S-0473.2			
0 0 1 / 3 • 4			

SENATE BILL 5330

63rd Legislature

2013 Regular Session

By Senators Hargrove, Shin, and Hill

State of Washington

Read first time 01/28/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to improved student achievement and student 2 outcomes; amending RCW 28A.150.220, 28A.150.315, 28A.150.250, 28A.150.260, 28A.150.410, 28A.165.005, 28A.165.015, 3 28A.165.025, 28A.165.035, 28A.175.025, 28A.400.200, and 28A.655.080; adding a new 4 section to chapter 28A.150 RCW; adding a new section to chapter 28A.415 5 6 RCW; adding new sections to chapter 28A.165 RCW; adding a new section 7 to chapter 28A.180 RCW; adding a new section to chapter 28A.300 RCW; 8 and creating new sections.

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

10 NEW SECTION. **Sec. 1.** The legislature intends to respond to our 11 constitutional obligation to fully fund basic education by targeting our initial investments in the new basic education program on research-12 13 based practices that will result in improving student achievement, 14 closing the opportunity gap, and reducing dropout rates. 15 legislature recognizes that reform efforts without funding is simply 16 another unfunded mandate on our schools and an empty promise to our children. However, the legislature also recognizes that new funding 17 18 for those reform efforts must be targeted on the programs and practices 19 that are proven to get positive results, otherwise the funding itself

p. 1 SB 5330

is squandered. By focusing our initial funding on programs that have positive student outcomes we are moving away from an input-based approach to school funding and towards a funding system that is tied to producing results.

The legislature intends to continue to make changes to the program of basic education in those areas where emerging research and evidence shows there are better and more efficient strategies for helping students succeed. The legislature further intends to continue to focus on the individualized needs of every child and recognize that different children need differing levels of support in order to have an equal opportunity to access their full potential. By investing now in those educational support services that research demonstrates have a low risk of failure and good return on investment, the state anticipates we will save money in the future as the need for continuing intervention strategies for those same children later in their educational career is reduced. With this approach, the overall funding needs of the educational system will over time be reduced even as student achievement improves.

- Sec. 2. RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each amended to read as follows:
 - (1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.
 - (2) Each school district shall make available to students the following minimum instructional offering each school year:
 - (a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature, but not before the 2014-15 school year; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours((, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315)) except for entering kindergarten students who are identified in accordance with RCW 28A.150.315.

- (3) The instructional program of basic education provided by each school district shall include:
- (a) Instruction in the essential academic learning requirements under RCW 28A.655.070;
- (b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;
- (c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;
- (d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;
- (e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080 and section 17 of this act;
- (f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and
- (g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.
 - (4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.
 - (5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school

p. 3 SB 5330

1 district, and one hundred eighty half-days of instruction, 2 equivalent, in kindergarten, to be increased to a minimum of one eighty school days per school year according 3 the 4 implementation schedule under RCW 28A.150.315. However, schools administering the Washington kindergarten inventory of developing 5 skills may use up to five school days at the beginning of the school 6 7 year to meet with parents and families as required in the parent involvement component of the inventory. In addition, effective May 1, 8 9 1979, a school district may schedule the last five school days of the one hundred ((and)) eighty day school year for noninstructional 10 11 purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early 12 13 release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent 14 15 they could otherwise have been so claimed for the purposes of RCW 16 28A.150.250 and 28A.150.260.

