S-1168.2

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**SUBSTITUTE SENATE BILL 5607**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Braun, Rivers, Fain, Zeiger, Schoesler, Honeyford, Warnick, King, Brown, Angel, Wilson, Sheldon, Becker, and Miloscia)

AN ACT Relating to education; amending RCW 28A.150.390, 28A.510.250, 28A.150.392, 28A.710.280, 84.52.065, 84.52.043, 84.52.043, 84.48.080, 84.52.070, 84.55.070, 84.69.020, 84.36.381, 84.36.630, 84.52.053, 84.52.0531, 28A.150.410, 28A.400.200, 28A.405.415, 28A.400.350, 28A.150.550, 28A.320.330, 28A.505.140, 28A.505.040, 28A.505.050, 28A.505.060, 28A.505.100, 28A.150.203, 28A.410.025, 28A.657.020, 28A.630.400, 28A.150.203, 28A.410.062, 28B.50.891, 28A.150.250, 28A.150.280, 28A.150.290, 28A.150.310, 28A.150.315, 28A.150.350, 28A.150.360, 28A.150.400, 28A.160.130, 28A.160.170, 28A.165.055, 28A.185.010, 28A.185.020, 28A.340.040, 28A.232.020, 28A.400.220, 28A.400.240, 28A.400.250, 28A.625.110, 28A.625.150, 28A.710.220, 28A.710.240, 28A.715.040, 28A.405.140, and 28A.405.220; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.48.110, 84.55.092, 84.52.0531, and 84.52.0531; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 28A.500 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 43.09 RCW; adding new sections to chapter 28A.657 RCW; adding new sections to chapter 28A.655 RCW; adding new sections to chapter 28A.625 RCW; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.59 RCW; adding new sections to chapter 28A.410 RCW; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.188 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.205 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.232 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.305 RCW; adding new sections to chapter 28A.310 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.343 RCW; adding new sections to chapter 28A.345 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.510 RCW; adding a new section to chapter 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a new section to chapter 28A.535 RCW; adding a new section to chapter 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.640 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.645 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 28A.690 RCW; adding a new section to chapter 28A.700 RCW; adding a new section to chapter 28A.705 RCW; adding a new section to chapter 28A.715 RCW; adding a new section to chapter 43.06B RCW; creating new sections; recodifying RCW 28A.150.230, 28A.150.300, 28A.150.305, 28A.150.240, and 28A.150.550; decodifying RCW 28A.405.110; repealing RCW 28A.150.198, 28A.150.261, 28A.160.150, 28A.160.160, 28A.160.180, 28A.160.190, 28A.160.191, 28A.160.192, 28A.160.205, 28A.180.080, 28A.300.173, 28A.300.2851, 28A.400.201, 28A.405.200, 28A.415.020, 28A.415.023, 28A.415.024, 28A.415.025, 28A.150.260, 28A.400.205, and 28A.400.206; repealing 2015 c 2 ss 1, 4, and 5 and 2015 3rd sp.s. c 38 s 3 (uncodified); providing effective dates; providing a contingent effective date; providing expiration dates; and providing for submission of certain sections of this act to a vote of the people.

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

NEW SECTION. **Sec.**  GOAL. The goal of this act is to improve the educational outcomes for all students.

**PART I**

**WEIGHTED PER PUPIL FUNDING MODEL**

NEW SECTION. **Sec.**  (1) The legislature finds that in recent years, the long running K-12 funding debate has narrowly focused on the overreliance by school districts on local school levies, which are neither regular nor dependable. This narrow focus overlooks a number of other deficiencies and inequities in the current K-12 funding structure. The legislature further finds that the current system unfairly drives more money to wealthier districts, on a per pupil basis, for low-income, special education, and transitional bilingual students than to poor districts. The legislature further finds that the current funding structure lacks transparency due to an overly complicated staffing model. The legislature further finds that the overall level of financial resources available to property-rich districts greatly exceeds the overall level of resources available to property-poor districts. The legislature further finds that the current funding structure does not incorporate any significant adjustment to reflect regional cost differences, which leads to other inequities. The legislature further finds that while the primary focus of the legislature is to address the funding aspects of K-12 education, the system should be viewed holistically by evaluating and incorporating broader reforms to ensure that the students of our state are receiving the best possible education.

(2)(a) Based on the foregoing, the legislature finds that a quality K-12 funding structure should focus on four broad objectives: Ampleness, dependability, equity, and transparency.

(b) The legislature further finds that ampleness envelops several core issues. First, an ample K-12 funding structure should pay for the actual cost of providing the state's program of basic education. Second, an ample K-12 funding structure recognizes that different children, for example low-income students or English language learners, require different levels of resources.

(c) The legislature further finds that a dependable funding structure involves a binding and unwavering guarantee by the state that does not fluctuate with short-term economic changes.

(d) The legislature further finds that an equitable K-12 funding structure guarantees a uniform foundational level of financial resources for all school districts coupled with an additional recognition that the cost to pay for educational services is different in different parts of the state. The legislature further finds that an equitable K-12 funding structure reflects a reality that the residents of different school districts have different abilities to financially contribute to the funding of the students residing within their districts.

(e) The legislature further finds that a transparent K-12 funding structure is simple and straightforward, and thereby allows the public to more easily understand how their tax dollars are being spent, which increases accountability.

(3) Based on the foregoing, the legislature intends to create an ample, dependable, equitable, and transparent K-12 funding structure that benefits our state and students. The revised funding structure in this act is set to take effect with the 2018-19 school year and includes the following major elements:

(a) A basic per pupil guarantee of ten thousand dollars per student. This basic per pupil guarantee is set at a level necessary to exceed the entire projected cost under current law of state general apportionment funding, state levy equalization funding, state pupil transportation funding, and all local school district maintenance and operation levies by approximately one hundred twenty-six million dollars;

(b) A state-required local contribution, referred to as a local effort levy, to be applied towards the basic per pupil guarantee. The levy would be uniformly imposed in every school district at a rate specified in the omnibus appropriations act, but not exceeding one dollar and eighty cents per thousand dollars of assessed value. In essence, the local effort levy would be applied to the total cost of the basic per pupil guarantee in each school district, with the state backfilling the difference in order to meet the state guarantee. There is a minimum state contribution that requires the state to pay for at least forty percent of the basic per pupil guarantee. The property tax rate would be lowered in future years, as undedicated state revenues become available. A small school hold-harmless provision is included. Under this provision, for any school district that is estimated to receive less funding through the basic per pupil guarantee than projected under current law for the state and local funding sources the basic per pupil guarantee is replacing, the district will receive the higher amount.

(c) An additional seven thousand five hundred dollars per pupil guarantee for special education students;

(d) An additional one thousand dollars per pupil guarantee for transitional bilingual students, which is estimated to generate approximately ten million more dollars than what transitional bilingual funding is projected to yield under current law;

(e) An additional two to five thousand dollars per pupil guarantee for students in poverty, which is estimated to generate approximately one hundred fifty million more dollars than what funding for poverty students is projected to yield under current law;

(f) A one thousand dollar per pupil guarantee for highly capable students, which would double the estimated enhanced funding level for this program under current law;

(g) A five hundred dollar per pupil guarantee for career and technical education students and students enrolled in skills centers, which would double the estimated enhanced funding level for these programs under current law;

(h) A one thousand five hundred dollar per pupil guarantee for homeless students, which is estimated to generate approximately fourteen million dollars;

(i) A housing allowance for certificated instructional, certificated administrative, and classified staff in districts where the average home value is above the statewide average. The housing allowance would be up to ten thousand dollars per person, depending on the school district;

(j) A twelve thousand five hundred dollar teacher recruitment and retention incentive for certificated instructional and certificated administrative staff in school districts where the poverty rate exceeds twenty percent; and

(k) After all other funding calculations are completed, if the total per pupil funding amount for a school district is less than twelve thousand five hundred dollars when including local, state, and federal revenues, the per pupil amount is increased to twelve thousand five hundred dollars.

(4) The legislature finds that this new funding system, which places students at the center of its structure, meets the four foundational objectives:

(a) Ample – The system provides funds at a significantly higher level per student than the basic education program currently in place. The state provided program of basic education will provide over twelve thousand five hundred dollars on average per pupil for school districts across the state, translating to over two hundred fifty thousand dollars for a classroom of twenty students;

(b) Dependable – The system provides a binding and unwavering guarantee to finance basic education on a guaranteed per pupil basis and eliminates the unconstitutional reliance on unreliable and unfair local excess levies to provide that funding;

(c) Equitable – The system eliminates the current inequitable funding found throughout the state of Washington, and instead, provides a guaranteed level of funding for every pupil based on the pupil's educational characteristics; and

(d) Transparent – The system is transparent and straightforward, thereby allowing the public to more easily understand how its tax dollars are spent and bring about increased accountability.

(5) Finally, the legislature finds these changes, along with reforms in the rest of this act, are intended and expected to improve the educational opportunities and outcomes of children throughout the state.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

(1) The legislature intends through a basic per pupil guarantee, as well as supplemental per pupil guarantees for existing and several new categorical programs, to provide an educational system in which each child is afforded an equal opportunity to learn, regardless of differences in his or her family and community resources.

(2) The purpose of this section is to provide for the distribution of state funding for basic education, which provides the necessary support to school districts to fund the actual cost of the program of basic education under RCW 28A.150.220. The distribution formulas under this section are for allocation purposes only, to be adjusted annually for inflation.

(3) Except as otherwise provided in this section, the legislature must provide and the superintendent of public instruction must distribute state funds to school districts on the basis of each annual average full-time equivalent student enrolled in the district. The annual average full-time equivalent student enrolled in the district is calculated on the basis of a minimum required school year of one hundred eighty days. The enrollment of any district must be the annual average number of full-time equivalent students enrolled on the first school day of each month. The definition of full-time equivalent student must be determined by rules of the superintendent of public instruction and must be included as part of the superintendent's biennial budget request. The definition must be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the definition existing on the effective date of this section must not take effect until formally approved by the legislature by enacting legislation or passing a concurrent resolution.

(4) The basic and supplemental per pupil guarantees are as follows:

(a)(i) A basic per pupil guarantee of ten thousand dollars for each annual average full-time equivalent student enrolled in the school district. When apportioning the basic per pupil guarantee to school districts as provided in RCW 28A.510.250, the guarantee for each district must be funded first through an estimate of the local effort levy authorized in RCW 84.52.065(2) that will be collected during the school year within the school district.

(ii) The basic per pupil guarantee under (a)(i) of this subsection for any school district must be increased by an amount necessary to ensure that the state contribution, which excludes the local effort levy, constitutes at least forty percent of the basic per pupil amount.

(iii) Any school district with an enrollment of two thousand five hundred students or less that is estimated to receive less funding under the new formula provided in (a)(i) of this subsection than the funding the district is estimated to receive under the law in effect as of January 1, 2017, for the 2018-19 school year from state general apportionment, state levy equalization funding, state pupil transportation funding, and the district's local school district maintenance and operation levy, the district must receive the higher amount calculated under current law. In school year 2018-19, the current law amount shall be adjusted by the ratio of the total statewide basic per pupil guarantee and the total amount that would have been provided under current law. Beginning in the 2019-20 school year, the amount calculated under this subsection (4)(a)(iii) must be increased by inflation;

(b) An additional supplemental per pupil guarantee of one thousand dollars to provide supplemental instruction and services for students whose primary language is other than English. Allocations are based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.060 or for support for students for up to two years immediately after the student has exited the program. Notwithstanding other provisions of this subsection (4)(b), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act;

(c) An additional supplemental per pupil guarantee of one thousand dollars to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030. Allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's average full-time equivalent basic education enrollment;

(d) An additional supplemental per pupil guarantee of two thousand dollars for poverty students. However, for school districts with a poverty rate exceeding thirty percent, the supplemental per pupil guarantee is increased to five thousand dollars per pupil for the total number of poverty students exceeding the thirty percent threshold. The supplemental per pupil guarantee under this subsection (4)(d) must be used to provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065. Allocations are based on the most recent estimates of poverty rates within school districts for children ages five to seventeen under the United States census bureau's small area and poverty estimates program;

(e) An additional supplemental per pupil guarantee of one thousand five hundred dollars to provide supplemental instruction and services for homeless students. Allocations are based on the number of unsheltered homeless students indicated in the most recent homeless student data report provided by the superintendent of public instruction;

(f) An additional supplemental per pupil guarantee of seven thousand five hundred dollars to provide supplemental instructional resources for students with disabilities as determined under RCW 28A.150.390; and

(g) An additional supplemental per pupil guarantee of five hundred dollars for career and technical education students and students enrolled in skill centers.

(5) After all other funding calculations are completed, if the total per pupil funding amount for a school district is less than twelve thousand five hundred dollars when including all local, state, and federal revenues, the per pupil amount must be increased to twelve thousand five hundred dollars.

(6) For the purpose of this section, "inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent calendar year by the bureau of economic analysis of the federal department of commerce.

