

**2SSB 6696 - S AMD 54**

By Senators McAuliffe, Oemig

ADOPTED 02/11/2010

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

3 "PART I

4 ACCOUNTABILITY FRAMEWORK

5 NEW SECTION. **Sec. 101.** The legislature finds that it is the  
6 state's responsibility to create a coherent and effective  
7 accountability framework for the continuous improvement for all schools  
8 and districts. This system must provide an excellent and equitable  
9 education for all students; an aligned federal/state accountability  
10 system; and the tools necessary for schools and districts to be  
11 accountable. These tools include the necessary accounting and data  
12 reporting systems, assessment systems to monitor student achievement,  
13 and a system of general support, targeted assistance, and if necessary,  
14 intervention.

15 The office of the superintendent of public instruction is  
16 responsible for developing and implementing the accountability tools to  
17 build district capacity and working within federal and state  
18 guidelines. The legislature assigned the state board of education  
19 responsibility and oversight for creating an accountability framework.  
20 This framework provides a unified system of support for challenged  
21 schools that aligns with basic education, increases the level of  
22 support based upon the magnitude of need, and uses data for decisions.  
23 Such a system will identify schools and their districts for recognition  
24 as well as for additional state support. For a specific group of  
25 challenged schools, defined as persistently lowest-achieving schools,  
26 and their districts, it is necessary to provide a required action  
27 process that creates a partnership between the state and local district  
28 to target funds and assistance to turn around the identified lowest-  
29 achieving schools.

1 Phase I of this accountability system will recognize schools that  
2 have done an exemplary job of raising student achievement and closing  
3 the achievement gaps using the state board of education's  
4 accountability index. The state board of education shall have ongoing  
5 collaboration with the achievement gap oversight and accountability  
6 committee regarding the measures used to measure the closing of the  
7 achievement gaps and the recognition provided to the school districts  
8 for closing the achievement gaps. Phase I will also target the lowest  
9 five percent of persistently lowest-achieving schools defined under  
10 federal guidelines to provide federal funds and federal intervention  
11 models through a voluntary option in 2010, and for those who do not  
12 volunteer and have not improved student achievement, a required action  
13 process beginning in 2011.

14 Phase II of this accountability system will work toward  
15 implementing the state board of education's accountability index for  
16 identification of schools in need of improvement, including those that  
17 are not Title I schools, and the use of state and local intervention  
18 models and state funds through a required action process beginning in  
19 2013, in addition to the federal program. Federal approval of the  
20 state board of education's accountability index must be obtained or  
21 else the federal guidelines for persistently lowest-achieving schools  
22 will continue to be used.

23 The expectation from implementation of this accountability system  
24 is the improvement of student achievement for all students to prepare  
25 them for postsecondary education, work, and global citizenship in the  
26 twenty-first century.

27 NEW SECTION. **Sec. 102.** (1) Beginning in 2010, and each year  
28 thereafter, by December 1st, the superintendent of public instruction  
29 shall annually identify schools as one of the state's persistently  
30 lowest-achieving schools if the school is a Title I school, or a school  
31 that is eligible for, but does not receive Title I funds, that is among  
32 the lowest-achieving five percent of schools in the state.

33 (2) The criteria for determining whether a school is among the  
34 persistently lowest-achieving five percent of Title I schools, or Title  
35 I eligible schools, under subsection (1) of this section shall be  
36 established by the superintendent of public instruction. The criteria  
37 must meet all applicable requirements for the receipt of a federal

1 school improvement grant under the American recovery and reinvestment  
2 act of 2009 and Title I of the elementary and secondary education act  
3 of 1965, and take into account both:

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

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

9 NEW SECTION. **Sec. 103.** (1) Beginning in January 2011, the  
10 superintendent of public instruction shall annually recommend to the  
11 state board of education school districts for designation as required  
12 action districts. A district with at least one school identified as a  
13 persistently lowest-achieving school shall be designated as a required  
14 action district if it meets the criteria developed by the  
15 superintendent of public instruction. However, a school district shall  
16 not be recommended for designation as a required action district if the  
17 district was awarded a federal school improvement grant by the  
18 superintendent in 2010 and for three consecutive years following  
19 receipt of the grant implemented a federal school intervention model at  
20 each school identified for improvement. The state board of education  
21 may designate a district that received a school improvement grant in  
22 2010 as a required action district if after three years of voluntarily  
23 implementing a plan the district continues to have a school identified  
24 as persistently lowest-achieving and meets the criteria for designation  
25 established by the superintendent of public instruction.

26 (2) The superintendent of public instruction shall provide a school  
27 district superintendent with written notice of the recommendation for  
28 designation as a required action district by certified mail or personal  
29 service. A school district superintendent may request reconsideration  
30 of the superintendent of public instruction's recommendation. The  
31 reconsideration shall be limited to a determination of whether the  
32 school district met the criteria for being recommended as a required  
33 action district. A request for reconsideration must be in writing and  
34 served on the superintendent of public instruction within ten days of  
35 service of the notice of the superintendent's recommendation.

36 (3) The state board of education shall annually designate those  
37 districts recommended by the superintendent in subsection (1) of this

1 section as required action districts. A district designated as a  
2 required action district shall be required to notify all parents of  
3 students attending a school identified as a persistently lowest-  
4 achieving school in the district of the state board of education's  
5 designation of the district as a required action district and the  
6 process for complying with the requirements set forth in sections 104  
7 through 109 of this act.

8 NEW SECTION. **Sec. 104.** (1) The superintendent of public  
9 instruction shall contract with an external review team to conduct an  
10 academic performance audit of the district and each persistently  
11 lowest-achieving school in a required action district to identify the  
12 potential reasons for the school's low performance and lack of  
13 progress. The review team must consist of persons under contract with  
14 the superintendent who have expertise in comprehensive school and  
15 district reform and may not include staff from the agency, the school  
16 district that is the subject of the audit, or members or staff of the  
17 state board of education.

18 (2) The audit must be conducted based on criteria developed by the  
19 superintendent of public instruction and must include but not be  
20 limited to an examination of the following:

- 21 (a) Student demographics;
- 22 (b) Mobility patterns;
- 23 (c) School feeder patterns;
- 24 (d) The performance of different student groups on assessments;
- 25 (e) Effective school leadership;
- 26 (f) Strategic allocation of resources;
- 27 (g) Clear and shared focus on student learning;
- 28 (h) High standards and expectations for all students;
- 29 (i) High level of collaboration and communication;
- 30 (j) Aligned curriculum, instruction, and assessment to state  
31 standards;
- 32 (k) Frequency of monitoring of learning and teaching;
- 33 (l) Focused professional development;
- 34 (m) Supportive learning environment;
- 35 (n) High level of family and community involvement; and
- 36 (o) Alternative secondary schools best practices.

1 (3) Audit findings must be made available to the local school  
2 district, its staff, the community, and the state board of education.

3 NEW SECTION. **Sec. 105.** (1) The local district superintendent and  
4 local school board of a school district designated as a required action  
5 district must submit a required action plan to the state board of  
6 education for approval. Unless otherwise required by subsection (3) of  
7 this section, the plan must be submitted under a schedule as required  
8 by the state board. A required action plan must be developed in  
9 collaboration with administrators, teachers, and other staff, parents,  
10 unions representing any employees within the district, students, and  
11 other representatives of the local community. The superintendent of  
12 public instruction shall provide a district with assistance in  
13 developing its plan if requested. The school board must conduct a  
14 public hearing to allow for comment on a proposed required action plan.  
15 The local school district shall submit the plan first to the office of  
16 the superintendent of public instruction to review and approve that the  
17 plan is consistent with federal guidelines. After the office of the  
18 superintendent of public instruction has approved that the plan is  
19 consistent with federal guidelines, the local school district must  
20 submit its required action plan to the state board of education for  
21 approval.

22 (2) A required action plan must include all of the following:

23 (a) Implementation of one of the four federal intervention models  
24 required for the receipt of a federal school improvement grant, for  
25 those persistently lowest-achieving schools that the district will be  
26 focusing on for required action. However, a district may not establish  
27 a charter school under a federal intervention model without express  
28 legislative authority. The intervention models are the turnaround,  
29 restart, school closure, and transformation models. The intervention  
30 model selected must address the concerns raised in the academic  
31 performance audit and be intended to improve student performance to  
32 allow a school district to be removed from the list of districts  
33 designated as a required action district by the state board of  
34 education within three years of implementation of the plan;

35 (b) Submission of an application for a federal school improvement  
36 grant to the superintendent of public instruction;

1 (c) A budget that provides for adequate resources to implement the  
2 federal model selected and any other requirements of the plan;

3 (d) A description of the changes in the district's or school's  
4 existing policies, structures, agreements, processes, and practices  
5 that are intended to attain significant achievement gains for all  
6 students enrolled in the school;

7 (e) Identification of the measures that the school district will  
8 use in assessing student achievement at a school identified as a  
9 persistently lowest-achieving school, which include improving  
10 mathematics and reading student achievement and graduation rates as  
11 defined by the office of the superintendent of public instruction that  
12 enable the school to no longer be identified as a persistently lowest-  
13 achieving school.

14 (3)(a) For any district designated for required action, the parties  
15 to any collective bargaining agreement negotiated, renewed, or extended  
16 under chapter 41.59 or 41.56 RCW after the effective date of this  
17 section must reopen the agreement, or negotiate an addendum, if needed,  
18 to make changes to terms and conditions of employment that are  
19 necessary to implement a required action plan.

