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ENGROSSED SECOND SUBSTITUTE SENATE BILL 6455

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State of Washington

64th Legislature

2016 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Rivers, Conway, and McAuliffe)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to expanding the professional educator workforce  
2 by increasing career opportunities in education, creating a more  
3 robust enrollment forecasting, and enhancing recruitment efforts;  
4 amending RCW 43.88C.010, 28A.660.050, 28A.410.250, and 28B.15.558;  
5 adding a new section to chapter 41.32 RCW; adding a new section to  
6 chapter 28A.660 RCW; adding a new section to chapter 28A.410 RCW;  
7 adding new sections to chapter 43.131 RCW; creating new sections;  
8 providing an effective date; providing expiration dates; and  
9 declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** The legislature acknowledges that the  
12 state is facing an unprecedented shortage of teachers and substitute  
13 teachers. According to a study by the professional educator standards  
14 board, nearly half of all new teachers leave the workforce within the  
15 first five years of teaching. The legislature recognizes that  
16 strengthening the educator workforce is essential to successfully  
17 implement ongoing educational reforms and increase student  
18 achievement. In order to accomplish this, the legislature finds an  
19 immediate need for allowing retired teachers to reenter the workforce  
20 without penalty of pension benefits, adequate student enrollment

1 forecasting, additional funding for the alternative routes and  
2 educator retooling programs, and enhancements to recruitment.

3 **PART I**  
4 **RETURNING TEACHERS**

5 NEW SECTION. **Sec. 101.** The legislature recognizes that there is  
6 a temporary shortage of substitute teachers available to some school  
7 districts, in part because of the change in early retirement  
8 provisions that restricted the ability of some retired teachers  
9 choosing the alternate early retirement provisions that first became  
10 available to members of the teachers' retirement system during 2008.  
11 For a limited period during which school districts will have the  
12 opportunity to adjust to the more limited availability of retired  
13 teachers as substitutes, the legislature shall provide a temporary  
14 increase in postretirement employment opportunities while also  
15 receiving pension benefits for retired teachers who choose to serve  
16 in an instructional capacity for approximately the number of hours  
17 that would permit a substitute teacher to work full-time for ninety  
18 days.

19 NEW SECTION. **Sec. 102.** A new section is added to chapter 41.32  
20 RCW under the subchapter heading "provisions applicable to plan 2 and  
21 plan 3" to be codified between RCW 41.32.141 and 41.32.215 to read as  
22 follows:

23 In addition to the postretirement employment options available in  
24 RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher  
25 in plan 2 or plan 3 who has retired under the alternate early  
26 retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may  
27 be employed with an employer that has documented a shortage of  
28 certificated substitute teachers for up to six hundred thirty hours  
29 per school year without suspension of his or her benefit, provided  
30 that: (1) The retired teacher reenters employment more than one  
31 calendar month after his or her accrual date and after the effective  
32 date of this section, (2) the retired teacher is employed exclusively  
33 as a substitute teacher as defined in RCW 41.32.010(48)(a) in an  
34 instructional capacity, as opposed to other capacities identified in  
35 RCW 41.32.010(49), and (3) the employing school district compensates  
36 the district's substitute teachers at a level that is at least equal

1 to the full daily amount allocated by the state to the district for  
2 substitute teacher compensation.

3 **PART II**

4 **STUDENT ENROLLMENT FORECASTING**

5 **Sec. 201.** RCW 43.88C.010 and 2015 c 128 s 2 are each amended to  
6 read as follows:

7 (1) The caseload forecast council is hereby created. The council  
8 shall consist of two individuals appointed by the governor and four  
9 individuals, one of whom is appointed by the chairperson of each of  
10 the two largest political caucuses in the senate and house of  
11 representatives. The chair of the council shall be selected from  
12 among the four caucus appointees. The council may select such other  
13 officers as the members deem necessary.