- (6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.
- (7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.
- Sec. 3. RCW 28A.150.315 and 2012 c 51 s 1 are each amended to read as follows:
- (1) ((Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's

SB 5330 p. 4

17

18

19 20

21

2223

24

25

26

27

2829

30

31

3233

34

3536

37

- percentage of students eligible for free and reduced price lunches as 1 2 long as other program requirements are fulfilled. Additionally,)) The goal of an effective kindergarten program is to provide a learning 3 environment that will successfully prepare each individual student to 4 take the next step in his or her education. The legislature finds that 5 6 all kindergarten students will not need a full-day kindergarten program 7 to be prepared for first grade. For many kindergarten students a halfday program is sufficient. 8
- 9 (2) The legislature shall provide a full-day kindergarten program
 10 to the following entering kindergarten students who need additional
 11 support:
 - (a) Students who participate in the early childhood education and assistance program whose performance on the spring administration of the Washington kindergarten inventory of developing skills indicates that they need additional support; and
 - (b) Students identified on a screening tool developed or listed as appropriate by the office of the superintendent of public instruction under section 18 of this act.
 - (3) Schools receiving ((all-day)) <u>full-day</u> kindergarten program support shall agree to the following conditions:
 - (a) Provide at least a one thousand-hour instructional program;
- 22 (b) Provide a curriculum that offers a rich, varied set of 23 experiences that assist students in:
 - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
 - (ii) Developing a variety of communication skills;
- (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
 - (iv) Acquiring large and small motor skills;

14

15

16

17

18 19

20

21

24

2526

29

33

- 30 (v) Acquiring social and emotional skills including successful 31 participation in learning activities as an individual and as part of a 32 group; and
 - (vi) Learning through hands-on experiences;
- 34 (c) Establish learning environments that are developmentally appropriate and promote creativity;
- 36 (d) Demonstrate strong connections and communication with early 37 learning community providers; and

p. 5 SB 5330

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

1 2

3 4

5

6

7

8

10

11

1213

14

15 16

17

18

19 20

21

22

2324

25

26

27

28

29

3031

32

33

34

35

36

37

((\(\frac{(1)}{2}\))) (\(\frac{(4)}{2}\)(a) ((\(\frac{1t}{1t}\) is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in this subsection (2) and RCW 28A.655.080 replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.

(b) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.)) Beginning with the 2014-15 school year, all kindergarten teachers shall administer the Washington kindergarten inventory of developing skills to each kindergarten student, as directed by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated RCW 43.215.070((, and report)). The results <u>shall be reported</u> to the superintendent. The superintendent shall share the results with the director of the department of early learning.

((\(\frac{(c+)}\)) (b) Beginning with the 2015-16 school year, state funding for the full-day kindergarten programs for students identified in subsection (2) of this section shall be based on the percentage of students in kindergarten in the school district who were eligible for free or reduced-priced meals in the prior school year. Beginning in the 2017-18 school year, state funding for the full-day kindergarten programs for students identified in subsection (2) of this section shall change to be based on a three-year rolling average of the number of children scoring below peer level within the school district on the Washington kindergarten inventory of developing skills. Any state funds provided for a full-day kindergarten program under this subsection shall be considered basic education program funding.

(c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills. However, if the student does not participate in the Washington kindergarten inventory of developing skills, the student is not eligible for a state-funded full-day kindergarten program.

- ((\(\frac{(+3+)}{3}\)) (5) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.
- Sec. 4. RCW 28A.150.250 and 2009 c 548 s 105 are each amended to read as follows:
 - (1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and 28A.150.392 which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.
 - (2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.260, 28A.150.390, and 28A.150.392 to fund those program requirements identified in RCW

p. 7 SB 5330

28A.150.220 in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410 and section 7 of this act.

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

Sec. 5. RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each amended to read as follows:

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

- (1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.
- (2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.
- (3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support

instruction and operations in prototypical schools serving high, 1 2 middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not 3 4 constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical 5 schools illustrate the level of resources needed to operate a school of 6 a particular size with particular types and grade levels of students 7 8 using commonly understood terms and inputs, such as class size, hours 9 of instruction, and various categories of school staff. intent that the funding allocations to school districts be adjusted 10 11 from the school prototypes based on the actual number of annual average 12 full-time equivalent students in each grade level at each school in the 13 district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further 14 adjusted from the school prototypes with minimum allocations for small 15 schools and to reflect other factors identified in the omnibus 16 appropriations act. 17