20 (b) If the school district and the employee organizations are  
21 unable to agree on the terms of an addendum or modification to an  
22 existing collective bargaining agreement, the parties, including all  
23 labor organizations affected under the required action plan, shall  
24 request the public employment relations commission to, and the  
25 commission shall, appoint an employee of the commission to act as a  
26 mediator to assist in the resolution of a dispute between the school  
27 district and the employee organizations. Beginning in 2011, and each  
28 year thereafter, mediation shall commence no later than April 15th.  
29 All mediations held under this section shall include the employer and  
30 representatives of all affected bargaining units.

31 (c) If the executive director of the public employment relations  
32 commission, upon the recommendation of the assigned mediator, finds  
33 that the employer and any affected bargaining unit are unable to reach  
34 agreement following a reasonable period of negotiations and mediation,  
35 but by no later than May 15th of the year in which mediation occurred,  
36 the executive director shall certify any disputed issues for a decision  
37 by the superior court in the county where the school district is

1 located. The issues for determination by the superior court must be  
2 limited to the issues certified by the executive director.

3 (d) The process for filing with the court in this subsection (3)(d)  
4 must be used in the case where the executive director certifies issues  
5 for a decision by the superior court.

6 (i) The school district shall file a petition with the superior  
7 court, by no later than May 20th of the same year in which the issues  
8 were certified, setting forth the following:

9 (A) The name, address, and telephone number of the school district  
10 and its principal representative;

11 (B) The name, address, and telephone number of the employee  
12 organizations and their principal representatives;

13 (C) A description of the bargaining units involved;

14 (D) A copy of the unresolved issues certified by the executive  
15 director for a final and binding decision by the court; and

16 (E) The academic performance audit that the office of the  
17 superintendent of public instruction completed for the school district.

18 (ii) Within seven days after the filing of the petition, each party  
19 shall file with the court the proposal it is asking the court to order  
20 be implemented in a required action plan for the district for each  
21 issue certified by the executive director. Contemporaneously with the  
22 filing of the proposal, a party must file a brief with the court  
23 setting forth the reasons why the court should order implementation of  
24 its proposal in the final plan.

25 (iii) Following receipt of the proposals and briefs of the parties,  
26 the court must schedule a date and time for a hearing on the petition.  
27 The hearing must be limited to argument of the parties or their counsel  
28 regarding the proposals submitted for the court's consideration. The  
29 parties may waive a hearing by written agreement.

30 (iv) The court must enter an order selecting the proposal for  
31 inclusion in a required action plan that best responds to the issues  
32 raised in the school district's academic performance audit, and allows  
33 for the award of a federal school improvement grant to the district  
34 from the office of the superintendent of public instruction to  
35 implement one of the four federal intervention models. The court's  
36 decision must be issued no later than June 15th of the year in which  
37 the petition is filed and is final and binding on the parties; however  
38 the court's decision is subject to appeal only in the case where it

1 does not allow the school district to implement a required action plan  
2 consistent with the requirements for the award of a federal school  
3 improvement grant by the superintendent of public instruction.

4 (e) Each party shall bear its own costs and attorneys' fees  
5 incurred under this statute.

6 (f) Any party that proceeds with the process in this section after  
7 knowledge that any provision of this section has not been complied with  
8 and who fails to state its objection in writing is deemed to have  
9 waived its right to object.

10 (4) All contracts entered into between a school district and an  
11 employee must be consistent with this section and allow school  
12 districts designated as required action districts to implement one of  
13 the four federal models in a required action plan.

14 NEW SECTION. **Sec. 106.** A required action plan developed by a  
15 district's school board and superintendent must be submitted to the  
16 state board of education for approval. The state board must accept for  
17 inclusion in any required action plan the final decision by the  
18 superior court on any issue certified by the executive director of the  
19 public employment relations commission under the process in section 105  
20 of this act. The state board of education shall approve a plan  
21 proposed by a school district only if it meets the requirements set  
22 forth in section 105 of this act. Any addendum or modification to an  
23 existing collective bargaining agreement, negotiated under section 105  
24 of this act or by agreement of the district and the exclusive  
25 bargaining unit, related to student achievement or school improvement  
26 shall not go into effect until approval of a required action plan by  
27 the state board of education. If the state board does not approve a  
28 proposed plan, it must notify the local school board and local  
29 district's superintendent in writing with an explicit rationale for why  
30 the plan was not approved. Nonapproval by the state board of education  
31 of the local school district's initial required action plan submitted  
32 is not intended to trigger any actions under section 107 of this act.  
33 With the assistance of the office of the superintendent of public  
34 instruction, the superintendent and school board of the required action  
35 district shall submit a new plan to the state board of education for  
36 approval within forty days of notification that its plan was rejected.  
37 If federal funds are not available, the plan is not required to be



1 implemented until such funding becomes available. If federal funds for  
2 this purpose are available, a required action plan must be implemented  
3 in the immediate school year following the district's designation as a  
4 required action district.

5 NEW SECTION. **Sec. 107.** The state board of education may direct  
6 the superintendent of public instruction to require a school district  
7 that has not submitted a final required action plan for approval, or  
8 has submitted but not received state board of education approval of a  
9 required action plan by the beginning of the school year in which the  
10 plan is intended to be implemented, to redirect the district's Title I  
11 funds based on the academic performance audit findings.

12 NEW SECTION. **Sec. 108.** A school district must implement a  
13 required action plan upon approval by the state board of education.  
14 The office of superintendent of public instruction must provide the  
15 required action district with technical assistance and federal school  
16 improvement grant funds, if available, to implement an approved plan.  
17 The district must submit a report to the superintendent of public  
18 instruction that provides the progress the district is making in  
19 meeting the student achievement goals based on the state's assessments,  
20 identifying strategies and assets used to solve audit findings, and  
21 establishing evidence of meeting plan implementation benchmarks as set  
22 forth in the required action plan.

23 NEW SECTION. **Sec. 109.** (1) The superintendent of public  
24 instruction must provide a report twice per year to the state board of  
25 education regarding the progress made by all school districts  
26 designated as required action districts.

27 (2) The superintendent of public instruction must recommend to the  
28 state board of education that a school district be released from the  
29 designation as a required action district after the district implements  
30 a required action plan for a period of three years; has made progress,  
31 as defined by the superintendent of public instruction, in reading and  
32 mathematics on the state's assessment over the past three consecutive  
33 years; and no longer has a school within the district identified as  
34 persistently lowest achieving. The state board shall release a school

1 district from the designation as a required action district upon  
2 confirmation that the district has met the requirements for a release.

3 (3) If the state board of education determines that the required  
4 action district has not met the requirements for release, the district  
5 remains in required action and must submit a new or revised plan under  
6 the process in section 105 of this act.

7 **Sec. 110.** RCW 28A.305.225 and 2009 c 548 s 503 are each amended to  
8 read as follows:

9 (1) The state board of education shall continue to refine the  
10 development of an accountability framework that creates a unified  
11 system of support for challenged schools, that aligns with basic  
12 education, increases the level of support based upon the magnitude of  
13 need, and uses data for decisions.

14 (2) The state board of education shall develop an accountability  
15 index to identify schools and districts for recognition, for continuous  
16 improvement, and for additional state support. The index shall be  
17 based on criteria that are fair, consistent, and transparent.  
18 Performance shall be measured using multiple outcomes and indicators  
19 including, but not limited to, graduation rates and results from  
20 statewide assessments. The index shall be developed in such a way as  
21 to be easily understood by both employees within the schools and  
22 districts, as well as parents and community members. It is the  
23 legislature's intent that the index provide feedback to schools and  
24 districts to self-assess their progress, and enable the identification  
25 of schools with exemplary student performance and those that need  
26 assistance to overcome challenges in order to achieve exemplary student  
27 performance. (~~Once the accountability index has identified schools~~  
28 ~~that need additional help, a more thorough analysis will be done to~~  
29 ~~analyze specific conditions in the district including but not limited~~  
30 ~~to the level of state resources a school or school district receives in~~  
31 ~~support of the basic education system, achievement gaps for different~~  
32 ~~groups of students, and community support.~~

33 ~~(3) Based on the accountability index and in consultation with the~~  
34 ~~superintendent of public instruction, the state board of education~~  
35 ~~shall develop a proposal and timeline for implementation of a~~  
36 ~~comprehensive system of voluntary support and assistance for schools~~  
37 ~~and districts. The timeline must take into account and accommodate~~

1 capacity limitations of the K-12 educational system. Changes that have  
2 a fiscal impact on school districts, as identified by a fiscal analysis  
3 prepared by the office of the superintendent of public instruction,  
4 shall take effect only if formally authorized by the legislature  
5 through the omnibus appropriations act or other enacted legislation.

6 (4)(a) The state board of education shall develop a proposal and  
7 implementation timeline for a more formalized comprehensive system  
8 improvement targeted to challenged schools and districts that have not  
9 demonstrated sufficient improvement through the voluntary system. The  
10 timeline must take into account and accommodate capacity limitations of  
11 the K-12 educational system. The proposal and timeline shall be  
12 submitted to the education committees of the legislature by December 1,  
13 2009, and shall include recommended legislation and recommended  
14 resources to implement the system according to the timeline developed.

15 (b) The proposal shall outline a process for addressing performance  
16 challenges that will include the following features: (i) An academic  
17 performance audit using peer review teams of educators that considers  
18 school and community factors in addition to other factors in developing  
19 recommended specific corrective actions that should be undertaken to  
20 improve student learning; (ii) a requirement for the local school board  
21 plan to develop and be responsible for implementation of corrective  
22 action plan taking into account the audit findings, which plan must be  
23 approved by the state board of education at which time the plan becomes  
24 binding upon the school district to implement; and (iii) monitoring of  
25 local district progress by the office of the superintendent of public  
26 instruction. The proposal shall take effect only if formally  
27 authorized by the legislature through the omnibus appropriations act or  
28 other enacted legislation.