14 (2) The council shall employ a caseload forecast supervisor to  
15 supervise the preparation of all caseload forecasts. As used in this  
16 chapter, "supervisor" means the caseload forecast supervisor.

17 (3) Approval by an affirmative vote of at least five members of  
18 the council is required for any decisions regarding employment of the  
19 supervisor. Employment of the supervisor shall terminate after each  
20 term of three years. At the end of the first year of each three-year  
21 term the council shall consider extension of the supervisor's term by  
22 one year. The council may fix the compensation of the supervisor. The  
23 supervisor shall employ staff sufficient to accomplish the purposes  
24 of this section.

25 (4) The caseload forecast council shall oversee the preparation  
26 of and approve, by an affirmative vote of at least four members, the  
27 official state caseload forecasts prepared under RCW 43.88C.020. If  
28 the council is unable to approve a forecast before a date required in  
29 RCW 43.88C.020, the supervisor shall submit the forecast without  
30 approval and the forecast shall have the same effect as if approved  
31 by the council.

32 (5) A councilmember who does not cast an affirmative vote for  
33 approval of the official caseload forecast may request, and the  
34 supervisor shall provide, an alternative forecast based on  
35 assumptions specified by the member.

36 (6) Members of the caseload forecast council shall serve without  
37 additional compensation but shall be reimbursed for travel expenses  
38 in accordance with RCW 44.04.120 while attending sessions of the

1 council or on official business authorized by the council.  
2 Nonlegislative members of the council shall be reimbursed for travel  
3 expenses in accordance with RCW 43.03.050 and 43.03.060.

4 (7) "Caseload," as used in this chapter, means:

5 (a) The number of persons expected to meet entitlement  
6 requirements and require the services of public assistance programs,  
7 state correctional institutions, state correctional noninstitutional  
8 supervision, state institutions for juvenile offenders, (~~the common~~  
9 ~~school system,~~) long-term care, medical assistance, foster care, and  
10 adoption support;

11 (b) The number of students who are eligible for the Washington  
12 college bound scholarship program and are expected to attend an  
13 institution of higher education as defined in RCW 28B.92.030;

14 (c) The number of children who are eligible, as defined in RCW  
15 43.215.405, to participate in, and the number of children actually  
16 served by, the early childhood education and assistance program; and

17 (d) The number of persons expected to meet entitlement  
18 requirements in the common school system, by school district and in  
19 total statewide. In determining district level forecasts, the council  
20 must consider a geographic information system solution and providing  
21 districts the ability to adjust the final forecast. Forecasting  
22 entitlement requirements in the common school system at the district  
23 level is subject to appropriations specifically provided for this  
24 purpose.

25 (8) The caseload forecast council shall forecast the temporary  
26 assistance for needy families and the working connections child care  
27 programs as a courtesy.

28 (9) The caseload forecast council shall forecast youth  
29 participating in the extended foster care program pursuant to RCW  
30 74.13.031 separately from other children who are residing in foster  
31 care and who are under eighteen years of age.

32 (10) Unless the context clearly requires otherwise, the  
33 definitions provided in RCW 43.88.020 apply to this chapter.

34 **PART III**

35 **"GROW YOUR OWN" TEACHERS**

36 **Sec. 301.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each  
37 amended to read as follows:

1 Subject to the availability of amounts appropriated for these  
2 purposes, the conditional scholarship programs in this chapter are  
3 created under the following guidelines:

4 (1) The programs shall be administered by the student achievement  
5 council. In administering the programs, the council has the following  
6 powers and duties:

7 (a) To adopt necessary rules and develop guidelines to administer  
8 the programs;

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

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

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

15 (a) The alternative route conditional scholarship program is  
16 limited to interns of professional educator standards board-approved  
17 alternative routes to teaching programs under RCW 28A.660.040. For  
18 fiscal year 2011, priority must be given to fiscal year 2010  
19 participants in the alternative route partnership program. In order  
20 to receive conditional scholarship awards, recipients shall:

21 (i) Be accepted and maintain enrollment in alternative  
22 certification routes through a professional educator standards board-  
23 approved program;

24 (ii) Continue to make satisfactory progress toward completion of  
25 the alternative route certification program and receipt of a  
26 residency teaching certificate; and

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

34 (b) The pipeline for paraeducators conditional scholarship  
35 program is limited to qualified paraeducators as provided by RCW  
36 28A.660.042. In order to receive conditional scholarship awards,  
37 recipients shall:

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

1 (ii) Continue to make satisfactory progress toward completion of  
2 an associate of arts degree. This progress requirement is a condition  
3 for eligibility into a route one program of the alternative routes to  
4 teacher certification program for a mathematics, special education,  
5 or English as a second language endorsement; and

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

13 (c) The educator retooling conditional scholarship program is  
14 limited to current K-12 teachers. In order to receive conditional  
15 scholarship awards:

16 (i) Individuals currently employed as teachers shall pursue an  
17 endorsement in a subject or geographic endorsement shortage area, as  
18 defined by the professional educator standards board, including but  
19 not limited to(( $\tau$ )) mathematics, science, special education,  
20 bilingual education, English language learner, computer science  
21 education, or environmental and sustainability education; or

22 (ii) Individuals who are certificated with an elementary  
23 education endorsement shall pursue an endorsement in a subject or  
24 geographic endorsement shortage area, as defined by the professional  
25 educator standards board, including but not limited to(( $\tau$ ))  
26 mathematics, science, special education, bilingual education, English  
27 language learner, computer science education, or environmental and  
28 sustainability education; and

29 (iii) Individuals shall use one of the pathways to endorsement  
30 processes to receive an endorsement in a subject or geographic  
31 endorsement shortage area, as defined by the professional educator  
32 standards board, including but not limited to(( $\tau$ )) mathematics,  
33 science, special education, bilingual education, English language  
34 learner, computer science education, or environmental and  
35 sustainability education, which shall include passing an endorsement  
36 test plus observation and completing applicable coursework to attain  
37 the proper endorsement; and

38 (iv) Individuals shall receive no more than the annual amount of  
39 the scholarship, not to exceed three thousand dollars, for the cost  
40 of tuition, test fees, and educational expenses, including books,

1 supplies, and transportation for the endorsement pathway being  
2 pursued.

3 (3) The Washington professional educator standards board shall  
4 select individuals to receive conditional scholarships. In selecting  
5 recipients, preference shall be given to eligible veterans or  
6 national guard members. In awarding conditional scholarships to  
7 support additional bilingual education or English language learner  
8 endorsements, the board shall also give preference to teachers  
9 assigned to schools required under state or federal accountability  
10 measures to implement a plan for improvement, and to teachers  
11 assigned to schools whose enrollment of English language learner  
12 students has increased an average of more than five percent per year  
13 over the previous three years.

14 (4) For the purpose of this chapter, a conditional scholarship is  
15 a loan that is forgiven in whole or in part in exchange for service  
16 as a certificated teacher employed in a Washington state K-12 public  
17 school. The state shall forgive one year of loan obligation for every  
18 two years a recipient teaches in a public school. Recipients who fail  
19 to continue a course of study leading to residency teacher  
20 certification or cease to teach in a public school in the state of  
21 Washington in their endorsement area are required to repay the  
22 remaining loan principal with interest.

23 (5) Recipients who fail to fulfill the required teaching  
24 obligation are required to repay the remaining loan principal with  
25 interest and any other applicable fees. The student achievement  
26 council shall adopt rules to define the terms for repayment,  
27 including applicable interest rates, fees, and deferments.

28 (6) The student achievement council may deposit all  
29 appropriations, collections, and any other funds received for the  
30 program in this chapter in the future teachers conditional  
31 scholarship account authorized in RCW 28B.102.080.

32 (7)(a) Additional eligible teacher certification areas may be  
33 awarded by the professional educator standards board for the pipeline  
34 for paraeducators conditional scholarship program provided in  
35 subsection (2)(b) of this section. These additional teacher  
36 certification areas are bilingual education, elementary education,  
37 computer science education, and early childhood education.