**Sec.**  RCW 28A.150.390 and 2010 c 236 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through ((~~RCW 28A.150.260 (4)(a) and (b), (5), (6), and (8)~~)) section 102 of this act.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the ((~~district's base allocation per full-time equivalent student, multiplied by 1.15~~)) per pupil amount specified in section 102(4)(f) of this act; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the ((~~district's base allocation per full-time equivalent student, multiplied by 0.9309~~)) per pupil amount specified in section 102(4)(f) of this act.

(3) As used in this section:

(a) ((~~"Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a) and (b), (5), (6), and (8), to be divided by the district's full-time equivalent enrollment.~~

~~(b)~~)) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

((~~(c)~~)) (b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

((~~(d)~~)) (c) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

**Sec.**  RCW 28A.510.250 and 2011 1st sp.s. c 4 s 1 are each amended to read as follows:

(1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund and the education legacy trust account to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| September |   | 9% |  |
| October |   | 9% |  |
| November |   | 5.5% |  |
| December |   | 9% |  |
| January |   | 9% |  |
| February |   | 9% |  |
| March |   | 9% |  |
| April |   | 9% |  |
| May |   | 5.5% |  |
| June |   | 6.0% |  |
| July |   | 10.0% |  |
| August |   | 10.0% |  |

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September ((~~first [1st]~~)) 1st and continuing through August ((~~thirty-first [31st]~~)) 31st. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year, except as provided in subsection (2) of this section. The apportionment from the state general fund and the education legacy trust account for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) In the 2010-11 school year, the June apportionment payment to school districts shall be reduced by one hundred twenty-eight million dollars, and an additional apportionment payment shall be made on July 1, 2011, in the amount of one hundred twenty-eight million dollars. This July 1st payment shall be in addition to the regularly calculated July apportionment payment.

(3) If the superintendent of public instruction determines that the school funding changes made in chapter . . ., Laws of 2017 (this act) have negatively impacted the revenues apportionable to a school district in school year 2018-19, due to circumstances clearly not reflected in the intent of chapter . . ., Laws of 2017 (this act), the superintendent may add such an amount to the apportionment for the educational service district in which the school district is located. The superintendent must periodically notify the chairs of the education and fiscal committees of the senate and house of representatives of such additional apportionment amounts made under this subsection.

**Sec.**  RCW 28A.150.392 and 2009 c 548 s 109 are each amended to read as follows:

(1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under ((~~RCW 28A.150.390~~)) section 102 of this act. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

**Sec.**  RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section ((~~and based on the statewide average staff mix factor for certificated instructional staff, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable~~)).

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for ((~~general apportionment under the same ratios as in RCW 28A.150.260~~)) the state basic per pupil guarantee under section 102 of this act.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through ((~~(v)~~)) (iv) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through ((~~28A.180.080~~)) 28A.180.060;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030((~~; and~~

~~(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located~~)).

(3) In addition to the other distributions provided under this section, the superintendent shall separately calculate and distribute to charter schools the supplemental per pupil guarantee for career and technical education students and students enrolled in skill centers under section 102 of this act.

(4) In addition to the other distributions provided under this section, the superintendent shall separately calculate and distribute to charter schools the supplemental per pupil guarantee for homeless students under section 102 of this act.

(5) In addition to the other distributions provided under this section, the superintendent shall separately calculate and distribute to charter schools the necessary amounts for the housing allowance under section 504 of this act and the teacher recruitment and retention bonus under section 506 of this act.

(6) If a charter school is located in a school district receiving additional revenues through a minimum state contribution enhancement provided in section 102(4)(a)(ii) of this act, the charter school shall receive the same proportional adjustment to its basic per pupil guarantee allocation under section 102(4) of this act.

(7) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

**PART II**

**LOCAL EFFORT LEVY**

**Sec.**  RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to read as follows:

(1) Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy a local effort levy on behalf of school districts for collection beginning in 2018 and every year thereafter, for the support of common schools of the state, at a rate of one dollar and eighty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue. The rate of tax may be reduced as provided in the omnibus appropriations act for the fiscal biennium. Local effort levy taxes collected under this subsection must be deposited into the education legacy trust account. The omnibus appropriations act must specify the applicable tax rate for each calendar year.

(b) The local effort levy imposed by the state on behalf of school districts in this subsection is not subject to the limitations in RCW 84.55.010.

(c) Beginning in calendar year 2019, the levy imposed in this subsection must be distributed back to school districts proportionally based on the equalized assessed valuation of property within the school district as a percentage of the statewide total equalized assessed valuation of property in all school districts using the apportionment schedule provided in RCW 28A.510.250.

(d) In calendar year 2018 only, the rate of tax is forty-five cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(3) The aggregate rate limit for the 2018 collection year and thereafter is the sum of the maximum levy rates in subsections (1) and (2) of this section.

(4)(a) Beginning July 1, 2019, and ending at such time the condition of (b) of this subsection has been met, to the extent that biennial revenues to the state general fund and related funds exceed state general fund and related fund revenues for the prior fiscal biennium, the legislature must prioritize the use of the increased revenue for meeting enrollment and inflationary increases for the basic per pupil guarantee, the supplemental per pupil guarantees, and other funding components of section 102 of this act. The second priority use for the increased revenues are to reduce the tax rate imposed in subsection (2)(a) of this section with the ultimate goal to reduce the tax rate to one dollar and twenty-five cents per thousand dollars of assessed value.

(b) Once the omnibus appropriations act provides the necessary state appropriations for K-12 education programs and specifies that the applicable tax rate imposed under subsection (2)(a) of this section is one dollar and twenty-five cents per thousand dollars of assessed value, the priority requirements of (a) of this subsection will not apply in subsequent fiscal biennia. The calculations necessary to determine compliance with this subsection (4) shall be performed by the economic and revenue forecast council.

(5) As used in this section((~~,~~)):

(a) "Appropriations for K-12 education programs" are state allocations to school districts, charter schools, and educational service districts.

(b) "Biennial revenues to the state general fund and related funds" includes the unrestricted ending fund balance from the prior fiscal biennium and includes the transfer or diversion of revenue or money to or from another fund or account but excludes transfers to the budget stabilization account under Article VII, section 12 of the state Constitution.

(c) "Related funds" means the Washington opportunity pathways account and the education legacy trust account.

(d) "The support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec.**  RCW 84.52.043 and 2015 3rd sp.s. c 44 s 322 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The ((~~levy~~)) levies by the state may not exceed ((~~three dollars and sixty cents per thousand dollars of assessed value~~)) the aggregate rate limit in RCW 84.52.065 adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district may not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town may not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the protected portion of the levies imposed under RCW 86.15.160 by flood control zone districts in a county with a population of seven hundred seventy-five thousand or more that are coextensive with a county; and (l) levies imposed by a regional transit authority under RCW 81.104.175.

**Sec.**  RCW 84.52.043 and 2015 3rd sp.s. c 44 s 323 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The ((~~levy~~)) levies by the state may not exceed ((~~three dollars and sixty cents per thousand dollars of assessed value~~)) the aggregate rate limit in RCW 84.52.065 adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district may not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town may not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; and (l) levies imposed by a regional transit authority under RCW 81.104.175.

**Sec.**  RCW 84.48.080 and 2008 c 86 s 502 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

(a) The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use valuation data with respect to personal property from the three years immediately preceding the current assessment year in a manner it deems appropriate. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

(b) The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rates on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of the property in money.

(a) The department shall apportion the amount of tax for state purposes levied under RCW 84.52.065 (1) and (2) by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's ((~~levy~~)) levies imposed under RCW 84.52.065 (1) and (2) and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy under RCW 84.52.065(1) for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year's levies under RCW 84.52.065 (1) and (2).

(b) For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec.**  RCW 84.48.110 and 1994 c 301 s 44 and 1994 c 124 s 32 are each reenacted and amended to read as follows:

After certifying the record of the proceedings of the department in accordance with RCW 84.48.080, the department shall transmit to each county assessor a copy of the record of the proceedings of the department, specifying the amounts to be levied and collected for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the fifth preceding year, and such delinquent state taxes shall be added to the amounts levied for the current year. The department shall close the account of each county for the fifth preceding year and charge the amount of such delinquency to the tax ((~~levy~~)) levies of the current year. These delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the fifth preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

**Sec.**  RCW 84.52.070 and 2010 c 106 s 313 are each amended to read as follows:

(1) It is the duty of the county legislative authority of each county, on or before the thirtieth day of November in each year, to certify to the county assessor the amount of taxes levied upon the property in the county for county purposes, and the respective amounts of taxes levied by the board for each taxing district, within or coextensive with the county, for district purposes.

(2) It is the duty of the council of each city having a population of three hundred thousand or more, and of the council of each town, and of all officials or boards of taxing districts within or coextensive with the county, authorized by law to levy taxes directly and not through the county legislative authority, on or before the thirtieth day of November in each year, to certify to the county assessor the amount of taxes levied upon the property within the city, town, or district for city, town, or district purposes.

(3) If a levy amount is certified to the county assessor after the thirtieth day of November, the county assessor may use no more than the certified levy amount for the previous year for the taxing district. This subsection (3) does not apply to ((~~the~~)) state ((~~levy~~)) levies or when the assessor has not certified assessed values as required by RCW 84.48.130 at least twelve working days before November 30th.

**Sec.**  RCW 84.55.070 and 2009 c 350 s 11 are each amended to read as follows:

The provisions of this chapter do not apply to a levy, including ((~~the~~)) any state levy, or that portion of a levy, made by or for a taxing district:

(1) For the purpose of funding a property tax refund paid under the provisions of chapter 84.68 RCW;

(2) Under RCW 84.69.180; or

(3) Attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.

**Sec.**  RCW 84.55.092 and 1998 c 16 s 3 are each reenacted and amended to read as follows:

The regular property tax levy for each taxing district other than the state's levies may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter including any levy authorized under RCW 52.16.160 that would have been imposed but for the limitation in RCW 52.18.065, applicable upon imposition of the benefit charge under chapter 52.18 RCW.

The purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

**Sec.**  RCW 84.69.020 and 2005 c 502 s 9 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

(1) Paid more than once;

(2) Paid as a result of manifest error in description;

(3) Paid as a result of a clerical error in extending the tax rolls;

(4) Paid as a result of other clerical errors in listing property;

(5) Paid with respect to improvements which did not exist on assessment date;

(6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;

(7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;

(8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; or

(16) Abated under RCW 84.70.010.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection (8) of this section made by a third party payee shall be granted. The county treasurer may deduct from moneys collected for the benefit of the state's ((~~levy~~)) levies, refunds of the state ((~~levy~~)) levies including interest on the ((~~levy~~)) levies as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. **Sec.**  A new section is added to chapter 84.52 RCW to read as follows:

(1) Each tax year, the county assessors must notify the department if the assessor determines that the aggregate limitation in RCW 84.52.050 has been exceeded for any tax code area within their county. The assessor must also provide the department with any associated data or worksheets or other forms used by the assessor's office in making a determination that the aggregate limitation in RCW 84.52.050 has been exceeded for any tax code area within the assessor's county and the taxable assessed value for those districts within such tax code areas. The county assessors must also provide the department with any other documentation requested by the department for purposes of carrying out the department's responsibilities under this section. The notification and documentation required under this subsection must be received by the department before March 1st.

(2) Each tax year, a taxing district must notify the appropriate county assessor if the taxing district enters into an agreement under the authority of RCW 39.67.010 to avoid or lessen the reduction of its levy under RCW 84.52.010 resulting from the aggregate limitation in RCW 84.52.050 having been exceeded. The notification required under this subsection must include the amount of money that the taxing district agreed to transfer to another taxing district under such agreement. The county assessor must forward the information received under this subsection to the department before March 1st.

(3) If a county assessor fails to comply with the requirements of subsections (1) and (2) of this section before March 1st, no impacted taxing districts may receive payments under this section in the current fiscal year. If the county assessor complies with the notification and documentation requirements in subsections (1) and (2) of this section on or after March 1st, impacted taxing districts may receive payments in the following state fiscal year, conditioned on an appropriation by the legislature.

(4) Beginning with the levy of state taxes for collection in 2019, in addition to the levy required by RCW 84.48.080, the department must compute a hypothetical levy of state taxes based on the provisions of Title 84 RCW as they existed on January 1, 2018. This hypothetical state levy must be computed before February 1st of each year.

(5) For each county whose assessor has provided the notification and documentation required under subsection (1) or (2) of this section before March 1st of the current calendar year, the department must calculate a hypothetical state levy rate for the current tax year based on the hypothetical state levy computed as required under subsection (4) of this section.

(6)(a) For each taxing district within a tax code area included in a notification under subsection (1) of this section or included in a notification under subsection (2) of this section, the department must determine whether and how much each potentially impacted taxing district's regular levy was negatively impacted due to an increase in the amount of property taxes levied under RCW 84.52.065 after January 1, 2017.

