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HOUSE BILL 1443

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Maxwell, Dammeier, Sullivan, Pedersen, Springer, Kagi, Anderson, Pettigrew, Finn, Morris, Ladenburg, Frockt, Jinkins, Upthegrove, Clibborn, Orwall, Haigh, Jacks, Lias, Billig, Kelley, and Probst

Read first time 01/21/11. Referred to Committee on Education.

1 AN ACT Relating to continuing education reforms, including  
2 implementing recommendations of the quality education council; amending  
3 RCW 28A.655.071, 28A.150.260, 28A.657.050, 28A.165.015, 28A.165.015,  
4 28A.165.025, 28A.320.190, 28A.180.090, 28A.185.030, and 28A.400.201;  
5 adding a new section to chapter 28A.230 RCW; adding new sections to  
6 chapter 28A.655 RCW; adding a new section to chapter 28A.185 RCW;  
7 creating new sections; providing an effective date; and providing an  
8 expiration date.

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

10 PART I

11 STRENGTHENING INSTRUCTION AND SUPPORT

12 **Sec. 101.** RCW 28A.655.071 and 2010 c 235 s 601 are each amended to  
13 read as follows:

14 (1) (~~By August 2, 2010,~~) The superintendent of public instruction  
15 may revise the state essential academic learning requirements  
16 authorized under RCW 28A.655.070 for mathematics, reading, writing, and  
17 communication by (~~provisionally~~) adopting a common set of standards  
18 for students in grades kindergarten through twelve. The revised state

1 essential academic learning requirements may be substantially identical  
2 with the standards developed by a multistate consortium in which  
3 Washington participated, must be consistent with the requirements of  
4 RCW 28A.655.070, and may include additional standards if the additional  
5 standards do not exceed fifteen percent of the standards for each  
6 content area. ~~((However, the superintendent of public instruction  
7 shall not take steps to implement the provisionally adopted standards  
8 until the education committees of the house of representatives and the  
9 senate have an opportunity to review the standards.~~

10 ~~(2) By January 1, 2011, the superintendent of public instruction  
11 shall submit to the education committees of the house of  
12 representatives and the senate:~~

13 ~~(a) A detailed comparison of the provisionally adopted standards  
14 and the state essential academic learning requirements as of June 10,  
15 2010, including the comparative level of rigor and specificity of the  
16 standards and the implications of any identified differences; and~~

17 ~~(b) An estimated timeline and costs to the state and to school  
18 districts to implement the provisionally adopted standards, including  
19 providing necessary training, realignment of curriculum, adjustment of  
20 state assessments, and other actions.~~

21 ~~(3))~~ (2) The superintendent may implement the revisions to the  
22 essential academic learning requirements under this section after the  
23 2011 legislative session ~~((unless otherwise directed by the  
24 legislature))~~ and after ensuring that a fairness and bias review of the  
25 revisions has been conducted, including providing an opportunity for  
26 input from the achievement gap oversight and accountability committee  
27 and from an additional diverse group of community representatives to be  
28 convened by the superintendent.

29 NEW SECTION. Sec. 102. A new section is added to chapter 28A.230  
30 RCW to read as follows:

31 (1) By August 1, 2012, each school district board of directors that  
32 grants high school diplomas shall adopt a policy that defines a high  
33 school credit for purposes of meeting state and local graduation  
34 requirements. The policy must specify the means by which the school  
35 district assures that students have gained the knowledge and skills  
36 necessary to earn a credit.

1 (2) Each school district board of directors shall submit a copy of  
2 its policy to the state board of education.

3 (3) The state board of education may adopt a rule repealing the  
4 seat-time definition of a high school credit as of August 1, 2012, and  
5 shall require school districts to certify annually to the board that  
6 the district has a policy to define a high school credit.

7 NEW SECTION. **Sec. 103.** A new section is added to chapter 28A.655  
8 RCW to read as follows:

9 Within available state and federal funds for school and district  
10 improvement, the office of the superintendent of public instruction  
11 shall provide technical assistance to schools and districts  
12 specifically targeted to reduce school dropouts and improve on-time and  
13 extended high school graduation rates. The technical assistance shall  
14 be more intensive for those high schools and school districts in  
15 significant need of improvement.

16 **Sec. 104.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to  
17 read as follows:

18 The purpose of this section is to provide for the allocation of  
19 state funding that the legislature deems necessary to support school  
20 districts in offering the minimum instructional program of basic  
21 education under RCW 28A.150.220. The allocation shall be determined as  
22 follows:

23 (1) The governor shall and the superintendent of public instruction  
24 may recommend to the legislature a formula for the distribution of a  
25 basic education instructional allocation for each common school  
26 district.