38 (b) Additional eligible teacher certification areas may be  
39 awarded by the professional educator standards board for the educator  
40 retooling conditional scholarship program provided in subsection

1 (2)(c) of this section. These additional teacher certification areas  
2 are elementary education and early childhood education.

3 NEW SECTION. **Sec. 302.** A new section is added to chapter  
4 28A.660 RCW to read as follows:

5 (1) This section is the state spending performance statement for  
6 the expansion of the alternative route conditional scholarships  
7 provided in RCW 28A.660.050(7). This performance statement is  
8 intended only to be used for subsequent evaluation of the expansion  
9 of this program for expanded scholarships provided for bilingual  
10 education, elementary education, computer science education, and  
11 early childhood education endorsements. It is not intended to create  
12 a private right of action by any party or be used to determine  
13 eligibility for the services provided by the program.

14 (2) It is the legislature's specific public policy objective to  
15 increase in-state production of certificated teachers in bilingual  
16 education, elementary education, computer science education, and  
17 early childhood education at the state's institutions of higher  
18 education. By expanding the alternative route conditional  
19 scholarships for the endorsement areas, the legislature intends to  
20 achieve the following outcomes:

21 (a) Reduce statewide teacher shortages in grades kindergarten  
22 through three, computer science, and bilingual instruction;

23 (b) Increase applications for the alternative route conditional  
24 scholarships for the bilingual education, elementary education,  
25 computer science education, and early childhood education  
26 certifications;

27 (c) Attract candidates who are successfully employed in the  
28 education field for more than five years; and

29 (d) Determine which state-funded teacher preparation scholarship  
30 program, the alternative route conditional scholarship, or the future  
31 teachers scholarship, provided the most successful teacher  
32 applicants.

33 (3) If a review by the joint legislative audit and review  
34 committee finds that the multiple outcomes identified in subsection  
35 (2) of this section have been achieved, then the legislature intends  
36 to extend the expiration of the expansion of the bilingual education,  
37 elementary education, computer science education, and early childhood  
38 education endorsements in the alternative route conditional  
39 scholarship program.



1 (4) In order for the joint legislative audit and review committee  
2 to obtain the data necessary to review the performance of the  
3 scholarships provided in RCW 28A.660.050(7), the joint legislative  
4 audit and review committee may require the professional educator  
5 standards board to collect and quantify the information and data  
6 required for the joint legislative audit and review committee. The  
7 joint legislative audit and review committee may also survey  
8 recipients of the scholarships, and school districts.

9 (5) No later than January 1, 2026, the joint legislative audit  
10 and review committee must review the program expanded by  
11 chapter . . ., Laws of 2016 (this act), determine its effectiveness,  
12 and provide a recommendation to the fiscal committees of the  
13 legislature as to whether the program should be continued without  
14 modification, modified, scheduled for sunset review at a future date,  
15 or terminated immediately. If the committee determines that the  
16 program does not achieve any of the outcomes specified in subsection  
17 (2) of this section, the committee shall recommend termination of the  
18 expanded endorsements provided. The committee may recommend  
19 accountability standards for the future review of the spending  
20 program.

21 (6) This section expires July 1, 2026.

22 **PART IV**  
23 **TEACHER RECRUITMENT**

24 **Sec. 401.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to  
25 read as follows:

26 The agency responsible for educator certification shall adopt  
27 rules for professional certification that:

28 (1) Provide maximum program choice for applicants, promote  
29 portability among programs, and promote maximum efficiency for  
30 applicants in attaining professional certification;

31 (2) Require professional certification no earlier than the fifth  
32 year following the year that the teacher first completes provisional  
33 status, with an automatic two-year extension upon enrollment;

34 (3) Grant professional certification to any teacher who attains  
35 certification from the national board for professional teaching  
36 standards;