(b) Each impacted taxing district is eligible to receive a payment from the state equal to the amount that the taxing district's regular levy was negatively impacted due to an increase in the amount of property taxes levied under RCW 84.52.065 after January 1, 2017, as determined by the department under this subsection (6). Payments authorized under this subsection (6) are conditioned on an appropriation by the legislature.

(7) By June 15th of each year, the department must notify the state treasurer of the amounts that each impacted taxing district are eligible for under subsection (6) of this section. By June 30th, the state treasurer must transfer such amounts to the treasurer of the county in which the impacted taxing district is wholly located or has its main office if the impacted taxing district is located in more than one county, subject to amounts appropriated for that purpose. If amounts appropriated for these transfers are less than the amounts necessary to make the full amount of each transfer, the state treasurer must reduce the amount of the transfers on a pro rata basis. The county treasurer must forward amounts received from the state treasurer under this subsection to the impacted taxing districts entitled to the funds.

(8) For purposes of this subsection, the following definitions apply:

(a) "Appropriate county assessor" means (i) the county assessor of the county within which a taxing district subject to subsection (2) of this section is wholly located or (ii) if that taxing district is located in more than one county, the county assessor of the county in which the greatest amount of assessed value of the taxing district is located.

(b) "Impacted taxing district" means a local taxing district whose regular levy was negatively impacted due to an increase in the amount of property taxes levied by the state as a result of increased levy authority provided by the legislature after January 1, 2017, as determined by the department under this section.

(9) The department may adopt rules as the department considers necessary to implement this section, consistent with the purpose of those sections as described in section 212 of this act.

(10) This section expires July 1, 2027.

NEW SECTION. **Sec.**  A new section is added to chapter 84.55 RCW to read as follows:

(1) For purposes of RCW 84.55.010, 84.55.015, 84.55.020, and 84.55.030, "regular property tax levy rate," "regular property tax rate," and "property tax rate" mean, with respect to impacted taxing districts, the regular property tax levy rate that would have applied if the state property tax levy, through the local effort levy authorized in RCW 84.52.065(2), had not been increased by legislative action after January 1, 2018.

(2) This section applies beginning with taxes levied for collection in 2019 and for taxes levied for collection in subsequent years through 2028.

(3) The department may adopt rules as the department considers necessary to implement this section, consistent with the purpose of those sections as described in section 212 of this act.

(4) This section expires July 1, 2028.

NEW SECTION. **Sec.**  The legislature's purpose in enacting sections 210 and 211 of this act is to mitigate the negative financial effects of the local effort levy on local taxing districts resulting from legislative action after January 1, 2017.

**Sec.**  RCW 84.36.381 and 2015 3rd sp.s. c 30 s 2 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, or adult family home does not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at a total disability rating for a service-connected disability.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less is exempt from all excess property taxes and the local effort levy imposed under RCW 84.52.065(2); and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less is exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

**Sec.**  RCW 84.36.630 and 2014 c 140 s 28 are each amended to read as follows:

(1) All machinery and equipment owned by a farmer that is personal property is exempt from property taxes levied for any state purpose, including the local effort levy imposed under RCW 84.52.065(2), if it is used exclusively in growing and producing agricultural products during the calendar year for which the claim for exemption is made.

(2) "Farmer" and "agricultural product" have the same meaning as defined in RCW 82.04.213.

(3) A claim for exemption under this section must be filed with the county assessor together with the statement required under RCW 84.40.190, for exemption from taxes payable the following year. The claim must be made solely upon forms as prescribed and furnished by the department of revenue.

NEW SECTION. **Sec.**  Part II of this act applies beginning with taxes levied for collection in 2018 and thereafter.

NEW SECTION. **Sec.**  Section 202 of this act expires January 1, 2018.

NEW SECTION. **Sec.**  Section 203 of this act takes effect January 1, 2018.

**PART III**

**LOCAL EXCESS LEVY AUTHORITY FOR CALENDAR YEAR 2020 AND THEREAFTER**

**Sec.**  RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through ((~~(c)~~)) (d) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through ((~~(c)~~)) (d) of this subsection.

(a) The district's basic education allocation as determined pursuant to ((~~RCW 28A.150.250, 28A.150.260, and 28A.150.350~~)) section 102(4)(a) of this act;

(b) State and federal categorical allocations for the following programs:

(i) ((~~Pupil transportation;~~

~~(ii)~~)) Special education;

((~~(iii)~~)) (ii) Education of highly capable students;

((~~(iv)~~)) (iii) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

((~~(v)~~)) (iv) Food services; and

((~~(vi)~~)) (v) Statewide block grant programs; ((~~and~~))

(c) Any other state allocations under sections 102, 504, and 506 of this act; and

(d) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)((~~(a)~~)) A district's maximum levy percentage shall be ((~~twenty-four percent in 2010 and twenty-eight percent in 2011 through 2017 and twenty-four percent~~)) ten percent beginning in calendar year 2020 and every year thereafter((~~;~~

~~(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:~~

~~(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and~~

~~(ii) For 2011 through 2017, the percentage calculated as follows:~~

~~(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;~~

~~(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;~~

~~(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and~~

~~(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;~~

~~(iii) For 2018 and thereafter, the percentage shall be calculated as follows:~~

~~(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;~~

~~(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;~~

~~(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and~~

~~(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.~~

~~(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties~~)).

((~~(6)~~)) (5) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

((~~(7)~~)) (6) For the purposes of this section, "current school year" means the year immediately following the prior school year.

((~~(8)~~)) (7) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

((~~(9)~~)) (8) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. **Sec.**  Section 301 of this act takes effect January 1, 2019.

**Sec.**  RCW 84.52.053 and 2012 c 186 s 18 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2)(a) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's levy base or maximum levy percentage. School districts may not impose a levy for maintenance and operation support for taxes due and payable in calendar year 2019.

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for maintenance and operation support of a school district may be called and held before the effective date of dissolution to replace existing maintenance and operation levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b)(i) of this subsection is held but does not pass, the affected school district may subsequently hold a supplemental levy election pursuant to (b)(ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a supplemental levy election is held under ((~~subsection~~)) (b)(ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b)(i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing maintenance and operation levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4) To ensure that maintenance and operation levies are not used for basic education programs, beginning with ballot propositions submitted to the voters in calendar year 2019, districts must provide a report to the office of the superintendent of public instruction detailing the programs and activities to be funded through a proposed levy for maintenance and operation support. The report must be submitted to, and approved by, the office of the superintendent of public instruction prior to the election for the proposition.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.500 RCW to read as follows:

This chapter expires January 1, 2019.

**PART IV**

**PROVIDING A ONE-YEAR DELAY IN THE LEVY LID REDUCTION**

NEW SECTION. **Sec.**  The legislature recognizes that school districts rely on local property tax levies. The legislature further recognizes that the state levy lid law, which limits the amount a school district may collect through local levies, is statutorily scheduled to revert to a lower limit beginning in calendar year 2018. The legislature further finds that this lower limit may impair some school district finances. Therefore, the legislature intends to maintain the current levy limit for an additional year as the state revises its statutory policies with regard to local school district levies.

**Sec.**  RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ((~~2017~~)) 2018, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ((~~2017~~)) 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through ((~~2017~~)) 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((~~2017~~)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through ((~~2017~~)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

**Sec.**  RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((~~2017~~)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ((~~and~~))

(ii) For 2011 through ((~~2017~~)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(iii) For ((~~2018~~)) 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**Sec.**  2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((~~2018~~)) 2019.

**Sec.**  2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((~~2018~~)) 2019.

**Sec.**  2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ((~~2018~~)) 2019.

**Sec.**  2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ((~~2018~~)) 2019.

**Sec.**  2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ((~~2018~~)) 2019.

**Sec.**  2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ((~~2018~~)) 2019.

NEW SECTION. **Sec.**  Section 402 of this act takes effect January 1, 2018.

NEW SECTION. **Sec.**  Section 402 of this act expires January 1, 2019.

NEW SECTION. **Sec.**  Section 403 of this act takes effect January 1, 2019.

**PART V**

**COMPENSATION**

**SALARY**

NEW SECTION. **Sec.**  The legislature recognizes that the state must provide compensation sufficient to recruit and retain K-12 staff statewide for the state's program of basic education. The legislature intends to provide additional salary above the state base salary by continuing to permit the award of the national board for teaching standards bonuses and authorizing state-funded extended year contracts to provide remedial education.

The legislature further intends to provide greater flexibility for local school districts to decide the actual salaries for certificated instructional staff, within specified limitations, by eliminating the salary allocation schedule. The legislature also intends to remove the financial incentive for teachers to get an advance or graduate degree since the research is mixed as to whether a teacher acquiring an advanced degree will increase student achievement.

The legislature acknowledges that a major factor used to determine the cost of living in an area is the cost of housing. Therefore, the legislature intends to include a state-provided housing allowance to encourage certificated instructional staff, as well as certificated administrative and classified staff, to live in the school districts in which they work.

The legislature recognizes that it is critical to both attract and retain high-quality teachers. The legislature further recognizes that it is difficult for schools to effectively implement existing and new policies when the teaching workforce is in constant flux. The legislature further recognizes that high-poverty urban schools are disproportionately impacted. Therefore, the legislature intends to provide a teacher recruitment and retention bonus of ten thousand dollars for teachers employed in urban, high-poverty schools.

**Sec.**  RCW 28A.150.410 and 2010 c 236 s 10 are each amended to read as follows:

(1) Through the 2017-18 school year, the legislature shall establish for each school year in the omnibus appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used by school districts to distribute state funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) ((~~Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:~~

~~(a) The employee has a master's degree; or~~

~~(b) The credits were used in generating state salary allocations before January 1, 1992.~~

~~(4)~~)) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(4) Beginning with the 2018-19 school year, there is no statewide salary schedule for certificated instructional staff. However, school district boards of directors must not provide salary increases based on a master's or other advanced degree that is not in the subject area in which the individual teaches.

**Sec.**  RCW 28A.400.200 and 2010 c 235 s 401 are each amended to read as follows:

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

(2)((~~(a)~~)) Beginning in the 2018-19 school year, salaries for all full-time certificated instructional staff in the basic education program shall not be less than ((~~the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and~~

~~(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service~~)) forty-five thousand dollars. Salaries for part-time certificated instructional staff shall be adjusted proportionally.

(3)(a) Beginning in the 2018-19 school year, the ((~~actual average~~)) total salary and benefits paid to certificated instructional, certificated administrative, and classified staff shall not exceed eighty percent of the district's ((~~average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410~~)) total expenditures from the district's general fund. For districts that exceed the eighty percent threshold as of the 2017-18 school year based on school expenditure data reported to the office of the superintendent of public instruction, such districts have until the 2023-24 school year to comply. The housing allowance under section 504 of this act and the teacher recruitment and retention bonus under section 506 of this act are excluded from the eighty percent calculation.

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

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

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

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

**HOUSING ALLOWANCE**

NEW SECTION. **Sec.**  A new section is added to chapter 28A.400 RCW to read as follows:

(1) The legislature recognizes that homeowners and renters spend a significant portion of their incomes on housing costs. The legislature further recognizes that housing costs vary considerably throughout the state. As a consequence, the legislature further recognizes that the costs of delivering comparable education services varies from place to place. Therefore, the legislature intends, through the housing allowance in this section, to provide an additional allocation to adjust for regional cost differences.

(2) Beginning with the 2018-19 school year, in addition to other compensation provided to public school employees, state-funded certificated administrative, certificated instructional, and classified staff teaching full or part-time in eligible school districts shall receive an annual housing allowance, as provided in this section.

(3) The amount of the housing allowance for each full-time employee employed by the school district is equal to ten thousand dollars multiplied by the regional cost factor. The amount of the allowance for part-time staff is adjusted proportionally.

(4) After the 2018-19 school year, the housing allowance authorized under this section must be annually adjusted for inflation as specified in section 102 of this act.

(5) The office of the superintendent of public instruction shall administer the housing allowance program and adopt rules for its implementation.

(6) The department of revenue must provide the necessary property tax information to the office of the superintendent of public instruction by March 1st of each year. The department shall use the most recent property tax data provided by the county assessors. County assessors must provide updated parcel information to the department in a form and manner required by the department; however, the assessors must provide updated data at least every two years.

(7) The housing allowance authorized under this section is not considered part of the definition or funding of the instructional program of basic education under Article IX of the state Constitution; and it is not considered earnable compensation as defined in RCW 41.32.010 and compensation earnable as defined in RCW 41.40.010 and 41.35.010.

(8) The definitions in this subsection apply throughout this section.

(a) "Eligible school district" means a school district where the average equalized assessed value per residential parcel within the school district is above the statewide average equalized assessed value per residential parcel.

(b) "Excess residential value" means the amount by which the average equalized assessed value per residential parcel in the school district exceeds the statewide average equalized assessed per residential parcel.

(c) "Highest district excess residential value" means the school district with the largest excess residential value.

