school fund of the district.

32 **Sec. 411.** RCW 28A.215.020 and 1995 c 335 s 308 are each amended to  
33 read as follows:

34 Expenditures under federal funds and/or state appropriations made  
35 to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall  
36 be made by warrants issued by the state treasurer upon order of the

1 superintendent of public instruction. The (~~state board of education~~)  
2 superintendent of public instruction shall make necessary rules (~~and~~  
3 ~~regulations~~) to carry out the purpose of RCW 28A.215.010. After being  
4 notified by the office of the governor that there is an agency or  
5 department responsible for early learning, the superintendent shall  
6 consult with that agency when establishing relevant rules.

7 **Sec. 412.** RCW 28A.205.040 and 1999 c 348 s 4 are each amended to  
8 read as follows:

9 (1)(a) From funds appropriated for that purpose, the superintendent  
10 of public instruction shall pay fees to a certified center on a monthly  
11 basis for each student enrolled in compliance with RCW 28A.205.020.  
12 The superintendent shall set fees by rule.

13 (b) Revisions in such fees proposed by an education center shall  
14 become effective after thirty days notice unless the superintendent  
15 finds such a revision is unreasonable in which case the revision shall  
16 not take effect. (~~An education center may, within fifteen days after~~  
17 ~~such a finding by the superintendent, file notification of appeal with~~  
18 ~~the state board of education which shall, no later than its second~~  
19 ~~regularly scheduled meeting following notification of such appeal,~~  
20 ~~either grant or deny the proposed revision.)) The administration of  
21 any general education development test shall not be a part of such  
22 initial diagnostic procedure.~~

23 (c) Reimbursements shall not be made for students who are absent.

24 (d) No center shall make any charge to any student, or the  
25 student's parent, guardian or custodian, for whom a fee is being  
26 received under the provisions of this section.

27 (2) Payments shall be made from available funds first to those  
28 centers that have in the judgment of the superintendent demonstrated  
29 superior performance based upon consideration of students' educational  
30 gains taking into account such students' backgrounds, and upon  
31 consideration of cost effectiveness. In considering the cost  
32 effectiveness of nonprofit centers the superintendent shall take into  
33 account not only payments made under this section but also factors such  
34 as tax exemptions, direct and indirect subsidies or any other cost to  
35 taxpayers at any level of government which result from such nonprofit  
36 status.

1 (3) To be eligible for such payment, every such center, without  
2 prior notice, shall permit a review of its accounting records by  
3 personnel of the state auditor during normal business hours.

4 (4) If total funds for this purpose approach depletion, the  
5 superintendent shall notify the centers of the date after which further  
6 funds for reimbursement of the centers' services will be exhausted.

7 **Sec. 413.** RCW 28A.215.140 and 1988 c 174 s 5 are each amended to  
8 read as follows:

9 The department shall establish an advisory committee composed of  
10 interested parents and representatives from (~~the state board of~~  
11 ~~education,~~) the office of the superintendent of public instruction,  
12 the division of children and family services within the department of  
13 social and health services, early childhood education and development  
14 staff preparation programs, the head start programs, school districts,  
15 and such other community and business organizations as deemed necessary  
16 by the department to assist with the establishment of the preschool  
17 program and advise the department on matters regarding the on-going  
18 promotion and operation of the program.

19 **Sec. 414.** RCW 28A.230.020 and 1991 c 116 s 6 are each amended to  
20 read as follows:

21 All common schools shall give instruction in reading, penmanship,  
22 orthography, written and mental arithmetic, geography, the history of  
23 the United States, English grammar, physiology and hygiene with special  
24 reference to the effects of alcohol and drug abuse on the human system,  
25 science with special reference to the environment, and such other  
26 studies as may be prescribed by rule (~~or regulation~~) of the (~~state~~  
27 ~~board of education~~) superintendent of public instruction. All  
28 teachers shall stress the importance of the cultivation of manners, the  
29 fundamental principles of honesty, honor, industry and economy, the  
30 minimum requisites for good health including the beneficial effect of  
31 physical exercise and methods to prevent exposure to and transmission  
32 of sexually transmitted diseases, and the worth of kindness to all  
33 living creatures and the land. The prevention of child abuse may be  
34 offered as part of the curriculum in the common schools.

1       **Sec. 415.** RCW 28A.230.040 and 1984 c 52 s 1 are each amended to  
2 read as follows:

3       Every pupil attending grades one through eight of the public  
4 schools shall receive instruction in physical education as prescribed  
5 by rule (~~(or regulation)~~) of the (~~(state board of education)~~)  
6 superintendent of public instruction: PROVIDED, That individual pupils  
7 or students may be excused on account of physical disability, religious  
8 belief, or participation in directed athletics.

9       **Sec. 416.** RCW 28A.230.050 and 1985 c 384 s 3 are each amended to  
10 read as follows:

11       All high schools of the state shall emphasize the work of physical  
12 education, and carry into effect all physical education requirements  
13 established by rule (~~(or regulation)~~) of the (~~(state board of~~  
14 ~~education)~~) superintendent of public instruction: PROVIDED, That  
15 individual students may be excused from participating in physical  
16 education otherwise required under this section on account of physical  
17 disability, employment, or religious belief, or because of  
18 participation in directed athletics or military science and tactics or  
19 for other good cause.

20       **Sec. 417.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22  
21 are each reenacted and amended to read as follows:

22       Every board of directors of a school district of the first class,  
23 in addition to the general powers for directors enumerated in this  
24 title, shall have the power:

25       (1) To employ for a term of not exceeding three years a  
26 superintendent of schools of the district, and for cause to dismiss him  
27 or her(~~(+)~~), and to fix his or her duties and compensation(~~(-)~~);

28       (2) To employ, and for cause dismiss one or more assistant  
29 superintendents and to define their duties and fix their  
30 compensation(~~(-)~~);

31       (3) To employ a business manager, attorneys, architects, inspectors  
32 of construction, superintendents of buildings and a superintendent of  
33 supplies, all of whom shall serve at the board's pleasure, and to  
34 prescribe their duties and fix their compensation(~~(-)~~);

35       (4) To employ, and for cause dismiss, supervisors of instruction  
36 and to define their duties and fix their compensation(~~(-)~~);



1 (5) To prescribe a course of study and a program of exercises which  
2 shall be consistent with the course of study prepared by the (~~state~~  
3 ~~board of education~~) superintendent of public instruction for the use  
4 of the common schools of this state((~~-~~));i

5 (6) To, in addition to the minimum requirements imposed by this  
6 title establish and maintain such grades and departments, including  
7 night, high, kindergarten, vocational training and, except as otherwise  
8 provided by law, industrial schools, and schools and departments for  
9 the education and training of any class or classes of youth with  
10 disabilities, as in the judgment of the board, best shall promote the  
11 interests of education in the district((~~-~~));i

12 (7) To determine the length of time over and above one hundred  
13 eighty days that school shall be maintained: PROVIDED, That for  
14 purposes of apportionment no district shall be credited with more than  
15 one hundred and eighty-three days' attendance in any school year; and  
16 to fix the time for annual opening and closing of schools and for the  
17 daily dismissal of pupils before the regular time for closing  
18 schools((~~-~~));i

19 (8) To maintain a shop and repair department, and to employ, and  
20 for cause dismiss, a foreman and the necessary help for the maintenance  
21 and conduct thereof((~~-~~));i

22 (9) To provide free textbooks and supplies for all children  
23 attending school((~~-~~));i

24 (10) To require of the officers or employees of the district to  
25 give a bond for the honest performance of their duties in such penal  
26 sum as may be fixed by the board with good and sufficient surety, and  
27 to cause the premium for all bonds required of all such officers or  
28 employees to be paid by the district: PROVIDED, That the board may, by  
29 written policy, allow that such bonds may include a deductible proviso  
30 not to exceed two percent of the officer's or employee's annual  
31 salary((~~-~~));i

32 (11) To prohibit all secret fraternities and sororities among the  
33 students in any of the schools of the said districts((~~-~~));i and

34 (12) To appoint a practicing physician, resident of the school  
35 district, who shall be known as the school district medical inspector,  
36 and whose duty it shall be to decide for the board of directors all  
37 questions of sanitation and health affecting the safety and welfare of

1 the public schools of the district who shall serve at the board's  
2 pleasure: PROVIDED, That children shall not be required to submit to  
3 vaccination against the will of their parents or guardian.

4 NEW SECTION. **Sec. 418.** RCW 28A.305.220 is recodified as a new  
5 section in chapter 28A.230 RCW.

6 NEW SECTION. **Sec. 419.** RCW 28A.305.170 is recodified as a new  
7 section in chapter 28A.300 RCW.

8 **PART 5**  
9 **SCHOOL DISTRICT BOUNDARIES**

10 **Sec. 501.** RCW 28A.315.175 and 1999 c 315 s 302 are each amended to  
11 read as follows:

12 ~~((The powers and duties of the state board with respect to this~~  
13 ~~chapter shall be)) The superintendent of public instruction shall:~~

14 (1) ~~((To))~~ Aid regional committees in the performance of their  
15 duties by furnishing them with plans of procedure, standards, data,  
16 maps, forms, and other necessary materials and services essential to a  
17 study and understanding of the problems of school district organization  
18 in their respective educational service districts((-)); and

19 (2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out  
20 powers and duties of the superintendent of public instruction relating  
21 to the organization and reorganization of school districts.

22 **Sec. 502.** RCW 28A.315.195 and 2003 c 413 s 2 are each amended to  
23 read as follows:

24 (1) A proposed change in school district organization by transfer  
25 of territory from one school district to another may be initiated by a  
26 petition in writing presented to the educational service district  
27 superintendent:

28 (a) Signed by at least fifty percent plus one of the active  
29 registered voters residing in the territory proposed to be transferred;  
30 or

31 (b) Signed by a majority of the members of the board of directors  
32 of one of the districts affected by a proposed transfer of territory.

1 (2) The petition shall state the name and number of each district  
2 affected, describe the boundaries of the territory proposed to be  
3 transferred, and state the reasons for desiring the change and the  
4 number of children of school age, if any, residing in the territory.

5 (3) The educational service district superintendent shall not  
6 complete any transfer of territory under this section that involves ten  
7 percent or more of the common school student population of the entire  
8 district from which the transfer is proposed, unless the educational  
9 service district superintendent has first called and held a special  
10 election of the voters of the entire school district from which the  
11 transfer of territory is proposed. The purpose of the election is to  
12 afford those voters an opportunity to approve or reject the proposed  
13 transfer. A simple majority shall determine approval or rejection.

14 (4) The (~~state board~~) superintendent of public instruction may  
15 establish rules limiting the frequency of petitions that may be filed  
16 pertaining to territory included in whole or in part in a previous  
17 petition.

18 (5) Upon receipt of the petition, the educational service district  
19 superintendent shall notify in writing the affected districts that:

20 (a) Each school district board of directors, whether or not  
21 initiating a proposed transfer of territory, is required to enter into  
22 negotiations with the affected district or districts;

23 (b) In the case of a citizen-initiated petition, the affected  
24 districts must negotiate on the entire proposed transfer of territory;

25 (c) The districts have ninety calendar days in which to agree to  
26 the proposed transfer of territory;

27 (d) The districts may request and shall be granted by the  
28 educational service district superintendent one thirty-day extension to  
29 try to reach agreement; and

30 (e) Any district involved in the negotiations may at any time  
31 during the ninety-day period notify the educational service district  
32 superintendent in writing that agreement will not be possible.

33 (6) If the negotiating school boards cannot come to agreement about  
34 the proposed transfer of territory, the educational service district  
35 superintendent, if requested by the affected districts, shall appoint  
36 a mediator. The mediator has thirty days to work with the affected  
37 school districts to see if an agreement can be reached on the proposed  
38 transfer of territory.

1 (7) If the affected school districts cannot come to agreement about  
2 the proposed transfer of territory, and the districts do not request  
3 the services of a mediator or the mediator was unable to bring the  
4 districts to agreement, either district may file with the educational  
5 service district superintendent a written request for a hearing by the  
6 regional committee.

7 (8) If the affected school districts cannot come to agreement about  
8 the proposed transfer of territory initiated by citizen petition, and  
9 the districts do not request the services of a mediator or the mediator  
10 was unable to bring the districts to agreement, the district in which  
11 the citizens who filed the petition reside shall file with the  
12 educational service district superintendent a written request for a  
13 hearing by the regional committee, unless a majority of the citizen  
14 petitioners request otherwise.

15 (9) Upon receipt of a notice under subsection (7) or (8) of this  
16 section, the educational service district superintendent shall notify  
17 the chair of the regional committee in writing within ten days.

18 (10) Costs incurred by school districts under this section shall be  
19 reimbursed by the state from such funds as are appropriated for this  
20 purpose.

21 **Sec. 503.** RCW 28A.315.205 and 2003 c 413 s 1 are each amended to  
22 read as follows:

23 (1) The chair of the regional committee shall schedule a hearing on  
24 the proposed transfer of territory at a location in the educational  
25 service district within sixty calendar days of being notified under RCW  
26 28A.315.195 (7) or (8).

27 (2) Within thirty calendar days of the hearing under subsection (1)  
28 of this section, or final hearing if more than one is held by the  
29 committee, the committee shall issue its written findings and decision  
30 to approve or disapprove the proposed transfer of territory. The  
31 educational service district superintendent shall transmit a copy of  
32 the committee's decision to the superintendents of the affected school  
33 districts within ten calendar days.

34 (3) In carrying out the purposes of RCW 28A.315.015 and in making  
35 decisions as authorized under RCW 28A.315.095(1), the regional  
36 committee shall base its judgment upon whether and to the extent the

1 proposed change in school district organization complies with RCW  
2 28A.315.015(2) and rules adopted by the (~~state board~~) superintendent  
3 of public instruction under chapter 34.05 RCW.

4 (4) (~~State board~~) The rules under subsection (3) of this section  
5 shall provide for giving consideration to all of the following:

6 (a) Student educational opportunities as measured by the percentage  
7 of students performing at each level of the statewide mandated  
8 assessments and data regarding student attendance, graduation, and  
9 dropout rates;

10 (b) The safety and welfare of pupils. For the purposes of this  
11 subsection, "safety" means freedom or protection from danger, injury,  
12 or damage and "welfare" means a positive condition or influence  
13 regarding health, character, and well-being;

14 (c) The history and relationship of the property affected to the  
15 students and communities affected, including, for example, inclusion  
16 within a single school district, for school attendance and  
17 corresponding tax support purposes, of entire master planned  
18 communities that were or are to be developed pursuant to an integrated  
19 commercial and residential development plan with over one thousand  
20 dwelling units;

21 (d) Whether or not geographic accessibility warrants a favorable  
22 consideration of a recommended change in school district organization,  
23 including remoteness or isolation of places of residence and time  
24 required to travel to and from school; and

25 (e) All funding sources of the affected districts, equalization  
26 among school districts of the tax burden for general fund and capital  
27 purposes through a reduction in disparities in per pupil valuation when  
28 all funding sources are considered, improvement in the economies in the  
29 administration and operation of schools, and the extent the proposed  
30 change would potentially reduce or increase the individual and  
31 aggregate transportation costs of the affected school districts.