27 (2) The distribution formula under this section shall be for  
28 allocation purposes only. Except as may be required under chapter  
29 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
30 regulations, nothing in this section requires school districts to use  
31 basic education instructional funds to implement a particular  
32 instructional approach or service. Nothing in this section requires  
33 school districts to maintain a particular classroom teacher-to-student  
34 ratio or other staff-to-student ratio or to use allocated funds to pay  
35 for particular types or classifications of staff. Nothing in this

1 section entitles an individual teacher to a particular teacher planning  
2 period.

3 (3)(a) To the extent the technical details of the formula have been  
4 adopted by the legislature and except when specifically provided as a  
5 school district allocation, the distribution formula for the basic  
6 education instructional allocation shall be based on minimum staffing  
7 and nonstaff costs the legislature deems necessary to support  
8 instruction and operations in prototypical schools serving high,  
9 middle, and elementary school students as provided in this section.  
10 The use of prototypical schools for the distribution formula does not  
11 constitute legislative intent that schools should be operated or  
12 structured in a similar fashion as the prototypes. Prototypical  
13 schools illustrate the level of resources needed to operate a school of  
14 a particular size with particular types and grade levels of students  
15 using commonly understood terms and inputs, such as class size, hours  
16 of instruction, and various categories of school staff. It is the  
17 intent that the funding allocations to school districts be adjusted  
18 from the school prototypes based on the actual number of annual average  
19 full-time equivalent students in each grade level at each school in the  
20 district and not based on the grade-level configuration of the school  
21 to the extent that data is available. The allocations shall be further  
22 adjusted from the school prototypes with minimum allocations for small  
23 schools and to reflect other factors identified in the omnibus  
24 appropriations act.

25 (b) For the purposes of this section, prototypical schools are  
26 defined as follows:

27 (i) A prototypical high school has six hundred average annual full-  
28 time equivalent students in grades nine through twelve;

29 (ii) A prototypical middle school has four hundred thirty-two  
30 average annual full-time equivalent students in grades seven and eight;  
31 and

32 (iii) A prototypical elementary school has four hundred average  
33 annual full-time equivalent students in grades kindergarten through  
34 six.

35 (4)(a) The minimum allocation for each level of prototypical school  
36 shall be based on the number of full-time equivalent classroom teachers  
37 needed to provide instruction over the minimum required annual  
38 instructional hours under RCW 28A.150.220 and provide at least one

1 teacher planning period per school day, and based on the following  
2 general education average class size of full-time equivalent students  
3 per teacher:

	General education average class size
7 Grades K-3 . . . . .	25.23
8 Grade 4 . . . . .	27.00
9 Grades 5-6 . . . . .	27.00
10 Grades 7-8 . . . . .	28.53
11 Grades 9-12 . . . . .	28.74

12 (b) During the 2011-2013 biennium and beginning with schools with  
13 the highest percentage of students eligible for free and reduced-price  
14 meals in the prior school year, the general education average class  
15 size for grades K-3 shall be reduced until the average class size  
16 funded under this subsection (4) is no more than 17.0 full-time  
17 equivalent students per teacher beginning in the 2017-18 school year.

18 (c) The minimum allocation for each prototypical middle and high  
19 school shall also provide for full-time equivalent classroom teachers  
20 based on the following number of full-time equivalent students per  
21 teacher in career and technical education:

	Career and technical education average class size
25 Approved career and technical education offered at 26 the middle school and high school level . . . . .	26.57
27 Skill center programs meeting the standards established 28 by the office of the superintendent of public 29 instruction . . . . .	22.76

30 (d) In addition, the omnibus appropriations act shall at a minimum  
31 specify:

32 (i) A high-poverty average class size in schools where more than  
33 fifty percent of the students are eligible for free and reduced-price  
34 meals; and

35 (ii) A specialty average class size for laboratory science,  
36 advanced placement, and international baccalaureate courses.