29 (5)) (3) The state board of education, in cooperation with the  
30 office of the superintendent of public instruction, shall annually  
31 recognize schools for exemplary performance as measured on the state  
32 board of education accountability index. The state board of education  
33 shall have ongoing collaboration with the achievement gap oversight and  
34 accountability committee regarding the measures used to measure the  
35 closing of the achievement gaps and the recognition provided to the  
36 school districts for closing the achievement gaps.

37 (4) In coordination with the superintendent of public instruction,  
38 the state board of education shall seek approval from the United States

1 department of education for use of the accountability index and the  
2 state system of support, assistance, and intervention, to replace the  
3 federal accountability system under P.L. 107-110, the no child left  
4 behind act of 2001.

5 ((+6)) (5) The state board of education shall work with the  
6 education data center established within the office of financial  
7 management and the technical working group established in section 112,  
8 chapter 548, Laws of 2009 to determine the feasibility of using the  
9 prototypical funding allocation model as not only a tool for allocating  
10 resources to schools and districts but also as a tool for schools and  
11 districts to report to the state legislature and the state board of  
12 education on how the state resources received are being used.

13 NEW SECTION. **Sec. 111.** The definitions in this section apply  
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "All students group" means those students in grades three  
16 through eight and high school who take the state's assessment in  
17 reading and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

18 (2) "Title I" means Title I, part A of the federal elementary and  
19 secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

20 NEW SECTION. **Sec. 112.** The superintendent of public instruction  
21 may adopt rules in accordance with chapter 34.05 RCW as necessary to  
22 implement this chapter.

23 **PART II**  
24 **EVALUATIONS**

25 **Sec. 201.** RCW 28A.150.230 and 2006 c 263 s 201 are each amended to  
26 read as follows:

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

1 program and that such program provide students with the opportunity to  
2 achieve those skills which are generally recognized as requisite to  
3 learning.

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

7 (a) Establish performance criteria and an evaluation process for  
8 its superintendent, classified staff, certificated personnel, including  
9 administrative staff, and for all programs constituting a part of such  
10 district's curriculum. Each district shall report annually to the  
11 superintendent of public instruction the following for each employee  
12 group listed in this subsection (2)(a): (i) Evaluation criteria and  
13 rubrics; (ii) a description of each rating; and (iii) the number of  
14 staff in each rating;

15 (b) Determine the final assignment of staff, certificated or  
16 classified, according to board enumerated classroom and program needs  
17 and data, based upon a plan to ensure that the assignment policy: (i)  
18 Supports the learning needs of all the students in the district; and  
19 (ii) gives specific attention to high-need schools and classrooms;

20 (c) Provide information to the local community and its electorate  
21 describing the school district's policies concerning hiring, assigning,  
22 terminating, and evaluating staff, including the criteria for  
23 evaluating teachers and principals;

24 (d) Determine the amount of instructional hours necessary for any  
25 student to acquire a quality education in such district, in not less  
26 than an amount otherwise required in RCW 28A.150.220, or rules of the  
27 state board of education;

28 ~~((d))~~ (e) Determine the allocation of staff time, whether  
29 certificated or classified;

30 ~~((e))~~ (f) Establish final curriculum standards consistent with  
31 law and rules of the superintendent of public instruction, relevant to  
32 the particular needs of district students or the unusual  
33 characteristics of the district, and ensuring a quality education for  
34 each student in the district; and

35 ~~((f))~~ (g) Evaluate teaching materials, including text books,  
36 teaching aids, handouts, or other printed material, in public hearing  
37 upon complaint by parents, guardians or custodians of students who  
38 consider dissemination of such material to students objectionable.

1           **Sec. 202.** RCW 28A.405.100 and 1997 c 278 s 1 are each amended to  
2 read as follows:

3           (1)(a) Except as provided in subsection (2) of this section, the  
4 superintendent of public instruction shall establish and may amend from  
5 time to time minimum criteria for the evaluation of the professional  
6 performance capabilities and development of certificated classroom  
7 teachers and certificated support personnel. For classroom teachers  
8 the criteria shall be developed in the following categories:  
9 Instructional skill; classroom management, professional preparation and  
10 scholarship; effort toward improvement when needed; the handling of  
11 student discipline and attendant problems; and interest in teaching  
12 pupils and knowledge of subject matter.

13           (b) Every board of directors shall, in accordance with procedure  
14 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,  
15 establish evaluative criteria and procedures for all certificated  
16 classroom teachers and certificated support personnel. The evaluative  
17 criteria must contain as a minimum the criteria established by the  
18 superintendent of public instruction pursuant to this section and must  
19 be prepared within six months following adoption of the superintendent  
20 of public instruction's minimum criteria. The district must certify to  
21 the superintendent of public instruction that evaluative criteria have  
22 been so prepared by the district.

23           (2)(a) Pursuant to the implementation schedule established in  
24 subsection (7)(b) of this section, every board of directors shall, in  
25 accordance with procedures provided in RCW 41.59.010 through 41.59.170,  
26 41.59.910, and 41.59.920, establish revised evaluative criteria and a  
27 four-level rating system for all certificated classroom teachers.

28           (b) The minimum criteria shall include: (i) Centering instruction  
29 on high expectations for student achievement; (ii) demonstrating  
30 effective teaching practices; (iii) recognizing individual student  
31 learning needs and developing strategies to address those needs; (iv)  
32 providing clear and intentional focus on subject matter content and  
33 curriculum; (v) fostering and managing a safe, positive learning  
34 environment; (vi) using multiple student data elements to modify  
35 instruction and improve student learning; (vii) communicating and  
36 collaborating with parents and school community; and (viii) exhibiting  
37 collaborative and collegial practices focused on improving  
38 instructional practice and student learning.

1 (c) The four-level rating system used to evaluate the certificated  
2 classroom teacher must describe performance along a continuum that  
3 indicates the extent to which the criteria have been met or exceeded.  
4 When student growth data, if available and relevant to the teacher and  
5 subject matter, is referenced in the evaluation process it must be  
6 based on multiple measures that can include classroom-based, school-  
7 based, district-based, and state-based tools. As used in this  
8 subsection, "student growth" means the change in student achievement  
9 between two points in time.

10 (3)(a) Except as provided in subsection ((+5)) (10) of this  
11 section, it shall be the responsibility of a principal or his or her  
12 designee to evaluate all certificated personnel in his or her school.  
13 During each school year all classroom teachers and certificated support  
14 personnel(, hereinafter referred to as "employees" in this section,)  
15 shall be observed for the purposes of evaluation at least twice in the  
16 performance of their assigned duties. Total observation time for each  
17 employee for each school year shall be not less than sixty minutes. An  
18 employee in the third year of provisional status as defined in RCW  
19 28A.405.220 shall be observed at least three times in the performance  
20 of his or her duties and the total observation time for the school year  
21 shall not be less than ninety minutes. Following each observation, or  
22 series of observations, the principal or other evaluator shall promptly  
23 document the results of the observation in writing, and shall provide  
24 the employee with a copy thereof within three days after such report is  
25 prepared. New employees shall be observed at least once for a total  
26 observation time of thirty minutes during the first ninety calendar  
27 days of their employment period.

28 (b) As used in this subsection and subsection (4) of this section,  
29 "employees" means classroom teachers and certificated support  
30 personnel.

31 (4)(a) At any time after October 15th, an employee whose work is  
32 not judged ((unsatisfactory)) satisfactory based on district evaluation  
33 criteria shall be notified in writing of the specific areas of  
34 deficiencies along with a reasonable program for improvement. During  
35 the period of probation, the employee may not be transferred from the  
36 supervision of the original evaluator. Improvement of performance or  
37 probable cause for nonrenewal must occur and be documented by the  
38 original evaluator before any consideration of a request for transfer

1 or reassignment as contemplated by either the individual or the school  
2 district. A probationary period of sixty school days shall be  
3 established. The establishment of a probationary period does not  
4 adversely affect the contract status of an employee within the meaning  
5 of RCW 28A.405.300. The purpose of the probationary period is to give  
6 the employee opportunity to demonstrate improvements in his or her  
7 areas of deficiency. The establishment of the probationary period and  
8 the giving of the notice to the employee of deficiency shall be by the  
9 school district superintendent and need not be submitted to the board  
10 of directors for approval. During the probationary period the  
11 evaluator shall meet with the employee at least twice monthly to  
12 supervise and make a written evaluation of the progress, if any, made  
13 by the employee. The evaluator may authorize one additional  
14 certificated employee to evaluate the probationer and to aid the  
15 employee in improving his or her areas of deficiency; such additional  
16 certificated employee shall be immune from any civil liability that  
17 might otherwise be incurred or imposed with regard to the good faith  
18 performance of such evaluation. The probationer may be removed from  
19 probation if he or she has demonstrated improvement to the satisfaction  
20 of the principal in those areas specifically detailed in his or her  
21 initial notice of deficiency and subsequently detailed in his or her  
22 improvement program. Lack of necessary improvement during the  
23 established probationary period, as specifically documented in writing  
24 with notification to the probationer and shall constitute grounds for  
25 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

26 (b) Immediately following the completion of a probationary period  
27 that does not produce performance changes detailed in the initial  
28 notice of deficiencies and improvement program, the employee may be  
29 removed from his or her assignment and placed into an alternative  
30 assignment for the remainder of the school year. This reassignment may  
31 not displace another employee nor may it adversely affect the  
32 probationary employee's compensation or benefits for the remainder of  
33 the employee's contract year. If such reassignment is not possible,  
34 the district may, at its option, place the employee on paid leave for  
35 the balance of the contract term.