37 (4) Permit any teacher currently enrolled in or participating in  
38 a program leading to professional certification to continue the

1 program under administrative rules in place when the teacher began  
2 the program;

3 (5) Provide criteria for the approval of educational service  
4 districts, beginning no later than August 31, 2007, to offer programs  
5 leading to professional certification. The rules shall be written to  
6 encourage institutions of higher education and educational service  
7 districts to partner with local school districts or consortia of  
8 school districts, as appropriate, to provide instruction for teachers  
9 seeking professional certification;

10 (6) Encourage institutions of higher education to offer  
11 professional certificate coursework as continuing education credit  
12 hours. This shall not prevent an institution of higher education from  
13 providing the option of including the professional certification  
14 requirements as part of a master's degree program;

15 (7) Provide criteria for a liaison relationship between approved  
16 programs and school districts in which applicants are employed;

17 (8) Except as provided in section 402 of this act, identify an  
18 expedited professional certification process for out-of-state  
19 teachers who have five years or more of successful teaching  
20 experience ((to demonstrate skills and impact on student learning  
21 commensurate with Washington requirements for professional  
22 certification. The rules may require these teachers, within one year  
23 of the time they begin to teach in the state's public schools, take a  
24 course in or show evidence that they can teach to the state's  
25 essential academic learning requirements)). A professional  
26 certificate must be issued to these experienced out-of-state teachers  
27 if the teacher holds a valid teaching certificate issued by the  
28 national board for professional teaching standards; and

29 (9) Identify an evaluation process of approved programs that  
30 includes a review of the program coursework and applicant coursework  
31 load requirements, linkages of programs to individual teacher  
32 professional growth plans, linkages to school district and school  
33 improvement plans, and, to the extent possible, linkages to school  
34 district professional enrichment and growth programs for teachers,  
35 where such programs are in place in school districts. The agency  
36 shall provide a preliminary report on the evaluation process to the  
37 senate and house of representatives committees on education policy by  
38 November 1, 2005. The board shall identify:

1 (a) A process for awarding conditional approval of a program that  
2 shall include annual evaluations of the program until the program is  
3 awarded full approval;

4 (b) A less intensive evaluation cycle every three years once a  
5 program receives full approval unless the responsible agency has  
6 reason to intensify the evaluation;

7 (c) A method for investigating programs that have received  
8 numerous complaints from students enrolled in the program and from  
9 those recently completing the program;

10 (d) A method for investigating programs at the reasonable  
11 discretion of the agency; and

12 (e) A method for using, in the evaluation, both program completer  
13 satisfaction responses and data on the impact of educators who have  
14 obtained professional certification on student work and achievement.

15 NEW SECTION. **Sec. 402.** A new section is added to chapter  
16 28A.410 RCW to read as follows:

17 In addition to the requirements in RCW 28A.410.250(8), a  
18 professional certificate must be issued to a teacher if:

19 (1) The teacher has a continuing or advanced level certificate  
20 from another state, or that state's equivalent, issued by the other  
21 state; or

22 (2) The teacher has a continuing or advanced level certificate  
23 that allows the individual to teach internationally.

24 NEW SECTION. **Sec. 403.** A new section is added to chapter 43.131  
25 RCW to read as follows:

26 The professional certification standards for out-of-state  
27 teachers, as established in section 402 of this act, are terminated  
28 on June 30, 2021, as provided in section 404 of this act.