1 (5) The minimum allocation for each level of prototypical school  
 2 shall include allocations for the following types of staff in addition  
 3 to classroom teachers:  
 4

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators .....	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.663	0.519	0.523
Health and social services:			
School nurses .....	0.076	0.060	0.096
Social workers .....	0.042	0.006	0.015
Psychologists .....	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising .....	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees .....	0.936	0.700	0.652
Office support and other noninstructional aides .....	2.012	2.325	3.269
Custodians .....	1.657	1.942	2.965
Classified staff providing student and staff safety .....	0.079	0.092	0.141
<del>((Parent involvement))</del> Family engagement coordinators .....	0.00	0.00	0.00

23 (6)(a) The minimum staffing allocation for each school district to  
 24 provide district-wide support services shall be allocated per one  
 25 thousand annual average full-time equivalent students in grades K-12 as  
 26 follows:

	Staff per 1,000 K-12 students
Technology . . . . .	0.628
Facilities, maintenance, and grounds . . . . .	1.813
Warehouse, laborers, and mechanics . . . . .	0.332

32 (b) The minimum allocation of staff units for each school district  
 33 to support certificated and classified staffing of central  
 34 administration shall be 5.30 percent of the staff units generated under

1 subsections (4)(a) and (b) and (5) of this section and (a) of this  
2 subsection.

3 (7) The distribution formula shall include staffing allocations to  
4 school districts for career and technical education and skill center  
5 administrative and other school-level certificated staff, as specified  
6 in the omnibus appropriations act.

7 (8)(a) Except as provided in (b) of this subsection, the minimum  
8 allocation for each school district shall include allocations per  
9 annual average full-time equivalent student for the following  
10 materials, supplies, and operating costs, to be adjusted for inflation  
11 from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
15 Technology . . . . .	\$54.43
16 Utilities and insurance . . . . .	\$147.90
17 Curriculum and textbooks . . . . .	\$58.44
18 Other supplies and library materials . . . . .	\$124.07
19 Instructional professional development for certified and 20 classified staff . . . . .	\$9.04
21 Facilities maintenance . . . . .	\$73.27
22 Security and central office . . . . .	\$50.76

23 (b) During the 2011-2013 biennium, the minimum allocation for  
24 maintenance, supplies, and operating costs shall be increased as  
25 specified in the omnibus appropriations act. The following  
26 allocations, adjusted for inflation from the 2007-08 school year, are  
27 provided in the 2015-16 school year, after which the allocations shall  
28 be adjusted annually for inflation as specified in the omnibus  
29 appropriations act:

	Per annual average full-time equivalent student in grades K-12
33 Technology . . . . .	\$113.80
34 Utilities and insurance . . . . .	\$309.21
35 Curriculum and textbooks . . . . .	\$122.17
36 Other supplies and library materials . . . . .	\$259.39
37 Instructional professional development for certificated and	

1 classified staff . . . . . \$18.89  
2 Facilities maintenance . . . . . \$153.18  
3 Security and central office administration . . . . . \$106.12

4 (9) In addition to the amounts provided in subsection (8) of this  
5 section, the omnibus appropriations act shall provide an amount based  
6 on full-time equivalent student enrollment in each of the following:

7 (a) Exploratory career and technical education courses for students  
8 in grades seven through twelve;

9 (b) Laboratory science courses for students in grades nine through  
10 twelve;

11 (c) Preparatory career and technical education courses for students  
12 in grades nine through twelve offered in a high school; and

13 (d) Preparatory career and technical education courses for students  
14 in grades eleven and twelve offered through a skill center.

15 (10) In addition to the allocations otherwise provided under this  
16 section, amounts shall be provided to support the following programs  
17 and services:

18 (a) To provide supplemental instruction and services for  
19 underachieving students through the learning assistance program under  
20 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
21 district percentage of students in grades K-12 who were eligible for  
22 free or reduced-price meals in the prior school year. The minimum  
23 allocation for the program shall provide for each level of prototypical  
24 school resources to provide, on a statewide average, 1.5156 hours per  
25 week in extra instruction with a class size of fifteen learning  
26 assistance program students per teacher.

27 (b) To provide supplemental instruction and services for students  
28 whose primary language is other than English, allocations shall be  
29 based on the head count number of students in each school who are  
30 eligible for and enrolled in the transitional bilingual instruction  
31 program under RCW 28A.180.010 through 28A.180.080. The minimum  
32 allocation for each level of prototypical school shall provide  
33 resources to provide, on a statewide average, 4.7780 hours per week in  
34 extra instruction with fifteen transitional bilingual instruction  
35 program students per teacher.

36 (c) To provide additional allocations to support programs for  
37 highly capable students under RCW 28A.185.010 through 28A.185.030,  
38 allocations shall be based on two and three hundred fourteen one-



1 thousandths percent of each school district's full-time equivalent  
2 basic education enrollment. The minimum allocation for the programs  
3 shall provide resources to provide, on a statewide average, 2.1590  
4 hours per week in extra instruction with fifteen highly capable program  
5 students per teacher.

6 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
7 and (8) of this section shall be enhanced as provided under RCW  
8 28A.150.390 on an excess cost basis to provide supplemental  
9 instructional resources for students with disabilities.