32 (5)(a)(i) A petitioner or school district may appeal a decision by  
33 the regional committee to the (~~state board~~) superintendent of public  
34 instruction based on the claim that the regional committee failed to  
35 follow the applicable statutory and regulatory procedures or acted in  
36 an arbitrary and capricious manner. Any such appeal shall be based on  
37 the record and the appeal must be filed within thirty days of the final  
38 decision of the regional committee. The appeal shall be heard and

1 determined by an administrative law judge in the office of  
2 administrative hearings, based on the standards in (a)(ii) of this  
3 subsection.

4 (ii) If the (~~state board~~) administrative law judge finds that all  
5 applicable procedures were not followed or that the regional committee  
6 acted in an arbitrary and capricious manner, (~~it~~) the administrative  
7 law judge shall refer the matter back to the regional committee with an  
8 explanation of (~~the board's~~) his or her findings. The regional  
9 committee shall rehear the proposal.

10 (iii) If the (~~state board~~) administrative law judge finds that  
11 all applicable procedures were followed or that the regional committee  
12 did not act in an arbitrary and capricious manner, depending on the  
13 appeal, the educational service district shall be notified and directed  
14 to implement the changes.

15 (b) Any school district or citizen petitioner affected by a final  
16 decision of the regional committee may seek judicial review of the  
17 committee's decision in accordance with RCW 34.05.570.

18 **Sec. 504.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to  
19 read as follows:

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

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

- 23 (i) The formation and establishment of new school districts;
- 24 (ii) The alteration of the boundaries of existing districts; and
- 25 (iii) The adjustment of the assets and liabilities of school  
26 districts when changes are made under this chapter; and

27 (b) Establish methods and procedures whereby changes in the school  
28 district system may be brought about by the people concerned and  
29 affected.

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

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

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

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

14 (d) Promoting a wiser use of public funds through improvement in  
15 the school district system of the educational service districts and the  
16 state; and

17 (e) Other criteria or considerations as may be established in rule  
18 by the (~~state board of education~~) superintendent of public  
19 instruction.

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

24 **Sec. 505.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to  
25 read as follows:

26 As used in this chapter:

27 (1) "Change in the organization and extent of school districts"  
28 means the formation and establishment of new school districts, the  
29 dissolution of existing school districts, the alteration of the  
30 boundaries of existing school districts, or all of them.

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

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

34 ~~(4)~~) "School district" means the territory under the jurisdiction  
35 of a single governing board designated and referred to as the board of  
36 directors.

1           (~~(5)~~) (4) "Educational service district superintendent" means the  
2 educational service district superintendent as provided for in RCW  
3 28A.310.170 or his or her designee.

4           **Sec. 506.** RCW 28A.315.055 and 1999 c 315 s 203 are each amended to  
5 read as follows:

6           In case the boundaries of any of the school districts are  
7 conflicting or incorrectly described, the educational service district  
8 board of directors, after due notice and a public hearing, shall  
9 change, harmonize, and describe them and shall so certify, with a  
10 complete transcript of boundaries of all districts affected, such  
11 action to the (~~(state board)~~) superintendent of public instruction for  
12 (~~(its)~~) approval or revision. Upon receipt of notification of (~~(state~~  
13 ~~board)~~) action by the superintendent of public instruction, the  
14 educational service district superintendent shall transmit to the  
15 county legislative authority of the county or counties in which the  
16 affected districts are located a complete transcript of the boundaries  
17 of all districts affected.

18           **Sec. 507.** RCW 28A.315.085 and 2005 c 497 s 405 are each amended to  
19 read as follows:

20           (1) The superintendent of public instruction shall furnish (~~(to the~~  
21 ~~state board and)~~) to regional committees the services of employed  
22 personnel and the materials and supplies necessary to enable them to  
23 perform the duties imposed upon them by this chapter (~~(and)~~). Members  
24 shall be reimbursed (~~(the members thereof)~~) for expenses necessarily  
25 incurred by them in the performance of their duties(~~(, such~~  
26 ~~reimbursement for regional committee members to be)~~) in accordance with  
27 RCW 28A.315.155(~~(, and such reimbursement for state board members to be~~  
28 ~~in accordance with RCW 28A.305.011)~~).

29           (2) Costs that may be incurred by an educational service district  
30 in association with school district negotiations under RCW 28A.315.195  
31 and supporting the regional committee under RCW 28A.315.205 shall be  
32 reimbursed by the state from such funds as are appropriated for these  
33 purposes.

34           **Sec. 508.** RCW 28A.315.125 and 1993 c 416 s 2 are each amended to  
35 read as follows:



1 The members of each regional committee shall be elected in the  
2 following manner:

3 (1) On or before the 25th day of September, 1994, and not later  
4 than the 25th day of September of every subsequent even-numbered year,  
5 each superintendent of an educational service district shall call an  
6 election to be held in each educational service district within which  
7 resides a member of a regional committee whose term of office expires  
8 on the second Monday of January next following, and shall give written  
9 notice thereof to each member of the board of directors of each school  
10 district in the educational service district. Such notice shall  
11 include instructions, and the rules (~~and regulations~~) established by  
12 the (~~state board of education~~) superintendent of public instruction  
13 for the conduct of the election. The (~~state board of education~~)  
14 superintendent of public instruction is (~~hereby~~) empowered to adopt  
15 rules pursuant to chapter 34.05 RCW which establish standards and  
16 procedures which the (~~state board~~) superintendent deems necessary to  
17 conduct elections pursuant to this section; to conduct run-off  
18 elections in the event an election for a position is indecisive; and to  
19 decide run-off elections which result in tie votes, in a fair and  
20 orderly manner.

21 (2) Candidates for membership on a regional committee shall file a  
22 declaration of candidacy with the superintendent of the educational  
23 service district wherein they reside. Declarations of candidacy may be  
24 filed by person or by mail not earlier than the 1st day of October, and  
25 not later than the 15th day of October of each even-numbered year. The  
26 superintendent may not accept any declaration of candidacy that is not  
27 on file in his or her office or not postmarked before the 16th day of  
28 October, or if not postmarked or the postmark is not legible, if  
29 received by mail after the 20th day of October of each even-numbered  
30 year.

31 (3) Each member of the regional committee shall be elected by a  
32 majority of the votes cast for all candidates for the position by the  
33 members of the boards of directors of school districts in the  
34 educational service district. All votes shall be cast by mail ballot  
35 addressed to the superintendent of the educational service district  
36 wherein the school director resides. No votes shall be accepted for  
37 counting if postmarked after the 16th day of November or if not  
38 postmarked or the postmark is not legible, if received by mail after

1 the 21st day of November of each even-numbered year. An election board  
2 comprised of three persons appointed by the board of the educational  
3 service district shall count and tally the votes not later than the  
4 25th day of November or the next business day if the 25th falls on a  
5 Saturday, Sunday, or legal holiday of each even-numbered year. Each  
6 vote cast by a school director shall be recorded as one vote. Within  
7 ten days following the count of votes, the educational service district  
8 superintendent shall certify to the superintendent of public  
9 instruction the name or names of the person(s) elected to be members of  
10 the regional committee.

11 (4) In the event of a change in the number of educational service  
12 districts or in the number of educational service district board  
13 members pursuant to chapter 28A.310 RCW a new regional committee shall  
14 be elected for each affected educational service district at the next  
15 election conducted pursuant to this section. Those persons who were  
16 serving on a regional committee within an educational service district  
17 affected by a change in the number of districts or board members shall  
18 continue to constitute the regional committee for the educational  
19 service district within which they are registered to vote until the  
20 majority of a new board has been elected and certified.

21 (5) No member of a regional committee shall continue to serve  
22 thereon if he or she ceases to be a registered voter of the educational  
23 service district board member district or if he or she is absent from  
24 three consecutive meetings of the committee without an excuse  
25 acceptable to the committee.

26 **Sec. 509.** RCW 28A.315.185 and 1999 c 315 s 303 are each amended to  
27 read as follows:

28 To the extent funds are appropriated, the superintendent of public  
29 instruction, in cooperation with the educational service districts and  
30 the Washington state school directors' association, shall conduct an  
31 annual training meeting for the regional committees, (~~state board~~  
32 ~~members,~~) educational service district superintendents, and local  
33 school district superintendents and boards of directors. Training may  
34 also be provided upon request.

35 **PART 6**  
36 **EDUCATIONAL SERVICE DISTRICTS**

1           **Sec. 601.** RCW 28A.305.210 and 2005 c 518 s 913 are each amended to  
2 read as follows:

3           ~~(1) ((The state board of education, by rule or regulation, may~~  
4 ~~require the assistance of educational service district boards and/or~~  
5 ~~superintendents in the performance of any duty, authority, or power~~  
6 ~~imposed upon or granted to the state board of education by law, upon~~  
7 ~~such terms and conditions as the state board of education shall~~  
8 ~~establish. Such authority to assist the state board of education shall~~  
9 ~~be limited to the service function of information collection and~~  
10 ~~dissemination and the attestation to the accuracy and completeness of~~  
11 ~~submitted information.~~

12           ~~(2))~~) During the 2005-2007 biennium until the effective date of  
13 this act, educational service districts may, at the request of the  
14 state board of education, receive and screen applications for school  
15 accreditation, conduct school accreditation site visits pursuant to  
16 state board of education rules, and submit to the state board of  
17 education postsite visit recommendations for school accreditation. The  
18 educational service districts may assess a cooperative service fee to  
19 recover actual plus reasonable indirect costs for the purposes of this  
20 subsection.

21           (2) This section expires July 1, 2007.

22           **Sec. 602.** RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each  
23 amended to read as follows:

24           ~~((On or before the twenty-fifth day of August, 1978, and))~~ Not  
25 later than the twenty-fifth day of August of every ((subsequent)) even-  
26 numbered year, the ~~((secretary to the state board of education))~~  
27 superintendent of public instruction shall call an election to be held  
28 in each educational service district within which resides a member of  
29 the board of the educational service district whose term of office  
30 expires on the second Monday of January next following, and shall give  
31 written notice thereof to each member of the board of directors of each  
32 school district in such educational service district. Such notice  
33 shall include instructions~~((,))~~ and rules~~((, and regulations))~~  
34 established by the ~~((state board of education))~~ superintendent of  
35 public instruction for the conduct of the election.

1       **Sec. 603.** RCW 28A.310.030 and 1990 c 33 s 271 are each amended to  
2 read as follows:

3       Except as otherwise provided in this chapter, in each educational  
4 service district there shall be an educational service district board  
5 consisting of seven members elected by the school directors of the  
6 educational service district, one from each of seven educational  
7 service district board-member districts. Board-member districts in  
8 districts reorganized under RCW 28A.310.020, or as provided for in RCW  
9 28A.310.120 and under this section, shall be initially determined by  
10 the state board of education. If a reorganization pursuant to RCW  
11 28A.310.020 places the residence of a board member into another or  
12 newly created educational service district, such member shall serve on  
13 the board of the educational service district of residence and at the  
14 next election called by the (~~secretary to the state board of~~  
15 ~~education~~) superintendent of public instruction pursuant to RCW  
16 28A.310.080 a new seven member board shall be elected. If the  
17 redrawing of board-member district boundaries pursuant to this chapter  
18 shall cause the resident board-member district of two or more board  
19 members to coincide, such board members shall continue to serve on the  
20 board and at the next election called by the (~~secretary to the state~~  
21 ~~board of education~~) superintendent of public instruction a new board  
22 shall be elected. The board-member districts shall be arranged so far  
23 as practicable on a basis of equal population, with consideration being  
24 given existing board members of existing educational service district  
25 boards. Each educational service district board member shall be  
26 elected by the school directors of each school district within the  
27 educational service district. Beginning in 1971 and every ten years  
28 thereafter, educational service district boards shall review and, if  
29 necessary, shall change the boundaries of board-member districts so as  
30 to provide so far as practicable equal representation according to  
31 population of such board-member districts and to conform to school  
32 district boundary changes: PROVIDED, That all board-member district  
33 boundaries, to the extent necessary to conform with this chapter, shall  
34 be immediately redrawn for the purposes of the next election called by  
35 the (~~secretary to the state board of education~~) superintendent of  
36 public instruction following any reorganization pursuant to this  
37 chapter. Such district board, if failing to make the necessary changes  
38 prior to June 1<sup>st</sup> of the appropriate year, shall refer for settlement

1 questions on board-member district boundaries to the (~~state board of~~  
2 ~~education~~) office of the superintendent of public instruction, which,  
3 after a public hearing, shall decide such questions.

4 **Sec. 604.** RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each  
5 amended to read as follows:

6 Any educational service district board may elect by resolution of  
7 the board to increase the board member size to nine board members. In  
8 such case positions number eight and nine shall be filled at the next  
9 election called by the (~~secretary to the state board of education~~)  
10 superintendent of public instruction, position numbered eight to be for  
11 a term of two years, position numbered nine to be for a term of four  
12 years. Thereafter the terms for such positions shall be for four  
13 years.

14 **Sec. 605.** RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each  
15 amended to read as follows:

16 The term of every educational service district board member shall  
17 begin on the second Monday in January next following the election at  
18 which he or she was elected: PROVIDED, That a person elected to less  
19 than a full term pursuant to this section shall take office as soon as  
20 the election returns have been certified and he or she has qualified.  
21 In the event of a vacancy in the board from any cause, such vacancy  
22 shall be filled by appointment of a person from the same board-member  
23 district by the educational service district board. In the event that  
24 there are more than three vacancies in a seven-member board or four  
25 vacancies in a nine-member board, the (~~state board of education~~)  
26 superintendent of public instruction shall fill by appointment  
27 sufficient vacancies so that there shall be a quorum of the board  
28 serving. Each appointed board member shall serve until his or her  
29 successor has been elected at the next election called by the  
30 (~~secretary to the state board of education~~) superintendent of public  
31 instruction and has qualified.

32 **Sec. 606.** RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each  
33 amended to read as follows:

34 Candidates for membership on an educational service district board  
35 shall file declarations of candidacy with the (~~secretary to the state~~

1 ~~board of education~~) superintendent of public instruction on forms  
2 prepared by the (~~secretary~~) superintendent. Declarations of  
3 candidacy may be filed by person or by mail not earlier than the first  
4 day of September, nor later than the sixteenth day of September. The  
5 (~~secretary to the state board of education~~) superintendent may not  
6 accept any declaration of candidacy that is not on file in his or her  
7 office or is not postmarked before the seventeenth day of September.