(d) "Regional cost factor" means the quotient of the school district excess residential value and the highest district excess residential value.

(e) "Residential parcel" means a parcel with a land use code of 11, 12, 13, 14, 18, or 19 as provided in the parcel extract compiled by the department of revenue.

(f) "School district excess residential value" means the excess residential value of an eligible school district.

**NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS BONUS**

**Sec.**  RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each amended to read as follows:

(1) A school district board of directors may provide a bonus to a certificated instructional staff person who ((~~have~~)) has attained certification from the national board for professional teaching standards ((~~shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years~~)).

(2) A school district board of directors may provide a bonus to a certificated instructional staff person who ((~~have~~)) has attained certification from the national board for professional teaching standards ((~~shall be eligible for bonuses~~)) in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(3) ((~~The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.~~

~~(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.~~

~~(5) The bonuses provided under this section shall be paid in a lump sum amount.~~)) The bonuses provided under this section shall not be considered part of the program of basic education or the funding necessary to comply with the state's Article IX constitutional duty.

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

(1) Certificated instructional staff and certificated administrative staff are eligible for an additional recruitment and retention bonus as provided in this section.

(2) To qualify for a recruitment and retention bonus, the certificated instructional staff or certificated administrative staff must be employed at a school district with:

(a) An enrollment exceeding twenty-five thousand students; and

(b) A poverty rate exceeding twenty-five percent.

(3) The amount of the recruitment and retention bonus is twelve thousand five hundred dollars. The amount of the bonus for part-time staff is adjusted proportionally. School districts eligible for a teacher recruitment and retention bonus under this section must increase the compensation of all certificated staff and certificated administrative staff by the amount of the bonus.

(4) For the purpose of this section, "poverty rate" means the most recent estimates of poverty within Washington's school districts for children ages five to seventeen under the United States census bureau's small area and poverty estimates program.

(5) The recruitment and retention bonus authorized under this section is not considered part of the definition or funding of the instructional program of basic education under Article IX of the state Constitution; and it is not considered earnable compensation as defined in RCW 41.32.010 and compensation earnable as defined in RCW 41.40.010 and 41.35.010.

**STATE-FUNDED EXTENDED YEAR CONTRACTS**

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 2018-19 school year, each school district board of directors is authorized to enter into state-funded extended year contracts with qualified nonsupervisory certificated instructional staff to provide remedial education instruction and services to underachieving students as determined by statewide, school, or district assessments or other student performance measurement tools.

(2) The state-funded extended year contracts authorized under this section must meet the following limitations and conditions on the use of funds:

(a) May be for up to an additional ninety days of employment outside of the one hundred eighty day school district calendar;

(b) Must be time-based with compensation at the hourly rate calculated on the individual employee's placement on the immediately previous school year salary schedule;

(c) The individual employee's immediate supervisor must certify to the superintendent of the school district that the activity was done in the appropriate time and manner and was provided in compliance with the limitations in this subsection;

(d) If not renewed, shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380;

(e) Must be separately accounted for by the school districts; and

(f) Must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this subsection.

(3) The state-funded extended year contracts authorized under this section shall not be considered part of the definition or funding of the instructional program of basic education under Article IX of the state Constitution.

**HEALTH CARE BENEFITS**

**Sec.**  RCW 28A.400.350 and 2012 2nd sp.s. c 3 s 3 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available liability, life, health, health care, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Such coverage may be provided by contracts or agreements with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5) School districts offering medical, vision, and dental benefits shall:

(a) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(b) ((~~Make progress toward~~)) Offer health benefit plans that incorporate a plan design with employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan((~~, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655~~));

(c) Use savings pool funds to reduce out-of-pocket premium expenses for employees to maintain the three-to-one premium ratio identified in (b) of this subsection;

(d) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(6) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(7) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(8) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(9) Upon notification from the office of the insurance commissioner of a school district's substantial noncompliance with the data reporting requirements of RCW 28A.400.275, and the failure is due to the action or inaction of the school district, and if the noncompliance has occurred for two reporting periods, the superintendent is authorized and required to limit the school district's authority provided in subsection (1) of this section regarding employee health benefits to the provision of health benefit coverage provided by the state health care authority.

**PART VI**

**MEASURES OF SUCCESS**

**Sec.**  RCW 28A.150.550 and 2013 c 282 s 2 are each amended to read as follows:

(1) The ((~~following statewide indicators of educational system health are established~~)) legislature intends to measure each school district's success towards accomplishing the goal to improve the educational outcomes for all students using the following school district performance targets to be met by each district by 2020:

(a) ((~~The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080;~~

~~(b)~~)) Increase the third grade literacy rate by raising to eighty-six percent the percentage of students meeting the standard on the ((~~fourth~~)) third grade statewide reading assessment administered in accordance with RCW 28A.655.070;

((~~(c)~~)) (b) Improve high school readiness by increasing to seventy-two percent the percentage of students meeting the standard on the eighth grade statewide mathematics assessment administered in accordance with RCW 28A.655.070;

((~~(d)~~)) (c) Raise the four-year cohort high school graduation rate to eighty-nine percent;

((~~(e)~~)) (d) Enhance the quality of the high school diploma by increasing to ninety-three percent the percentage of high school graduates who ((~~during~~)) enroll in a college, university, or career and technical education or apprenticeship no later than the second quarter after graduation and are ((~~either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed; and~~

~~(f) The percentage of students enrolled in~~)) able to bypass precollege or remedial courses ((~~in college~~)).

(2) ((~~The statewide indicators established in subsection (1) of this section shall be disaggregated as provided under RCW 28A.300.042.~~

~~(3) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall establish a process for identifying realistic but challenging system-wide performance goals and measurements, if necessary, for each of the indicators established in subsection (1) of this section, including for subcategories of students as provided under subsection (2) of this section. The performance goal for each indicator must be set on a biennial basis, and may only be adjusted upward.~~)) The following additional school district performance target shall also be used to measure each school district's success towards accomplishing the goal to improve the educational outcomes for all students and must be met by each district by 2024: Closing the opportunity gap to five percent as measured by the criteria provided in RCW 28A.657.020(3)(b).

(3) Each school district shall also annually report the following to the superintendent of public instruction:

(a) The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080; and

(b) The percentage of high school graduates from the school district who during the second quarter after graduation are either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed.

(4) The state board of education, the office of the superintendent of public instruction, and the student achievement council shall each align their strategic planning and education reform efforts with the ((~~statewide indicators~~)) goal and performance ((~~goals~~)) targets established under this section.

(5)(a) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall submit an annual report to the governor and the education committees of the legislature on the status of each ((~~indicator~~)) school district in meeting the performance targets in subsections (1) and (2) of this section and ((~~recommend revised performance goals and measurements, if necessary, by December 1st of each even-numbered year, except that the initial report establishing baseline values and initial goals shall be delivered to the education committees of the legislature by December 1, 2013~~)) include the information reported under subsection (3) of this section by December 1st. The report shall disaggregate the data as provided under RCW 28A.300.042.

(b) ((~~If the educational system is not on target to meet the performance goals on any individual indicator, the report must recommend evidence-based reforms intended to improve student achievement in that area.~~

~~(c)~~)) To the extent data is available, the success in meeting the performance ((~~goals for each indicator~~)) targets must be compared with national data in order to identify whether Washington student achievement results are within the top ten percent nationally or are comparable to results in peer states with similar characteristics as Washington. ((~~If comparison data show that Washington students are falling behind national peers on any indicator, the report must recommend evidence-based reforms targeted at addressing the indicator in question.~~))

**PART VII**

**ACCOUNTABILITY THROUGH IMPROVED ACCOUNTING TRANSPARENCY**

NEW SECTION. **Sec.**  The legislature intends to provide additional procedural safeguards to eliminate the use of local excess levies to fund basic education.

**Sec.**  RCW 28A.320.330 and 2009 c 460 s 1 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of the general fund shall be established for the purpose of accounting for the financial operations of a school district that are paid from local revenue. Money deposited into the local revenue subfund shall include proceeds from school district excess levies as authorized by RCW 84.52.053 and local effort assistance payments from the state as authorized by RCW 84.52.0531. Expenditures from this subfund shall be tracked separately to account for the expenditure of each of these streams of funds by revenue sources within a school district.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

**Sec.**  RCW 28A.505.140 and 2006 c 263 s 202 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter. By the 2018-19 school year, the rules shall require school districts to provide separate accounting of state, federal, and local revenues to expenditures, including the identification and separate accounting of basic education and nonbasic education expenditures by revenue source.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction.

**Sec.**  RCW 28A.505.040 and 1995 c 121 s 1 are each amended to read as follows:

(1) On or before the tenth day of July in each year, all school districts shall prepare their budget for the ensuing fiscal year. The annual budget development process shall include the development or update of a four-year budget outlook that includes a four-year enrollment projection.

(2) The completed budget must include a summary of the four-year budget outlook and four-year enrollment projection and set forth the complete financial plan of the district for the ensuing fiscal year.

(3)(a) Upon completion of their budgets, every school district shall electronically publish a notice stating that the district has completed the budget, posted it electronically, placed it on file in the school district administration office, and that a copy ((~~thereof~~)) of the budget and a summary of the four-year outlook and enrollment projection will be furnished to any person who calls upon the district for it. ((~~The district shall provide a sufficient number of copies of the budget to meet the reasonable demands of the public.~~))

(b) School districts shall submit one copy of their budget and the four-year budget outlook summary and the four-year enrollment projection to their educational service districts and the office of the superintendent of public instruction for review and comment by July 10th. The superintendent of public instruction may delay the date in this section if the state's operating budget is not finally approved by the legislature until after June 1st.

(c) The office of the superintendent of public instruction shall consider the information provided under (b) of this subsection when ranking each school district by the financial health of the school district in order to provide information for districts to avoid potential financial difficulty, insolvency, or binding conditions.

**Sec.**  RCW 28A.505.050 and 1995 c 121 s 2 are each amended to read as follows:

(1) Upon completion of their budgets as provided in RCW 28A.505.040, every school district shall publish a notice stating that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year.

(2) Such notice shall designate the date, time, and place of said meeting which shall occur no later than the thirty-first day of August for first-class school districts, and the first day of August for second-class school districts.

(3) The notice shall also state that any person may appear ((~~thereat~~)) at the meeting and be heard for or against any part of such budget, the four-year budget outlook summary, and the four-year enrollment projection. ((~~Said~~)) The notice shall be electronically published and published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

**Sec.**  RCW 28A.505.060 and 1990 c 33 s 418 are each amended to read as follows:

(1) On the date given in ((~~said~~)) the notice as provided in RCW 28A.505.050 the school district board of directors shall meet at the time and place designated. Any person may appear ((~~thereat~~)) at the meeting and be heard for or against any part of such budget, the four-year budget outlook summary, and the four-year enrollment projection.

(2) Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st in first-class school districts, and not later than August 1st in second-class school districts.

(3) Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget, the four-year budget outlook summary, and the four-year enrollment projection and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That first-class school districts shall file copies of their adopted budget with their educational service district no later than September 3rd, and second-class school districts shall forward copies of their adopted budget to their educational service district no later than August 3rd for review, alteration, and approval as provided for in RCW 28A.505.070 by the budget review committee.

**Sec.**  RCW 28A.505.100 and 1990 c 33 s 420 are each amended to read as follows:

The budget shall set forth the estimated revenues from all sources for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year: PROVIDED, That school districts, pursuant to RCW 28A.505.110, can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

(2)(a) The budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year.

(b) The budget shall set forth:

(i) The state-funded salary amounts, locally funded salary amounts, total salary amounts, full-time equivalents((~~,~~)) for each individual certificated instructional staff, certificated administrative staff, and classified staff; and

(ii) The high, low, and average annual salaries, which shall be displayed by job classification within each budget classification. ((~~If individual salaries within each job classification are not displayed, districts shall provide the individual salaries together with the title or position of the recipient and the total amounts of salary under each budget class upon request. Salary schedules shall be displayed.~~))

(3) In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

Each school district is encouraged to annually use the four-year budget outlook and the four-year enrollment projection developed under RCW 28A.505.140 to inform the school district's decisions regarding the district's instructional priorities and program offerings and to communicate this information to the local community.

NEW SECTION. **Sec.**  A new section is added to chapter 43.09 RCW to read as follows:

(1) To ensure that school district excess levy funds authorized under RCW 84.52.053 are not being expended for basic education purposes, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district excess levy funds to ensure that such excess levy funds are not expended for any basic education purpose.

(2) As part of the regular financial audits of school districts, the state auditor shall audit the supplemental contracts under RCW 28A.400.200 to ensure compliance with the limitations and conditions provided in that section.

**PART VIII**

**PROVIDING FLEXIBILITY TO SCHOOL DISTRICTS, RECOGNIZING SCHOOL DISTRICTS MEETING THE PERFORMANCE TARGETS, AND ADDRESSING SCHOOL DISTRICTS NOT MEETING THE PERFORMANCE TARGETS**

NEW SECTION. **Sec.**  (1) The legislature finds that the state and the nation are experiencing teacher shortages that are not limited to specific grade levels, geographic regions, or subject matter but being broadly experienced. The legislature intends to increase school district flexibility and autonomy when hiring individuals to teach.