10 (12)(a) For the purposes of allocations for prototypical high  
11 schools and middle schools under subsections (4) and (10) of this  
12 section that are based on the percent of students in the school who are  
13 eligible for free and reduced-price meals, the actual percent of such  
14 students in a school shall be adjusted by a factor identified in the  
15 omnibus appropriations act to reflect underreporting of free and  
16 reduced-price meal eligibility among middle and high school students.

17 (b) Allocations or enhancements provided under subsections (4),  
18 (7), and (9) of this section for exploratory and preparatory career and  
19 technical education courses shall be provided only for courses approved  
20 by the office of the superintendent of public instruction under chapter  
21 28A.700 RCW.

22 (13)(a) This formula for distribution of basic education funds  
23 shall be reviewed biennially by the superintendent and governor. The  
24 recommended formula shall be subject to approval, amendment or  
25 rejection by the legislature.

26 (b) In the event the legislature rejects the distribution formula  
27 recommended by the governor, without adopting a new distribution  
28 formula, the distribution formula for the previous school year shall  
29 remain in effect.

30 (c) The enrollment of any district shall be the annual average  
31 number of full-time equivalent students and part-time students as  
32 provided in RCW 28A.150.350, enrolled on the first school day of each  
33 month, including students who are in attendance pursuant to RCW  
34 28A.335.160 and 28A.225.250 who do not reside within the servicing  
35 school district. The definition of full-time equivalent student shall  
36 be determined by rules of the superintendent of public instruction and  
37 shall be included as part of the superintendent's biennial budget  
38 request. The definition shall be based on the minimum instructional

1 hour offerings required under RCW 28A.150.220. Any revision of the  
2 present definition shall not take effect until approved by the house  
3 ways and means committee and the senate ways and means committee.

4 (d) The office of financial management shall make a monthly review  
5 of the superintendent's reported full-time equivalent students in the  
6 common schools in conjunction with RCW 43.62.050.

7 **Sec. 105.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to  
8 read as follows:

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

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

28 (a) Implementation of one of the four federal intervention models  
29 required for the receipt of a federal school improvement grant, for  
30 those persistently lowest-achieving schools that the district will be  
31 focusing on for required action. However, a district may not establish  
32 a charter school under a federal intervention model without express  
33 legislative authority. The intervention models are the turnaround,  
34 restart, school closure, and transformation models. The intervention  
35 model selected must address the concerns raised in the academic  
36 performance audit and be intended to improve student performance to

1 allow a school district to be removed from the list of districts  
2 designated as a required action district by the state board of  
3 education within three years of implementation of the plan;

4 (b) Submission of an application for a federal school improvement  
5 grant or a grant from other federal funds for school improvement to the  
6 superintendent of public instruction;

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

9 (d) A description of the changes in the district's or school's  
10 existing policies, structures, agreements, processes, and practices  
11 that are intended to attain significant achievement gains for all  
12 students enrolled in the school and how the district intends to address  
13 the findings of the academic performance audit; ~~((and))~~

14 (e) Use of the state kindergarten readiness assessment process if  
15 the school is an elementary school; and

16 (f) Identification of the measures that the school district will  
17 use in assessing student achievement at a school identified as a  
18 persistently lowest-achieving school, which include improving  
19 mathematics and reading student achievement and graduation rates as  
20 defined by the office of the superintendent of public instruction that  
21 enable the school to no longer be identified as a persistently lowest-  
22 achieving school.

23 (3)(a) For any district designated for required action, the parties  
24 to any collective bargaining agreement negotiated, renewed, or extended  
25 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the  
26 agreement, or negotiate an addendum, if needed, to make changes to  
27 terms and conditions of employment that are necessary to implement a  
28 required action plan.

29 (b) If the school district and the employee organizations are  
30 unable to agree on the terms of an addendum or modification to an  
31 existing collective bargaining agreement, the parties, including all  
32 labor organizations affected under the required action plan, shall  
33 request the public employment relations commission to, and the  
34 commission shall, appoint an employee of the commission to act as a  
35 mediator to assist in the resolution of a dispute between the school  
36 district and the employee organizations. Beginning in 2011, and each  
37 year thereafter, mediation shall commence no later than April 15th.

1 All mediations held under this section shall include the employer and  
2 representatives of all affected bargaining units.