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

18

19

22

23

24

28

2930

31

3233

34

- 20 (i) A prototypical high school has six hundred average annual full-21 time equivalent students in grades nine through twelve;
 - (ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and
- 25 (iii) A prototypical elementary school has four hundred average 26 annual full-time equivalent students in grades kindergarten through 27 six.
 - (4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education	5	35
averag	5	36
class siz	7	37
Grades K-3	3	38

p. 9 SB 5330

1	Grade 4
2	Grades 5-6
3	Grades 7-8
4	Grades 9-12
5	(b) During the 2011-2013 biennium and beginning with schools with
6	the highest percentage of students eligible for free and reduced-price
7	meals in the prior school year, the general education average class
8	size for grades $((K-3))$ K-2 shall be reduced until the average class
9	size funded under this subsection (4) is no more than 17.0 full-time
10	equivalent students per teacher beginning in the 2017-18 school year.
11	(c) The minimum allocation for each prototypical middle and high
12	school shall also provide for full-time equivalent classroom teachers
13	based on the following number of full-time equivalent students per
14	teacher in career and technical education:
15	Career and technical
16	education average
17	class size
18	Approved career and technical education offered at
19	the middle school and high school level
20	Skill center programs meeting the standards established
21	by the office of the superintendent of public
22	instruction
23	(d) In addition, the omnibus appropriations act shall at a minimum
24	specify:
25	(i) A high-poverty average class size in schools where more than
26	fifty percent of the students are eligible for free and reduced-price
27	meals; and
28	(ii) A specialty average class size for laboratory science,
29	advanced placement, and international baccalaureate courses.
30	(5)(a) The minimum allocation for each level of prototypical school
31	shall include allocations for the following types of staff in addition
32	to classroom teachers:
33	
34	Elementary Middle High

School

School

School

SB 5330 p. 10

35

1	Principals, assistant principals, and other certificated building-level			
2	administrators	1.253	1.353	1.880
3	Teacher librarians, a function that includes information literacy, technology,			
4	and media to support school library media programs	0.663	0.519	0.523
5	Health and social services:			
6	School nurses	0.076	0.060	0.096
7	Social workers	0.042	0.006	0.015
8	Psychologists	0.017	0.002	0.007
9	Guidance counselors, a function that includes parent outreach and graduation			
10	advising	0.493	1.116	1.909
11	Teaching assistance, including any aspect of educational instructional			
12	services provided by classified employees	0.936	0.700	0.652
13	Office support and other noninstructional aides	2.012	2.325	3.269
14	Custodians	1.657	1.942	2.965
15	Classified staff providing student and staff safety	0.079	0.092	0.141
16	Parent involvement coordinators	((0.00))	((0.00))	((0.00))
17		1.00	<u>1.00</u>	<u>1.00</u>
18	(b) State funds provided for parent invo	lvement	coordina	tors must
19	be spent by the school districts to em			
20	coordinators and implement parent involvement			
21	shown by research to be successful.	c progra	ind chac	IIAVE DECII
22	(6)(a) The minimum staffing allocation for	or each s	chool di	strict to
23	provide district-wide support services sha			
24	thousand annual average full-time equivalent			_
25	follows:	scudencs	III grade	25 K 12 ab
23	IOIIOWS:			
26			Staff	per 1,000
27			K-12	2 students
28	Technology			0.628
29	Facilities, maintenance, and grounds			1.813
30	Warehouse, laborers, and mechanics			0.332
31	(b) The minimum allocation of staff units	for eac	h school	district
32	to support certificated and classified	l staff	ing of	central
33	administration shall be 5.30 percent of the st	taff unit	s genera	ated under
34	subsections (4)(a) and (b) and (5) of this	section	and (a) of this

subsection.