8 **Sec. 607.** RCW 28A.310.100 and 1980 c 179 s 7 are each amended to  
9 read as follows:

10 Each member of an educational service district board shall be  
11 elected by a majority of the votes cast at the election for all  
12 candidates for the position. All votes shall be cast by mail addressed  
13 to the (~~secretary to the state board of education~~) superintendent of  
14 public instruction and no votes shall be accepted for counting if  
15 postmarked after the sixteenth day of October or if not postmarked or  
16 the postmark is not legible, if received by mail after the twenty-first  
17 day of October following the call of the election. The (~~secretary to~~  
18 ~~the state board of education~~) superintendent of public instruction and  
19 an election board comprised of three persons appointed by the (~~state~~  
20 ~~board of education~~) superintendent shall count and tally the votes not  
21 later than the twenty-fifth day of October in the following manner:  
22 Each vote cast by a school director shall be accorded as one vote. If  
23 no candidate receives a majority of the votes cast, then, not later  
24 than the first day of November, the (~~secretary to the state board of~~  
25 ~~education~~) superintendent of public instruction shall call a second  
26 election to be conducted in the same manner and at which the candidates  
27 shall be the two candidates receiving the highest number of votes cast.  
28 No vote cast at such second election shall be received for counting if  
29 postmarked after the sixteenth day of November or if not postmarked or  
30 the postmark is not legible, if received by mail after the twenty-first  
31 day of November and the votes shall be counted as hereinabove provided  
32 on the twenty-fifth day of November. The candidate receiving a  
33 majority of votes at any such second election shall be declared  
34 elected. In the event of a tie in such second election, the candidate  
35 elected shall be determined by a chance drawing of a nature established  
36 by the (~~secretary to the state board of education~~) superintendent of  
37 public instruction. Within ten days following the count of votes in an

1 election at which a member of an educational service district board is  
2 elected, the (~~secretary to the state board of education~~)  
3 superintendent of public instruction shall certify to the county  
4 auditor of the headquarters county of the educational service district  
5 the name or names of the persons elected to be members of the  
6 educational service district board.

7 **Sec. 608.** RCW 28A.310.140 and 1990 c 33 s 274 are each amended to  
8 read as follows:

9 Every school district must be included entirely within a single  
10 educational service district. If the boundaries of any school district  
11 within an educational service district are changed in any manner so as  
12 to extend the school district beyond the boundaries of that educational  
13 service district, the (~~state board~~) superintendent of public  
14 instruction shall change the boundaries of the educational service  
15 districts so affected in a manner consistent with the purposes of RCW  
16 28A.310.010 and this section.

17 **Sec. 609.** RCW 28A.310.150 and 1990 c 33 s 275 are each amended to  
18 read as follows:

19 Every candidate for membership on a educational service district  
20 board shall be a registered voter and a resident of the board-member  
21 district for which such candidate files. On or before the date for  
22 taking office, every member shall make an oath or affirmation to  
23 support the Constitution of the United States and the state of  
24 Washington and to faithfully discharge the duties of the office  
25 according to the best of such member's ability. The members of the  
26 board shall not be required to give bond unless so directed by the  
27 (~~state board of education~~) superintendent of public instruction. At  
28 the first meeting of newly elected members and after the qualification  
29 for office of the newly elected members, each educational service  
30 district board shall reorganize by electing a chair and a vice chair.  
31 A majority of all of the members of the board shall constitute a  
32 quorum.

33 **Sec. 610.** RCW 28A.310.200 and 2001 c 143 s 1 are each amended to  
34 read as follows:

1 In addition to other powers and duties as provided by law, every  
2 educational service district board shall:

3 (1) Approve the budgets of the educational service district in  
4 accordance with the procedures provided for in this chapter((~~-~~));

5 (2) Meet regularly according to the schedule adopted at the  
6 organization meeting and in special session upon the call of the chair  
7 or a majority of the board((~~-~~));

8 (3) Approve the selection of educational service district personnel  
9 and clerical staff as provided in RCW 28A.310.230((~~-~~));

10 (4) Fix the amount of and approve the bonds for those educational  
11 service district employees designated by the board as being in need of  
12 bonding((~~-~~));

13 (5) Keep in the educational service district office a full and  
14 correct transcript of the boundaries of each school district within the  
15 educational service district((~~-~~));

16 (6) Acquire by borrowing funds or by purchase, lease, devise,  
17 bequest, and gift and otherwise contract for real and personal property  
18 necessary for the operation of the educational service district and to  
19 the execution of the duties of the board and superintendent thereof and  
20 sell, lease, or otherwise dispose of that property not necessary for  
21 district purposes. No real property shall be acquired or alienated  
22 without the prior approval of the ((~~state board of education~~))  
23 superintendent of public instruction and the acquisition or alienation  
24 of all such property shall be subject to such provisions as the  
25 ((~~board~~)) superintendent may establish. When borrowing funds for the  
26 purpose of acquiring property, the educational service district board  
27 shall pledge as collateral the property to be acquired. Borrowing  
28 shall be evidenced by a note or other instrument between the district  
29 and the lender((~~-~~));

30 (7) Under RCW 28A.310.010, upon the written request of the board of  
31 directors of a local school district or districts served by the  
32 educational service district, the educational service district board of  
33 directors may provide cooperative and informational services not in  
34 conflict with other law that provide for the development and  
35 implementation of programs, activities, services, or practices that  
36 support the education of preschool through twelfth grade students in  
37 the public schools or that support the effective, efficient, or safe



1 management and operation of the school district or districts served by  
2 the educational service district(~~(-)~~);

3 (8) Adopt such bylaws and rules (~~(and regulations)~~) for its own  
4 operation as it deems necessary or appropriate(~~(-)~~); and

5 (9) Enter into contracts, including contracts with common and  
6 educational service districts and the school for the deaf and the  
7 school for the blind for the joint financing of cooperative service  
8 programs conducted pursuant to RCW 28A.310.180(3), and employ  
9 consultants and legal counsel relating to any of the duties, functions,  
10 and powers of the educational service districts.

11 **Sec. 611.** RCW 28A.310.310 and 1990 c 33 s 284 are each amended to  
12 read as follows:

13 The educational service district board shall designate the  
14 headquarters office of the educational service district. Educational  
15 service districts shall provide for their own office space, heating,  
16 contents insurance, electricity, and custodial services, which may be  
17 obtained through contracting with any board of county commissioners.  
18 Official records of the educational service district board and  
19 superintendent, including each of the county superintendents abolished  
20 by chapter 176, Laws of 1969 ex. sess., shall be kept by the  
21 educational service district superintendent. Whenever the boundaries  
22 of any of the educational service districts are reorganized pursuant to  
23 RCW 28A.310.020, the (~~state board of education~~) superintendent of  
24 public instruction shall supervise the transferral of such records so  
25 that each educational service district superintendent shall receive  
26 those records relating to school districts within the appropriate  
27 educational service district.

28 **Sec. 612.** RCW 28A.323.020 and 1985 c 385 s 25 are each amended to  
29 read as follows:

30 The duties in this chapter imposed upon and required to be  
31 performed by a regional committee and by an educational service  
32 district superintendent in connection with a change in the organization  
33 and extent of school districts and/or with the adjustment of the assets  
34 and liabilities of school districts and with all matters related to  
35 such change or adjustment whenever territory lying in a single  
36 educational service district is involved shall be performed jointly by

1 the regional committees and by the superintendents of the several  
2 educational service districts as required whenever territory lying in  
3 more than one educational service district is involved in a proposed  
4 change in the organization and extent of school districts: PROVIDED,  
5 That a regional committee may designate three of its members, or two of  
6 its members and the educational service district superintendent, as a  
7 subcommittee to serve in lieu of the whole committee, but action by a  
8 subcommittee shall not be binding unless approved by a majority of the  
9 regional committee. Proposals for changes in the organization and  
10 extent of school districts and proposed terms of adjustment of assets  
11 and liabilities thus prepared and approved shall be submitted to the  
12 (~~state board~~) superintendent of public instruction by the regional  
13 committee of the educational service district in which is located the  
14 part of the proposed or enlarged district having the largest number of  
15 common school pupils residing therein.

16 **Sec. 613.** RCW 28A.323.040 and 1973 c 47 s 3 are each amended to  
17 read as follows:

18 For all purposes essential to the maintenance, operation, and  
19 administration of the schools of a district, including the  
20 apportionment of current state and county school funds, the county in  
21 which a joint school district shall be considered as belonging shall be  
22 as designated by the (~~state board of education~~) superintendent of  
23 public instruction. Prior to making such designation, the (~~state~~  
24 ~~board of education~~) superintendent of public instruction shall hold at  
25 least one public hearing on the matter, at which time the  
26 recommendation of the joint school district shall be presented and, in  
27 addition to such recommendation, the (~~state board~~) superintendent  
28 shall consider the following prior to its designation:

- 29 (1) Service needs of such district;  
30 (2) Availability of services;  
31 (3) Geographic location of district and servicing agencies; and  
32 (4) Relationship to contiguous school districts.

33 **Sec. 614.** RCW 29A.24.070 and 2005 c 221 s 1 are each amended to  
34 read as follows:

35 Declarations of candidacy shall be filed with the following filing  
36 officers:

1 (1) The secretary of state for declarations of candidacy for  
2 statewide offices, United States senate, and United States house of  
3 representatives;

4 (2) The secretary of state for declarations of candidacy for the  
5 state legislature, the court of appeals, and the superior court when  
6 the candidate is seeking office in a district comprised of voters from  
7 two or more counties. The secretary of state and the county auditor  
8 may accept declarations of candidacy for candidates for the state  
9 legislature, the court of appeals, and the superior court when the  
10 candidate is seeking office in a district comprised of voters from one  
11 county;

12 (3) The county auditor for all other offices. For any nonpartisan  
13 office, other than judicial offices and school director in joint  
14 districts, where voters from a district comprising more than one county  
15 vote upon the candidates, a declaration of candidacy shall be filed  
16 with the county auditor of the county in which a majority of the  
17 registered voters of the district reside. For school directors in  
18 joint school districts, the declaration of candidacy shall be filed  
19 with the county auditor of the county designated by the (~~state board~~  
20 ~~of education~~) superintendent of public instruction as the county to  
21 which the joint school district is considered as belonging under RCW  
22 28A.323.040;

23 (4) For all other purposes of this title, a declaration of  
24 candidacy for the state legislature, the court of appeals, and the  
25 superior court filed with the secretary of state shall be deemed to  
26 have been filed with the county auditor when the candidate is seeking  
27 office in a district composed of voters from one county.

28 Each official with whom declarations of candidacy are filed under  
29 this section, within one business day following the closing of the  
30 applicable filing period, shall transmit to the public disclosure  
31 commission the information required in RCW 29A.24.031 (1) through (4)  
32 for each declaration of candidacy filed in his or her office during  
33 such filing period or a list containing the name of each candidate who  
34 files such a declaration in his or her office during such filing period  
35 together with a precise identification of the position sought by each  
36 such candidate and the date on which each such declaration was filed.  
37 Such official, within three days following his or her receipt of any

1 letter withdrawing a person's name as a candidate, shall also forward  
2 a copy of such withdrawal letter to the public disclosure commission.

3 **Sec. 615.** RCW 84.09.037 and 1990 c 33 s 597 are each amended to  
4 read as follows:

5 Each school district affected by a transfer of territory from one  
6 school district to another school district under chapter 28A.315 RCW  
7 shall retain its preexisting boundaries for the purpose of the  
8 collection of excess tax levies authorized under RCW 84.52.053 before  
9 the effective date of the transfer, for such tax collection years and  
10 for such excess tax levies as the (~~state board of education~~)  
11 superintendent of public instruction may approve and order that the  
12 transferred territory shall either be subject to or relieved of such  
13 excess levies, as the case may be. For the purpose of all other excess  
14 tax levies previously authorized under chapter 84.52 RCW and all excess  
15 tax levies authorized under RCW 84.52.053 subsequent to the effective  
16 date of a transfer of territory, the boundaries of the affected school  
17 districts shall be modified to recognize the transfer of territory  
18 subject to RCW 84.09.030.

19 **PART 7**  
20 **STUDENTS**

21 **Sec. 701.** RCW 28A.305.160 and 1996 c 321 s 2 are each amended to  
22 read as follows:

23 (1) The (~~state board of education~~) superintendent of public  
24 instruction shall adopt and distribute to all school districts lawful  
25 and reasonable rules prescribing the substantive and procedural due  
26 process guarantees of pupils in the common schools. Such rules shall  
27 authorize a school district to use informal due process procedures in  
28 connection with the short-term suspension of students to the extent  
29 constitutionally permissible: PROVIDED, That the (~~state board~~)  
30 superintendent of public instruction deems the interest of students to  
31 be adequately protected. When a student suspension or expulsion is  
32 appealed, the rules shall authorize a school district to impose the  
33 suspension or expulsion temporarily after an initial hearing for no  
34 more than ten consecutive school days or until the appeal is decided,  
35 whichever is earlier. Any days that the student is temporarily

1 suspended or expelled before the appeal is decided shall be applied to  
2 the term of the student suspension or expulsion and shall not limit or  
3 extend the term of the student suspension or expulsion.

4 (2) Short-term suspension procedures may be used for suspensions of  
5 students up to and including, ten consecutive school days.

6 **Sec. 702.** RCW 28A.150.300 and 1993 c 68 s 1 are each amended to  
7 read as follows:

8 The use of corporal punishment in the common schools is prohibited.  
9 The ~~((state board of education, in consultation with the))~~  
10 superintendent of public instruction~~((τ))~~ shall develop and adopt a  
11 policy prohibiting the use of corporal punishment in the common  
12 schools. The policy shall be adopted ~~((by the state board of education~~  
13 ~~no later than February 1, 1994,))~~ and ~~((shall take effect))~~ implemented  
14 in all school districts ~~((September 1, 1994))~~.

15 **Sec. 703.** RCW 28A.225.160 and 1999 c 348 s 5 are each amended to  
16 read as follows:

17 Except as otherwise provided by law, it is the general policy of  
18 the state that the common schools shall be open to the admission of all  
19 persons who are five years of age and less than twenty-one years  
20 residing in that school district. Except as otherwise provided by law  
21 or rules adopted by the ~~((state board of education))~~ superintendent of  
22 public instruction, districts may establish uniform entry  
23 qualifications, including but not limited to birth date requirements,  
24 for admission to kindergarten and first grade programs of the common  
25 schools. Such rules may provide for exceptions based upon the ability,  
26 or the need, or both, of an individual student. For the purpose of  
27 complying with any rule adopted by the ~~((state board of education~~  
28 ~~which))~~ superintendent of public instruction that authorizes a  
29 preadmission screening process as a prerequisite to granting exceptions  
30 to the uniform entry qualifications, a school district may collect fees  
31 to cover expenses incurred in the administration of any preadmission  
32 screening process: PROVIDED, That in so establishing such fee or fees,  
33 the district shall adopt regulations for waiving and reducing such fees  
34 in the cases of those persons whose families, by reason of their low  
35 income, would have difficulty in paying the entire amount of such fees.