3 (c) If the executive director of the public employment relations  
4 commission, upon the recommendation of the assigned mediator, finds  
5 that the employer and any affected bargaining unit are unable to reach  
6 agreement following a reasonable period of negotiations and mediation,  
7 but by no later than May 15th of the year in which mediation occurred,  
8 the executive director shall certify any disputed issues for a decision  
9 by the superior court in the county where the school district is  
10 located. The issues for determination by the superior court must be  
11 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

27 (ii) Within seven days after the filing of the petition, each party  
28 shall file with the court the proposal it is asking the court to order  
29 be implemented in a required action plan for the district for each  
30 issue certified by the executive director. Contemporaneously with the  
31 filing of the proposal, a party must file a brief with the court  
32 setting forth the reasons why the court should order implementation of  
33 its proposal in the final plan.

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

1 (iv) The court must enter an order selecting the proposal for  
2 inclusion in a required action plan that best responds to the issues  
3 raised in the school district's academic performance audit, and allows  
4 for the award of a federal school improvement grant or a grant from  
5 other federal funds for school improvement to the district from the  
6 office of the superintendent of public instruction to implement one of  
7 the four federal intervention models. The court's decision must be  
8 issued no later than June 15th of the year in which the petition is  
9 filed and is final and binding on the parties; however the court's  
10 decision is subject to appeal only in the case where it does not allow  
11 the school district to implement a required action plan consistent with  
12 the requirements for the award of a federal school improvement grant or  
13 other federal funds for school improvement by the superintendent of  
14 public instruction.

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

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

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

25 NEW SECTION. **Sec. 106.** A new section is added to chapter 28A.655  
26 RCW to read as follows:

27 To the extent permitted by federal law and regulations, the office  
28 of the superintendent of public instruction may require elementary  
29 schools receiving federal school improvement grants to use the state  
30 kindergarten readiness assessment.

31 **PART II**  
32 **CLOSING THE OPPORTUNITY GAP**

33 **Sec. 201.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to  
34 read as follows:

1 Unless the context clearly indicates otherwise the definitions in  
2 this section apply throughout this chapter.

3 (1) "Approved program" means a program submitted to and approved by  
4 the office of the superintendent of public instruction and conducted  
5 pursuant to the plan that addresses the required elements as provided  
6 for in this chapter.

7 (2) "Basic skills areas" means reading, writing, ~~((and))~~  
8 mathematics, and science as well as readiness associated with these  
9 skills.

10 (3) "Participating student" means a student in kindergarten through  
11 grade eleven who scores below standard for his or her grade level on  
12 the statewide assessments and who is identified in the approved plan to  
13 receive services. Beginning with the 2007-2008 school year,  
14 "participating student" means a student in kindergarten through grade  
15 twelve who scores below standard for his or her grade level on the  
16 statewide assessments and who is identified in the approved plan to  
17 receive services.

18 (4) "Statewide assessments" means one or more of the several basic  
19 skills assessments administered as part of the state's student  
20 assessment system, and assessments in the basic skills areas  
21 administered by local school districts.

22 (5) "Underachieving students" means students with the greatest  
23 academic deficits in basic skills as identified by the statewide  
24 assessments.

25 **Sec. 202.** RCW 28A.165.015 and 2009 c 548 s 702 are each amended to  
26 read as follows:

27 Unless the context clearly indicates otherwise the definitions in  
28 this section apply throughout this chapter.

29 (1) "Approved program" means a program submitted to and approved by  
30 the office of the superintendent of public instruction and conducted  
31 pursuant to the plan that addresses the required elements as provided  
32 for in this chapter.

33 (2) "Basic skills areas" means reading, writing, ~~((and))~~  
34 mathematics, and science as well as readiness associated with these  
35 skills.

36 (3) "Participating student" means a student in kindergarten through

1 grade twelve who scores below standard for his or her grade level on  
2 the statewide assessments and who is identified in the approved plan to  
3 receive services.

4 (4) "Statewide assessments" means one or more of the several basic  
5 skills assessments administered as part of the state's student  
6 assessment system, and assessments in the basic skills areas  
7 administered by local school districts.

8 (5) "Underachieving students" means students with the greatest  
9 academic deficits in basic skills as identified by the statewide  
10 assessments.