36 ~~((+2))~~ (5) Every board of directors shall establish evaluative  
37 criteria and procedures for all superintendents, principals, and other  
38 administrators. It shall be the responsibility of the district



1 superintendent or his or her designee to evaluate all administrators.  
2 Except as provided in subsection (6) of this section, such evaluation  
3 shall be based on the administrative position job description. Such  
4 criteria, when applicable, shall include at least the following  
5 categories: Knowledge of, experience in, and training in recognizing  
6 good professional performance, capabilities and development; school  
7 administration and management; school finance; professional preparation  
8 and scholarship; effort toward improvement when needed; interest in  
9 pupils, employees, patrons and subjects taught in school; leadership;  
10 and ability and performance of evaluation of school personnel.

11 ((+3)) (6)(a) Pursuant to the implementation schedule established  
12 by subsection (7)(b) of this section, every board of directors shall  
13 establish revised evaluative criteria and a four-level rating system  
14 for principals.

15 (b) The minimum criteria shall include: (i) Creating a school  
16 culture that promotes the ongoing improvement of learning and teaching  
17 for students and staff; (ii) demonstrable commitment to closing the  
18 achievement gap; (iii) providing for school safety; (iv) leading the  
19 development, implementation, and evaluation of a data-driven plan for  
20 increasing student achievement, including the use of multiple student  
21 data elements; (v) assisting instructional staff with alignment of  
22 curriculum, instruction, and assessment with state and local district  
23 learning goals; (vi) monitoring, assisting, and evaluating effective  
24 instruction and assessment practices; (vii) managing both staff and  
25 fiscal resources to support student achievement and legal  
26 responsibilities; and (viii) partnering with the school community to  
27 promote student learning.

28 (c) The four-level rating system used to evaluate the principal  
29 must describe performance along a continuum that indicates the extent  
30 to which the criteria have been met or exceeded. When available,  
31 student growth data that is referenced in the evaluation process must  
32 be based on multiple measures that can include classroom-based, school-  
33 based, district-based, and state-based tools. As used in this  
34 subsection, "student growth" means the change in student achievement  
35 between two points in time.

36 (7)(a) The superintendent of public instruction, in collaboration  
37 with state professional associations representing teachers, principals,  
38 administrators, and at least one parent who is not a teacher,

1 principal, administrator, or employee of a school district, educational  
2 service district, or state educational agency, association, or  
3 organization shall create models for implementing the evaluation system  
4 criteria, student growth tools, professional development programs, and  
5 evaluator training for certificated classroom teachers and principals.  
6 The statewide parent-teacher organization shall select one  
7 representative. Individuals who apply must have demonstrated an  
8 interest in public schools, be supportive of educational improvement,  
9 and be willing to devote sufficient time to create the models,  
10 programs, and tools. Human resources specialists, professional  
11 development experts, and assessment experts must also be consulted.  
12 Due to the diversity of teaching assignments and the many developmental  
13 levels of students, classroom teachers and principals must be  
14 prominently represented in this work. The models must be available for  
15 use in the 2011-12 school year.

16 (b) A new certificated classroom teacher evaluation system that  
17 implements the provisions of subsection (2) of this section and a new  
18 principal evaluation system that implements the provisions of  
19 subsection (6) of this section shall be phased-in beginning with the  
20 2010-11 school year by districts identified in (c) of this subsection  
21 and implemented in all school districts beginning with the 2013-14  
22 school year.

23 (c) A set of school districts shall be selected by the  
24 superintendent of public instruction to participate in a collaborative  
25 process resulting in the development and piloting of new certificated  
26 classroom teacher and principal evaluation systems during the 2010-11  
27 and 2011-12 school years. These school districts must be selected  
28 based on: (i) The agreement of the local associations representing  
29 classroom teachers and principals to collaborate with the district in  
30 this developmental work and (ii) the agreement to participate in the  
31 full range of development and implementation activities, including:  
32 Development of rubrics for the evaluation criteria and ratings in  
33 subsections (2) and (6) of this section; identification of or  
34 development of appropriate multiple measures of student growth in  
35 subsections (2) and (6) of this section; development of appropriate  
36 evaluation system forms; participation in professional development for  
37 principals and classroom teachers regarding the content of the new  
38 evaluation system; participation in evaluator training; and

1 participation in activities to evaluate the effectiveness of the new  
2 systems and support programs. The school districts must submit all  
3 student data available to the office of the superintendent of public  
4 instruction, preferably in electronic form. The superintendent of  
5 public instruction must analyze the districts' evaluative data,  
6 including data that is not used or is underutilized in the evaluations,  
7 consult with participating districts and stakeholders, recommend  
8 appropriate changes, and address statewide implementation issues. The  
9 superintendent of public instruction shall report evaluation system  
10 implementation status, evaluation data, and recommendations to  
11 appropriate committees of the legislature and governor by July 1, 2011,  
12 and at the conclusion of the development phase by July 1, 2012.

13 (8) Each certificated ((employee)) classroom teacher and  
14 certificated support personnel shall have the opportunity for  
15 confidential conferences with his or her immediate supervisor on no  
16 less than two occasions in each school year. Such confidential  
17 conference shall have as its sole purpose the aiding of the  
18 administrator in his or her assessment of the employee's professional  
19 performance.

20 ((+4)) (9) The failure of any evaluator to evaluate or supervise  
21 or cause the evaluation or supervision of certificated ((employees))  
22 classroom teachers and certificated support personnel or administrators  
23 in accordance with this section, as now or hereafter amended, when it  
24 is his or her specific assigned or delegated responsibility to do so,  
25 shall be sufficient cause for the nonrenewal of any such evaluator's  
26 contract under RCW 28A.405.210, or the discharge of such evaluator  
27 under RCW 28A.405.300.

28 ((+5)) (10) After ((an employee)) a certificated classroom teacher  
29 or certificated support personnel has four years of satisfactory  
30 evaluations under subsection (1) of this section or has received one of  
31 the two top ratings for four years under subsection (2) of this  
32 section, a school district may use a short form of evaluation, a  
33 locally bargained evaluation emphasizing professional growth, an  
34 evaluation under subsection (1) or (2) of this section, or any  
35 combination thereof. The short form of evaluation shall include either  
36 a thirty minute observation during the school year with a written  
37 summary or a final annual written evaluation based on the criteria in  
38 subsection (1) or (2) of this section and based on at least two

1 observation periods during the school year totaling at least sixty  
2 minutes without a written summary of such observations being prepared.  
3 A locally bargained short-form evaluation emphasizing professional  
4 growth must provide that the professional growth activity conducted by  
5 the certificated classroom teacher be specifically linked to one or  
6 more of the certificated classroom teacher evaluation criteria.  
7 However, the evaluation process set forth in subsection (1) or (2) of  
8 this section shall be followed at least once every three years unless  
9 this time is extended by a local school district under the bargaining  
10 process set forth in chapter 41.59 RCW. The employee or evaluator may  
11 require that the evaluation process set forth in subsection (1) or (2)  
12 of this section be conducted in any given school year. No evaluation  
13 other than the evaluation authorized under subsection (1) or (2) of  
14 this section may be used as a basis for determining that an employee's  
15 work is (~~unsatisfactory~~) not satisfactory under subsection (1) or (2)  
16 of this section or as probable cause for the nonrenewal of an  
17 employee's contract under RCW 28A.405.210 unless an evaluation process  
18 developed under chapter 41.59 RCW determines otherwise.

19 **Sec. 203.** RCW 28A.405.220 and 2009 c 57 s 2 are each amended to  
20 read as follows:

21 (1) Notwithstanding the provisions of RCW 28A.405.210, every person  
22 employed by a school district in a teaching or other nonsupervisory  
23 certificated position shall be subject to nonrenewal of employment  
24 contract as provided in this section during the first (~~two~~) three  
25 years of employment by such district, unless: (a) The employee has  
26 previously completed at least two years of certificated employment in  
27 another school district in the state of Washington, in which case the  
28 employee shall be subject to nonrenewal of employment contract pursuant  
29 to this section during the first year of employment with the new  
30 district; or (b) the school district superintendent may make a  
31 determination to remove an employee from provisional status if the  
32 employee has received one of the top two evaluation ratings during the  
33 second year of employment by the district. Employees as defined in  
34 this section shall hereinafter be referred to as "provisional  
35 employees(~~s~~)."

36 (2) In the event the superintendent of the school district  
37 determines that the employment contract of any provisional employee

1 should not be renewed by the district for the next ensuing term such  
2 provisional employee shall be notified thereof in writing on or before  
3 May 15th preceding the commencement of such school term, or if the  
4 omnibus appropriations act has not passed the legislature by May 15th,  
5 then notification shall be no later than June 15th, which notification  
6 shall state the reason or reasons for such determination. Such notice  
7 shall be served upon the provisional employee personally, or by  
8 certified or registered mail, or by leaving a copy of the notice at the  
9 place of his or her usual abode with some person of suitable age and  
10 discretion then resident therein. The determination of the  
11 superintendent shall be subject to the evaluation requirements of RCW  
12 28A.405.100.