29 NEW SECTION. **Sec. 404.** A new section is added to chapter 43.131  
30 RCW to read as follows:

31 Section 402 of this act, as now existing or hereafter amended, is  
32 repealed, effective June 30, 2022.

33 NEW SECTION. **Sec. 405.** (1) Subject to appropriations  
34 specifically provided for this purpose, the office of the  
35 superintendent of public instruction, in consultation with school  
36 districts, educational service districts, and other state agencies,

1 shall develop and implement a comprehensive, statewide initiative to  
2 increase the number of qualified individuals who apply for teaching  
3 positions in Washington. In developing and implementing the  
4 initiative, the office of the superintendent of public instruction,  
5 in partnership with the employment security department, shall:

6 (a) Develop and implement a teacher recruitment campaign that  
7 targets individuals with teaching certificates who are not employed  
8 as teachers, undergraduate college students who have not chosen a  
9 major, out-of-state teachers, military personnel and their spouses,  
10 and other groups of individuals who may be interested in teaching in  
11 Washington public schools;

12 (b) Incorporate certificated positions into the employment  
13 security department's existing web-based depository for job  
14 applications that allows for access by school districts in the state  
15 for purposes of hiring teachers and other certificated positions; and

16 (c) Create or enhance an existing web site that provides useful  
17 information to individuals who are interested in teaching in  
18 Washington.

19 (2) This section expires July 1, 2018.

20 **PART V**

21 **TUITION WAIVERS**

22 **Sec. 501.** RCW 28B.15.558 and 2015 c 55 s 221 are each amended to  
23 read as follows:

24 (1) The governing boards of the state universities, the regional  
25 universities, The Evergreen State College, and the community and  
26 technical colleges may waive all or a portion of the tuition and  
27 services and activities fees for state employees as defined under  
28 subsection (2) of this section and teachers ~~((and))~~ other  
29 certificated instructional staff under subsection (3) of this  
30 section, and K-12 classified staff under subsection (4) of this  
31 section. The enrollment of these persons is pursuant to the following  
32 conditions:

33 (a) Such persons shall register for and be enrolled in courses on  
34 a space available basis and no new course sections shall be created  
35 as a result of the registration;

36 (b) Enrollment information on persons registered pursuant to this  
37 section shall be maintained separately from other enrollment  
38 information and shall not be included in official enrollment reports,

1 nor shall such persons be considered in any enrollment statistics  
2 that would affect budgetary determinations; and

3 (c) Persons registering on a space available basis shall be  
4 charged a registration fee of not less than five dollars.

5 (2) For the purposes of this section, "state employees" means  
6 persons employed half-time or more in one or more of the following  
7 employee classifications:

8 (a) Permanent employees in classified service under chapter 41.06  
9 RCW;

10 (b) Permanent employees governed by chapter 41.56 RCW pursuant to  
11 the exercise of the option under RCW 41.56.201;

12 (c) Permanent classified employees and exempt paraprofessional  
13 employees of technical colleges; and

14 (d) Faculty, counselors, librarians, and exempt professional and  
15 administrative employees at institutions of higher education as  
16 defined in RCW 28B.10.016.

17 (3) The waivers available to state employees under this section  
18 shall also be available to teachers and other certificated  
19 instructional staff employed at public common and vocational schools,  
20 holding or seeking a valid endorsement and assignment in a state-  
21 identified shortage area.

22 (4) The waivers available under this section shall also be  
23 available to classified staff employed at public common and  
24 vocational schools when used for coursework relevant to the work  
25 assignment.

26 (5) In awarding waivers, an institution of higher education may  
27 award waivers to eligible persons employed by the institution before  
28 considering waivers for eligible persons who are not employed by the  
29 institution.

30 ~~((+5))~~ (6) If an institution of higher education exercises the  
31 authority granted under this section, it shall include all eligible  
32 state employees in the pool of persons eligible to participate in the  
33 program.

34 ~~((+6))~~ (7) In establishing eligibility to receive waivers,  
35 institutions of higher education may not discriminate between full-  
36 time employees and employees who are employed half-time or more.

37 **PART VI**  
38 **MISCELLANEOUS PROVISIONS**

1        NEW SECTION.    **Sec. 601.**    Sections 101 and 102 of this act are  
2 necessary for the immediate preservation of the public peace, health,  
3 or safety, or support of the state government and its existing public  
4 institutions, and take effect immediately.

5        NEW SECTION.    **Sec. 502.**    Section 301 of this act expires July 1,  
6 2026.

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