11 **Sec. 203.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to  
12 read as follows:

13 (1) A participating school district shall submit the district's  
14 plan for using learning assistance funds to the office of the  
15 superintendent of public instruction for approval, to the extent  
16 required under subsection (2) of this section. The program plan must  
17 identify the program activities to be implemented from RCW 28A.165.035  
18 and implement all of the elements in (a) through (h) of this  
19 subsection. The school district plan shall include the following:

20 (a) District and school-level data on reading, writing, science,  
21 and mathematics achievement as reported pursuant to chapter 28A.655 RCW  
22 and relevant federal law;

23 (b) Processes used for identifying the underachieving students to  
24 be served by the program, including the identification of school or  
25 program sites providing program activities;

26 (c) How accelerated learning plans are developed and implemented  
27 for participating students. Accelerated learning plans may be  
28 developed as part of existing student achievement plan process such as  
29 student plans for achieving state high school graduation standards,  
30 individual student academic plans, or the achievement plans for groups  
31 of students. Accelerated learning plans shall include:

32 (i) Achievement goals for the students;

33 (ii) Roles of the student, parents, or guardians and teachers in  
34 the plan;

35 (iii) Communication procedures regarding student accomplishment;

36 and

37 (iv) Plan reviews and adjustments processes;

1 (d) How state level and classroom assessments are used to inform  
2 instruction;

3 (e) How focused and intentional instructional strategies have been  
4 identified and implemented;

5 (f) How highly qualified instructional staff are developed and  
6 supported in the program and in participating schools;

7 (g) How other federal, state, district, and school resources are  
8 coordinated with school improvement plans and the district's strategic  
9 plan to support underachieving students; and

10 (h) How a program evaluation will be conducted to determine  
11 direction for the following school year.

12 (2) If a school district has received approval of its plan once, it  
13 is not required to submit a plan for approval under RCW 28A.165.045 or  
14 this section unless the district has made a significant change to the  
15 plan. If a district has made a significant change to only a portion of  
16 the plan the district need only submit a description of the changes  
17 made and not the entire plan. Plans or descriptions of changes to the  
18 plan must be submitted by July 1st as required under this section. The  
19 office of the superintendent of public instruction shall establish  
20 guidelines for what a "significant change" is.

21 **Sec. 204.** RCW 28A.320.190 and 2009 c 578 s 2 are each amended to  
22 read as follows:

23 (1) The extended learning opportunities program is created for  
24 eligible (~~eleventh and~~) ninth through twelfth grade students who are  
25 not on track to meet local or state graduation requirements as well as  
26 eighth grade students who need additional assistance in order to have  
27 the opportunity for a successful entry into high school. The program  
28 shall provide early notification of graduation status and information  
29 on education opportunities including preapprenticeship programs that  
30 are available.

31 (2) Under the extended learning opportunities program and to the  
32 extent funds are available for that purpose, districts shall make  
33 available to students in grade twelve who have failed to meet one or  
34 more local or state graduation requirements the option of continuing  
35 enrollment in the school district in accordance with RCW 28A.225.160.  
36 Districts are authorized to use basic education program funding to



1 provide instruction to eligible students under RCW 28A.150.220(~~(+3)~~)  
2 (5).

3 (3) Under the extended learning opportunities program,  
4 instructional services for eligible students can occur during the  
5 regular school day, evenings, on weekends, or at a time and location  
6 deemed appropriate by the school district, including the educational  
7 service district, in order to meet the needs of these students.  
8 Instructional services provided under this section do not include  
9 services offered at private schools. Instructional services can  
10 include, but are not limited to, the following:

11 (a) Individual or small group instruction;

12 (b) Instruction in English language arts and/or mathematics that  
13 eligible students need to pass all or part of the (~~Washington~~) state  
14 high school assessment (~~(of student learning)~~);

15 (c) Attendance in a public high school or public alternative school  
16 classes or at a skill center;

17 (d) Inclusion in remediation programs, including summer school;

18 (e) Language development instruction for English language learners;

19 (f) Online curriculum and instructional support, including programs  
20 for credit retrieval and (~~Washington~~) state assessment (~~(of student~~  
21 ~~learning)~~) preparatory classes; and

22 (g) Reading improvement specialists available at the educational  
23 service districts to serve eighth(~~, eleventh, and~~) through twelfth  
24 grade educators through professional development in accordance with RCW  
25 28A.415.350. The reading improvement specialist may also provide  
26 direct services to eligible students and those students electing to  
27 continue a fifth year in a high school program who are still struggling  
28 with basic reading skills.

29 NEW SECTION. Sec. 205. (1) The Washington state institute for  
30 public policy shall work with the office of the superintendent of  
31 public instruction to design and implement a research study to measure  
32 the impact on student achievement of remediation strategies funded by  
33 the learning assistance program.

34 (2) The objectives of the research study are to determine which  
35 remediation strategies are most effective and efficient in improving  
36 student achievement in reading, mathematics, and science; and identify  
37 outcome measures for use by policymakers in evaluating learning

1 assistance program success. The study design shall include  
2 quantitative and qualitative methods; identify the data necessary for  
3 a high-quality study; and identify the extent that necessary data is  
4 being collected and, if not, how it could be collected, including  
5 through sampling if necessary.