(2) The legislature recognizes that there is already a statutory process to recognize schools and school districts for exemplary performance and to identify challenged and the lowest-achieving schools for assistance and required action. The legislature intends to augment the established system to recognize schools and school districts for exemplary performance by also rewarding school districts that have continually made good management decisions and have successfully created productive learning environments by giving these districts greater autonomy, flexibility, and control over the operation of their schools when the district has met the performance targets that are the measures of success listed in RCW 28A.150.550 (as recodified by this act). The legislature intends that such districts shall be required to meet only minimal state-level requirements in order to facilitate continued innovation and excellence by the school district. The legislature further intends this reward will be an incentive to all educators, school employees, school district employees, and communities to continue to strive towards improving student academic performance and make every effort to meet the goal of improving educational outcomes for all students as measured by the performance targets.

(3) The legislature also intends to refocus the existing statutory process to identify school districts for assistance and required action by requiring these processes to use the performance targets established in this act as the primary measure of success to be met by school districts.

**Sec.**  RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

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

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a ((~~professional education~~)) certificate as authorized by the Washington professional educator standards board, or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" generally means a person who holds a ((~~professional education certificate and~~)) certificate as authorized by the Washington professional educator standards board, is employed in a position for which such certificate is required, and whose primary duty is the daily educational instruction of students. ((~~In exceptional cases~~)) However, people ((~~of unusual competence but~~)) without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute. School districts that hire a person without a certificate to teach students must ensure that the person undergoes a record check in accordance with RCW 28A.400.303.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of ((~~the~~)) directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

**Sec.**  RCW 28A.410.025 and 1969 ex.s. c 223 s 28A.67.010 are each amended to read as follows:

Except for a classroom teacher as defined in RCW 28A.150.203, no person shall be accounted as a qualified teacher within the meaning of the school law who is not the holder of a valid teacher's certificate or permit issued by lawful authority of this state.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.657 RCW to read as follows:

(1)(a) By November 1st in the school years before the date on which the performance targets listed in RCW 28A.150.550 (as recodified by this act) must be met, the state board of education shall annually use the achievement index developed under RCW 28A.657.110 and other appropriate measures to identify school districts that are on pace or ahead of pace to meet the performance targets.

(b) By November 1st in the school years after the date to meet the performance target has passed, the state board of education must annually identify school districts that have met the performance targets.

(2) When a school district is identified by the state board of education in accordance with subsection (1) of this section, the school district must be granted additional autonomy, flexibility, and control to promote continued innovation and excellence including, but not limited to, areas such as scheduling, personnel, funding, and educational programs to continue to improve student outcomes and academic achievement. Such school districts are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors, except those statutes made applicable under this section.

(3) A school district identified by the state board of education as being granted additional flexibility must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education that meets the goals in RCW 28A.150.210 including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025. The school districts, however, may hire noncertificated instructional staff as provided in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Complete the requirements of the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Follow the requirements of the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Implement the provisions of the interstate compact on educational opportunity for military children, when applicable.

(4) A school district identified by the state board of education as being granted additional flexibility under this section is encouraged to exempt schools within the district from all school district policies and collective bargaining agreements if the school is on pace to meet the performance targets or have met the performance targets.

(5) A school district identified under subsection (1) of this section shall not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(6) A school district identified under subsection (1) of this section is subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other school districts, except as provided in this section.

(7) The state board of education shall annually notify the superintendent of public instruction, the governor, and the legislature regarding which school districts are identified under subsection (1) of this section and are therefore exempt from most state laws and rules.

(8) For the purposes of this section and RCW 28A.657.020, "on pace" means that the district is making improvement in equal annual increments such that the district will meet the performance target by the date established under this section.

**Sec.**  RCW 28A.657.020 and 2014 c 191 s 1 are each amended to read as follows:

(1) Beginning in 2010, and each year thereafter through December 1, 2012, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

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

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

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

(3)(a) Beginning February 1, 2014, and each February thereafter, the superintendent of public instruction shall annually identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state.

(b) The ((~~criteria for determining~~)) performance targets listed in RCW 28A.150.550 (as recodified by this act) must be used to determine whether a school is a challenged school in need of improvement ((~~shall be adopted by~~)). The superintendent of public instruction shall adopt in rule((~~. The~~)) additional criteria ((~~must~~)), only if necessary, to meet all applicable federal requirements under Title I of the elementary and secondary education act of 1965 and other federal rules or guidance, including applicable requirements for the receipt of federal school improvement funds if available, but the performance targets and any additional criteria, if adopted, shall apply equally to Title I, Title I-eligible, and non-Title I schools in the state. ((~~The criteria~~)) When evaluating a school district to determine whether the district is on or ahead of pace to meet the performance targets or has met the performance targets, the superintendent of public instruction and the state board of education must take into account the academic achievement of the "all students" group and subgroups of students in a school in terms of proficiency on the state assessments in reading or English language arts and mathematics and a high school's graduation rate for all students and subgroups of students. The superintendent may establish tiered categories of challenged schools based on the relative performance of all students, subgroups of students, and other factors.

(c) The superintendent of public instruction and the state board of education shall ((~~also adopt criteria in rule for determining~~)) determine whether a challenged school in need of improvement is also a persistently lowest-achieving school for purposes of the required action district process under this chapter, which shall include the school's lack of progress in meeting the performance targets in RCW 28A.150.550 (as recodified by this act) for all students and subgroups of students over a number of years. ((~~The criteria for~~)) When identifying persistently lowest-achieving schools the superintendent of public instruction and the state board of education shall also take into account the level of state or federal resources available to implement a required action plan.

(d) If the Washington achievement index is approved by the United States department of education for use in identifying schools for federal purposes, the superintendent of public instruction shall use the approved index to identify schools under (b) and (c) of this subsection.

(4) As used in this section, "on pace" has the definition in section 804 of this act.

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

(1) By the 2017-18 school year, the state board of education must create a process for a limited number of school districts to become innovation districts and be exempt from most state laws, except those laws specified under section 804(3) of this act.

(2) The process must require each school district desiring an exemption under subsection (1) of this section to submit a plan to the state board of education detailing how the additional flexibility will enable the school district to improve educational outcomes for students enrolled in the district.

(3) School districts that have been identified under RCW 28A.657.020 as persistently failing schools are not eligible for the additional flexibility provided under this section.

**PART IX**

**ESTABLISHING THE TOP TEACHER RECOGNITION GRANT PROGRAM**

NEW SECTION. **Sec.**  A new section is added to chapter 28A.625 RCW to read as follows:

(1) The top teacher recognition grant program is established to encourage excellence in the classroom teaching ranks and to recognize the most outstanding classroom teachers in Washington state.

(2) Subject to available funds provided specifically in the omnibus appropriations act for this purpose, in each odd-numbered year, every educational service district must identify, based on merit as determined by the educational service district, the top five percent of teachers who are teaching in a school district within the educational service district.

(3) The teachers identified in the top five percent shall be chosen and certified by the educational service district board of directors from a list of nominees submitted by each school district's board of directors. The school district board's nominees must be selected from a list of candidates submitted by school principals using selection criteria and a process developed by the school district's board of directors, after receiving input from the community.

(4) The teachers identified in the top two percent shall receive a one-time award of a fifty thousand dollar top teacher recognition grant. The rest of the teachers who are identified in the top five percent shall receive one-time awards of a twenty-five thousand dollar top teacher recognition grant.

(5) The top teacher recognition grants are not:

(a) Subject to the collective bargaining laws in chapter 41.59 RCW;

(b) Included for the purposes of computing a retirement allowance under any public retirement system in this state; or

(c) Part of the program of basic education or the funding necessary to comply with the state's Article IX constitutional duty.

**PART X**

**FUTURE COLLECTIVE BARGAINING AGREEMENTS MUST CONFORM TO ACT**

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

(1) Chapter . . ., Laws of 2017 (this act) does not affect or impair any collective bargaining agreements in effect on the effective date of this section between an employer and an educational employee or employee organization under this chapter.

(2) Any collective bargaining agreement entered into, modified, reopened, or renewed after the effective date of this section shall be consistent with chapter . . ., Laws of 2017 (this act).

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

(1) Chapter . . ., Laws of 2017 (this act) does not affect or impair any collective bargaining agreements in effect on the effective date of this section between an employer and an educational employee or employee organization under this chapter.

(2) Any collective bargaining agreement entered into, modified, reopened, or renewed after the effective date of this section shall be consistent with chapter . . ., Laws of 2017 (this act).

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

Housing allowances as provided in section 504 of this act are not subject to collective bargaining.

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

Housing allowances as provided in section 504 of this act are not subject to collective bargaining by classified employees of school districts as defined in RCW 28A.150.203.

**PART XI**

**PROHIBITING TEACHER STRIKES**

NEW SECTION. **Sec.**  The legislature finds that, like other state and local public employees, educational employees do not have a legally protected right to strike. No such right existed at common law, and none has been granted by statute. The legislature further finds, as have numerous trial court decisions and the Washington state attorney general in AGO 2006 No. 3, that any argument that a right to strike is implied by the absence of a provision in chapter 41.59 RCW is wrong. The legislature intends to provide greater clarity to parents and school districts by prohibiting strikes, work stoppages, or work slowdowns or other refusal to perform official duties.

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

Nothing contained in this chapter permits or grants any educational employee the right to strike, participate in work stoppages or work slowdowns, or to otherwise refuse to perform his or her official duties.

**PART XII**

**STUDENT ABSENTEEISM**

NEW SECTION. **Sec.**  The legislature finds that it is necessary to curb the rampant absenteeism in K-12 schools and intends to do so by providing an incentive for school districts to keep students in school. The legislature recognizes that the incentive policy will not automatically result in reduced funding if a school district is successful in getting all students to attend. The legislature acknowledges that even if the policy does result in less funding for some districts, the court has provided that the funding formulas are not cast in "constitutional concrete" but that there must be an educational rationale for a reduction. The legislature finds that research shows that students who are chronically absent from school have lower levels of reading proficiency, reduced high school graduation rates, and less success in college. The legislature further finds that these are all education rationales that demand the legislature take action to stop chronic school absenteeism.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.225 RCW to read as follows:

(1) In addition to the actions required to address student truancy, beginning in the 2019-20 school year, each school district shall create an attendance reserve to be used to reduce chronic student absenteeism. For the purposes of this section, "chronic absenteeism" means when a student has eighteen or more absences in a school year.

(2) If a school has a three-year average student absentee rate that exceeds twenty percent of the student population of the school, then the office of the superintendent of public instruction must recover from the school district an amount of funds from the district's reserve that is equal to the amount of funds that the school received for each chronically absent student in excess of twenty percent.

(3) The superintendent of public instruction shall make rules to implement this section, including rules on how to determine the amount that each school district shall place in reserve based on student enrollment and number of students who have been chronically absent during the previous three years.

**PART XIII**

**PARAEDUCATORS**

NEW SECTION. **Sec.**  Paraeducators provide the majority of instruction in programs designed by the legislature to reduce the opportunity gap. By setting common statewide standards, training, and career development for paraeducators, as well as training for teachers and principals who have paraeducators in their classroom, students in these programs have a better chance of succeeding in the classroom.

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

(1) Effective September 1, 2017, the minimum employment standards for a paraeducator who works in the special education program, the basic education program, the learning assistance program, the federal disadvantaged program, and English language learner programs shall be as provided in this subsection. The paraeducator must:

(a) Be at least eighteen years of age, hold a high school diploma or its equivalent, and have received a passing grade on the education testing service paraeducator assessment; or

(b) Hold an associate of arts degree; or

(c) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

(d) Have completed a registered apprenticeship program.

(2)(a) By September 1, 2017, members of the paraeducator board must be appointed. The board shall be composed of one paraeducator, one teacher, one principal, one parent whose child receives instructional support from a paraeducator, one representative from a private school, one representative of a community or technical college, and one representative of a four-year institution of higher education as defined in RCW 28B.10.016.

(b) Appointments to the board shall be made as follows:

(i) The superintendent of public instruction shall appoint the paraeducator, the teacher, the private school representative, the office of the superintendent of public instruction representative, and the principal;

(ii) The Washington state parent teacher association shall appoint the parent whose child receives instructional support from a paraeducator;

(iii) The state board for community and technical colleges shall appoint the representative of a community or technical college; and

(iv) The student achievement council shall appoint the representative of an institution of higher education.

(c) A representative from the office of the superintendent of public instruction shall be the nonvoting facilitator of the board.

(d) The office of the superintendent of public instruction shall be the administrator of the board.