p. 11 SB 5330

1	(7) The distribution formula shall include staffing allocations to
2	school districts for career and technical education and skill center
3	administrative and other school-level certificated staff, as specified
4	in the omnibus appropriations act.
5	(8)(a) Except as provided in (b) of this subsection, the minimum
6	allocation for each school district shall include allocations per
7	annual average full-time equivalent student for the following
8	materials, supplies, and operating costs, to be adjusted for inflation
9	from the 2008-09 school year:
10	Per annual average
11	full-time equivalent student
12	in grades K-12
13	Technology
14	Utilities and insurance
15	Curriculum and textbooks
16	Other supplies and library materials \$124.07
17	Instructional professional development for certified and
18	classified staff
19	Facilities maintenance
20	Security and central office
21	(b) During the 2011-2013 biennium, the minimum allocation for
22	maintenance, supplies, and operating costs shall be increased as
23	specified in the omnibus appropriations act. The following
24	allocations, adjusted for inflation from the 2007-08 school year, are
25	provided in the 2015-16 school year, after which the allocations shall
26	be adjusted annually for inflation as specified in the omnibus
27	appropriations act:
28	Per annual average
29	full-time equivalent student
30	in grades K-12
31	Technology
32	Utilities and insurance
33	Curriculum and textbooks
34	Other supplies and library materials \$259.39
35	Instructional professional development for certificated and
36	classified staff
37	Facilities maintenance

2

4 5

6

7

8

10

11

1213

14

15

16

17

18

19 20

21

22

2324

25

26

27

28

29

30

31

32

33

34

35

3637

38

- (9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:
- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.
- (10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:
- supplemental instruction (a) To provide and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.
- (b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

p. 13 SB 5330

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

- 9 (11) The allocations under subsections (4)(a) and (b), (5), (6), 10 and (8) of this section shall be enhanced as provided under RCW 11 28A.150.390 on an excess cost basis to provide supplemental 12 instructional resources for students with disabilities.
 - (12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.
 - (b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.
 - (13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.
 - (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.
 - (c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall

be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

1 2

3 4

5

6 7

8

9

10

11

12

13

14

15 16

17

18

19 20

21

22

23

24 25

26

27

28 29

30 31

32

33

- (d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.
- Sec. 6. RCW 28A.150.410 and 2010 c 236 s 10 are each amended to read as follows:
 - (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation $schedule((\tau))$. Except as provided in section 7 of this act, the statewide salary schedule <u>shall be</u> for allocation purposes only((, to be)) <u>and</u> used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.
 - Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.
 - (3) Beginning January 1, 1992, no more than ninety college quarterhour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:
 - (a) The employee has a master's degree; or
- (b) The credits were used in generating state salary allocations 34 before January 1, 1992.
- 35 (4) Beginning in the 2007-08 school year, the calculation of years 36 of service for occupational therapists, physical therapists, speech-37 language pathologists, audiologists, nurses, social workers,

p. 15 SB 5330

counselors, and psychologists regulated under Title 18 RCW may include 1 experience in schools and other nonschool positions as occupational 2 physical therapists, speech-language pathologists, 3 therapists, 4 audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool 5 position counts as one year of service for purposes of this chapter, up 6 to a limit of two years of nonschool service. Nonschool years of 7 8 service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit 9 10 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits. 11

NEW SECTION. Sec. 7. A new section is added to chapter 28A.150 RCW to read as follows:

- (1) The legislature intends to align the compensation system with the state expectations for certificated instructional staff development and certification, recognizing the movement from a certificate to a professional certificate and potentially to a national board for professional teaching standards certificate with an increase in salary; and recognizing the level of education the certificated instructional staff attains with an increase in allocations for an advanced degree that is relevant to current or future assignments as locally determined by the relevant school district. The legislature further intends for this system to apply to certificated instructional staff entering the public school system after the 2012-13 school year and permits certificated instructional staff who have already obtained a professional or continuing certificate by the 2012-13 school year to choose whether to remain in the system provided in accordance with RCW 28A.150.410 or transfer to the system created by this section.
- (2) For the purposes of this section, the salary allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.
- (3) Beginning in the 2013-14 school year, the legislature shall establish in the appropriations act a statewide salary allocation schedule for each school year. Except as provided in RCW 28A.150.410, the statewide salary schedule shall be for allocation purposes only and used to distribute funds for basic education certificated instructional