13 (3) Every such provisional employee so notified, at his or her  
14 request made in writing and filed with the superintendent of the  
15 district within ten days after receiving such notice, shall be given  
16 the opportunity to meet informally with the superintendent for the  
17 purpose of requesting the superintendent to reconsider his or her  
18 decision. Such meeting shall be held no later than ten days following  
19 the receipt of such request, and the provisional employee shall be  
20 given written notice of the date, time and place of meeting at least  
21 three days prior thereto. At such meeting the provisional employee  
22 shall be given the opportunity to refute any facts upon which the  
23 superintendent's determination was based and to make any argument in  
24 support of his or her request for reconsideration.

25 (4) Within ten days following the meeting with the provisional  
26 employee, the superintendent shall either reinstate the provisional  
27 employee or shall submit to the school district board of directors for  
28 consideration at its next regular meeting a written report recommending  
29 that the employment contract of the provisional employee be nonrenewed  
30 and stating the reason or reasons therefor. A copy of such report  
31 shall be delivered to the provisional employee at least three days  
32 prior to the scheduled meeting of the board of directors. In taking  
33 action upon the recommendation of the superintendent, the board of  
34 directors shall consider any written communication which the  
35 provisional employee may file with the secretary of the board at any  
36 time prior to that meeting.

37 (5) The board of directors shall notify the provisional employee in  
38 writing of its final decision within ten days following the meeting at

1 which the superintendent's recommendation was considered. The decision  
2 of the board of directors to nonrenew the contract of a provisional  
3 employee shall be final and not subject to appeal.

4 (6) This section applies to any person employed by a school  
5 district in a teaching or other nonsupervisory certificated position  
6 after June 25, 1976. This section provides the exclusive means for  
7 nonrenewing the employment contract of a provisional employee and no  
8 other provision of law shall be applicable thereto, including, without  
9 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

10 NEW SECTION. **Sec. 204.** A new section is added to chapter 28A.405  
11 RCW to read as follows:

12 (1) Representatives of the office of the superintendent of public  
13 instruction and statewide associations representing administrators,  
14 principals, human resources specialists, and certificated classroom  
15 teachers shall analyze how the evaluation systems in RCW 28A.405.100  
16 (2) and (6) affect issues related to a change in contract status.

17 (2) The analysis shall be conducted during each of the phase-in  
18 years of the certificated classroom teacher and principal evaluation  
19 systems. The analysis shall include: Procedures, timelines,  
20 probationary periods, appeal procedures, and other items related to the  
21 timely exercise of employment decisions and due process provisions for  
22 certificated classroom teachers and principals.

23 NEW SECTION. **Sec. 205.** A new section is added to chapter 28A.405  
24 RCW to read as follows:

25 If funds are provided for professional development activities  
26 designed specifically for first through third-year teachers, the funds  
27 shall be allocated first to districts participating in the evaluation  
28 systems in RCW 28A.405.100 (2) and (6) before the required  
29 implementation date under that section.

30 **PART III**  
31 **ENCOURAGING INNOVATIONS AND PERFORMANCE BY ADDRESSING THE ACHIEVEMENT**  
32 **GAP AND SCIENCE TECHNOLOGY, ENGINEERING, AND MATHEMATICS**

33 **Sec. 301.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to  
34 read as follows:

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

4 (2)(a) Salaries for certificated instructional staff shall not be  
5 less than the salary provided in the appropriations act in the  
6 statewide salary allocation schedule for an employee with a  
7 baccalaureate degree and zero years of service; and

8 (b) Salaries for certificated instructional staff with a master's  
9 degree shall not be less than the salary provided in the appropriations  
10 act in the statewide salary allocation schedule for an employee with a  
11 master's degree and zero years of service;

12 (3)(a) The actual average salary paid to certificated instructional  
13 staff shall not exceed the district's average certificated  
14 instructional staff salary used for the state basic education  
15 allocations for that school year as determined pursuant to RCW  
16 28A.150.410.

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

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

37 (4) Salaries and benefits for certificated instructional staff may  
38 exceed the limitations in subsection (3) of this section only by

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

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

25 **PART IV**  
26 **EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION**

27 NEW SECTION. Sec. 401. A new section is added to chapter 28A.410  
28 RCW to read as follows:

29 Beginning with the 2011-12 school year, all professional educator  
30 standards board-approved teacher preparation programs must administer  
31 to all preservice candidates the evidence-based assessment of teaching  
32 effectiveness adopted by the professional educator standards board.  
33 Candidates completing teacher preparation programs in the 2012-13  
34 school year and thereafter must successfully pass this assessment.  
35 Assessment results from persons completing each preparation program



1 must be reported annually by the professional educator standards board  
2 to the governor and the education and fiscal committees of the  
3 legislature by December 1st.

4 NEW SECTION. **Sec. 402.** A new section is added to chapter 28A.410  
5 RCW to read as follows:

6 By September 30, 2010, the professional educator standards board  
7 shall review and revise teacher and administrator preparation program  
8 approval standards and proposal review procedures at the residency  
9 certificate level to ensure they are rigorous and appropriate standards  
10 for an expanded range of potential providers, including community  
11 college and nonhigher education providers.

12 Beginning September 30, 2010, the professional educator standards  
13 board must accept proposals for community college and nonhigher  
14 education providers of educator preparation programs. Proposals must  
15 be processed and considered by the board as expeditiously as possible.

16 By September 1, 2011, all professional educator standards board-  
17 approved residency teacher preparation programs at institutions of  
18 higher education as defined in RCW 28B.10.016 not currently a partner  
19 in an alternative route program approved by the professional educator  
20 standards board must submit to the board a proposal to offer one or  
21 more of the alternative route programs that meet the requirements of  
22 RCW 28A.660.020 and 28A.660.040.

23 **Sec. 403.** RCW 28A.660.020 and 2006 c 263 s 816 are each amended to  
24 read as follows:

25 (1) ~~((Each))~~ The professional educator standards board shall  
26 transition the alternative route partnership grant program from a  
27 separate competitive grant program to a preparation program model to be  
28 expanded among approved preparation program providers. Alternative  
29 routes are partnerships between professional educator standards board-  
30 approved preparation programs, Washington school districts, and other  
31 partners as appropriate.

32 (2) Each prospective teacher preparation program provider, in  
33 cooperation with a Washington school district or consortia of school  
34 districts applying ~~((for—the))~~ to operate alternative route  
35 certification program shall ~~((submit a))~~ include in its proposal to the  
36 Washington professional educator standards board ~~((specifying))~~:

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

4 (b) The estimated number of candidates that will be enrolled per  
5 route;

6 (c) An identification, indication of commitment, and description of  
7 the role of approved teacher preparation programs (~~(that are)~~) and  
8 partnering (~~(with the)~~) district or consortia of districts;

9 (d) An assurance (~~(of)~~) that the district (~~(provision of)~~) or  
10 approved preparation program provider will provide adequate training  
11 for mentor teachers (~~(either through participation in a state mentor~~  
12 ~~training academy or district provided training that meets state~~  
13 ~~established mentor training standards))~~) specific to the mentoring of  
14 alternative route candidates;

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

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

24 (g) A summary of procedures that provide flexible completion  
25 opportunities for candidates to achieve a residency certificate; and

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

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

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

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

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

12 (iv) A description of strategies for assessing candidate  
13 performance on the benchmarks;

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

17 (vi) A description of the criteria that would result in residency  
18 certification after about one-half of a school year but before the end  
19 of the program; and

20 (vii) A description of how the district intends for the alternative  
21 route program to support its workforce development plan and how the  
22 presence of alternative route interns will advance its school  
23 improvement plans.

24 (~~(+2)~~) (3) To the extent funds are appropriated for this purpose,  
25 (~~districts~~) alternative route programs may apply for program funds to  
26 pay stipends to trained mentor teachers of interns during the mentored  
27 internship. The per intern amount of mentor stipend provided by state  
28 funds shall not exceed five hundred dollars.

29 **Sec. 404.** RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1  
30 are each reenacted and amended to read as follows:

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

1 completed the program. (~~For route three and four candidates, the~~  
2 ~~mentor of the teacher candidate shall make the determination that the~~  
3 ~~candidate has successfully completed the program.~~)

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

14 (a) District or building validation of qualifications, including  
15 one year of successful student interaction and leadership as a  
16 classified instructional employee;

17 (b) Successful passage of the statewide basic skills exam(~~, when~~  
18 ~~available~~)); and

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

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

33 (a) District or building validation of qualifications, including  
34 one year of successful student interaction and leadership as classified  
35 staff;

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

1 (c) Successful completion of the (~~content test, once the state~~  
2 ~~content test is available~~) subject matter assessment required by RCW  
3 28A.410.220(3);

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

6 (e) Successful passage of the statewide basic skills exam(~~(, when~~  
7 ~~available)~~).

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

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

29 (b) Successful completion of the (~~content test, once the state~~  
30 ~~content test is available~~) subject matter assessment required by RCW  
31 28A.410.220(3);

32 (c) External validation of qualifications, including demonstrated  
33 successful experience with students or children, such as reference  
34 letters and letters of support from previous employers;

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

37 (e) Successful passage of statewide basic skills exam(~~(s, when~~  
38 ~~available)~~).

1           (4) (~~Partnership grant programs seeking funds to operate~~)  
2 Alternative route programs operating route four programs shall enroll  
3 individuals with baccalaureate degrees, who are employed in the  
4 district at the time of application, or who hold conditional teaching  
5 certificates or emergency substitute certificates. Cohorts of  
6 candidates for this route shall attend an intensive summer teaching  
7 academy, followed by a full year employed by a district in a mentored  
8 internship. If employed on a conditional certificate, the intern may  
9 serve as the teacher of record, supported by a well-trained mentor. In  
10 addition, partnership programs shall uphold entry requirements for  
11 candidates that include:

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

15           (b) Successful completion of the (~~content test, once the state~~  
16 ~~content test is available~~) subject matter assessment required by RCW  
17 28A.410.220(3);

18           (c) External validation of qualifications, including demonstrated  
19 successful experience with students or children, such as reference  
20 letters and letters of support from previous employers;

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

23           (e) Successful passage of statewide basic skills exam(~~s, when~~  
24 ~~available~~)).