6 (3) The institute shall submit the research study design to the  
7 quality education council and the education committees of the  
8 legislature by September 1, 2011.

9 (4) The institute shall submit the results of the research study to  
10 the quality education council and the education committees of the  
11 legislature by September 1, 2012.

12 **Sec. 206.** RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each  
13 amended to read as follows:

14 The superintendent of public instruction shall develop an  
15 evaluation system designed to measure increases in the English and  
16 academic proficiency of eligible pupils. When developing the system,  
17 the superintendent shall:

18 (1) Require school districts to assess potentially eligible pupils  
19 within ten days of registration using an English proficiency assessment  
20 or assessments as specified by the superintendent of public  
21 instruction. Results of these assessments shall be made available to  
22 both the superintendent of public instruction and the school district;

23 (2) Require school districts to annually assess all eligible pupils  
24 at the end of the school year using an English proficiency assessment  
25 or assessments as specified by the superintendent of public  
26 instruction. Results of these assessments shall be made available to  
27 both the superintendent of public instruction and the school district.  
28 Aggregated results must be posted on the web site of the office of the  
29 superintendent of public instruction for each school and school  
30 district, using the Washington state report card. The report card must  
31 also include the average length of time students in each school and  
32 district are enrolled in the transitional bilingual instructional  
33 program; and

34 (3) Develop a system to evaluate increases in the English and  
35 academic proficiency of students who are, or were, eligible pupils.  
36 This evaluation shall include students when they are in the program and  
37 after they exit the program until they finish their K-12 career or

1 transfer from the school district. Aggregated results from the  
2 academic assessment of students who were formerly eligible pupils under  
3 the program must be reported by school and school district using the  
4 Washington state report card. The purpose of the evaluation system is  
5 to inform schools, school districts, parents, and the state of the  
6 effectiveness of the transitional bilingual programs in school and  
7 school districts in teaching these students English and other content  
8 areas, such as mathematics and writing(~~and~~

9 ~~(4) Report to the education and fiscal committees of the~~  
10 ~~legislature by November 1, 2002, regarding the development of the~~  
11 ~~systems described in this section and a timeline for the full~~  
12 ~~implementation of those systems. The legislature shall approve and~~  
13 ~~provide funding for the evaluation system in subsection (3) of this~~  
14 ~~section before any implementation of the system developed under~~  
15 ~~subsection (3) of this section may occur)).~~

16 NEW SECTION. Sec. 207. A new section is added to chapter 28A.185  
17 RCW to read as follows:

18 For the purposes of the program for highly capable students under  
19 this chapter, a highly capable student means a student who performs, or  
20 shows potential for performing, at significantly advanced levels when  
21 compared to others of his or her age, experience, or environment.  
22 Outstanding capabilities are seen with the student's general  
23 intellectual aptitudes, specific academic abilities, creative  
24 productivities within a specific domain, or leadership skills. Highly  
25 capable students are present in all cultural and linguistic groups and  
26 across all socioeconomic strata; coexist with all manner of disabling  
27 conditions both visible and invisible; and manifest across all areas of  
28 human endeavor.

29 **Sec. 208.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to  
30 read as follows:

31 Local school districts may establish and operate, either separately  
32 or jointly, programs for highly capable students. Such authority shall  
33 include the right to employ and pay special instructors and to operate  
34 such programs jointly with a public institution of higher education.  
35 Local school districts which establish and operate programs for highly

1 capable students shall adopt identification procedures and provide  
2 educational opportunities as follows:

3 (1) In accordance with rules adopted by the superintendent of  
4 public instruction, school districts shall implement procedures for  
5 nomination, assessment and selection of their most highly capable  
6 students for the purposes of the highly capable program. (~~Nominations~~  
7 ~~shall be based upon data from teachers, other staff, parents, students,~~  
8 ~~and members of the community.~~ ~~Assessment shall be based upon a review~~  
9 ~~of each student's capability as shown by multiple criteria intended to~~  
10 ~~reveal, from a wide variety of sources and data, each student's unique~~  
11 ~~needs and capabilities.~~ ~~Selection shall be made by a broadly based~~  
12 ~~committee of professionals, after consideration of the results of the~~  
13 ~~multiple criteria assessment.~~) Under the procedures, no single  
14 criterion should prevent a student's identification. However, any  
15 single criterion, if strong enough, may indicate a need for services.  
16 The rules adopted by the superintendent of public instruction must  
17 include but are not limited to consistent procedures for:

- 18 (a) Universal screening;
- 19 (b) Regular public notification;
- 20 (c) Use of multiple criteria;
- 21 (d) Involvement of qualified professionals in the identification  
22 process;
- 23 (e) Family involvement in decision making;
- 24 (f) Notification of parents or legal guardians;
- 25 (g) Safeguards to reduce cultural, linguistic, socioeconomic, and  
26 gender bias, and to mitigate impacts resulting from disabilities; and
- 27 (h) Periodic reviews, including input from families.