SB 5330 p. 16

14

15 16

1718

19 20

21

2223

2425

26

27

28

29

30

31

32

3334

35

36

37

staff salaries under RCW 28A.150.260 for staff who enter the public school system after the 2012-13 school year. Staff with a professional or continuing certificate by the 2012-13 school year may choose to use the salary schedule created in this section or may continue to have their salaries distributed in accordance with RCW 28A.150.410. Certificated instructional staff who earn a national board for professional teaching standards certification must choose to either accept the bonus available to them under RCW 28A.405.415(1) and have their salaries distributed in accordance with the salary allocation model in accordance with RCW 28A.150.410 or not accept the bonus and have their salaries distributed in accordance with this section. Certificated instructional staff remain eligible for the bonus under RCW 28A.405.415(2) regardless of which salary schedule is used to distribute their salaries.

(4)(a) A beginning educator with an entry level residency certificate may remain on a residency certificate for up to nine years at the same salary allocation, although there are different levels of salary allocations for residency certificate holders who have a bachelor's degree and those who have an advanced degree. Allocations based on an advanced degree must be only for those degrees that are relevant to current or future assignments as locally determined by the relevant school district.

- (b) Once the professional certificate is achieved, a salary increase must be allocated. A minimum of three years of experience is required to make the progression from the residency certification to the professional certification. An additional increase must be allocated with a minimum of five years and a residency certificate.
- (c) Once national board for professional teaching standards certification is achieved, a salary increase must be allocated. A minimum of four years of experience shall be required to make the progression from either the residency certification or the professional/continuing certification to the national board for professional teaching standards certification.
- (d) An additional salary increase must be allocated after nine years of experience with retention of the professional/continuing certificate or the national board for professional teaching standards certificate.

p. 17 SB 5330

- 1 (e) The actual salary schedule allocations must be specified in the 2 omnibus appropriations act.
- 3 (5) The office of the superintendent of public instruction and the 4 professional educator standards board shall make rules to implement 5 this section.
- 6 <u>NEW SECTION.</u> **Sec. 8.** A new section is added to chapter 28A.415 7 RCW to read as follows:

10

11

12

13

1415

16

17

18

1920

21

22

- (1) The beginning educator support program is created to provide mentor support to novice and probationary teachers. The superintendent of public instruction shall provide funding for the components in subsection (2) of this section and an average of two hours of mentor support per week for first year and probationary teachers and an average caseload of not greater than fifteen novice teachers for a full-time mentor. Mentor support is decreased to an average of one and one-half hours per week for second year teachers and an average of one hour per week for third-year teachers, with the mentor caseload adjusted accordingly.
- (2) The program provided by a district must include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers.
- 23 (3) Only teachers who have national board for professional teaching 24 standards certification may serve as mentors.
- 25 **Sec. 9.** RCW 28A.165.005 and 2009 c 548 s 701 are each amended to read as follows:

27 This chapter is designed to: (1) Promote the use of assessment 28 data when developing programs to assist underachieving students and students who exhibit behavior that is not conductive to their own 29 learning or the learning of other students; and (2) guide school 30 districts in providing the most effective and efficient practices when 31 32 implementing supplemental instruction and services to assist 33 underachieving students.