25           (5) Applicants for alternative route programs who are eligible  
26 veterans or national guard members and who meet the entry requirements  
27 for the alternative route program for which application is made shall  
28 be given preference in admission.

29           **Sec. 405.** RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2  
30 are each reenacted and amended to read as follows:

31           Subject to the availability of amounts appropriated for these  
32 purposes, the conditional scholarship programs in this chapter are  
33 created under the following guidelines:

34           (1) The programs shall be administered by the higher education  
35 coordinating board. In administering the programs, the higher  
36 education coordinating board has the following powers and duties:

1 (a) To adopt necessary rules and develop guidelines to administer  
2 the programs;

3 (b) To collect and manage repayments from participants who do not  
4 meet their service obligations; and

5 (c) To accept grants and donations from public and private sources  
6 for the programs.

7 (2) Requirements for participation in the conditional scholarship  
8 programs are as provided in this subsection (2).

9 (a) The alternative route conditional scholarship program is  
10 limited to interns of (~~the partnership grant~~) professional educator  
11 standards board-approved alternative routes to teaching programs under  
12 RCW 28A.660.040. For fiscal year 2011, priority must be given to  
13 fiscal year 2010 participants in the alternative route partnership  
14 program. In order to receive conditional scholarship awards,  
15 recipients shall:

16 (i) Be accepted and maintain enrollment in alternative  
17 certification routes through (~~the partnership grant~~) a professional  
18 educator standards board-approved program;

19 (ii) Continue to make satisfactory progress toward completion of  
20 the alternative route certification program and receipt of a residency  
21 teaching certificate; and

22 (iii) Receive no more than the annual amount of the scholarship,  
23 not to exceed eight thousand dollars, for the cost of tuition, fees,  
24 and educational expenses, including books, supplies, and transportation  
25 for the alternative route certification program in which the recipient  
26 is enrolled. The board may adjust the annual award by the average rate  
27 of resident undergraduate tuition and fee increases at the state  
28 universities as defined in RCW 28B.10.016.

29 (b) The pipeline for paraeducators conditional scholarship program  
30 is limited to qualified paraeducators as provided by RCW 28A.660.042.  
31 In order to receive conditional scholarship awards, recipients shall:

32 (i) Be accepted and maintain enrollment at a community and  
33 technical college for no more than two years and attain an associate of  
34 arts degree;

35 (ii) Continue to make satisfactory progress toward completion of an  
36 associate of arts degree. This progress requirement is a condition for  
37 eligibility into a route one program of the alternative routes to

1 teacher certification program for a mathematics, special education, or  
2 English as a second language endorsement; and

3 (iii) Receive no more than the annual amount of the scholarship,  
4 not to exceed four thousand dollars, for the cost of tuition, fees, and  
5 educational expenses, including books, supplies, and transportation for  
6 the alternative route certification program in which the recipient is  
7 enrolled. The board may adjust the annual award by the average rate of  
8 tuition and fee increases at the state community and technical  
9 colleges.

10 (c) The retooling to teach mathematics and science conditional  
11 scholarship program is limited to current K-12 teachers (~~and~~  
12 ~~individuals having an elementary education certificate but who are not~~  
13 ~~employed in positions requiring an elementary education certificate as~~  
14 ~~provided by RCW 28A.660.045)). In order to receive conditional~~  
15 scholarship awards:

16 (i) Individuals currently employed as teachers shall pursue a  
17 middle level mathematics or science, or secondary mathematics or  
18 science endorsement; or

19 (ii) Individuals who are certificated with an elementary education  
20 endorsement(~~(, but not employed in positions requiring an elementary~~  
21 ~~education certificate,)) shall pursue an endorsement in middle level  
22 mathematics or science, or both; and~~

23 (iii) Individuals shall use one of the pathways to endorsement  
24 processes to receive a mathematics or science endorsement, or both,  
25 which shall include passing a mathematics or science endorsement test,  
26 or both tests, plus observation and completing applicable coursework to  
27 attain the proper endorsement; and

28 (iv) Individuals shall receive no more than the annual amount of  
29 the scholarship, not to exceed three thousand dollars, for the cost of  
30 tuition, test fees, and educational expenses, including books,  
31 supplies, and transportation for the endorsement pathway being pursued.

32 (3) The Washington professional educator standards board shall  
33 select individuals to receive conditional scholarships. In selecting  
34 recipients, preference shall be given to eligible veterans or national  
35 guard members.

36 (4) For the purpose of this chapter, a conditional scholarship is  
37 a loan that is forgiven in whole or in part in exchange for service as  
38 a certificated teacher employed in a Washington state K-12 public



1 school. The state shall forgive one year of loan obligation for every  
2 two years a recipient teaches in a public school. Recipients who fail  
3 to continue a course of study leading to residency teacher  
4 certification or cease to teach in a public school in the state of  
5 Washington in their endorsement area are required to repay the  
6 remaining loan principal with interest.

7 (5) Recipients who fail to fulfill the required teaching obligation  
8 are required to repay the remaining loan principal with interest and  
9 any other applicable fees. The higher education coordinating board  
10 shall adopt rules to define the terms for repayment, including  
11 applicable interest rates, fees, and deferments.

12 (6) The higher education coordinating board may deposit all  
13 appropriations, collections, and any other funds received for the  
14 program in this chapter in the future teachers conditional scholarship  
15 account authorized in RCW 28B.102.080.

16 NEW SECTION. **Sec. 406.** A new section is added to chapter 28A.410  
17 RCW to read as follows:

18 Beginning with the 2010 school year and annually thereafter, each  
19 educational service district, in cooperation with the professional  
20 educator standards board, must convene representatives from school  
21 districts within that region and professional educator standards board-  
22 approved educator preparation programs to review district and regional  
23 educator workforce data, make biennial projections of certificate  
24 staffing needs, and identify how recruitment and enrollment plans in  
25 educator preparation programs reflect projected need.

26 **Sec. 407.** RCW 28B.76.335 and 2007 c 396 s 17 are each amended to  
27 read as follows:

28 As part of the state needs assessment process conducted by the  
29 board in accordance with RCW 28B.76.230, the board shall, in  
30 collaboration with the professional educator standards board, assess  
31 the need for additional ((baccalaureate)) degree and certificate  
32 programs in Washington that specialize in teacher preparation ((~~in~~  
33 ~~mathematics, science, and technology~~)) to meet regional or subject area  
34 shortages. If the board determines that there is a need for additional  
35 programs, then the board shall encourage the appropriate institutions  
36 of higher education or institutional sectors to create such a program.

1       **Sec. 408.** RCW 28B.76.230 and 2005 c 258 s 11 are each amended to  
2 read as follows:

3       (1) The board shall develop a comprehensive and ongoing assessment  
4 process to analyze the need for additional degrees and programs,  
5 additional off-campus centers and locations for degree programs, and  
6 consolidation or elimination of programs by the four-year institutions.

7       (2) As part of the needs assessment process, the board shall  
8 examine:

9       (a) Projections of student, employer, and community demand for  
10 education and degrees, including liberal arts degrees, on a regional  
11 and statewide basis;

12       (b) Current and projected degree programs and enrollment at public  
13 and private institutions of higher education, by location and mode of  
14 service delivery; (~~and~~)

15       (c) Data from the workforce training and education coordinating  
16 board and the state board for community and technical colleges on the  
17 supply and demand for workforce education and certificates and  
18 associate degrees; and

19       (d) Data from the professional educator standards board.

20       (3) Every two years the board shall produce, jointly with the state  
21 board for community and technical colleges, the professional educator  
22 standards board, and the workforce training and education coordinating  
23 board, an assessment of the number and type of higher education and  
24 training credentials required to match employer demand for a skilled  
25 and educated workforce. The assessment shall include the number of  
26 forecasted net job openings at each level of higher education and  
27 training and the number of credentials needed to match the forecast of  
28 net job openings.

29       (4) The board shall determine whether certain major lines of study  
30 or types of degrees, including applied degrees or research-oriented  
31 degrees, shall be assigned uniquely to some institutions or  
32 institutional sectors in order to create centers of excellence that  
33 focus resources and expertise.

34       (5) The following activities are subject to approval by the board:

35       (a) New degree programs by a four-year institution;

36       (b) Creation of any off-campus program by a four-year institution;

37       (c) Purchase or lease of major off-campus facilities by a four-year  
38 institution or a community or technical college;

1 (d) Creation of higher education centers and consortia;

2 (e) New degree programs and creation of off-campus programs by an  
3 independent college or university in collaboration with a community or  
4 technical college; and

5 (f) Applied baccalaureate degree programs developed by colleges  
6 under RCW 28B.50.810.

7 (6) Institutions seeking board approval under this section must  
8 demonstrate that the proposal is justified by the needs assessment  
9 developed under this section. Institutions must also demonstrate how  
10 the proposals align with or implement the statewide strategic master  
11 plan for higher education under RCW 28B.76.200.

12 (7) The board shall develop clear guidelines and objective  
13 decision-making criteria regarding approval of proposals under this  
14 section, which must include review and consultation with the  
15 institution and other interested agencies and individuals.

16 (8) The board shall periodically recommend consolidation or  
17 elimination of programs at the four-year institutions, based on the  
18 needs assessment analysis.