28 (2) When a student, who is a child of a military family in  
29 transition, has been assessed or enrolled as highly capable by a  
30 sending school, the receiving school shall initially honor placement of  
31 the student into a like program.

32 (a) The receiving school shall determine whether the district's  
33 program is a like program when compared to the sending school's  
34 program; and

35 (b) The receiving school may conduct subsequent assessments to  
36 determine appropriate placement and continued enrollment in the  
37 program.

1 (3) Students selected pursuant to procedures outlined in this  
2 section shall be provided, to the extent feasible, an educational  
3 opportunity which takes into account each student's unique needs and  
4 capabilities and the limits of the resources and program options  
5 available to the district, including those options which can be  
6 developed or provided by using funds allocated by the superintendent of  
7 public instruction for that purpose.

8 (4) The definitions in Article II of RCW 28A.705.010 apply to  
9 subsection (2) of this section.

10 **PART III**  
11 **SUPPORTING EDUCATION PROFESSIONALS**

12 NEW SECTION. **Sec. 301.** The legislature intends to continue  
13 development and implementation of revised teacher and principal  
14 evaluation systems according to the schedule in RCW 28A.405.100,  
15 including supporting the work of those school districts developing and  
16 piloting the revised evaluation systems.

17 **Sec. 302.** RCW 28A.400.201 and 2010 c 236 s 7 are each amended to  
18 read as follows:

19 (1) The legislature recognizes that providing students with the  
20 opportunity to access a world-class educational system depends on our  
21 continuing ability to provide students with access to world-class  
22 educators. The legislature also understands that continuing to attract  
23 and retain the highest quality educators will require increased  
24 investments. The legislature intends to enhance the current salary  
25 allocation model and recognizes that changes to the current model  
26 cannot be imposed without great deliberation and input from teachers,  
27 administrators, and classified employees. Therefore, it is the intent  
28 of the legislature to begin the process of developing an enhanced  
29 salary allocation model that is collaboratively designed to ensure the  
30 rationality of any conclusions regarding what constitutes adequate  
31 compensation.

32 (2) Beginning July 1, 2011, the office of the superintendent of  
33 public instruction, in collaboration with the office of financial  
34 management, shall convene a technical working group to recommend the  
35 details of an enhanced salary allocation model that aligns state

1 expectations for educator development and certification with the  
2 compensation system and establishes recommendations for a concurrent  
3 implementation schedule. In addition to any other details the  
4 technical working group deems necessary, the technical working group  
5 shall make recommendations on the following:

6 (a) How to reduce the number of tiers within the existing salary  
7 allocation model;

8 (b) How to account for labor market adjustments;

9 (c) How to account for different geographic regions of the state  
10 where districts may encounter difficulty recruiting and retaining  
11 teachers;

12 (d) The role of and types of bonuses available;

13 (e) Ways to accomplish salary equalization over a set number of  
14 years; and

15 (f) Initial fiscal estimates for implementing the recommendations  
16 including a recognition that staff on the existing salary allocation  
17 model would have the option to grandfather in permanently to the  
18 existing schedule.

19 (3) As part of its work, the technical working group shall conduct  
20 or contract for a preliminary comparative labor market analysis of  
21 salaries and other compensation for school district employees to be  
22 conducted and shall include the results in any reports to the  
23 legislature. For the purposes of this subsection, "salaries and other  
24 compensation" includes average base salaries, average total salaries,  
25 average employee basic benefits, and retirement benefits.

26 (4) The analysis required under subsection (1) of this section  
27 must:

28 (a) Examine salaries and other compensation for teachers, other  
29 certificated instructional staff, principals, and other building-level  
30 certificated administrators, and the types of classified employees for  
31 whom salaries are allocated;

32 (b) Be calculated at a statewide level that identifies labor  
33 markets in Washington through the use of data from the United States  
34 bureau of the census and the bureau of labor statistics; and

35 (c) Include a comparison of salaries and other compensation to the  
36 appropriate labor market for at least the following subgroups of  
37 educators: Beginning teachers and types of educational staff  
38 associates.



1        NEW SECTION.   **Sec. 402.**   Section 201 of this act expires September  
2   1, 2011.

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