34 **Sec. 10.** RCW 28A.165.015 and 2009 c 548 s 702 are each amended to read as follows:

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

- (1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter. The approved program must be included on the inventory of effective practices, activities, and programs developed by the Washington institute for public policy as provided under section 11 of this act unless the program is approved by the office of the superintendent of public instruction under section 12 of this act.
- 11 (2) "Basic skills areas" means reading, writing, and mathematics as 12 well as readiness associated with these skills.
- 13 (3) "Participating student" means a student in kindergarten through 14 grade twelve who:
- 15 <u>(a) S</u>cores 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; or
 - (b) Has behavior that is not conductive to his or her own learning or the learning of others and who is not eligible for special education or related services.
 - (4) "Statewide assessments" means:

3

5

6

7

8

9

10

18

1920

21

26

27

28

- 22 <u>(a) One</u> or more of the several basic skills assessments 23 administered as part of the state's student assessment system, and 24 assessments in the basic skills areas administered by local school 25 districts; or
 - (b) For students who have behavior problems, an age-appropriate, research-based, standardized screening to be recommended by the office of the superintendent of public instruction.
- 29 (5) "Underachieving students" means students with the greatest 30 academic deficits in basic skills as identified by the statewide 31 assessments.
- NEW SECTION. Sec. 11. A new section is added to chapter 28A.165
 RCW to read as follows:
- 34 (1) By August 1, 2014, the Washington institute for public policy 35 shall prepare an inventory of evidence-based and research-based 36 effective practices, activities, and programs for use by school

p. 19 SB 5330

districts in the learning assistance program. The inventory shall be updated every two years.

3

4

5

6 7

8

9

10

11

- (2) School districts shall report to the office of the superintendent of public instruction:
 - (a) Annual entrance and exit data for individual students participating in the learning assistance program; and
 - (b) The specific practices, activities, and programs used by each school building that receives learning assistance program funding. The office of the superintendent of public instruction shall develop standard categories and definitions of the specific practices, activities, and programs for school district reporting purposes.
- 12 (3) The office of the superintendent of public instruction shall 13 use monitoring and quality control procedures designed to measure 14 school district fidelity in implementing the programs on the inventory.
- NEW SECTION. Sec. 12. A new section is added to chapter 28A.165 RCW to read as follows:

School districts may use a practice, activity, or program that is 17 not on the inventory list developed under section 11 of this act for 18 one school year. If at the end of the school year, the school district 19 20 can show that the students in the program experienced an increase in 21 academic achievement, then the office of the superintendent of public 22 instruction may approve the program for one additional school year. 23 Subsequent annual approval by the superintendent's office is dependent 24 on continued success in increasing academic performance of the students 25 in the program.

- 26 **Sec. 13.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to read as follows:
- 28 (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the 29 30 superintendent of public instruction for approval, to the extent required under subsection $((\frac{2}{2}))$ (3) of this section. 31 plan must identify the program activities to be implemented from RCW 32 33 28A.165.035 and implement all of the elements in (a) through $((\frac{h}{h}))$ 34 (i) of this subsection. The school district plan shall include the 35 following:

- (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;
- (b) Processes used for identifying the underachieving students or students who have behaviors that are not conductive to their own learning or the learning of others, to be served by the program, including the identification of school or program sites providing program activities;
- (c) A statement that the program or activities are included on the inventory referenced in section 11 of this act or meets the exception provided under section 12 of this act;
- (d) How ((accelerated)) learning plans are developed and implemented for participating students. ((Accelerated)) Learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. ((Accelerated)) Learning plans shall include:
 - (i) Achievement goals for the students;

- 19 (ii) Roles of the student, parents, or guardians and teachers in 20 the plan;
- 21 (iii) Communication procedures regarding student accomplishment; 22 and
 - (iv) Plan reviews and adjustments processes;
 - $((\frac{d}{d}))$ (e) How state level $(\frac{and}{d})$, classroom assessments, or screening tools recommended by the office of the superintendent of public instruction are used to inform instruction;
 - (((e))) <u>(f)</u> How focused and intentional instructional strategies <u>including strategies to assist students to identify ways to help themselves establish a calm, safe, and orderly demeanor have been identified and implemented;</u>
- $((\frac{f}))$ (g) How highly qualified instructional staff are developed 32 and supported in the program and in participating schools;
 - ((g))) (h) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and
- $((\frac{h}{h}))$ (i) How a program evaluation will be conducted to determine direction for the following school year.