1        NEW SECTION.    **Sec. 704.**    A new section is added to chapter 28A.300  
2    RCW to read as follows:

3        The superintendent of public instruction shall adopt rules relating  
4    to pupil tests and records.

5        **Sec. 705.**    RCW 28A.300.150 and 1994 c 245 s 8 are each amended to  
6    read as follows:

7        The superintendent of public instruction shall collect and  
8    disseminate to school districts information on child abuse and neglect  
9    prevention curriculum and shall adopt rules dealing with the prevention  
10 of child abuse for purposes of curriculum use in the common schools.

11    The superintendent of public instruction and the departments of social  
12    and health services and community, trade, and economic development  
13    shall share relevant information.

14        **Sec. 706.**    RCW 28A.600.020 and 1997 c 266 s 11 are each amended to  
15    read as follows:

16        (1)    The rules adopted pursuant to RCW 28A.600.010 shall be  
17    interpreted to (~~insure~~) ensure that the optimum learning atmosphere  
18    of the classroom is maintained, and that the highest consideration is  
19    given to the judgment of qualified certificated educators regarding  
20    conditions necessary to maintain the optimum learning atmosphere.

21        (2)    Any student who creates a disruption of the educational process  
22    in violation of the building disciplinary standards while under a  
23    teacher's immediate supervision may be excluded by the teacher from his  
24    or her individual classroom and instructional or activity area for all  
25    or any portion of the balance of the school day, or up to the following  
26    two days, or until the principal or designee and teacher have  
27    conferred, whichever occurs first. Except in emergency circumstances,  
28    the teacher first must attempt one or more alternative forms of  
29    corrective action. In no event without the consent of the teacher may  
30    an excluded student return to the class during the balance of that  
31    class or activity period or up to the following two days, or until the  
32    principal or his or her designee and the teacher have conferred.

33        (3)    In order to preserve a beneficial learning environment for all  
34    students and to maintain good order and discipline in each classroom,  
35    every school district board of directors shall provide that written  
36    procedures are developed for administering discipline at each school

1 within the district. Such procedures shall be developed with the  
2 participation of parents and the community, and shall provide that the  
3 teacher, principal or designee, and other authorities designated by the  
4 board of directors, make every reasonable attempt to involve the parent  
5 or guardian and the student in the resolution of student discipline  
6 problems. Such procedures shall provide that students may be excluded  
7 from their individual classes or activities for periods of time in  
8 excess of that provided in subsection (2) of this section if such  
9 students have repeatedly disrupted the learning of other students. The  
10 procedures must be consistent with the rules of the (~~state board of~~  
11 ~~education~~) superintendent of public instruction and must provide for  
12 early involvement of parents in attempts to improve the student's  
13 behavior.

14 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that  
15 all staff work cooperatively toward consistent enforcement of proper  
16 student behavior throughout each school as well as within each  
17 classroom.

18 (5) A principal shall consider imposing long-term suspension or  
19 expulsion as a sanction when deciding the appropriate disciplinary  
20 action for a student who, after July 27, 1997:

21 (a) Engages in two or more violations within a three-year period of  
22 RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020,  
23 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

24 (b) Engages in one or more of the offenses listed in RCW 13.04.155.

25 The principal shall communicate the disciplinary action taken by  
26 the principal to the school personnel who referred the student to the  
27 principal for disciplinary action.

28 **Sec. 707.** RCW 28A.600.030 and 1990 c 33 s 498 are each amended to  
29 read as follows:

30 Each school district board of directors may establish student  
31 grading policies which permit teachers to consider a student's  
32 attendance in determining the student's overall grade or deciding  
33 whether the student should be granted or denied credit. Such policies  
34 shall take into consideration the circumstances pertaining to the  
35 student's inability to attend school. However, no policy shall be  
36 adopted whereby a grade shall be reduced or credit shall be denied for  
37 disciplinary reasons only, rather than for academic reasons, unless due

1 process of law is provided as set forth by the (~~state board of~~  
2 ~~education~~) superintendent of public instruction under RCW 28A.305.160  
3 (as recodified by this act).

4 NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new  
5 section in chapter 28A.600 RCW.

6 **PART 8**

7 **TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES**

8 **Sec. 801.** RCW 18.35.020 and 2005 c 45 s 2 are each amended to read  
9 as follows:

10 (1) No person shall engage in the fitting and dispensing of hearing  
11 instruments or imply or represent that he or she is engaged in the  
12 fitting and dispensing of hearing instruments unless he or she is a  
13 licensed hearing instrument fitter/dispenser or a licensed audiologist  
14 or holds an interim permit issued by the department as provided in this  
15 chapter and is an owner or employee of an establishment that is bonded  
16 as provided by RCW 18.35.240. The owner or manager of an establishment  
17 that dispenses hearing instruments is responsible under this chapter  
18 for all transactions made in the establishment name or conducted on its  
19 premises by agents or persons employed by the establishment engaged in  
20 fitting and dispensing of hearing instruments. Every establishment  
21 that fits and dispenses shall have in its employ at least one licensed  
22 hearing instrument fitter/dispenser or licensed audiologist at all  
23 times, and shall annually submit proof that all testing equipment at  
24 that establishment that is required by the board to be calibrated has  
25 been properly calibrated.

26 (2) Effective January 1, 2003, no person shall engage in the  
27 practice of audiology or imply or represent that he or she is engaged  
28 in the practice of audiology unless he or she is a licensed audiologist  
29 or holds an audiology interim permit issued by the department as  
30 provided in this chapter. Audiologists who are certified as  
31 educational staff associates by the (~~state board of education~~)  
32 Washington professional educator standards board are excluded unless  
33 they elect to become licensed under this chapter. However, a person  
34 certified by the state board of education as an educational staff



1 associate who practices outside the school setting must be a licensed  
2 audiologist.

3 (3) Effective January 1, 2003, no person shall engage in the  
4 practice of speech-language pathology or imply or represent that he or  
5 she is engaged in the practice of speech-language pathology unless he  
6 or she is a licensed speech-language pathologist or holds a speech-  
7 language pathology interim permit issued by the department as provided  
8 in this chapter. Speech-language pathologists who are certified as  
9 educational staff associates by the state board of education are  
10 excluded unless they elect to become licensed under this chapter.  
11 However, a person certified by the state board of education as an  
12 educational staff associate who practices outside the school setting  
13 must be a licensed speech-language pathologist.

14 **Sec. 802.** RCW 18.35.195 and 2005 c 45 s 4 are each amended to read  
15 as follows:

16 (1) This chapter shall not apply to military or federal government  
17 employees.

18 (2) This chapter does not prohibit or regulate:

19 (a) Fitting or dispensing by students enrolled in a board-approved  
20 program who are directly supervised by a licensed hearing instrument  
21 fitter/dispenser, a licensed audiologist under the provisions of this  
22 chapter, or an instructor at a two-year hearing instrument  
23 fitter/dispenser degree program that is approved by the board;

24 (b) Hearing instrument fitter/dispensers, speech-language  
25 pathologists, or audiologists of other states, territories, or  
26 countries, or the District of Columbia while appearing as clinicians of  
27 bona fide educational seminars sponsored by speech-language pathology,  
28 audiology, hearing instrument fitter/dispenser, medical, or other  
29 healing art professional associations so long as such activities do not  
30 go beyond the scope of practice defined by this chapter; and

31 (c) The practice of audiology or speech-language pathology by  
32 persons certified by the (~~state board of education~~) Washington  
33 professional educator standards board as educational staff associates,  
34 except for those persons electing to be licensed under this chapter.  
35 However, a person certified by the (~~state~~) board (~~of education~~) as  
36 an educational staff associate who practices outside the school setting  
37 must be a licensed audiologist or licensed speech-language pathologist.

1       **Sec. 803.** RCW 18.83.200 and 1986 c 27 s 10 are each amended to  
2 read as follows:

3       This chapter shall not apply to:

4       (1) Any person teaching, lecturing, consulting, or engaging in  
5 research in psychology but only insofar as such activities are  
6 performed as a part of or are dependent upon a position in a college or  
7 university in the state of Washington.

8       (2) Any person who holds a valid school psychologist credential  
9 from the Washington (~~(state board of education)~~) professional educator  
10 standards board but only when such a person is practicing psychology in  
11 the course of his or her employment.

12       (3) Any person employed by a local, state, or federal government  
13 agency whose psychologists must qualify for employment under federal or  
14 state certification or civil service regulations; but only at those  
15 times when that person is carrying out the functions of his or her  
16 employment.

17       (4) Any person who must qualify under the employment requirements  
18 of a business or industry and who is employed by a business or industry  
19 which is not engaged in offering psychological services to the public,  
20 but only when such person is carrying out the functions of his or her  
21 employment: PROVIDED, That no person exempt from licensing under this  
22 subsection shall engage in the clinical practice of psychology.

23       (5) Any person who is a student of psychology, psychological  
24 intern, or resident in psychology preparing for the profession of  
25 psychology under supervision in a training institution or facilities  
26 and who is designated by the title such as "psychological trainee,"  
27 "psychology student," which thereby indicates his or her training  
28 status.

29       (6) Any person who has received a doctoral degree from an  
30 accredited institution of higher learning with an adequate major in  
31 sociology or social psychology as determined by the board and who has  
32 passed comprehensive examinations in the field of social psychology as  
33 part of the requirements for the doctoral degree. Such persons may use  
34 the title "social psychologist" provided that they file a statement of  
35 their education with the board.

36       **Sec. 804.** RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each  
37 amended to read as follows:

1 (1) The (~~state board of education~~) professional educator  
2 standards board shall establish an annual award program for excellence  
3 in teacher preparation to recognize higher education teacher educators  
4 for their leadership, contributions, and commitment to education.

5 (2) The program shall recognize annually one teacher preparation  
6 faculty member from one of the teacher preparation programs approved by  
7 the (~~state board of education~~) professional educator standards board.

8 **Sec. 805.** RCW 28A.225.330 and 1999 c 198 s 3 are each amended to  
9 read as follows:

10 (1) When enrolling a student who has attended school in another  
11 school district, the school enrolling the student may request the  
12 parent and the student to briefly indicate in writing whether or not  
13 the student has:

14 (a) Any history of placement in special educational programs;

15 (b) Any past, current, or pending disciplinary action;

16 (c) Any history of violent behavior, or behavior listed in RCW  
17 13.04.155;

18 (d) Any unpaid fines or fees imposed by other schools; and

19 (e) Any health conditions affecting the student's educational  
20 needs.

21 (2) The school enrolling the student shall request the school the  
22 student previously attended to send the student's permanent record  
23 including records of disciplinary action, history of violent behavior  
24 or behavior listed in RCW 13.04.155, attendance, immunization records,  
25 and academic performance. If the student has not paid a fine or fee  
26 under RCW 28A.635.060, or tuition, fees, or fines at approved private  
27 schools the school may withhold the student's official transcript, but  
28 shall transmit information about the student's academic performance,  
29 special placement, immunization records, records of disciplinary  
30 action, and history of violent behavior or behavior listed in RCW  
31 13.04.155. If the official transcript is not sent due to unpaid  
32 tuition, fees, or fines, the enrolling school shall notify both the  
33 student and parent or guardian that the official transcript will not be  
34 sent until the obligation is met, and failure to have an official  
35 transcript may result in exclusion from extracurricular activities or  
36 failure to graduate.

1 (3) If information is requested under subsection (2) of this  
2 section, the information shall be transmitted within two school days  
3 after receiving the request and the records shall be sent as soon as  
4 possible. Any school district or district employee who releases the  
5 information in compliance with this section is immune from civil  
6 liability for damages unless it is shown that the school district  
7 employee acted with gross negligence or in bad faith. The ((state  
8 board of education)) professional educator standards board shall  
9 provide by rule for the discipline under chapter 28A.410 RCW of a  
10 school principal or other chief administrator of a public school  
11 building who fails to make a good faith effort to assure compliance  
12 with this subsection.

13 (4) Any school district or district employee who releases the  
14 information in compliance with federal and state law is immune from  
15 civil liability for damages unless it is shown that the school district  
16 or district employee acted with gross negligence or in bad faith.

17 (5) When a school receives information under this section or RCW  
18 13.40.215 that a student has a history of disciplinary actions,  
19 criminal or violent behavior, or other behavior that indicates the  
20 student could be a threat to the safety of educational staff or other  
21 students, the school shall provide this information to the student's  
22 teachers and security personnel.

23 **Sec. 806.** RCW 28A.405.110 and 1985 c 420 s 1 are each amended to  
24 read as follows:

25 The legislature recognizes the importance of teachers in the  
26 educational system. Teachers are the fundamental element in assuring  
27 a quality education for the state's and the nation's children.  
28 Teachers, through their direct contact with children, have a great  
29 impact on the development of the child. The legislature finds that  
30 this important role of the teacher requires an assurance that teachers  
31 are as successful as possible in attaining the goal of a well-educated  
32 society. The legislature finds, therefore, that the evaluation of  
33 those persons seeking to enter the teaching profession is no less  
34 important than the evaluation of those persons currently teaching. The  
35 evaluation of persons seeking teaching credentials should be strenuous  
36 while making accommodations uniquely appropriate to the applicants.  
37 Strenuous teacher training and preparation should be complemented by

1 examinations of prospective teachers prior to candidates being granted  
2 official certification by the (~~state board of education~~) professional  
3 educator standards board. Teacher preparation program entrance  
4 evaluations, teacher training, teacher preparation program exit  
5 examinations, official certification, in-service training, and ongoing  
6 evaluations of individual progress and professional growth are all part  
7 of developing and maintaining a strong precertification and  
8 postcertification professional education system.

9 The legislature further finds that an evaluation system for  
10 teachers has the following elements, goals, and objectives: (1) An  
11 evaluation system must be meaningful, helpful, and objective; (2) an  
12 evaluation system must encourage improvements in teaching skills,  
13 techniques, and abilities by identifying areas needing improvement; (3)  
14 an evaluation system must provide a mechanism to make meaningful  
15 distinctions among teachers and to acknowledge, recognize, and  
16 encourage superior teaching performance; and (4) an evaluation system  
17 must encourage respect in the evaluation process by the persons  
18 conducting the evaluations and the persons subject to the evaluations  
19 through recognizing the importance of objective standards and  
20 minimizing subjectivity.