19 NEW SECTION. **Sec. 409.** A new section is added to chapter 28B.76  
20 RCW to read as follows:

21 (1) The board must establish boundaries for service regions for  
22 institutions of higher education as defined in RCW 28B.10.016  
23 implementing professional educator standards board-approved educator  
24 preparation programs. Regions shall be established to encourage and  
25 support, not exclude, the reach of public institutions of higher  
26 education across the state.

27 (2) Based on the data in the assessment in RCW 28B.76.230 and  
28 28B.76.335, the board shall determine whether reasonable teacher  
29 preparation program access for prospective teachers is available in  
30 each region. If access is determined to be inadequate in a region, the  
31 institution of higher education responsible for the region shall submit  
32 a plan for meeting the access need to the board.

33 (3) Partnerships with other teacher preparation program providers  
34 and the use of appropriate technology shall be considered. The board  
35 shall review the plan and, as appropriate, assist the institution in  
36 developing support and resources for implementing the plan.

1 NEW SECTION. Sec. 410. The following acts or parts of acts are  
2 each repealed:

3 (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1  
4 & 2001 c 158 s 2;

5 (2) RCW 28A.415.100 (Student teaching centers--Legislative  
6 recognition--Intent) and 1991 c 258 s 1;

7 (3) RCW 28A.415.105 (Definitions) and 2006 c 263 s 811, 1995 c 335  
8 s 403, & 1991 c 258 s 2;

9 (4) RCW 28A.415.130 (Allocation of funds for student teaching  
10 centers) and 2006 c 263 s 813 & 1991 c 258 s 7;

11 (5) RCW 28A.415.135 (Alternative means of teacher placement) and  
12 1991 c 258 s 8; and

13 (6) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9.

14 **PART V**  
15 **COMMON CORE ADOPTION**

16 NEW SECTION. Sec. 501. A new section is added to chapter 28A.655  
17 RCW to read as follows:

18 (1) The superintendent of public instruction shall submit to the  
19 education committees of the house of representatives and the senate a  
20 detailed comparison of the learning standards authorized under RCW  
21 28A.655.070 and the standards being developed by a multistate  
22 consortium in which Washington is a participant. The analysis shall  
23 include the comparative level of rigor and specificity of both sets of  
24 standards, and the implications of any identified differences.

25 (2) The analysis and information in subsection (1) of this section  
26 shall be submitted to the education committees, the governor,  
27 educators, and the public by April 15, or thirty days after the  
28 multistate standards are finalized, whichever occurs later. The  
29 superintendent shall request comments on the analysis, including  
30 whether the superintendent should adopt the standards with, or without,  
31 the addition of current Washington standards not included in the  
32 multistate standards, the additional current standards not to exceed  
33 fifteen percent of the standards for each content area.

34 (3) After considering the comments received from legislators,  
35 educators, and the public, but no later than August 2, 2010, the  
36 superintendent of public instruction shall adopt the multistate

1 standards, or adopt the multistate standards with additional standards,  
2 however, the additional current standards are not to exceed fifteen  
3 percent of the standards for each content area.

4 **PART VI**

5 **PARENTS AND COMMUNITY**

6 NEW SECTION. **Sec. 601.** A new section is added to chapter 28A.605  
7 RCW to read as follows:

8 School districts are encouraged to strengthen family, school, and  
9 community partnerships by creating spaces in school buildings, if space  
10 is available, where students and families can access the services they  
11 need, such as after-school tutoring, dental and health services,  
12 counseling, or clothing and food banks.

13 NEW SECTION. **Sec. 602.** A new section is added to chapter 28A.655  
14 RCW to read as follows:

15 (1) Beginning with the 2010-11 school year, each school shall  
16 annually invite parents and community members to provide feedback  
17 regarding their experiences with the school. The school shall  
18 summarize the responses in its annual report under RCW 28A.655.110.

19 (2) The office of the superintendent of public instruction shall  
20 create a working group with at least one representative from the  
21 statewide parent-teacher organization, and each of the state-level  
22 associations representing teachers and principals. By September 1,  
23 2010, the working group shall develop a model feedback tool that school  
24 districts may use to facilitate the feedback process required in  
25 subsection (1) of this section.

26 **Sec. 603.** RCW 28A.655.110 and 1999 c 388 s 303 are each amended to  
27 read as follows:

28 (1) Beginning with the 1994-95 school year, to provide the local  
29 community and electorate with access to information on the educational  
30 programs in the schools in the district, each school shall publish  
31 annually a school performance report and deliver the report to each  
32 parent with children enrolled in the school and make the report  
33 available to the community served by the school. The annual  
34 performance report shall be in a form that can be easily understood and

1 be used by parents, guardians, and other members of the community who  
2 are not professional educators to make informed educational decisions.  
3 As data from the assessments in RCW 28A.655.060 becomes available, the  
4 annual performance report should enable parents, educators, and school  
5 board members to determine whether students in the district's schools  
6 are attaining mastery of the student learning goals under RCW  
7 28A.150.210, and other important facts about the schools' performance  
8 in assisting students to learn. The annual report shall make  
9 comparisons to a school's performance in preceding years (~~and shall~~  
10 ~~include school level goals under RCW 28A.655.050~~), student performance  
11 relative to the goals and the percentage of students performing at each  
12 level of the assessment, a comparison of student performance at each  
13 level of the assessment to the previous year's performance, and  
14 information regarding school-level plans to achieve the goals.

15 (2) The annual performance report shall include, but not be limited  
16 to: (a) A brief statement of the mission of the school and the school  
17 district; (b) enrollment statistics including student demographics; (c)  
18 expenditures per pupil for the school year; (d) a summary of student  
19 scores on all mandated tests; (e) a concise annual budget report; (f)  
20 student attendance, graduation, and dropout rates; (g) information  
21 regarding the use and condition of the school building or buildings;  
22 (h) a brief description of the learning improvement plans for the  
23 school; (i) a summary of the feedback from parents and community  
24 members obtained under section 602 of this act; and ~~((+))~~ (j) an  
25 invitation to all parents and citizens to participate in school  
26 activities.

27 (3) The superintendent of public instruction shall develop by June  
28 30, 1994, and update periodically, a model report form, which shall  
29 also be adapted for computers, that schools may use to meet the  
30 requirements of subsections (1) and (2) of this section. In order to  
31 make school performance reports broadly accessible to the public, the  
32 superintendent of public instruction, to the extent feasible, shall  
33 make information on each school's report available on or through the  
34 superintendent's internet web site.

35 NEW SECTION. Sec. 604. A new section is added to chapter 28A.300  
36 RCW to read as follows:

37 There is a sizeable body of research positively supporting the

1 involvement of parents taking an engaged and active role in their  
2 child's education. Therefore, the legislature intends to provide state  
3 recognition by the center for the improvement of student learning  
4 within the office of the superintendent of public instruction for  
5 schools that increase the level of direct parental involvement with  
6 their child's education. By September 1, 2010, the center for the  
7 improvement of student learning shall determine the measures to be used  
8 to evaluate the level of parental involvement in a school, including  
9 the number and hours of parents and community members who volunteer,  
10 and the recognition to be provided to schools that are successfully  
11 involving parents in their child's education. The center for the  
12 improvement of student learning shall begin recognizing school  
13 districts using the measures beginning in the 2010-11 school year.

14 **PART VII**  
15 **COLLECTIVE BARGAINING**

16 **Sec. 701.** RCW 41.56.100 and 1989 c 45 s 1 are each amended to read  
17 as follows:

18 (1) A public employer shall have the authority to engage in  
19 collective bargaining with the exclusive bargaining representative and  
20 no public employer shall refuse to engage in collective bargaining with  
21 the exclusive bargaining representative(~~(:—PROVIDED, That nothing~~  
22 ~~contained herein shall require any)~~). However, a public employer is  
23 not required to bargain collectively with any bargaining representative  
24 concerning any matter which by ordinance, resolution, or charter of  
25 said public employer has been delegated to any civil service commission  
26 or personnel board similar in scope, structure, and authority to the  
27 board created by chapter 41.06 RCW.

28 (2) Upon the failure of the public employer and the exclusive  
29 bargaining representative to conclude a collective bargaining  
30 agreement, any matter in dispute may be submitted by either party to  
31 the commission. This subsection does not apply to negotiations and  
32 mediations conducted between a school district employer and an  
33 exclusive bargaining representative under section 105 of this act.

34 (3) If a public employer implements its last and best offer where  
35 there is no contract settlement, allegations that either party is  
36 violating the terms of the implemented offer shall be subject to

1 grievance arbitration procedures if and as such procedures are set  
2 forth in the implemented offer, or, if not in the implemented offer, if  
3 and as such procedures are set forth in the parties' last contract.

4 NEW SECTION. **Sec. 702.** A new section is added to chapter 41.56  
5 RCW to read as follows:

6 All collective bargaining agreements entered into between a school  
7 district employer and school district employees under this chapter  
8 after the effective date of this section, as well as bargaining  
9 agreements existing on the effective date of this section but renewed  
10 or extended after the effective date of this section, shall be  
11 consistent with section 105 of this act.

12 NEW SECTION. **Sec. 703.** A new section is added to chapter 41.59  
13 RCW to read as follows:

14 All collective bargaining agreements entered into between a school  
15 district employer and school district employees under this chapter  
16 after the effective date of this section, as well as bargaining  
17 agreements existing on the effective date of this section but renewed  
18 or extended after the effective date of this section, shall be  
19 consistent with section 105 of this act.