(3) Beginning September 1, 2017, the paraeducator board must administer policies and rules for the preparation and certification of paraeducators who work in special education, basic education, the learning assistance program, the federal disadvantaged program, or the English language learners program, the paraeducator career ladder, or the pathway to teacher certification.

(4)(a) During the 2018-19 school year, grants, as funded by the legislature, shall be distributed by the board to a diverse set of school districts that volunteer to field test the implementation of the paraeducator certification, special education, and English language learner endorsement.

(b) Effective September 1, 2019, all school districts must begin implementing the paraeducator certification for paraeducators working in the programs in special education, basic education, the learning assistance program, the federal disadvantaged program, or the English language learner program. Paraeducators have three years to acquire their certification.

(c) The certification standards shall be adopted by the board and must include:

(i) Supporting instructional opportunities;

(ii) Demonstrating professionalism and ethical practices;

(iii) Supporting a positive and safe learning environment;

(iv) Communicating effectively and participating in the team process; and

(v) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

(d) The board shall develop a practicum and must ensure that paraeducators have multiple methods to access training necessary to become certificated.

(e) The board has the authority to establish certification fees paid by paraeducators, however the board shall adapt the current teacher e-certification process to be used for paraeducator certification.

(f) The office of the superintendent of public instruction shall be provided the necessary funds to administer the board and the paraeducator certificates and endorsements.

(g) The board shall develop competency-based testing to allow paraeducators to use their prior experience or training to meet paraeducator standards.

(5) Beginning September 1, 2019, all paraeducators working in special education and English language learning programs have three years to acquire their endorsement.

(a) The board may adopt rules to implement the endorsement and training standards.

(b) The board shall ensure that training is made available to paraeducators in a variety of means that will limit cost and improve access.

(6) Paraeducators must renew their certificate or necessary endorsements every five years. In order to renew the certificate or endorsement, they must complete the clock hours determined by the board. The board may develop the training modules as well as ensure that the clock hour training is made available to paraeducators in a variety of means that will limit cost and improve access.

(7) The professional educator standards board must design and implement a training program for teachers and principals as it relates to their role working with paraeducators. Teacher training must include how to direct a paraeducator working with students in the paraeducator's classroom. Principal training must include how to supervise and evaluate paraeducators.

(8)(a) The board shall develop the rules for an advanced paraeducator endorsement, training modules, and renewal process that must be implemented by September 1, 2019.

(b) Some responsibilities of the advanced paraeducator position are mentoring or coaching other paraeducators, assisting in highly impacted classrooms, short-term teacher substitution, and assistance in specific specialized instruction support or technology applications.

(c) The rules must include provisions regarding the ability of a person holding an advanced paraeducator endorsement that will qualify the paraeducator to replace a teacher in short absence situations in those districts that are experiencing difficulty finding substitute teachers.

(9) The definitions in this subsection apply throughout this section.

(a) "Board" means the paraeducator board.

(b) "English language learner programs" or "English language learner endorsement" refers to the English language learners program, the transitional bilingual instruction program, and the federal limited English proficiency program.

(c) "Paraeducator" means a classified school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional services to students and their families. Paraeducators are not considered certificated instructional staff as that meaning and term is used in this title.

(10) This section is subject to the availability of amounts specifically appropriated for this specific purpose.

**Sec.**  RCW 28A.630.400 and 2011 1st sp.s. c 11 s 132 are each amended to read as follows:

(1) The professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

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

(3)(a) If amounts are not appropriated specifically for the purpose of (b) of this subsection, the training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(b) Subject to the availability of amounts appropriated for this specific purpose, the training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the adopted state standards for paraeducators, which include core knowledge and skill competencies in (i) supporting instructional opportunities, (ii) demonstrating professional and ethical practices, (iii) supporting a positive and safe learning environment, (iv) communicating effectively and participating in the team process, and (v) demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

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

**Sec.**  RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

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

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8), except for paraeducators.

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means either a person who is employed as a paraeducator or who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of ((~~the~~)) directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

**Sec.**  RCW 28A.410.062 and 2011 1st sp.s. c 23 s 1 are each amended to read as follows:

(1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

(2) In addition to the certification fee established under RCW 28A.410.060 for certificated instructional staff as defined in RCW 28A.150.203, the superintendent of public instruction shall charge an application processing fee for initial educator and paraeducator certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9) and the paraeducator certification program under section 1302 of this act. Revenue generated through the processing fee shall be deposited in the educator certification processing account.

(3) The educator certification processing account is established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator and paraeducator certificates and subsequent actions. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

**Sec.**  RCW 28B.50.891 and 2014 c 136 s 4 are each amended to read as follows:

Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by the professional educator standards board under RCW 28A.410.270. Subject to the availability of amounts specifically appropriated for this specific purpose, the programs must also include core knowledge and skill competencies in: Supporting instructional opportunities, demonstrating professional and ethical practices, supporting a positive and safe learning environment, and communicating effectively and participating in the team process.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington state. The study shall examine variation in the use of paraeducators across schools and districts and analyze whether and the extent that any differences in students' academic progress can be attributed to the use of paraeducators. The office of the superintendent of public instruction and the education data center shall provide the data necessary to conduct the analysis. The study must also include a review of the national research literature on the effectiveness of paraeducators in improving student outcomes.

(2) The institute shall submit a final report to the relevant committees of the legislature by December 15, 2017.

**PART XIV**

**TECHNICAL AMENDMENTS TO ALIGN STATUTES WITH THE PER PUPIL FUNDING DISTRIBUTION MODEL**

**Sec.**  RCW 28A.150.250 and 2009 c 548 s 105 are each amended to read as follows:

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in ((~~RCW 28A.510.250~~)) section 102 of this act to each school district of the state operating a basic education instructional program approved by the state board of education an amount ((~~based on the formulas provided in RCW 28A.150.260, 28A.150.390, and 28A.150.392~~)) which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, ((~~excluding excess property tax~~)) and including the required amount from the state-required local effort levies under RCW 84.52.065 but excluding revenue from local school district excess levies under RCW 84.52.0531, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature ((~~pursuant to RCW 28A.150.260, 28A.150.390, and 28A.150.392~~)) in accordance with section 102 of this act to fund those program requirements identified in RCW 28A.150.220 ((~~in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410~~)), transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.170, and the salaries of staff providing the program of basic education under RCW 28A.400.200.

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ((~~28A.150.260 and~~)) 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

**Sec.**  RCW 28A.150.280 and 1993 c 111 s 1 are each amended to read as follows:

((~~Costs of acquisition of approved transportation equipment purchased prior to September 1, 1982, shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That~~)) Commencing with the 1980-81 school year, state reimbursement for costs of acquisition of approved transportation equipment shall be at one hundred percent or as close thereto as reasonably possible and included in the funding under section 102 of this act: PROVIDED ((~~FURTHER~~)), That reimbursements for the acquisition of approved transportation equipment received by school districts shall be placed in the transportation vehicle fund for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized in RCW 28A.160.130.

**Sec.**  RCW 28A.150.290 and 1992 c 141 s 504 are each amended to read as follows:

(1) The superintendent of public instruction shall have the power and duty to make such rules ((~~and regulations~~)) as are necessary for the proper administration of this chapter and RCW ((~~28A.160.150 through 28A.160.220~~)) 28A.160.170, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW ((~~28A.160.150 through 28A.160.220~~)) 28A.160.170, 28A.300.170, and 28A.500.010.

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in ((~~RCW 28A.150.250~~)) section 102 of this act when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.150.220 and ((~~28A.150.260~~)) section 102 of this act due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW ((~~28A.160.150 through 28A.160.220~~)) 28A.160.170, 28A.300.170, and 28A.500.010; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

**Sec.**  RCW 28A.150.310 and 2002 c 291 s 2 are each amended to read as follows:

Basic and nonbasic education funding((~~, including applicable vocational entitlements and special education program money,~~)) generated under this chapter and under state appropriations acts shall be allocated directly to the military department for a national guard youth challenge program for students earning high school graduation credit under RCW ((~~28A.305.170~~)) 28A.300.165. Funding shall be provided based on statewide average rates ((~~for basic education, special education, categorical, and block grant programs~~)) as determined by the office of the superintendent of public instruction. The monthly full-time equivalent enrollment reported for students enrolled in the national guard youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section.

**Sec.**  RCW 28A.150.315 and 2012 c 51 s 1 are each amended to read as follows:

(1) ((~~Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally,~~)) Schools ((~~receiving~~)) providing an all-day kindergarten program ((~~support shall agree to the following conditions~~)) must:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) It is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in this subsection (2) and RCW 28A.655.080 replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.

(b) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated in RCW 43.215.070, and report the results to the superintendent. The superintendent shall share the results with the director of the department of early learning.

(c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high‑quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

**Sec.**  RCW 28A.150.350 and 1990 c 33 s 112 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to ((~~RCW 28A.150.260~~)) section 102 of this act. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules ((~~and regulations~~)) to carry out the purposes of ((~~RCW 28A.150.260 and 28A.150.350~~)) this section.

**Sec.**  RCW 28A.150.360 and 1995 c 335 s 101 are each amended to read as follows:

In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with the intent of this chapter, RCW ((~~28A.160.150 through 28A.160.210~~)) 28A.160.170, 28A.300.170, and 28A.500.010 in providing an equal educational opportunity for the children of such district or districts.

**Sec.**  RCW 28A.150.400 and 1990 c 33 s 117 are each amended to read as follows:

State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PROVIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments to the extent necessary: PROVIDED FURTHER, That as to those revenues used in determining the amount of state funds to be apportioned to school districts pursuant to ((~~RCW 28A.150.250~~)) section 102 of this act, any apportionment factors shall utilize data and statistics derived in an annual period established pursuant to rules ((~~and regulations~~)) promulgated by the superintendent of public instruction in cooperation with the department of revenue.

**Sec.**  RCW 28A.160.130 and 2009 c 564 s 919 are each amended to read as follows:

(1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs ((~~under RCW 28A.150.280. The amount transferred shall be the balance of the account as of September 1, 1982~~));

(b) Reimbursement payments provided for in RCW 28A.160.200 except those provided under RCW 28A.160.200(3) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.320.300; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to RCW 28A.160.200 ((~~and 28A.150.280~~));

(b) Payment of conditional sales contracts as authorized in RCW 28A.335.200 or payment of obligations authorized in RCW 28A.530.080, entered into or issued for the purpose of pupil transportation vehicles;

(c) Major repairs to pupil transportation vehicles((~~;~~

~~(d) For the 2009-2011 biennium, a school district that is wholly contained on an island and has a student enrollment greater than two hundred fifty students and fewer than five hundred and fifty students may transfer from the transportation vehicle fund to the school district's general fund such amounts as necessary for instructional costs~~)).

(3) The superintendent of public instruction shall adopt rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district((~~, except as provided under subsection (2)(d) of this section~~)).

**Sec.**  RCW 28A.160.170 and 2009 c 548 s 306 are each amended to read as follows:

(1) Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the ((~~following:~~

~~(1)(a) The~~)) number of eligible students transported to and from school as provided for in ((~~RCW 28A.160.150~~)) subsection (3) of this section, along with identification of stop locations and school locations, and ((~~(b)~~)) the number of miles driven for pupil transportation services ((~~as authorized in RCW 28A.160.150~~)) to and from school the previous school year((~~; and~~)).

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined ((~~by RCW 28A.160.160(3)~~)) in subsection (3) of this section from non-to-and-from-school pupil transportation costs in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

(3) For the purposes of this section, "to and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160 but does not include transportation to and from schools for field trips;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute;

(d) Transportation of students with disabilities to and from schools and agencies for special education services; and

(e) Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220.

(4) Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

**Sec.**  RCW 28A.165.055 and 2013 2nd sp.s. c 18 s 205 are each amended to read as follows:

The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only((~~, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065 and 28A.655.235~~)).

**Sec.**  RCW 28A.185.010 and 2009 c 548 s 707 are each amended to read as follows:

Pursuant to rules adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by ((~~RCW 28A.150.260~~)) section 102 of this act.

**Sec.**  RCW 28A.185.020 and 2009 c 548 s 708 are each amended to read as follows:

(1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. ((~~Instead,~~)) The legislature intends to allocate funding based on two and three hundred fourteen one-thousandths percent of each school district's population ((~~and~~)) multiplied by the highly capable supplemental per pupil guarantee in section 102 of this act. This language authorizes school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds provided by the state for the program for highly capable students under RCW 28A.150.260 shall be categorical funding to provide services to highly capable students as determined by a school district under RCW 28A.185.030.

**Sec.**  RCW 28A.340.040 and 1990 c 33 s 369 are each amended to read as follows:

((~~(1)~~)) School districts participating in a cooperative project pursuant to RCW 28A.340.030 may adopt identical ((~~salary schedules~~)) salaries for the staff of the project following compliance with chapter 41.59 RCW((~~: PROVIDED, That if the districts participating in a cooperative project adopt identical salary schedules, the participating districts shall be considered a single school district for purposes of establishing compliance with the salary limitations of RCW 28A.400.200(3) but not for the purposes of allocation of state funds.~~

~~(2) For purposes of computing fringe benefit contributions for purposes of establishing compliance with RCW 28A.400.200(3)(b), the districts participating in a cooperative project pursuant to RCW 28A.340.030 may use the greater of: (a) The highest amount provided in the 1986-87 school year by a district participating in the cooperative project; or (b) the amount authorized for such purposes in the state operating appropriations act in effect at the time~~)).