21 **Sec. 807.** RCW 28A.415.010 and 1991 c 285 s 1 are each amended to  
22 read as follows:

23 It shall be the responsibility of each educational service district  
24 board to establish a center for the improvement of teaching. The  
25 center shall administer, coordinate, and act as fiscal agent for such  
26 programs related to the recruitment and training of certificated and  
27 classified K-12 education personnel as may be delegated to the center  
28 by the superintendent of public instruction under RCW 28A.310.470(~~or~~  
29 ~~the state board of education under RCW 28A.310.480~~). To assist in  
30 these activities, each educational service district board shall  
31 establish an improvement of teaching coordinating council to include,  
32 at a minimum, representatives as specified in RCW 28A.415.040. An  
33 existing in-service training task force, established pursuant to RCW  
34 28A.415.040, may serve as the improvement of teaching coordinating  
35 council. The educational service district board shall ensure  
36 coordination of programs established pursuant to RCW 28A.415.030,  
37 28A.410.060, and 28A.415.250.

1           The educational service district board may arrange each year for  
2 the holding of one or more teachers' institutes and/or workshops for  
3 professional staff preparation and in-service training in such manner  
4 and at such time as the board believes will be of benefit to the  
5 teachers and other professional staff of school districts within the  
6 educational service district and shall comply with rules ~~((and~~  
7 ~~regulations of the state board of education))~~ of the professional  
8 educator standards board pursuant to RCW 28A.410.060 or the  
9 superintendent of public instruction ~~((or state board of education))~~  
10 pursuant to RCW 28A.415.250. The board may provide such additional  
11 means of teacher and other professional staff preparation and in-  
12 service training as it may deem necessary or appropriate and there  
13 shall be a proper charge against the educational service district  
14 general expense fund when approved by the educational service district  
15 board.

16           Educational service district boards of contiguous educational  
17 service districts, by mutual arrangements, may hold joint institutes  
18 and/or workshops, the expenses to be shared in proportion to the  
19 numbers of certificated personnel as shown by the last annual reports  
20 of the educational service districts holding such joint institutes or  
21 workshops.

22           In local school districts employing more than one hundred teachers  
23 and other professional staff, the school district superintendent may  
24 hold a teachers' institute of one or more days in such district, said  
25 institute when so held by the school district superintendent to be in  
26 all respects governed by the provisions of this title and ~~((state board~~  
27 ~~of education))~~ rules ~~((and regulations))~~ relating to teachers'  
28 institutes held by educational service district superintendents.

29           **Sec. 808.** RCW 28A.415.020 and 1995 c 284 s 2 are each amended to  
30 read as follows:

31           (1) Certificated personnel shall receive for each ten clock hours  
32 of approved in-service training attended the equivalent of a one credit  
33 college quarter course on the salary schedule developed by the  
34 legislative evaluation and accountability program committee.

35           (2) Certificated personnel shall receive for each ten clock hours  
36 of approved continuing education earned, as continuing education is  
37 defined by rule adopted by the ~~((state board of education))~~

1 professional educator standards board, the equivalent of a one credit  
2 college quarter course on the salary schedule developed by the  
3 legislative evaluation and accountability program committee.

4 (3) Certificated personnel shall receive for each forty clock hours  
5 of participation in an approved internship with a business, an  
6 industry, or government, as an internship is defined by rule of the  
7 (~~state board of education~~) professional educator standards board in  
8 accordance with RCW 28A.415.025, the equivalent of a one credit college  
9 quarter course on the salary schedule developed by the legislative  
10 evaluation and accountability program committee.

11 (4) An approved in-service training program shall be a program  
12 approved by a school district board of directors, which meet standards  
13 adopted by the (~~state board of education~~) professional educator  
14 standards board, and the development of said program has been  
15 participated in by an in-service training task force whose membership  
16 is the same as provided under RCW 28A.415.040, or a program offered by  
17 an education agency approved to provide in-service for the purposes of  
18 continuing education as provided for under rules adopted by the (~~state~~  
19 ~~board of education~~) professional educator standards board, or both.

20 (5) Clock hours eligible for application to the salary schedule  
21 developed by the legislative evaluation and accountability program  
22 committee as described in subsections (1) and (2) of this section,  
23 shall be those hours acquired after August 31, 1987. Clock hours  
24 eligible for application to the salary schedule as described in  
25 subsection (3) of this section shall be those hours acquired after  
26 December 31, 1995.

27 **Sec. 809.** RCW 28A.415.024 and 2005 c 461 s 1 are each amended to  
28 read as follows:

29 (1) All credits earned in furtherance of degrees earned by  
30 certificated staff, that are used to increase earnings on the salary  
31 schedule consistent with RCW 28A.415.023, must be obtained from an  
32 educational institution accredited by an accrediting association  
33 recognized by rule of the (~~state board of education~~) professional  
34 educator standards board.

35 (2) The office of the superintendent of public instruction shall  
36 verify for school districts the accreditation status of educational

1 institutions granting degrees that are used by certificated staff to  
2 increase earnings on the salary schedule consistent with RCW  
3 28A.415.023.

4 (3) The office of the superintendent of public instruction shall  
5 provide school districts with training and additional resources to  
6 ensure they can verify that degrees earned by certificated staff, that  
7 are used to increase earnings on the salary schedule consistent with  
8 RCW 28A.415.023, are obtained from an educational institution  
9 accredited by an accrediting association recognized by rule of the  
10 (~~state board of education~~) professional educator standards board.

11 (4)(a) No school district may submit degree information before  
12 there has been verification of accreditation under subsection (3) of  
13 this section.

14 (b) Certificated staff who submit degrees received from an  
15 unaccredited educational institution for the purposes of receiving a  
16 salary increase shall be fined three hundred dollars. The fine shall  
17 be paid to the office of the superintendent of public instruction and  
18 used for costs of administering this section.

19 (c) In addition to the fine in (b) of this subsection, certificated  
20 staff who receive salary increases based upon degrees earned from  
21 educational institutions that have been verified to be unaccredited  
22 must reimburse the district for any compensation received based on  
23 these degrees.

24 **Sec. 810.** RCW 28A.415.025 and 1995 c 284 s 3 are each amended to  
25 read as follows:

26 The (~~state board of education~~) professional educator standards  
27 board shall establish rules for awarding clock hours for participation  
28 of certificated personnel in internships with business, industry, or  
29 government. To receive clock hours for an internship, the individual  
30 must demonstrate that the internship will provide beneficial skills and  
31 knowledge in an area directly related to his or her current assignment,  
32 or to his or her assignment for the following school year. An  
33 individual may not receive more than the equivalent of two college  
34 quarter credits for internships during a calendar-year period. The  
35 total number of credits for internships that an individual may earn to  
36 advance on the salary schedule developed by the legislative evaluation



1 and accountability program committee or its successor agency is limited  
2 to the equivalent of fifteen college quarter credits.

3 **Sec. 811.** RCW 28A.415.105 and 1995 c 335 s 403 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout RCW 28A.415.125 through 28A.415.140.

7 (1) "Cooperating organizations" means that at least one school  
8 district, one college or university, and one educational service  
9 district are involved jointly with the development of a student  
10 teaching center.

11 (2) "Cooperating teacher" means a teacher who holds a continuing  
12 certificate and supervises and coaches a student teacher.

13 (3) "Field experience" means opportunities for observation,  
14 tutoring, microteaching, extended practicums, and clinical and  
15 laboratory experiences which do not fall within the meaning of student  
16 teaching.

17 (4) "School setting" means a classroom in a public, common school  
18 in the state of Washington.

19 (5) "Student teacher" means a candidate for initial teacher  
20 certification who is in a (~~state board of education approved~~)  
21 professional educator standards board-approved, or regionally or  
22 nationally accredited teacher preparation program in a school setting  
23 as part of the field-based component of their preparation program.

24 (6) "Student teaching" means the full quarter or semester in a  
25 school setting during which the student teacher observes the  
26 cooperating teacher, participates in instructional activities, and  
27 assumes both part-time and full-time teaching responsibilities under  
28 the supervision of the cooperating teacher.

29 (7) "Student teaching center" means the program established to  
30 provide student teachers in a geographic region of the state with  
31 special support and training as part of their teacher preparation  
32 program.

33 (8) "Supervisor or university supervisor" means the regular or  
34 adjunct faculty member, or college or university-approved designee, who  
35 assists and supervises the work of cooperating teachers and student  
36 teachers.

1       **Sec. 812.** RCW 28A.415.125 and 1991 c 258 s 6 are each amended to  
2 read as follows:

3       The (~~state board of education~~) professional educator standards  
4 board, from appropriated funds, shall establish a network of student  
5 teaching centers to support the continuing development of the field-  
6 based component of teacher preparation programs. The purpose of the  
7 training centers is to:

8       (1) Expand opportunities for student teacher placements in school  
9 districts statewide, with an emphasis on those populations and  
10 locations that are unserved or underserved;

11       (2) Provide cooperating teachers for all student teachers during  
12 their student internship for up to two academic quarters;

13       (3) Enhance the student teaching component of teacher preparation  
14 programs, including a placement of student teachers in special  
15 education and multi-ethnic school settings; and

16       (4) Expand access to each other and opportunities for collaboration  
17 in teacher education between colleges and universities and school  
18 districts.

19       **Sec. 813.** RCW 28A.415.130 and 1991 c 258 s 7 are each amended to  
20 read as follows:

21       Funds for the student teaching centers shall be allocated by the  
22 superintendent of public instruction among the educational service  
23 district regions on the basis of student teaching placements. The  
24 fiscal agent for each center shall be either an educational service  
25 district or a state institution of higher education. Prospective  
26 fiscal agents shall document to the (~~state board of education~~)  
27 professional educator standards board the following information:

28       (1) The existing or proposed center was developed jointly through  
29 a process including participation by at least one school district, one  
30 college or university, and one educational service district;

31       (2) Primary administration for each center shall be the  
32 responsibility of one or more of the cooperating organizations;

33       (3) Assurance that the training center program provides appropriate  
34 and necessary training in observation, supervision, and assistance  
35 skills and techniques for:

36       (a) Cooperating teachers;

37       (b) Other school building personnel; and

1 (c) School district employees.

2 **Sec. 814.** RCW 28A.415.145 and 1991 c 258 s 10 are each amended to  
3 read as follows:

4 The (~~state board of education~~) professional educator standards  
5 board and the superintendent of public instruction shall adopt rules as  
6 necessary under chapter 34.05 RCW to carry out the purposes of RCW  
7 28A.415.100 through 28A.415.140.

8 **Sec. 815.** RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27  
9 are each reenacted and amended to read as follows:

10 (1) The (~~state board of education~~) professional educator  
11 standards board and the state board for community and technical  
12 colleges, in consultation with the superintendent of public  
13 instruction, the higher education coordinating board, the state  
14 apprenticeship training council, and community colleges, shall adopt  
15 rules as necessary under chapter 34.05 RCW to implement the  
16 paraeducator associate of arts degree.

17 (2) As used in this section, a "paraeducator" is an individual who  
18 has completed an associate of arts degree for a paraeducator. The  
19 paraeducator may be hired by a school district to assist certificated  
20 instructional staff in the direct instruction of children in small and  
21 large groups, individualized instruction, testing of children,  
22 recordkeeping, and preparation of materials. The paraeducator shall  
23 work under the direction of instructional certificated staff.

24 (3) The training program for a paraeducator associate of arts  
25 degree shall include, but is not limited to, the general requirements  
26 for receipt of an associate of arts degree and training in the areas of  
27 introduction to childhood education, orientation to children with  
28 disabilities, fundamentals of childhood education, creative activities  
29 for children, instructional materials for children, fine art  
30 experiences for children, the psychology of learning, introduction to  
31 education, child health and safety, child development and guidance,  
32 first aid, and a practicum in a school setting.

33 (4) Consideration shall be given to transferability of credit  
34 earned in this program to teacher preparation programs at colleges and  
35 universities.

1       **Sec. 816.** RCW 28A.660.020 and 2004 c 23 s 2 are each amended to  
2 read as follows:

3       (1) Each district or consortia of school districts applying for the  
4 alternative route certification program shall submit a proposal to the  
5 Washington professional educator standards board specifying:

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

9       (b) The number of candidates that will be enrolled per route;

10       (c) An identification, indication of commitment, and description of  
11 the role of approved teacher preparation programs that are partnering  
12 with the district or consortia of districts;

13       (d) An assurance of district provision of adequate training for  
14 mentor teachers either through participation in a state mentor training  
15 academy or district-provided training that meets state-established  
16 mentor-training standards specific to the mentoring of alternative  
17 route candidates;

18       (e) An assurance that significant time will be provided for mentor  
19 teachers to spend with the alternative route teacher candidates  
20 throughout the internship. Partnerships must provide each candidate  
21 with intensive classroom mentoring until such time as the candidate  
22 demonstrates the competency necessary to manage the classroom with less  
23 intensive supervision and guidance from a mentor;

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

27       (g) The design and use of a teacher development plan for each  
28 candidate. The plan shall specify the alternative route coursework and  
29 training required of each candidate and shall be developed by comparing  
30 the candidate's prior experience and coursework with the state's new  
31 performance-based standards for residency certification and adjusting  
32 any requirements accordingly. The plan may include the following  
33 components:

34       (i) A minimum of one-half of a school year, and an additional  
35 significant amount of time if necessary, of intensive mentorship,  
36 starting with full-time mentoring and progressing to increasingly less  
37 intensive monitoring and assistance as the intern demonstrates the  
38 skills necessary to take over the classroom with less intensive

1 support. For route one and two candidates, before the supervision is  
2 diminished, the mentor of the teacher candidate at the school and the  
3 supervisor of the teacher candidate from the higher education teacher  
4 preparation program must both agree that the teacher candidate is ready  
5 to manage the classroom with less intensive supervision. For route  
6 three and four candidates, the mentor of the teacher candidate shall  
7 make the decision;

8 (ii) Identification of performance indicators based on the  
9 knowledge and skills standards required for residency certification by  
10 the ((state board of education)) Washington professional educator  
11 standards board;

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

14 (iv) A description of strategies for assessing candidate  
15 performance on the benchmarks;

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

19 (vi) A description of the criteria that would result in residency  
20 certification after about one-half of a school year but before the end  
21 of the program.

22 (2) To the extent funds are appropriated for this purpose,  
23 districts may apply for program funds to pay stipends to trained mentor  
24 teachers of interns during the mentored internship. The per intern  
25 amount of mentor stipend shall not exceed five hundred dollars.

26 **Sec. 817.** RCW 28A.660.040 and 2004 c 23 s 4 are each amended to  
27 read as follows:

28 Partnership grants funded under this chapter shall operate one to  
29 four specific route programs. Successful completion of the program  
30 shall make a candidate eligible for residency teacher certification.  
31 For route one and two candidates, the mentor of the teacher candidate  
32 at the school and the supervisor of the teacher candidate from the  
33 higher education teacher preparation program must both agree that the  
34 teacher candidate has successfully completed the program. For route  
35 three and four candidates, the mentor of the teacher candidate shall  
36 make the determination that the candidate has successfully completed  
37 the program.