p. 21 SB 5330

- 1 (2) For students with behaviors that are not conductive to
 2 learning, placement in the program may be temporary and episodic due to
 3 adverse childhood experiences or may be for a full school year.
- 4 (3) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or 5 this section unless the district has made a significant change to the 6 plan. If a district has made a significant change to only a portion of 7 8 the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the 9 10 plan must be submitted by July 1st as required under this section. office of the superintendent of public instruction shall establish 11 12 guidelines for what a "significant change" is.
- 13 **Sec. 14.** RCW 28A.165.035 and 2008 c 321 s 4 are each amended to 14 read as follows:
- Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:
 - (1) Extended learning time opportunities occurring:
 - (a) Before or after the regular school day;
- 20 (b) On Saturday; and

19

21

22

25

32

- (c) Beyond the regular school year;
- (2) Services under RCW 28A.320.190;
- 23 (3) Professional development for certificated and classified staff 24 that focuses on:
 - (a) The needs of a diverse student population;
- 26 (b) Specific literacy and mathematics content and instructional 27 strategies; and
- 28 (c) The use of student work <u>and student behavior</u> to guide effective 29 instruction and appropriate assistance;
- 30 (4) Consultant teachers to assist in implementing effective 31 instructional practices by teachers serving participating students;
 - (5) Tutoring support for participating students; and
- 33 (6) <u>Research-based outreach activities and support for parents of</u>
 34 participating students, including employing a parent involvement
 35 <u>coordinator as provided in RCW 28A.150.260</u>.

Sec. 15. RCW 28A.175.025 and 2007 c 408 s 2 are each amended to 2 read as follows:

Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

- (1) For purposes of RCW 28A.175.025 through 28A.175.075, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:
 - (a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;
 - (b) Coaches or mentors for students as necessary;
 - (c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;
 - (d) Retrieval or reentry activities; and
 - (e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.
 - (2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:
- 36 (a) Establish programs in two western Washington and one eastern 37 Washington urban areas;

p. 23 SB 5330

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

1 2

3

4

5

3031

3233

34

35

36

- (c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under RCW 28A.175.035(1)(e); and
 - (d) Submit a report to the legislature by December 1, 2009.
- 7 (3) School districts that have the highest levels of truancy as
 8 demonstrated by the number of petitions filed in accordance with RCW
 9 28A.225.015 and 28A.225.030 shall receive priority when awarding the
 10 grants under this section.
- 11 NEW SECTION. Sec. 16. The legislature finds that in the past ten years, there has been a significant increase in the number of students 12 13 who participate in the transitional bilingual program. This 14 demographic shift requires changes in the services and support provided in schools to ensure the success of each and every student, including 15 16 addressing the students' cultures and linguistic needs. 17 legislature further finds that there are successful partnerships 18 between institutions of higher education and school districts that are increasing the ability for educators to work effectively with English 19 20 language learners and are models for providing job-embedded training in 21 classrooms with greater than fifteen percent English language learners, 22 training regarding including language acquisition; 23 assessment of student language proficiency, including academic achievement and social language; and cultural competence training. 24 25 legislature intends to build on the success of these partnerships and 26 provide training in other districts based upon the level of language 27 diversity of the students in the district.
- NEW SECTION. Sec. 17. A new section is added to chapter 28A.180 RCW to read as follows:
 - (1) School districts with more than fifteen percent language diversity in the student population must be allocated funding to provide research-based professional development to all educators in the school on successful, best practice strategies for English language learner instruction. The professional development strategies must be one developed or identified by the office of the superintendent of public instruction under subsection (2) of this section.

- 1 (2) The office of the superintendent of public instruction shall:
- 2 (a) Develop or identify research-based or evidence-based 3 professional development of effective professional development 4 strategies for English language learner instruction; and
 - (b) Adopt rules necessary to implement this section.