**Sec.**  RCW 28A.232.020 and 2013 2nd sp.s. c 18 s 503 are each amended to read as follows:

The superintendent of public instruction shall separately calculate and allocate moneys appropriated under ((~~RCW 28A.150.260~~)) section 102 of this act to school districts for each full-time equivalent student enrolled in an alternative learning experience course. The calculation shall be based on the estimated statewide annual average allocation per full-time equivalent student in grades nine through twelve in general education, excluding small high school enhancements, and including applicable rules and provisions of the omnibus appropriations act.

**Sec.**  RCW 28A.400.220 and 1989 c 11 s 5 are each amended to read as follows:

(1) ((~~No~~)) School district boards of directors or administrators ((~~may~~)) shall not:

(a) Increase an employee's salary using school district excess levy funds for the provision of services that are a part of the basic education program required by Article IX, section 1 of the state Constitution;

(b) Increase an employee's salary or compensation to include a payment in lieu of providing a fringe benefit; or

((~~(b)~~)) (c) Allow any payment to an employee which is partially or fully conditioned on the termination or retirement of the employee, except as provided in subsection (2) of this section.

(2) A school district board of directors may compensate an employee for termination of the employee's contract in accordance with the termination provisions of the contract. If no such provisions exist the compensation must be reasonable based on the proportion of the uncompleted contract. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

((~~(3) Provisions of any contract in force on March 27, 1982, which conflict with the requirements of this section shall continue in effect until contract expiration. After expiration, any new contract including any renewal, extension, amendment or modification of an existing contract executed between the parties shall be consistent with this section.~~))

**Sec.**  RCW 28A.400.240 and 2001 c 266 s 1 are each amended to read as follows:

In addition to any other powers and duties, any school district or educational service district may contract with any classified or certificated employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the appropriate internal revenue service exclusion allowance for such plans, and shall subsequently with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank, or purchase life insurance, shares of an investment company, or a fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or an investment company licensed to contract business in this state. In no event shall the total investments or payments, and the employee's nondeferred income for any year exceed the total annual salary, or compensation ((~~under the existing salary schedule~~)) or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

**Sec.**  RCW 28A.400.250 and 2010 c 41 s 1 are each amended to read as follows:

(1) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents are authorized to provide and pay for tax deferred annuities or regulated company stock held in a custodial account for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C. section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. As of the effective date of this section, school districts are not authorized to make, and must not make, employer contributions to plans authorized by this section. The superintendent of public instruction and educational service district superintendents, if eligible, may also be provided with such options.

(2) At the request of at least five employees, the employees' employer shall arrange for the:

(a) Purchase of tax deferred annuity contracts which meet the requirements of 26 U.S.C. section 403(b), as now or hereafter amended, for the employees from any company the employees may choose that is authorized to do business in this state through a Washington-licensed insurance agent that the employees may select; or

(b) Payment to a custodial account for investment in the stock of a regulated investment company as defined in 26 U.S.C. section 403(b)(7)(c).

(3) Payroll deductions shall be made in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contracts. Employees' rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

(4) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents shall not restrict, except as provided in this section, employees' right to select the tax deferred annuity of their choice, the regulated company stock held in a custodial account, or the agent, broker, or company licensed by the state of Washington through which the tax deferred annuity or regulated company stock is placed or purchased, and shall not place limitations on the time or place that the employees make the selection.

(5) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents may each adopt rules regulating the sale of tax deferred annuities or regulated company stock held in a custodial account which: (a) Prohibit solicitation of employees for the purposes of selling tax deferred annuities or regulated company stock held in a custodial account on school premises during normal school hours; (b) only permit the solicitation of tax deferred annuities or regulated company stock held in a custodial account by agents, brokers, and companies licensed by the state of Washington; and (c) require participating companies to execute reasonable agreements protecting the respective employers from any liability attendant to procuring tax deferred annuities or regulated company stock held in a custodial account.

**Sec.**  RCW 28A.625.110 and 1990 c 33 s 519 are each amended to read as follows:

The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of ((~~RCW 28A.400.200 or~~)) chapter 41.40 RCW.

**Sec.**  RCW 28A.625.150 and 1990 c 33 s 520 are each amended to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of ((~~RCW 28A.400.200 or~~)) chapter 41.32 RCW.

**Sec.**  RCW 28A.710.220 and 2016 c 241 s 122 are each amended to read as follows:

(1) Charter schools must report student enrollment in the same manner, and based on the same definitions of enrolled students and annual average full-time equivalent enrollment, as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is distributed based on student characteristics.

(2) In accordance with appropriations made under RCW 28A.710.270 and 28A.710.280, the superintendent of public instruction shall distribute state funding to charter schools using the per pupil distribution model under section 102 of this act and according to the schedule established in RCW 28A.510.250.

(3) Amounts distributed to a charter school under RCW 28A.710.280 in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts distributed in the first year of operation to the amounts that would have been distributed based on actual student enrollment and make adjustments to the charter school's distributions over the course of the second year of operation.

(4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of a budget year must remain in the school's accounts for use by the school during subsequent budget years.

**Sec.**  RCW 28A.710.240 and 2016 c 241 s 124 are each amended to read as follows:

If a school district uses years of service when determining salaries for certificated instructional staff in the basic education program, then years of service in a charter school by certificated instructional staff shall be included in the years of service calculation ((~~for purposes of the statewide salary allocation schedule under RCW 28A.150.410~~)). This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school.

**Sec.**  RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction using the per pupil distribution model under section 102 of this act and according to the schedule established under RCW 28A.510.250((~~, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the average staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located, subject to conditions and limitations established by the omnibus appropriations act. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule~~)). Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

**PART XV**

**TECHNICAL AMENDMENTS TO ALIGN STATUTES WITH RECOGNIZING AND REWARDING SCHOOL DISTRICTS THAT MEET THE MEASURES OF SUCCESS**

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

APPLICATION OF CHAPTER—GENERAL PROVISIONS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.155 RCW to read as follows:

APPLICATION OF CHAPTER—SPECIAL EDUCATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.160 RCW to read as follows:

APPLICATION OF CHAPTER—STUDENT TRANSPORTATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.165 RCW to read as follows:

APPLICATION OF CHAPTER—LEARNING ASSISTANCE PROGRAM.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.170 RCW to read as follows:

APPLICATION OF CHAPTER—SUBSTANCE ABUSE AWARENESS PROGRAM.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.175 RCW to read as follows:

APPLICATION OF CHAPTER—DROPOUT PREVENTION, INTERVENTION, AND RETRIEVAL SYSTEM.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.180 RCW to read as follows:

APPLICATION OF CHAPTER—TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.185 RCW to read as follows:

APPLICATION OF CHAPTER—HIGHLY CAPABLE STUDENTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.188 RCW to read as follows:

APPLICATION OF CHAPTER—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) EDUCATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

APPLICATION OF CHAPTER—RESIDENTIAL EDUCATION PROGRAMS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.193 RCW to read as follows:

APPLICATION OF CHAPTER—EDUCATION PROGRAMS FOR JUVENILE INMATES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.194 RCW to read as follows:

APPLICATION OF CHAPTER—EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—EDUCATION CENTERS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.210 RCW to read as follows:

APPLICATION OF CHAPTER—HEALTH—SCREENING AND REQUIREMENTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.215 RCW to read as follows:

APPLICATION OF CHAPTER—EARLY CHILDHOOD, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.220 RCW to read as follows:

APPLICATION OF CHAPTER—TRAFFIC SAFETY.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.225 RCW to read as follows:

APPLICATION OF CHAPTER—COMPULSORY SCHOOL ATTENDANCE AND ADMISSION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.230 RCW to read as follows:

APPLICATION OF CHAPTER—COMPULSORY COURSEWORK AND ACTIVITIES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.232 RCW to read as follows:

APPLICATION OF CHAPTER—ALTERNATIVE LEARNING EXPERIENCE COURSES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.235 RCW to read as follows:

APPLICATION OF CHAPTER—FOOD SERVICES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.245 RCW to read as follows:

APPLICATION OF CHAPTER—SKILL CENTERS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.250 RCW to read as follows:

APPLICATION OF CHAPTER—ONLINE LEARNING.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—SUPERINTENDENT OF PUBLIC INSTRUCTION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.305 RCW to read as follows:

APPLICATION OF CHAPTER—STATE BOARD OF EDUCATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

APPLICATION OF CHAPTER—EDUCATIONAL SERVICE DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.315 RCW to read as follows:

APPLICATION OF CHAPTER—ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

APPLICATION OF CHAPTER—PROVISIONS APPLICABLE TO ALL DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.323 RCW to read as follows:

APPLICATION OF CHAPTER—JOINT SCHOOL DISTRICTS—SCHOOL DISTRICTS IN TWO OR MORE EDUCATIONAL SERVICE DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—ASSOCIATED STUDENT BODIES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.330 RCW to read as follows:

APPLICATION OF CHAPTER—PROVISIONS APPLICABLE TO SCHOOL DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.335 RCW to read as follows:

APPLICATION OF CHAPTER—SCHOOL DISTRICTS' PROPERTY.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.340 RCW to read as follows:

APPLICATION OF CHAPTER—SMALL HIGH SCHOOL COOPERATIVE PROJECTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.343 RCW to read as follows:

APPLICATION OF CHAPTER—SCHOOL DIRECTOR DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.345 RCW to read as follows:

APPLICATION OF CHAPTER—WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.400 RCW to read as follows:

APPLICATION OF CHAPTER—EMPLOYEES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—CERTIFICATED EMPLOYEES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—CERTIFICATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.415 RCW to read as follows:

APPLICATION OF CHAPTER—INSTITUTES, WORKSHOPS, AND TRAINING.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.505 RCW to read as follows:

APPLICATION OF CHAPTER—SCHOOL DISTRICTS' BUDGETS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.510 RCW to read as follows:

APPLICATION OF CHAPTER—APPORTIONMENT TO DISTRICT—DISTRICT ACCOUNTING.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.515 RCW to read as follows:

APPLICATION OF CHAPTER—COMMON SCHOOL CONSTRUCTION FUND.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.520 RCW to read as follows:

APPLICATION OF CHAPTER—FOREST RESERVE FUNDS DISTRIBUTION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—BOND ISSUES.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.527 RCW to read as follows:

APPLICATION OF CHAPTER—SCHOOL FACILITIES—2008 BOND ISSUE.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.530 RCW to read as follows:

APPLICATION OF CHAPTER—DISTRICT BONDS FOR LAND, BUILDINGS, AND EQUIPMENT.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.535 RCW to read as follows:

APPLICATION OF CHAPTER—VALIDATING INDEBTEDNESS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.540 RCW to read as follows:

APPLICATION OF CHAPTER—CAPITAL FUND AID BY NONHIGH SCHOOL DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—PAYMENT TO HIGH SCHOOL DISTRICTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—STUDENTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—PARENT ACCESS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.620 RCW to read as follows:

APPLICATION OF CHAPTER—COMMUNITY EDUCATION PROGRAMS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.623 RCW to read as follows:

APPLICATION OF CHAPTER—MEAL PROGRAMS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.625 RCW to read as follows:

APPLICATION OF CHAPTER—AWARDS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.630 RCW to read as follows:

APPLICATION OF CHAPTER—TEMPORARY PROVISIONS—SPECIAL PROJECTS.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.635 RCW to read as follows:

APPLICATION OF CHAPTER—OFFENSES RELATING TO SCHOOL PROPERTY AND PERSONNEL.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.640 RCW to read as follows:

APPLICATION OF CHAPTER—SEXUAL EQUALITY.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.642 RCW to read as follows:

APPLICATION OF CHAPTER—DISCRIMINATION PROHIBITION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.645 RCW to read as follows:

APPLICATION OF CHAPTER—APPEALS FROM BOARD.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.650 RCW to read as follows:

APPLICATION OF CHAPTER—EDUCATION TECHNOLOGY.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

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

APPLICATION OF CHAPTER—ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.657 RCW to read as follows:

APPLICATION OF CHAPTER—ACCOUNTABILITY SYSTEM.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.660 RCW to read as follows:

APPLICATION OF CHAPTER—ALTERNATIVE ROUTE TEACHER CERTIFICATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.690 RCW to read as follows:

APPLICATION OF CHAPTER—AGREEMENT ON QUALIFICATIONS OF PERSONNEL.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.700 RCW to read as follows:

APPLICATION OF CHAPTER—SECONDARY CAREER AND TECHNICAL EDUCATION.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.705 RCW to read as follows:

APPLICATION OF CHAPTER—INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.715 RCW to read as follows:

APPLICATION OF CHAPTER—STATE-TRIBAL EDUCATION COMPACTS AUTHORITY.

Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

**PART XVI**

**EDUCATION SECTOR EXCELLENCE ASSESSMENT FRAMEWORK**

NEW SECTION. **Sec.**  The legislature finds that educational entities, such as school districts, educational service districts, and state-level education agencies, can benefit from adopting a common performance assessment standard. The legislature further finds that the most efficient and effective standardized performance assessment is the education sector excellence assessment framework developed by the national institutes of standards and technology, United States department of commerce. As a result, the legislature intends to have school districts, educational service districts, and educational state agencies implement the education sector excellence assessment framework over the next three years.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2018-19 school year, the office of the superintendent of public instruction shall select ten school districts with at least five thousand students or more to pilot implementation of the education sector excellence assessment framework developed by the national institutes of standards and technology, United States department of commerce. Each school district shall receive a ten thousand dollar grant for the purpose of implementing the education sector excellence assessment framework, including contracting with a trained national or state examiner to assess the operational performance of the school district using the education sector excellence assessment framework.

(2) The office of the superintendent of public instruction shall develop a phased-in schedule whereby all school districts with at least five thousand students or more have implemented the education sector excellence assessment framework by the 2020-21 school year. The schedule developed by the office of the superintendent of public instruction must phase in all applicable school districts in order to ensure availability of trained national or state excellence assessment examiners. Each school district shall receive a ten thousand dollar grant at the start of the school year for which the district was selected to implement the education sector excellence assessment framework.

(3) School districts that have implemented the education sector excellence assessment framework shall contract with a trained examiner every three years with the goal of achieving within nine years a score of seventy percent or higher on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce.

(4) Beginning in the 2019-20 school year, each school district that has implemented the education sector excellence assessment framework shall report the results to the office of the superintendent of public instruction. The school district must include in its report a summary of the results of each operational performance assessment. School districts shall continue to implement the education sector excellence assessment framework and report the results every three years.

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

The office of the superintendent of public instruction shall:

(1) Develop a standardized manner for school districts to report the results of the implementation of the education sector excellence assessment framework as required under section 1602 of this act; and

(2) Analyze the school district reports to identify processes to streamline or eliminate in order to improve the school district results. The analysis must be shared with the school districts and take into consideration information obtained through any operational performance assessments conducted in previous years as required in section 1602 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

(1) By December 1, 2019, all educational service districts must implement the education sector excellence assessment framework published by the national institutes of standards and technology, United States department of commerce.

(2) Each educational service district must contract with a trained national or state excellence assessment examiner within a year of implementation, and every three years thereafter, with the goal of reaching a score of seventy percent or higher based on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce, within a nine-year period.

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

(1) By December 1, 2019, the office of the superintendent of public instruction must implement the education sector excellence assessment framework published by the national institutes of standards and technology, United States department of commerce.

(2) The office of the superintendent of public instruction must contract with a trained national or state excellence assessment examiner within a year of implementation, and every three years thereafter, with the goal of reaching a score of seventy percent or higher based on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce, within a nine-year period.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.305 RCW to read as follows:

(1) By December 1, 2019, the state board of education must implement the education sector excellence assessment framework published by the national institutes of standards and technology, United States department of commerce.

(2) The state board of education must contract with a trained national or state excellence assessment examiner within a year of implementation, and every three years thereafter, with the goal of reaching a score of seventy percent or higher based on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce, within a nine-year period.

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

(1) By December 1, 2019, the professional educator standards board must implement the education sector excellence assessment framework published by the national institutes of standards and technology, United States department of commerce.

(2) The professional educator standards board must contract with a trained national or state excellence assessment examiner within a year of implementation, and every three years thereafter, with the goal of reaching a score of seventy percent or higher based on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce, within a nine-year period.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.345 RCW to read as follows:

(1) By December 1, 2019, the Washington state school directors' association must implement the education sector excellence assessment framework published by the national institutes of standards and technology, United States department of commerce.

(2) The Washington state school directors' association must contract with a trained national or state excellence assessment examiner within a year of implementation, and every three years thereafter, with the goal of reaching a score of seventy percent or higher based on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce, within a nine-year period.

NEW SECTION. **Sec.**  A new section is added to chapter 43.06B RCW to read as follows:

(1) By December 1, 2019, the office of the education ombuds must implement the education sector excellence assessment framework published by the national institutes of standards and technology, United States department of commerce.

(2) The office of the education ombuds must contract with a trained national or state excellence assessment examiner within a year of implementation, and every three years thereafter, with the goal of reaching a score of seventy percent or higher based on the scoring guidelines published by the national institutes of standards and technology, United States department of commerce, within a nine-year period.

**PART XVII**

**AUTHORITY TO REMOVE TEACHERS DETRIMENTAL TO STUDENT ACADEMIC PERFORMANCE**

**Sec.**  RCW 28A.405.140 and 1993 c 336 s 403 are each amended to read as follows:

(1) After an evaluation conducted pursuant to RCW 28A.405.100, the principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement.

(2) Notwithstanding the provisions of RCW 28A.405.210, 28A.405.220, 28A.405.300, 28A.405.310, and 28A.405.320, if, for three consecutive years or three nonconsecutive years within any five-year period, clear improvement is not demonstrated based on the in-service training and mentoring provided pursuant to subsection (1) of this section and after a finding that the lack of a teacher's progress in improving his or her teaching skills is detrimental to the academic performance of the teacher's students, the principal may initiate an action to dismiss the teacher. In the event the principal makes this determination, the teacher shall be notified in writing. The notification must include a detailed explanation of the reasons for the principal making this determination.

(3) Within ten days of receiving notice pursuant to this section, every teacher receiving such notice, at his or her request, must be provided an opportunity to meet informally with the principal for the purpose of requesting that the principal reconsider his or her decision. At the meeting, the teacher must be given the opportunity to refute any facts upon which the principal's determination was made.

(4) Within ten days following the meeting with the teacher, the principal must either reinstate the teacher or must submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the teacher be terminated. A copy of the report must be delivered to the teacher at least ten days before the scheduled meeting of the board of directors. At the board of directors' meeting, the teacher must be given the opportunity to present information and provide documentation refuting any facts upon which the principal's determination was made.

(5) The board of directors must notify the teacher in writing of its final decision within ten days following the meeting at which the principal's recommendation was considered. The decision of the board of directors to terminate the contract of a teacher pursuant to this section is final and not subject to appeal.

(6) All school district collective bargaining agreements signed, adopted, or renewed after the effective date of this section must include provisions consistent with this section.

**Sec.**  RCW 28A.405.220 and 2016 c 85 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.140 and 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the employee has received an evaluation rating below level 2 on the four‑level rating system established under RCW 28A.405.100 during the third year of employment, in which case the employee shall remain subject to the nonrenewal of the employment contract until the employee receives a level 2 rating; or (c) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees."

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

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

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

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

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

**PART XVIII**

**REPEALERS**

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

(1)RCW 28A.150.198 (Finding—Intent—2009 c 548) and 2009 c 548 s 1;

(2)RCW 28A.150.261 (State funding to support instructional program of basic education—Schedule of increased allocations) and 2015 3rd sp.s. c 38 s 2 & 2015 c 2 s 3;

(3)RCW 28A.160.150 (Student transportation allocation—Operating costs, determination and funding) and 2009 c 548 s 304, 1996 c 279 s 1, 1990 c 33 s 141, 1983 1st ex.s. c 61 s 2, & 1981 c 265 s 1;

(4)RCW 28A.160.160 (Student transportation allocation—Definitions) and 2009 c 548 s 305, 1996 c 279 s 2, 1995 c 77 s 17, 1990 c 33 s 142, 1983 1st ex.s. c 61 s 3, & 1981 c 265 s 2;

(5)RCW 28A.160.180 (Student transportation allocation determination—Report) and 2009 c 548 s 307, 1996 c 279 s 3, 1995 c 77 s 18, 1990 c 33 s 144, 1985 c 59 s 1, 1983 1st ex.s. c 61 s 5, 1982 1st ex.s. c 24 s 2, & 1981 c 265 s 4;

(6)RCW 28A.160.190 (Student transportation allocation—Notice—Payment schedule) and 2009 c 548 s 308, 1990 c 33 s 145, 1985 c 59 s 2, 1983 1st ex.s. c 61 s 6, 1982 1st ex.s. c 24 s 3, & 1981 c 265 s 5;

(7)RCW 28A.160.191 (Student transportation allocation—Adequacy for certain districts—Adjustment) and 2009 c 548 s 309;

(8)RCW 28A.160.192 (Student transportation allocation—Distribution formula) and 2011 1st sp.s. c 27 s 3, 2010 c 236 s 8, & 2009 c 548 s 311;

(9)RCW 28A.160.205 (School bus replacement incentive program—Rules) and 2007 c 348 s 101;

(10)RCW 28A.180.080 (Allocation of moneys for bilingual instruction program) and 2009 c 548 s 705, 1995 c 335 s 601, 1990 c 33 s 167, & 1979 c 95 s 6;

(11)RCW 28A.300.173 (Prototypical funding model—District allocation of state resources—Public access on internet-based portal) and 2010 c 236 s 12;

(12)RCW 28A.300.2851 (School bullying and harassment—Work group) and 2013 c 23 s 51 & 2011 c 185 s 2;

(13)RCW 28A.400.201 (Enhanced salary allocation model for educator development and certification—Technical working group—Report and recommendation) and 2016 c 162 s 4, 2011 1st sp.s. c 43 s 468, 2010 c 236 s 7, & 2009 c 548 s 601;

(14)RCW 28A.405.200 (Annual salary schedules as basis for salaries of certificated employees) and 1969 ex.s. c 283 s 1;

(15)RCW 28A.415.020 (Credit on salary schedule for approved in-service training, continuing education, and internship) and 2011 1st sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

(16)RCW 28A.415.023 (Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules) and 2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6;

(17)RCW 28A.415.024 (Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1;

(18)RCW 28A.415.025 (Internship clock hours—Rules) and 2006 c 263 s 810 & 1995 c 284 s 3;

(19)2015 c 2 s 1 (uncodified);

(20)2015 c 2 s 4 (uncodified); and

(21)2015 3rd sp.s. c 38 s 3 and 2015 c 2 s 5 (uncodified).

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed, effective September 1, 2018:

(1)RCW 28A.150.260 (Allocation of state funding to support instructional program of basic education—Distribution formula—Prototypical schools—Enhancements and adjustments—Review and approval—Enrollment calculation) and 2015 c 2 s 2, 2014 c 217 s 206, 2011 1st sp.s. c 27 s 2, (2011 1st sp.s. c 34 s 9 expired July 1, 2013), 2010 c 236 s 2, 2009 c 548 s 106, 2006 c 263 s 322, 1997 c 13 s 2, (1997 c 13 s 1 and 1995 c 77 s 2 expired September 1, 2000), 1995 c 77 s 3, 1992 c 141 s 507, 1992 c 141 s 303, 1991 c 116 s 10, 1990 c 33 s 108, 1987 1st ex.s. c 2 s 202, 1985 c 349 s 5, 1983 c 229 s 1, 1979 ex.s. c 250 s 3, 1979 c 151 s 12, 1977 ex.s. c 359 s 5, & 1969 ex.s. c 244 s 14;

(2)RCW 28A.400.205 (Cost-of-living increases for employees) and 2013 2nd sp.s. c 5 s 1, 2011 1st sp.s. c 18 s 1, 2009 c 573 s 1, 2003 1st sp.s. c 20 s 1, & 2001 c 4 s 2; and

(3)RCW 28A.400.206 (Cost-of-living increases—Duty of state) and 2003 1st sp.s. c 20 s 2 & 2001 c 4 s 1.

**PART XIV**

**DECODIFICATION**

NEW SECTION. **Sec.**  RCW 28A.405.110 (Evaluations—Legislative findings) is decodified.

**PART XX**

**RECODIFICATION**

NEW SECTION. **Sec.**  (1) RCW 28A.150.230, 28A.150.300, and 28A.150.305 are each recodified as sections in chapter 28A.320 RCW.

(2) RCW 28A.150.240 is recodified as a section in chapter 28A.405 RCW.

(3) RCW 28A.150.550 is recodified as a section in chapter 28A.657 RCW.

**PART XXI**

**REFERENDUM**

NEW SECTION. **Sec.**  Sections 403 and 412 of this act take effect January 1, 2019, only if the referendum in section 2102 of this act is not adopted by the people and certified by the secretary of state by January 1, 2018. The secretary of state shall provide written notice to the governor, the legislature, and the code reviser's office by January 1, 2018, as to whether the requirements of this section have been met.

NEW SECTION. **Sec.**  The secretary of state shall submit this act, except for sections 401 through 412 of this act, to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

**--- END ---**