1 (1) Partnership grant programs seeking funds to operate route one  
2 programs shall enroll currently employed classified instructional  
3 employees with transferable associate degrees seeking residency teacher  
4 certification with endorsements in special education, bilingual  
5 education, or English as a second language. It is anticipated that  
6 candidates enrolled in this route will complete both their  
7 baccalaureate degree and requirements for residency certification in  
8 two years or less, including a mentored internship to be completed in  
9 the final year. In addition, partnership programs shall uphold entry  
10 requirements for candidates that include:

11 (a) District or building validation of qualifications, including  
12 three years of successful student interaction and leadership as a  
13 classified instructional employee;

14 (b) Successful passage of the statewide basic skills exam, when  
15 available; and

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

18 (2) Partnership grant programs seeking funds to operate route two  
19 programs shall enroll currently employed classified staff with  
20 baccalaureate degrees seeking residency teacher certification in  
21 subject matter shortage areas and areas with shortages due to  
22 geographic location. Candidates enrolled in this route must complete  
23 a mentored internship complemented by flexibly scheduled training and  
24 coursework offered at a local site, such as a school or educational  
25 service district, or online or via video-conference over the K-20  
26 network, in collaboration with the partnership program's higher  
27 education partner. In addition, partnership grant programs shall  
28 uphold entry requirements for candidates that include:

29 (a) District or building validation of qualifications, including  
30 three years of successful student interaction and leadership as  
31 classified staff;

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

35 (c) Successful completion of the content test, once the state  
36 content test is available;

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

1 (e) Successful passage of the statewide basic skills exam, when  
2 available.

3 (3) Partnership grant programs seeking funds to operate route three  
4 programs shall enroll individuals with baccalaureate degrees, who are  
5 not employed in the district at the time of application. When  
6 selecting candidates for certification through route three, districts  
7 shall give priority to individuals who are seeking residency teacher  
8 certification in subject matter shortage areas or shortages due to  
9 geographic locations. For route three only, the districts may include  
10 additional candidates in nonshortage subject areas if the candidates  
11 are seeking endorsements with a secondary grade level designation as  
12 defined by rule by the (~~state board of education~~) professional  
13 educator standards board. The districts shall disclose to candidates  
14 in nonshortage subject areas available information on the demand in  
15 those subject areas. Cohorts of candidates for this route shall attend  
16 an intensive summer teaching academy, followed by a full year employed  
17 by a district in a mentored internship, followed, if necessary, by a  
18 second summer teaching academy. In addition, partnership programs  
19 shall uphold entry requirements for candidates that include:

20 (a) Five years' experience in the work force;

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

24 (c) Successful completion of the content test, once the state  
25 content test is available;

26 (d) External validation of qualifications, including demonstrated  
27 successful experience with students or children, such as (~~references~~  
28 ~~{reference}~~) reference letters and letters of support from previous  
29 employers;

30 (e) Meeting the age, good moral character, and personal fitness  
31 requirements adopted by rule for teachers; and

32 (f) Successful passage of statewide basic skills exams, when  
33 available.

34 (4) Partnership grant programs seeking funds to operate route four  
35 programs shall enroll individuals with baccalaureate degrees, who are  
36 employed in the district at the time of application, or who hold  
37 conditional teaching certificates or emergency substitute certificates.  
38 Cohorts of candidates for this route shall attend an intensive summer

1 teaching academy, followed by a full year employed by a district in a  
2 mentored internship. In addition, partnership programs shall uphold  
3 entry requirements for candidates that include:

4 (a) Five years' experience in the work force;

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

8 (c) Successful completion of the content test, once the state  
9 content test is available;

10 (d) External validation of qualifications, including demonstrated  
11 successful experience with students or children, such as reference  
12 letters and letters of support from previous employers;

13 (e) Meeting the age, good moral character, and personal fitness  
14 requirements adopted by rule for teachers; and

15 (f) Successful passage of statewide basic skills exams, when  
16 available.

17 **Sec. 818.** RCW 28A.690.020 and 1990 c 33 s 546 are each amended to  
18 read as follows:

19 The "designated state official" for this state under Article II of  
20 RCW 28A.690.010 shall be the superintendent of public instruction, who  
21 shall be the compact administrator and who shall have power to  
22 (~~promulgate~~) adopt rules to carry out the terms of this compact. The  
23 superintendent of public instruction shall enter into contracts  
24 pursuant to Article III of the Agreement only with the approval of the  
25 specific text thereof by the (~~state board of education~~) professional  
26 educator standards board.

27 **Sec. 819.** RCW 28A.300.050 and 1990 c 33 s 252 are each amended to  
28 read as follows:

29 The superintendent of public instruction shall provide technical  
30 assistance to the (~~state board of education~~) professional educator  
31 standards board in the conduct of the activities described in  
32 (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and  
33 28A.410.050.

34 **Sec. 820.** RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each  
35 amended to read as follows:



1 The award for the teacher educator shall include:

2 (1) A certificate presented to the teacher educator by the  
3 governor, the (~~president of the state board of education~~) chair of  
4 the professional educator standards board, and the superintendent of  
5 public instruction at a public ceremony; and

6 (2) A grant to the professional education advisory board of the  
7 institution from which the teacher educator is selected, which grant  
8 shall not exceed two thousand five hundred dollars and which grant  
9 shall be awarded under RCW 28A.625.390.

10 **Sec. 821.** RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each  
11 amended to read as follows:

12 The (~~state board of education~~) professional educator standards  
13 board shall adopt rules under chapter 34.05 RCW to carry out the  
14 purposes of RCW 28A.625.360 through 28A.625.390. These rules shall  
15 include establishing the selection criteria for the Washington award  
16 for excellence in teacher preparation. The (~~state~~) board (~~of~~  
17 ~~education~~) is encouraged to consult with teacher educators, deans, and  
18 professional education advisory board members in developing the  
19 selection criteria. The criteria shall include any role performed by  
20 nominees relative to implementing innovative developments by the  
21 nominee's teacher preparation program and efforts the nominee has made  
22 to assist in communicating with legislators, common school teachers and  
23 administrators, and others about the nominee's teacher preparation  
24 program.

25 **Sec. 822.** RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each  
26 amended to read as follows:

27 The professional education advisory board for the institution from  
28 which the teacher educator has been selected to receive an award shall  
29 be eligible to apply for an educational grant as provided under RCW  
30 28A.625.370. The (~~state board of education~~) professional educator  
31 standards board shall award the grant after the (~~state~~) board has  
32 approved the grant application as long as the written grant application  
33 is submitted to the (~~state~~) board within one year after the award is  
34 received by the teacher educator. The grant application shall identify  
35 the educational purpose toward which the grant shall be used.

1       **Sec. 823.** RCW 28B.10.710 and 1993 c 77 s 1 are each amended to  
2 read as follows:

3       There shall be a one quarter or semester course in either  
4 Washington state history and government, or Pacific Northwest history  
5 and government in the curriculum of all teachers' colleges and  
6 teachers' courses in all institutions of higher education. No person  
7 shall be graduated from any of said schools without completing said  
8 course of study, unless otherwise determined by the (~~state board of~~  
9 ~~education~~) Washington professional educator standards board. Any  
10 course in Washington state or Pacific Northwest history and government  
11 used to fulfill this requirement shall include information on the  
12 culture, history, and government of the American Indian peoples who  
13 were the first human inhabitants of the state and the region.

14       **Sec. 824.** RCW 28B.35.120 and 2004 c 275 s 54 are each amended to  
15 read as follows:

16       In addition to any other powers and duties prescribed by law, each  
17 board of trustees of the respective regional universities:

18       (1) Shall have full control of the regional university and its  
19 property of various kinds, except as otherwise provided by law.

20       (2) Shall employ the president of the regional university, his  
21 assistants, members of the faculty, and other employees of the  
22 institution, who, except as otherwise provided by law, shall hold their  
23 positions, until discharged therefrom by the board for good and lawful  
24 reason.

25       (3) With the assistance of the faculty of the regional university,  
26 shall prescribe the course of study in the various schools and  
27 departments thereof and publish such catalogues thereof as the board  
28 deems necessary: PROVIDED, That the (~~state~~) Washington professional  
29 educator standards board (~~of education~~) shall determine the  
30 requisites for and give program approval of all courses leading to  
31 teacher certification by such board.

32       (4) Establish such divisions, schools or departments necessary to  
33 carry out the purposes of the regional university and not otherwise  
34 proscribed by law.

35       (5) Except as otherwise provided by law, may establish and erect  
36 such new facilities as determined by the board to be necessary for the  
37 regional university.

1 (6) May acquire real and other property as provided in RCW  
2 28B.10.020, as now or hereafter amended.

3 (7) Except as otherwise provided by law, may purchase all supplies  
4 and purchase or lease equipment and other personal property needed for  
5 the operation or maintenance of the regional university.

6 (8) May establish, lease, operate, equip and maintain self-  
7 supporting facilities in the manner provided in RCW 28B.10.300 through  
8 28B.10.330, as now or hereafter amended.

9 (9) Except as otherwise provided by law, to enter into such  
10 contracts as the trustees deem essential to regional university  
11 purposes.

12 (10) May receive such gifts, grants, conveyances, devises and  
13 bequests of real or personal property from whatsoever source, as may be  
14 made from time to time, in trust or otherwise, whenever the terms and  
15 conditions thereof will aid in carrying out the regional university  
16 programs; sell, lease or exchange, invest or expend the same or the  
17 proceeds, rents, profits and income thereof except as limited by the  
18 terms and conditions thereof; and adopt regulations to govern the  
19 receipt and expenditure of the proceeds, rents, profits and income  
20 thereof.

21 (11) Subject to the approval of the higher education coordinating  
22 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-  
23 campus programs, participate in consortia or centers, contract for off-  
24 campus educational programs, and purchase or lease major off-campus  
25 facilities.

26 (12) May promulgate such rules and regulations, and perform all  
27 other acts not forbidden by law, as the board of trustees may in its  
28 discretion deem necessary or appropriate to the administration of the  
29 regional university.

30 **Sec. 825.** RCW 28B.40.120 and 2004 c 275 s 56 are each amended to  
31 read as follows:

32 In addition to any other powers and duties prescribed by law, the  
33 board of trustees of The Evergreen State College:

34 (1) Shall have full control of the state college and its property  
35 of various kinds, except as otherwise provided by law.

36 (2) Shall employ the president of the state college, his  
37 assistants, members of the faculty, and other employees of the

1 institution, who, except as otherwise provided by law, shall hold their  
2 positions, until discharged therefrom by the board for good and lawful  
3 reason.

4 (3) With the assistance of the faculty of the state college, shall  
5 prescribe the course of study in the various schools and departments  
6 thereof and publish such catalogues thereof as the board deems  
7 necessary: PROVIDED, That the (~~state board of education~~) Washington  
8 professional educator standards board shall determine the requisites  
9 for and give program approval of all courses leading to teacher  
10 certification by such board.

11 (4) Establish such divisions, schools or departments necessary to  
12 carry out the purposes of the college and not otherwise proscribed by  
13 law.

14 (5) Except as otherwise provided by law, may establish and erect  
15 such new facilities as determined by the board to be necessary for the  
16 college.

17 (6) May acquire real and other property as provided in RCW  
18 28B.10.020, as now or hereafter amended.

19 (7) Except as otherwise provided by law, may purchase all supplies  
20 and purchase or lease equipment and other personal property needed for  
21 the operation or maintenance of the college.

22 (8) May establish, lease, operate, equip and maintain self-  
23 supporting facilities in the manner provided in RCW 28B.10.300 through  
24 28B.10.330, as now or hereafter amended.

25 (9) Except as otherwise provided by law, to enter into such  
26 contracts as the trustees deem essential to college purposes.

27 (10) May receive such gifts, grants, conveyances, devises and  
28 bequests of real or personal property from whatsoever source, as may be  
29 made from time to time, in trust or otherwise, whenever the terms and  
30 conditions thereof will aid in carrying out the college programs; sell,  
31 lease or exchange, invest or expend the same or the proceeds, rents,  
32 profits and income thereof except as limited by the terms and  
33 conditions thereof; and adopt regulations to govern the receipt and  
34 expenditure of the proceeds, rents, profits and income thereof.

35 (11) Subject to the approval of the higher education coordinating  
36 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-  
37 campus programs, participate in consortia or centers, contract for off-

1 campus educational programs, and purchase or lease major off-campus  
2 facilities.

3 (12) May promulgate such rules and regulations, and perform all  
4 other acts not forbidden by law, as the board of trustees may in its  
5 discretion deem necessary or appropriate to the administration of the  
6 college.

7 **Sec. 826.** RCW 43.43.832 and 2005 c 421 s 2 are each amended to  
8 read as follows:

9 (1) The legislature finds that businesses and organizations  
10 providing services to children, developmentally disabled persons, and  
11 vulnerable adults need adequate information to determine which  
12 employees or licensees to hire or engage. The legislature further  
13 finds that many developmentally disabled individuals and vulnerable  
14 adults desire to hire their own employees directly and also need  
15 adequate information to determine which employees or licensees to hire  
16 or engage. Therefore, the Washington state patrol identification and  
17 criminal history section shall disclose, upon the request of a business  
18 or organization as defined in RCW 43.43.830, a developmentally disabled  
19 person, or a vulnerable adult as defined in RCW 43.43.830 or his or her  
20 guardian, an applicant's record for convictions as defined in chapter  
21 10.97 RCW.

22 (2) The legislature also finds that the (~~state board of~~  
23 ~~education~~) Washington professional educator standards board may  
24 request of the Washington state patrol criminal identification system  
25 information regarding a certificate applicant's record for convictions  
26 under subsection (1) of this section.

27 (3) The legislature also finds that law enforcement agencies, the  
28 office of the attorney general, prosecuting authorities, and the  
29 department of social and health services may request this same  
30 information to aid in the investigation and prosecution of child,  
31 developmentally disabled person, and vulnerable adult abuse cases and  
32 to protect children and adults from further incidents of abuse.