20 **Sec. 704.** RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each  
21 amended to read as follows:

22 (1) Either an employer or an exclusive bargaining representative  
23 may declare that an impasse has been reached between them in collective  
24 bargaining and may request the commission to appoint a mediator for the  
25 purpose of assisting them in reconciling their differences and  
26 resolving the controversy on terms which are mutually acceptable. If  
27 the commission determines that its assistance is needed, not later than  
28 five days after the receipt of a request therefor, it shall appoint a  
29 mediator in accordance with rules and regulations for such appointment  
30 prescribed by the commission. The mediator shall meet with the parties  
31 or their representatives, or both, forthwith, either jointly or  
32 separately, and shall take such other steps as he may deem appropriate  
33 in order to persuade the parties to resolve their differences and  
34 effect a mutually acceptable agreement. The mediator, without the  
35 consent of both parties, shall not make findings of fact or recommend



1 terms of settlement. The services of the mediator, including, if any,  
2 per diem expenses, shall be provided by the commission without cost to  
3 the parties. Nothing in this subsection (1) shall be construed to  
4 prevent the parties from mutually agreeing upon their own mediation  
5 procedure, and in the event of such agreement, the commission shall not  
6 appoint its own mediator unless failure to do so would be inconsistent  
7 with the effectuation of the purposes and policy of this chapter.

8 (2) If the mediator is unable to effect settlement of the  
9 controversy within ten days after his or her appointment, either party,  
10 by written notification to the other, may request that their  
11 differences be submitted to fact-finding with recommendations, except  
12 that the time for mediation may be extended by mutual agreement between  
13 the parties. Within five days after receipt of the aforesaid written  
14 request for fact-finding, the parties shall select a person to serve as  
15 fact finder and obtain a commitment from that person to serve. If they  
16 are unable to agree upon a fact finder or to obtain such a commitment  
17 within that time, either party may request the commission to designate  
18 a fact finder. The commission, within five days after receipt of such  
19 request, shall designate a fact finder in accordance with rules and  
20 regulations for such designation prescribed by the commission. The  
21 fact finder so designated shall not be the same person who was  
22 appointed mediator pursuant to subsection (1) of this section without  
23 the consent of both parties.

24 The fact finder, within five days after his appointment, shall meet  
25 with the parties or their representatives, or both, either jointly or  
26 separately, and make inquiries and investigations, hold hearings, and  
27 take such other steps as he may deem appropriate. For the purpose of  
28 such hearings, investigations and inquiries, the fact finder shall have  
29 the power to issue subpoenas requiring the attendance and testimony of  
30 witnesses and the production of evidence. If the dispute is not  
31 settled within ten days after his appointment, the fact finder shall  
32 make findings of fact and recommend terms of settlement within thirty  
33 days after his appointment, which recommendations shall be advisory  
34 only.

35 (3) Such recommendations, together with the findings of fact, shall  
36 be submitted in writing to the parties and the commission privately  
37 before they are made public. Either the commission, the fact finder,

1 the employer, or the exclusive bargaining representative may make such  
2 findings and recommendations public if the dispute is not settled  
3 within five days after their receipt from the fact finder.

4 (4) The costs for the services of the fact finder, including, if  
5 any, per diem expenses and actual and necessary travel and subsistence  
6 expenses, and any other incurred costs, shall be borne by the  
7 commission without cost to the parties.

8 (5) Nothing in this section shall be construed to prohibit an  
9 employer and an exclusive bargaining representative from agreeing to  
10 substitute, at their own expense, their own procedure for resolving  
11 impasses in collective bargaining for that provided in this section or  
12 from agreeing to utilize for the purposes of this section any other  
13 governmental or other agency or person in lieu of the commission.

14 (6) Any fact finder designated by an employer and an exclusive  
15 representative or the commission for the purposes of this section shall  
16 be deemed an agent of the state.

17 (7) This section does not apply to negotiations and mediations  
18 conducted under section 105 of this act.

## 19 PART VIII

### 20 CLOSING THE ACHIEVEMENT GAP

21 **Sec. 801.** RCW 28A.300.136 and 2009 c 468 s 2 are each amended to  
22 read as follows:

23 (1) An achievement gap oversight and accountability committee is  
24 created to synthesize the findings and recommendations from the 2008  
25 achievement gap studies into an implementation plan, and to recommend  
26 policies and strategies to the superintendent of public instruction,  
27 the professional educator standards board, and the state board of  
28 education to close the achievement gap.

29 (2) The committee shall recommend specific policies and strategies  
30 in at least the following areas:

31 (a) Supporting and facilitating parent and community involvement  
32 and outreach;

33 (b) Enhancing the cultural competency of current and future  
34 educators and the cultural relevance of curriculum and instruction;

35 (c) Expanding pathways and strategies to prepare and recruit  
36 diverse teachers and administrators;

1 (d) Recommending current programs and resources that should be  
2 redirected to narrow the gap;

3 (e) Identifying data elements and systems needed to monitor  
4 progress in closing the gap;

5 (f) Making closing the achievement gap part of the school and  
6 school district improvement process; and

7 (g) Exploring innovative school models that have shown success in  
8 closing the achievement gap.

9 (3) Taking a multidisciplinary approach, the committee may seek  
10 input and advice from other state and local agencies and organizations  
11 with expertise in health, social services, gang and violence  
12 prevention, substance abuse prevention, and other issues that  
13 disproportionately affect student achievement and student success.

14 (4) The achievement gap oversight and accountability committee  
15 shall be composed of the following members:

16 (a) The chairs and ranking minority members of the house and senate  
17 education committees, or their designees;

18 (b) One additional member of the house of representatives appointed  
19 by the speaker of the house and one additional member of the senate  
20 appointed by the president of the senate;

21 (c) A representative of the office of the education ombudsman;

22 (d) A representative of the center for the improvement of student  
23 learning in the office of the superintendent of public instruction;

24 (e) A representative of federally recognized Indian tribes whose  
25 traditional lands and territories lie within the borders of Washington  
26 state, designated by the federally recognized tribes; and

27 (f) Four members appointed by the governor in consultation with the  
28 state ethnic commissions, who represent the following populations:  
29 African-Americans, Hispanic Americans, Asian Americans, and Pacific  
30 Islander Americans.

31 (5) The governor and the tribes are encouraged to designate members  
32 who have experience working in and with schools.

33 (6) The committee may convene ad hoc working groups to obtain  
34 additional input and participation from community members. Members of  
35 ad hoc working groups shall serve without compensation and shall not be  
36 reimbursed for travel or other expenses.

37 (7) The chair or cochairs of the committee shall be selected by the  
38 members of the committee. Staff support for the committee shall be

1 provided by the center for the improvement of student learning.  
2 Members of the committee shall serve without compensation but must be  
3 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative  
4 members of the committee shall be reimbursed for travel expenses in  
5 accordance with RCW 44.04.120.

6 (8) The superintendent of public instruction, the state board of  
7 education, the professional educator standards board, and the quality  
8 education council shall work collaboratively with the achievement gap  
9 oversight and accountability committee to close the achievement gap.

10  
11

**PART IX**  
**MISCELLANEOUS PROVISIONS**

12 NEW SECTION. Sec. 901. RCW 28A.305.225 is recodified as a section  
13 in the chapter created in section 902 of this act.

14 NEW SECTION. Sec. 902. Sections 101 through 109 and 111 and 112  
15 of this act constitute a new chapter in Title 28A RCW."

**2SSB 6696** - S AMD

By Senators McAuliffe, Oemig

**ADOPTED 02/11/2010**

16 On page 1, line 1 of the title, after "reform;" strike the  
17 remainder of the title and insert "amending RCW 28A.305.225,  
18 28A.150.230, 28A.405.100, 28A.405.220, 28A.400.200, 28A.660.020,  
19 28B.76.335, 28B.76.230, 28A.655.110, 41.56.100, 41.59.120, and  
20 28A.300.136; reenacting and amending RCW 28A.660.040 and 28A.660.050;  
21 adding new sections to chapter 28A.405 RCW; adding new sections to  
22 chapter 28A.410 RCW; adding a new section to chapter 28B.76 RCW; adding  
23 a new section to chapter 28A.605 RCW; adding new sections to chapter  
24 28A.655 RCW; adding a new section to chapter 28A.300 RCW; adding a new  
25 section to chapter 41.56 RCW; adding a new section to chapter 41.59  
26 RCW; adding a new chapter to Title 28A RCW; creating new sections;  
27 recodifying RCW 28A.305.225; and repealing RCW 28A.660.010,

EFFECT: Clarifies that the required action districts are those districts that are among the lowest-achieving 5% of Title I or Title I-eligible schools.

Clarifies that the service regions for institutions of higher education established by the HECB must be established to encourage and support, not exclude, the reach of public institutions of higher education across the state.

Removes the language addressing tenured and provisional certificated staff:

If after 3 years of unsuccessful improvement based on the in-service training and mentoring 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 their students, the principal may initiate an action to dismiss the teacher.

The teacher is given written notice of this action and an opportunity to provide rebuttal information in an informal meeting with the principal.

Within ten days following the meeting, the principal is required to reinstate the teacher or recommend that the school board terminate the employee.

At the meeting of the school board, the teacher is given the opportunity to provide rebuttal information in writing and verbally.

If the school board decides to terminate the teacher, its decision is final and cannot be appealed.

After September 1, 2011, school district collective bargaining agreements are required to include provisions consistent with this process.

Removes the requirement that the parent representative on the group that will create models for implementing the teacher and principal evaluation system criteria, student growth tools, professional development programs, and evaluator training be chosen via a lottery system.

--- END ---