6 <u>NEW SECTION.</u> **Sec. 18.** A new section is added to chapter 28A.300 7 RCW to read as follows:

The office of the superintendent of public instruction shall develop, or identify a list of, appropriate screening tools for school districts to use to determine the level of kindergarten readiness of entering kindergarten students for the purposes of RCW 28A.150.315.

- **Sec. 19.** RCW 28A.400.200 and 2010 c 235 s 401 are each amended to read as follows:
 - (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section and section 7 of this act.
 - (2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and
 - (b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service.
 - (3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.
 - (b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment

p. 25 SB 5330

- for unused leave for illness or injury under RCW 28A.400.210; employer 1 2 contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington 3 4 state retirement system; or employer contributions for health benefits 5 the insurance benefits allocation provided per in excess of 6 certificated instructional staff unit in the state appropriations act in effect at the time the compensation is payable. 7 A school district may not use state funds to provide employer 8 9 contributions for such excess health benefits.
 - (c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.
 - (4) ((Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, for incentives, or for implementing specific measurable innovative activities, including professional development, specified by the school district to: (a) Close one or more achievement gaps, (b) focus on development of science, technology, engineering, and mathematics (STEM) learning opportunities, or (c) provide arts education. Beginning September 1, 2011, school districts shall annually provide a brief description of the innovative activities included in any supplemental contract to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall summarize the district information and submit an annual report to the education committees of the house of representatives and the senate. Supplemental contracts)) Locally funded salary enhancements for nonbasic education functions that are unique to the school district shall be limited to no more than ten percent of the state amount for the school district's state provided salaries. Such locally funded salary enhancements shall not cause the state to incur any present or future funding obligation. ((Supplemental contracts)) Locally funded salary enhancements for nonbasic education functions shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may ((enter into a

SB 5330 p. 26

10 11

12

13

14

15

16

17

18

19 20

21

2223

24

25

26

27

28

29

3031

3233

3435

36

37

38

- supplemental contract)) provide locally funded salary enhancements under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.
- 5 (5) Employee benefit plans offered by any district shall comply 6 with RCW 28A.400.350 ((and)), 28A.400.275, and 28A.400.280.
- 7 **Sec. 20.** RCW 28A.655.080 and 2012 c 51 s 2 are each amended to 8 read as follows:
 - (1) ((To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians)) It is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in RCW 28A.150.315 replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.
- (2)(a) The superintendent of public instruction, in consultation with the department of early learning, shall convene a work group to provide:
 - (i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills;
 - (ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction ((as required in RCW 28A.150.205)); and
 - (iii) Recommendations with respect to achieving the goal of replacing assessments currently required by school districts with the Washington kindergarten inventory of developing skills.
 - (b) The work group shall include:

10 11

1213

14

15

16

1718

1920

24

25

26

27

2829

3031

32

33

36

- 34 (i) One representative from the office of the superintendent of public instruction;
 - (ii) One representative from the department of early learning;

p. 27 SB 5330

1 (iii) One representative from the nongovernmental private-public 2 partnership defined in RCW 43.215.010;

- (iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;
- (v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and
- (vi) A representative from an independent, nonprofit children and family services organization with a main campus in North Bend, Washington.
 - (c) The work group may solicit input from people who are recent implementers of the Washington kindergarten inventory of developing skills.
 - (d) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013((, and annually by December 1st thereafter)).
 - (e) The work group shall terminate ((upon full statewide implementation of all day kindergarten)) December 31, 2013.
 - (3) ((To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of [the] superintendent of public instruction, in consultation with the department of early learning.
 - (4))) Until ((full statewide implementation of all day kindergarten programs)) the 2014-15 school year, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:
- 37 (a) A description of the kindergarten readiness assessment and

transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

- (b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and
- (c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

--- END ---

p. 29 SB 5330