33 (4) The legislature further finds that the secretary of the  
34 department of social and health services must establish rules and set  
35 standards to require specific action when considering the information  
36 listed in subsection (1) of this section, and when considering

1 additional information including but not limited to civil adjudication  
2 proceedings as defined in RCW 43.43.830 and any out-of-state  
3 equivalent, in the following circumstances:

4 (a) When considering persons for state employment in positions  
5 directly responsible for the supervision, care, or treatment of  
6 children, vulnerable adults, or individuals with mental illness or  
7 developmental disabilities;

8 (b) When considering persons for state positions involving  
9 unsupervised access to vulnerable adults to conduct comprehensive  
10 assessments, financial eligibility determinations, licensing and  
11 certification activities, investigations, surveys, or case management;  
12 or for state positions otherwise required by federal law to meet  
13 employment standards;

14 (c) When licensing agencies or facilities with individuals in  
15 positions directly responsible for the care, supervision, or treatment  
16 of children, developmentally disabled persons, or vulnerable adults,  
17 including but not limited to agencies or facilities licensed under  
18 chapter 74.15 or 18.51 RCW;

19 (d) When contracting with individuals or businesses or  
20 organizations for the care, supervision, case management, or treatment  
21 of children, developmentally disabled persons, or vulnerable adults,  
22 including but not limited to services contracted for under chapter  
23 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

24 (e) When individual providers are paid by the state or providers  
25 are paid by home care agencies to provide in-home services involving  
26 unsupervised access to persons with physical, mental, or developmental  
27 disabilities or mental illness, or to vulnerable adults as defined in  
28 chapter 74.34 RCW, including but not limited to services provided under  
29 chapter 74.39 or 74.39A RCW.

30 (5) Whenever a state conviction record check is required by state  
31 law, persons may be employed or engaged as volunteers or independent  
32 contractors on a conditional basis pending completion of the state  
33 background investigation. Whenever a national criminal record check  
34 through the federal bureau of investigation is required by state law,  
35 a person may be employed or engaged as a volunteer or independent  
36 contractor on a conditional basis pending completion of the national  
37 check. The Washington personnel resources board shall adopt rules to

1 accomplish the purposes of this subsection as it applies to state  
2 employees.

3 (6)(a) For purposes of facilitating timely access to criminal  
4 background information and to reasonably minimize the number of  
5 requests made under this section, recognizing that certain health care  
6 providers change employment frequently, health care facilities may,  
7 upon request from another health care facility, share copies of  
8 completed criminal background inquiry information.

9 (b) Completed criminal background inquiry information may be shared  
10 by a willing health care facility only if the following conditions are  
11 satisfied: The licensed health care facility sharing the criminal  
12 background inquiry information is reasonably known to be the person's  
13 most recent employer, no more than twelve months has elapsed from the  
14 date the person was last employed at a licensed health care facility to  
15 the date of their current employment application, and the criminal  
16 background information is no more than two years old.

17 (c) If criminal background inquiry information is shared, the  
18 health care facility employing the subject of the inquiry must require  
19 the applicant to sign a disclosure statement indicating that there has  
20 been no conviction or finding as described in RCW 43.43.842 since the  
21 completion date of the most recent criminal background inquiry.

22 (d) Any health care facility that knows or has reason to believe  
23 that an applicant has or may have a disqualifying conviction or finding  
24 as described in RCW 43.43.842, subsequent to the completion date of  
25 their most recent criminal background inquiry, shall be prohibited from  
26 relying on the applicant's previous employer's criminal background  
27 inquiry information. A new criminal background inquiry shall be  
28 requested pursuant to RCW 43.43.830 through 43.43.842.

29 (e) Health care facilities that share criminal background inquiry  
30 information shall be immune from any claim of defamation, invasion of  
31 privacy, negligence, or any other claim in connection with any  
32 dissemination of this information in accordance with this subsection.

33 (f) Health care facilities shall transmit and receive the criminal  
34 background inquiry information in a manner that reasonably protects the  
35 subject's rights to privacy and confidentiality.

36 (g) For the purposes of this subsection, "health care facility"  
37 means a nursing home licensed under chapter 18.51 RCW, a boarding home

1 licensed under chapter 18.20 RCW, or an adult family home licensed  
2 under chapter 70.128 RCW.

3 (7) If a federal bureau of investigation check is required in  
4 addition to the state background check by the department of social and  
5 health services, an applicant who is not disqualified based on the  
6 results of the state background check shall be eligible for a one  
7 hundred twenty day provisional approval to hire, pending the outcome of  
8 the federal bureau of investigation check. The department may extend  
9 the provisional approval until receipt of the federal bureau of  
10 investigation check. If the federal bureau of investigation check  
11 disqualifies an applicant, the department shall notify the requestor  
12 that the provisional approval to hire is withdrawn and the applicant  
13 may be terminated.

14 **Sec. 827.** RCW 43.43.840 and 2005 c 421 s 6 are each amended to  
15 read as follows:

16 When a business or an organization terminates, fires, dismisses,  
17 fails to renew the contract, or permits the resignation of an employee  
18 because of crimes against children or other persons or because of  
19 crimes relating to the financial exploitation of a vulnerable adult,  
20 and if that employee is employed in a position requiring a certificate  
21 or license issued by a licensing agency such as the (~~state board of~~  
22 ~~education~~) Washington professional educator standards board, the  
23 business or organization shall notify the licensing agency of such  
24 termination of employment.

25 **Sec. 828.** RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are  
26 each reenacted and amended to read as follows:

27 (1) Upon a guilty plea or conviction of a person of any felony  
28 crime involving the physical neglect of a child under chapter 9A.42  
29 RCW, the physical injury or death of a child under chapter 9A.32 or  
30 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW),  
31 sexual exploitation of a child under chapter 9.68A RCW, sexual offenses  
32 under chapter 9A.44 RCW, promoting prostitution of a minor under  
33 chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW  
34 9A.64.030, the prosecuting attorney shall notify the state patrol of  
35 such guilty pleas or convictions.



1 (2) When the state patrol receives information that a person has  
2 pled guilty to or been convicted of one of the felony crimes under  
3 subsection (1) of this section, the state patrol shall transmit that  
4 information to the superintendent of public instruction. It shall be  
5 the duty of the superintendent of public instruction to identify  
6 whether the person holds a certificate or permit issued under chapters  
7 28A.405 and 28A.410 RCW or is employed by a school district, and  
8 provide this information to the (~~state board of education~~) Washington  
9 professional educator standards board and the school district employing  
10 the individual who pled guilty or was convicted of the crimes  
11 identified in subsection (1) of this section.

12 **Sec. 829.** RCW 72.40.028 and 1985 c 378 s 18 are each amended to  
13 read as follows:

14 All teachers at the state school for the deaf and the state school  
15 for the blind shall meet all certification requirements and the  
16 programs shall meet all accreditation requirements and conform to the  
17 standards defined by law or by rule of the (~~state board of education~~)  
18 Washington professional educator standards board or the office of the  
19 state superintendent of public instruction. The superintendents, by  
20 rule, may adopt additional educational standards for their respective  
21 schools. Salaries of all certificated employees shall be set so as to  
22 conform to and be contemporary with salaries paid to other certificated  
23 employees of similar background and experience in the school district  
24 in which the program or facility is located. The superintendents may  
25 provide for provisional certification for teachers in their respective  
26 schools including certification for emergency, temporary, substitute,  
27 or provisional duty.

28 **PART 9**  
29 **OTHER DUTIES**

30 **Sec. 901.** RCW 28A.600.010 and 1997 c 265 s 4 are each amended to  
31 read as follows:

32 Every board of directors, unless otherwise specifically provided by  
33 law, shall:

34 (1) Enforce the rules prescribed by the superintendent of public

1 instruction (~~(and the state board of education)~~) for the government of  
2 schools, pupils, and certificated employees.

3 (2) Adopt and make available to each pupil, teacher and parent in  
4 the district reasonable written rules regarding pupil conduct,  
5 discipline, and rights, including but not limited to short-term  
6 suspensions as referred to in RCW 28A.305.160 (as recodified by this  
7 act) and suspensions in excess of ten consecutive days. Such rules  
8 shall not be inconsistent with any of the following: Federal statutes  
9 and regulations, state statutes, common law, and the rules of the  
10 superintendent of public instruction(~~(, and the state board of~~  
11 ~~education)~~). The board's rules shall include such substantive and  
12 procedural due process guarantees as prescribed by the (~~state board of~~  
13 ~~education)~~ superintendent of public instruction under RCW 28A.305.160  
14 (as recodified by this act). (~~Commencing with the 1976-77 school~~  
15 ~~year,~~) When such rules are made available to each pupil, teacher, and  
16 parent, they shall be accompanied by a detailed description of rights,  
17 responsibilities, and authority of teachers and principals with respect  
18 to the discipline of pupils as prescribed by state statutory law, the  
19 superintendent of public instruction, (~~and state board of education~~  
20 ~~rules)~~) and the rules (~~and regulations)~~) of the school district.

21 For the purposes of this subsection, computation of days included  
22 in "short-term" and "long-term" suspensions shall be determined on the  
23 basis of consecutive school days.

24 (3) Suspend, expel, or discipline pupils in accordance with RCW  
25 28A.305.160 (as recodified by this act).

26 NEW SECTION. Sec. 902. A new section is added to chapter 28A.405  
27 RCW to read as follows:

28 Each school district board of directors shall adopt a policy  
29 regarding the presence at their respective schools of teachers and  
30 other certificated personnel before the opening of school in the  
31 morning and after the closing of school in the afternoon or evening.  
32 The board of directors shall make the policy available to parents and  
33 the public through the school district report card and other means of  
34 communication.

35 Sec. 903. RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each  
36 amended to read as follows:

1 Eligibility of transfer students under RCW 28A.225.220 and  
2 28A.225.225 for participation in extracurricular activities shall be  
3 subject to rules adopted by the Washington interscholastic activities  
4 association (~~(as authorized by the state board of education)~~).

5 **Sec. 904.** RCW 28A.600.200 and 1990 c 33 s 502 are each amended to  
6 read as follows:

7 Each school district board of directors is hereby granted and shall  
8 exercise the authority to control, supervise and regulate the conduct  
9 of interschool athletic activities and other interschool  
10 extracurricular activities of an athletic, cultural, social or  
11 recreational nature for students of the district. A board of directors  
12 may delegate control, supervision and regulation of any such activity  
13 to the Washington interscholastic activities association or any other  
14 voluntary nonprofit entity and compensate such entity for services  
15 provided, subject to the following conditions:

16 ~~(1) ((The voluntary nonprofit entity shall submit an annual report  
17 to the state board of education of student appeal determinations,  
18 assets, and financial receipts and disbursements at such time and in  
19 such detail as the state board shall establish by rule;~~

20 ~~(2))~~ The voluntary nonprofit entity shall not discriminate in  
21 connection with employment or membership upon its governing board, or  
22 otherwise in connection with any function it performs, on the basis of  
23 race, creed, national origin, sex or marital status;

24 ~~((3))~~ (2) Any rules and policies applied by the voluntary  
25 nonprofit entity which govern student participation in any interschool  
26 activity shall be written (~~(and subject to the annual review and  
27 approval of the state board of education at such time as it shall  
28 establish;~~

29 ~~(4) All amendments and repeals of such rules and policies shall be  
30 subject to the review and approval of the state board); ((and~~

31 ~~(5))~~ (3) Such rules and policies shall provide for notice of the  
32 reasons and a fair opportunity to contest such reasons prior to a final  
33 determination to reject a student's request to participate in or to  
34 continue in an interschool activity. Any such decision shall be  
35 considered a decision of the school district conducting the activity in  
36 which the student seeks to participate or was participating and may be  
37 appealed pursuant to RCW 28A.645.010 through 28A.645.030; and

1       (4) Beginning the effective date of this section and until July 1,  
2 2007, that any decision by the Washington interscholastic activities  
3 association may be appealed to the office of the superintendent of  
4 public instruction. After July 1, 2007, decisions by the Washington  
5 interscholastic activities association addressing only academic issues  
6 may be appealed to the office of the superintendent of public  
7 instruction. The office of the superintendent shall adopt rules to  
8 implement this subsection.

9       **NEW SECTION. Sec. 905.** A new section is added to chapter 28A.600  
10 RCW to read as follows:

11       By July 1, 2007, the Washington interscholastic activities  
12 association shall establish a nine-person appeals board to address  
13 nonacademic appeals. The board shall be comprised of active members of  
14 school district boards of directors, and retired or inactive coaches.  
15 The retired or inactive coaches shall be representative of the  
16 multilevels of competition, the various school classifications, and the  
17 activity districts of the Washington interscholastic activities  
18 association. The board shall begin hearing nonacademic appeals by July  
19 1, 2007. No board member may participate in the appeal process if the  
20 member was involved in the activity that was the basis of the appeal or  
21 involved in the decision of the association, either directly or  
22 indirectly.

23       **Sec. 906.** RCW 28A.160.210 and 1989 c 178 s 20 are each amended to  
24 read as follows:

25       In addition to other powers and duties, the (~~state board of~~  
26 ~~education~~) superintendent of public instruction shall adopt rules  
27 (~~and regulations~~) governing the training and qualifications of school  
28 bus drivers. Such rules (~~and regulations~~) shall be designed to  
29 insure that persons will not be employed to operate school buses unless  
30 they possess such physical health and driving skills as are necessary  
31 to safely operate school buses: PROVIDED, That such rules (~~and~~  
32 ~~regulations~~) shall insure that school bus drivers are provided a due  
33 process hearing before any certification required by such rules (~~and~~  
34 ~~regulations~~) is cancelled: PROVIDED FURTHER, That such rules (~~and~~  
35 ~~regulations~~) shall not conflict with the authority of the department  
36 of licensing to license school bus drivers in accordance with chapter

1 46.25 RCW. The (~~state board of education~~) superintendent of public  
2 instruction may obtain a copy of the driving record, as maintained by  
3 the department of licensing, for consideration when evaluating a school  
4 bus driver's driving skills.

5 **Sec. 907.** RCW 28A.160.100 and 1990 c 33 s 138 are each amended to  
6 read as follows:

7 In addition to the authority otherwise provided in RCW 28A.160.010  
8 through 28A.160.120 to school districts for the transportation of  
9 persons, whether school children, school personnel, or otherwise, any  
10 school district authorized to use school buses and drivers hired by the  
11 district for the transportation of school children to and from a school  
12 activity, along with such school employees as necessary for their  
13 supervision, shall, if such school activity be an interscholastic  
14 activity, be authorized to transport members of the general public to  
15 such event and utilize the school district's buses, transportation  
16 equipment and facilities, and employees therefor: PROVIDED, That  
17 provision shall be made for the reimbursement and payment to the school  
18 district by such members of the general public of not less than the  
19 district's actual costs and the reasonable value of the use of the  
20 district's buses and facilities provided in connection with such  
21 transportation: PROVIDED FURTHER, That wherever private transportation  
22 certified or licensed by the utilities and transportation commission or  
23 public transportation is reasonably available (~~as determined by rule~~  
24 ~~and regulation of the state board of education~~), this section shall  
25 not apply.

26 **Sec. 908.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to  
27 read as follows:

28 As used in RCW 28A.210.060 through 28A.210.170:

29 (1) "Chief administrator" shall mean the person with the authority  
30 and responsibility for the immediate supervision of the operation of a  
31 school or day care center as defined in this section or, in the  
32 alternative, such other person as may hereafter be designated in  
33 writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the  
34 statutory or corporate board of directors of the school district,  
35 school, or day care center or, if none, such other persons or person

1 with the authority and responsibility for the general supervision of  
2 the operation of the school district, school or day care center.

3 (2) "Full immunization" shall mean immunization against certain  
4 vaccine-preventable diseases in accordance with schedules and with  
5 immunizing agents approved by the state board of health.

6 (3) "Local health department" shall mean the city, town, county,  
7 district or combined city-county health department, board of health, or  
8 health officer which provides public health services.

9 (4) "School" shall mean and include each building, facility, and  
10 location at or within which any or all portions of a preschool,  
11 kindergarten and grades one through twelve program of education and  
12 related activities are conducted for two or more children by or in  
13 behalf of any public school district and by or in behalf of any private  
14 school or private institution subject to approval by the state board of  
15 education pursuant to RCW 28A.305.130(~~(+6)~~), 28A.195.010 through  
16 28A.195.050, and 28A.410.120.

17 (5) "Day care center" shall mean an agency which regularly provides  
18 care for a group of thirteen or more children for periods of less than  
19 twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

20 (6) "Child" shall mean any person, regardless of age, in attendance  
21 at a public or private school or a licensed day care center.

22 **Sec. 909.** RCW 28A.210.120 and 1990 c 33 s 196 are each amended to  
23 read as follows:

24 It shall be the duty of the chief administrator of every public and  
25 private school and day care center to prohibit the further presence at  
26 the school or day care center for any and all purposes of each child  
27 for whom proof of immunization, certification of exemption, or proof of  
28 compliance with an approved schedule of immunization has not been  
29 provided in accordance with RCW 28A.210.080 and to continue to prohibit  
30 the child's presence until such proof of immunization, certification of  
31 exemption, or approved schedule has been provided. The exclusion of a  
32 child from a school shall be accomplished in accordance with rules of  
33 the office of the superintendent, in consultation with the state board  
34 of (~~education~~) health. The exclusion of a child from a day care  
35 center shall be accomplished in accordance with rules of the department  
36 of social and health services. Prior to the exclusion of a child, each  
37 school or day care center shall provide written notice to the parent(s)

1 or legal guardian(s) of each child or to the adult(s) in loco parentis  
2 to each child, who is not in compliance with the requirements of RCW  
3 28A.210.080. The notice shall fully inform such person(s) of the  
4 following: (1) The requirements established by and pursuant to RCW  
5 28A.210.060 through 28A.210.170; (2) the fact that the child will be  
6 prohibited from further attendance at the school unless RCW 28A.210.080  
7 is complied with; (3) such procedural due process rights as are  
8 hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170,  
9 as appropriate; and (4) the immunization services that are available  
10 from or through the local health department and other public agencies.

11 **Sec. 910.** RCW 28A.210.160 and 1990 c 33 s 199 are each amended to  
12 read as follows:

13 The superintendent of public instruction with regard to public  
14 schools and the state board of education with regard to private  
15 schools, in consultation with the state board of ((education)) health,  
16 shall ((and is hereby empowered to)) each adopt rules pursuant to  
17 chapter 34.05 RCW ((which)) that establish the procedural and  
18 substantive due process requirements governing the exclusion of  
19 children from ((public and private)) schools pursuant to RCW  
20 28A.210.120.

21 **Sec. 911.** RCW 28A.210.320 and 2002 c 101 s 1 are each amended to  
22 read as follows:

23 (1) The attendance of every child at every public school in the  
24 state shall be conditioned upon the presentation before or on each  
25 child's first day of attendance at a particular school of a medication  
26 or treatment order addressing any life-threatening health condition  
27 that the child has that may require medical services to be performed at  
28 the school. Once such an order has been presented, the child shall be  
29 allowed to attend school.

30 (2) The chief administrator of every public school shall prohibit  
31 the further presence at the school for any and all purposes of each  
32 child for whom a medication or treatment order has not been provided in  
33 accordance with this section if the child has a life-threatening health  
34 condition that may require medical services to be performed at the  
35 school and shall continue to prohibit the child's presence until such  
36 order has been provided. The exclusion of a child from a school shall

1 be accomplished in accordance with rules of the state board of  
2 education. Before excluding a child, each school shall provide written  
3 notice to the parents or legal guardians of each child or to the adults  
4 in loco parentis to each child, who is not in compliance with the  
5 requirements of this section. The notice shall include, but not be  
6 limited to, the following: (a) The requirements established by this  
7 section; (b) the fact that the child will be prohibited from further  
8 attendance at the school unless this section is complied with; and (c)  
9 such procedural due process rights as are established pursuant to this  
10 section.

11 (3) The (~~state board of education~~) superintendent of public  
12 instruction in consultation with the state board of health shall adopt  
13 rules under chapter 34.05 RCW that establish the procedural and  
14 substantive due process requirements governing the exclusion of  
15 children from public schools under this section. The rules shall  
16 include any requirements under applicable federal laws.

17 (4) As used in this section, "life-threatening condition" means a  
18 health condition that will put the child in danger of death during the  
19 school day if a medication or treatment order and a nursing plan are  
20 not in place.

21 (5) As used in this section, "medication or treatment order" means  
22 the authority a registered nurse obtains under RCW 18.79.260(2).

23 **Sec. 912.** RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each  
24 amended to read as follows:

25 Any association established by school districts pursuant to the  
26 interlocal cooperation act, chapter 39.34 RCW for the purpose of  
27 jointly and cooperatively purchasing school supplies, materials and  
28 equipment, if otherwise authorized for school district purposes to  
29 purchase personal or real property, is (~~hereby~~) authorized(~~(, subject~~  
30 ~~to rules and regulations of the state board of education,~~) to  
31 mortgage, or convey a purchase money security interest in real or  
32 personal property of such association of every kind, character or  
33 description whatsoever, or any interest in such personal or real  
34 property: PROVIDED, That any such association shall be prohibited from  
35 causing any creditor of the association to acquire any rights against  
36 the property, properties or assets of any of its constituent school



1 districts and any creditor of such association shall be entitled to  
2 look for payment of any obligation incurred by such association solely  
3 to the assets and properties of such association.

4 **Sec. 913.** RCW 28A.335.120 and 2001 c 183 s 2 are each amended to  
5 read as follows:

6 (1) The board of directors of any school district of this state  
7 may:

8 (a) Sell for cash, at public or private sale, and convey by deed  
9 all interest of the district in or to any of the real property of the  
10 district which is no longer required for school purposes; and

11 (b) Purchase real property for the purpose of locating thereon and  
12 affixing thereto any house or houses and appurtenant buildings removed  
13 from school sites owned by the district and sell for cash, at public or  
14 private sale, and convey by deed all interest of the district in or to  
15 such acquired and improved real property.

16 (2) When the board of directors of any school district proposes a  
17 sale of school district real property pursuant to this section and the  
18 value of the property exceeds seventy thousand dollars, the board shall  
19 publish a notice of its intention to sell the property. The notice  
20 shall be published at least once each week during two consecutive weeks  
21 in a legal newspaper with a general circulation in the area in which  
22 the school district is located. The notice shall describe the property  
23 to be sold and designate the place where and the day and hour when a  
24 hearing will be held. The board shall hold a public hearing upon the  
25 proposal to dispose of the school district property at the place and  
26 the day and hour fixed in the notice and admit evidence offered for and  
27 against the propriety and advisability of the proposed sale.

28 (3) The board of directors of any school district desiring to sell  
29 surplus real property shall publish a notice in a newspaper of general  
30 circulation in the school district. School districts shall not sell  
31 the property for at least forty-five days following the publication of  
32 the newspaper notice.

33 (4) Private schools shall have the same rights as any other person  
34 or entity to submit bids for the purchase of surplus real property and  
35 to have such bids considered along with all other bids.

36 (5) Any sale of school district real property authorized pursuant  
37 to this section shall be preceded by a market value appraisal by a

1 professionally designated real estate appraiser as defined in RCW  
2 74.46.020 or a general real estate appraiser certified under chapter  
3 18.140 RCW selected by the board of directors and no sale shall take  
4 place if the sale price would be less than ninety percent of the  
5 appraisal made by the real estate appraiser: PROVIDED, That if the  
6 property has been on the market for one year or more the property may  
7 be reappraised and sold for not less than seventy-five percent of the  
8 reappraised value with the unanimous consent of the board.

9 (6) If in the judgment of the board of directors of any district  
10 the sale of real property of the district not needed for school  
11 purposes would be facilitated and greater value realized through use of  
12 the services of licensed real estate brokers, a contract for such  
13 services may be negotiated and concluded: PROVIDED, That the use of a  
14 licensed real estate broker will not eliminate the obligation of the  
15 board of directors to provide the notice described in this section:  
16 PROVIDED FURTHER, That the fee or commissions charged for any broker  
17 services shall not exceed seven percent of the resulting sale value for  
18 a single parcel: PROVIDED FURTHER, That any professionally designated  
19 real estate appraiser as defined in RCW 74.46.020 or a general real  
20 estate appraiser certified under chapter 18.140 RCW selected by the  
21 board to appraise the market value of a parcel of property to be sold  
22 may not be a party to any contract with the school district to sell  
23 such parcel of property for a period of three years after the  
24 appraisal.

25 (7) If in the judgment of the board of directors of any district  
26 the sale of real property of the district not needed for school  
27 purposes would be facilitated and greater value realized through sale  
28 on contract terms, a real estate sales contract may be executed between  
29 the district and buyer(~~PROVIDED, That the terms and conditions of~~  
30 ~~any such sales contract must comply with rules and regulations of the~~  
31 ~~state board of education, herein authorized, governing school district~~  
32 ~~real property contract sales)).~~

33 **Sec. 914.** RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are  
34 each amended to read as follows:

35 (1) The purpose of this section is to identify quality criteria for  
36 school library media programs that support the student learning goals

1 under RCW 28A.150.210, the essential academic learning requirements  
2 under RCW 28A.655.070, and high school graduation requirements adopted  
3 under RCW 28A.230.090.

4 (2) Every board of directors shall provide for the operation and  
5 stocking of such libraries as the board deems necessary for the proper  
6 education of the district's students or as otherwise required by law or  
7 rule (~~(or regulation)~~) of the superintendent of public instruction (~~(or~~  
8 ~~the state board of education)~~).

9 (3) "Teacher-librarian" means a certified teacher with a library  
10 media endorsement under rules adopted by the professional educator  
11 standards board.

12 (4) "School-library media program" means a school-based program  
13 that is staffed by a certificated teacher-librarian and provides a  
14 variety of resources that support student mastery of the essential  
15 academic learning requirements in all subject areas and the  
16 implementation of the district's school improvement plan.

17 (5) The teacher-librarian, through the school-library media  
18 program, shall collaborate as an instructional partner to help all  
19 students meet the content goals in all subject areas, and assist high  
20 school students completing the culminating project and high school and  
21 beyond plans required for graduation.

22 **Sec. 915.** RCW 28A.155.060 and 1995 c 77 s 12 are each amended to  
23 read as follows:

24 For the purpose of carrying out the provisions of RCW 28A.155.020  
25 through 28A.155.050, the board of directors of every school district  
26 shall be authorized to contract with agencies approved by the (~~(state~~  
27 ~~board of education)~~) superintendent of public instruction for operating  
28 special education programs for students with disabilities. Approval  
29 standards for such agencies shall conform substantially with those  
30 promulgated for approval of special education aid programs in the  
31 common schools.

32 **Sec. 916.** RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each  
33 amended to read as follows:

34 The higher education coordinating board shall establish a planning  
35 committee to develop criteria for screening and selection of the  
36 Washington scholars each year in accordance with RCW 28A.600.110(1).

1 It is the intent that these criteria shall emphasize scholastic  
2 achievement but not exclude such criteria as leadership ability and  
3 community contribution in final selection procedures. The Washington  
4 scholars planning committee shall have members from selected state  
5 agencies and private organizations having an interest and  
6 responsibility in education, including but not limited to, the (~~state  
7 board of education, the~~) office of superintendent of public  
8 instruction, the council of presidents, the state board for community  
9 and technical colleges, and the Washington friends of higher education.

10 **Sec. 917.** RCW 28A.650.015 and 1995 c 335 s 507 are each amended to  
11 read as follows:

12 (1) The superintendent of public instruction, to the extent funds  
13 are appropriated, shall develop and implement a Washington state K-12  
14 education technology plan. The technology plan shall be updated on at  
15 least a biennial basis, shall be developed to coordinate and expand the  
16 use of education technology in the common schools of the state. The  
17 plan shall be consistent with applicable provisions of chapter 43.105  
18 RCW. The plan, at a minimum, shall address:

19 (a) The provision of technical assistance to schools and school  
20 districts for the planning, implementation, and training of staff in  
21 the use of technology in curricular and administrative functions;

22 (b) The continued development of a network to connect school  
23 districts, institutions of higher learning, and other sources of on-  
24 line information; and

25 (c) Methods to equitably increase the use of education technology  
26 by students and school personnel throughout the state.

27 (2) The superintendent of public instruction shall appoint an  
28 educational technology advisory committee to assist in the development  
29 and implementation of the technology plan in subsection (1) of this  
30 section. The committee shall include, but is not limited to, persons  
31 representing: The (~~state board of education, the commission on  
32 student learning, the~~) department of information services, educational  
33 service districts, school directors, school administrators, school  
34 principals, teachers, classified staff, higher education faculty,  
35 parents, students, business, labor, scientists and mathematicians, the  
36 higher education coordinating board, the work force training and  
37 education coordinating board, and the state library.

**PART 10**  
**MISCELLANEOUS**

NEW SECTION. **Sec. 1001.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 1002.** Section 407 of this act takes effect September 1, 2009."

**E2SHB 3098** - S COMM AMD  
By Committee on Early Learning, K-12 & Higher Education

**ADOPTED AS AMENDED 02/28/2006**

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 39.35D.020, 39.35D.040, 39.35D.060, 79.17.100, 79.17.120, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.205.070, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 29A.24.070, 84.09.037, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 18.35.020, 18.35.195, 18.83.200, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.020, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380,

1 28A.625.390, 28B.10.710, 28B.35.120, 28B.40.120, 43.43.832, 43.43.840,  
2 72.40.028, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210,  
3 28A.160.100, 28A.210.070, 28A.210.120, 28A.210.160, 28A.210.320,  
4 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and  
5 28A.650.015; reenacting and amending RCW 28A.330.100, 28A.630.400, and  
6 43.43.845; adding a new section to chapter 28A.525 RCW; adding a new  
7 section to chapter 28A.545 RCW; adding a new section to chapter 28A.230  
8 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to  
9 chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW;  
10 creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and  
11 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124,  
12 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134,  
13 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148,  
14 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158,  
15 28A.525.160, and 28A.525.182; providing an effective date; and  
16 providing expiration dates."

--- END ---