

ESHB 2261 - S AMD

By Senators McAuliffe, Jarrett, Hobbs, McDermott, Oemig, Tom

ADOPTED AS AMENDED 04/16/2009

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

3 "NEW SECTION. **Sec. 1.** (1) Public education in Washington state
4 has evolved since the enactment of the Washington basic education act
5 of 1977. Decisions by the courts have played a part in this evolution,
6 as have studies and research about education practices and education
7 funding. The legislature finds ample evidence of a need for continuing
8 to refine the program of basic education that is funded by the state
9 and delivered by school districts.

10 (2) The legislature reaffirms the work of Washington Learns and
11 other educational task forces that have been convened over the past
12 four years and their recommendations to make bold reforms to the entire
13 educational system in order to educate all students to a higher level;
14 to focus on the individualized instructional needs of students; to
15 strive towards closing the achievement gap and reducing dropout rates;
16 and to prepare students for a constantly evolving workforce and
17 increasingly demanding global economy. In enacting this legislation,
18 the legislature intends to continue to review, evaluate, and revise the
19 definition and funding of basic education in order to continue to
20 fulfill the state obligation under Article IX of the state
21 Constitution. The legislature also intends to continue to strengthen
22 and modify the structure of the entire K-12 educational system,
23 including nonbasic education programmatic elements, in order to build
24 the capacity to anticipate and support potential future enhancements to
25 basic education as the educational needs of our citizens continue to
26 evolve.

27 (3) The legislature recognizes that the first step in revising the
28 definition and funding of basic education is to create a transparent
29 funding system for both allocations and expenditures so that not only
30 policymakers and educators understand how the state supports basic

1 education but also taxpayers. An adequate data system that enables the
2 legislature to make rational, data-driven decisions on which
3 educational programs impact student learning in order to more
4 effectively and efficiently deliver the resources necessary to provide
5 an ample program of basic education is also a necessity. A new
6 prototypical funding system will allow the legislature to better
7 understand how current resources are being used. A more complete and
8 accurate educational data system will allow the legislature to
9 understand whether current basic education programs are supporting
10 student learning. Only with both of these systems in place can the
11 legislature make informed decisions on how to best implement a dynamic
12 and evolving system of basic education.

13 (4) For practical and educational reasons, major changes of the
14 program of basic education and the funding formulas to support it
15 cannot occur instantaneously. The legislature intends to build upon
16 the previous efforts of the legislature and the basic education task
17 force in order to develop a realistic implementation strategy for a new
18 instructional program after technical experts develop the details of
19 the prototypical schools funding formulas and the data and reporting
20 system that will support a new instructional program. The legislature
21 also intends to establish a formal structure for monitoring the
22 implementation by the legislature of an evolving program of basic
23 education and the financing necessary to support such a program. The
24 legislature intends that the redefined program of basic education and
25 funding for the program be fully implemented by 2018.

26 (5) It is the further intent of the legislature to also address
27 additional issues that are of importance to the legislature but are not
28 part of basic education.

29 NEW SECTION. **Sec. 2.** It is the intent of the legislature that
30 specified policies and allocation formulas adopted under this act will
31 constitute the legislature's definition of basic education under
32 Article IX of the state Constitution once fully implemented. The
33 legislature intends, however, to continue to review and revise the
34 formulas and schedules and may make additional revisions, including
35 revisions for technical purposes and consistency in the event of
36 mathematical or other technical errors.

1
2 **PART I**

PROGRAM AND FUNDING OF BASIC EDUCATION

3 **Sec. 101.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to
4 read as follows:

5 ~~((This 1977 amendatory act shall be known and may be cited as "The~~
6 ~~Washington Basic Education Act of 1977." The program evolving from the~~
7 ~~Basic Education Act shall include (1) the goal of the school system as~~
8 ~~defined in RCW 28A.150.210, (2) those program requirements enumerated~~
9 ~~in RCW 28A.150.220, and (3) the determination and distribution of state~~
10 ~~resources as defined in RCW 28A.150.250 and 28A.150.260.~~

11 ~~The requirements of the Basic Education Act are))~~ (1) The program
12 of basic education established under this chapter is deemed by the
13 legislature to comply with the requirements of Article IX, section 1 of
14 the state Constitution, which states that "It is the paramount duty of
15 the state to make ample provision for the education of all children
16 residing within its borders, without distinction or preference on
17 account of race, color, caste, or sex," and ((are)) is adopted pursuant
18 to Article IX, section 2 of the state Constitution, which states that
19 "The legislature shall provide for a general and uniform system of
20 public schools."

21 (2) The legislature defines the program of basic education under
22 this chapter as that which is necessary to provide the opportunity to
23 develop the knowledge and skills necessary to meet the state-
24 established high school graduation requirements that are intended to
25 allow students to have the opportunity to graduate with a meaningful
26 diploma that prepares them for postsecondary education, gainful
27 employment, and citizenship. Basic education by necessity is an
28 evolving program of instruction intended to reflect the changing
29 educational opportunities that are needed to equip students for their
30 role as productive citizens and includes the following:

31 (a) The instructional program of basic education the minimum
32 components of which are described in RCW 28A.150.220;

33 (b) The program of education provided by chapter 28A.190 RCW for
34 students in residential schools as defined by RCW 28A.190.020 and for
35 juveniles in detention facilities as identified by RCW 28A.190.010;

36 (c) The program of education provided by chapter 28A.193 RCW for

1 individuals under the age of eighteen who are incarcerated in adult
2 correctional facilities; and

3 (d) Transportation and transportation services to and from school
4 for eligible students as provided under RCW 28A.160.150 through
5 28A.160.180.

6 NEW SECTION. Sec. 102. The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

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

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

14 (3) "Certificated employee" as used in this chapter and RCW
15 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
16 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
17 persons who hold certificates as authorized by rule of the Washington
18 professional educator standards board.

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

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

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

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

36 (8) "Instructional program of basic education" means the minimum

1 program required to be provided by school districts and includes
2 instructional hour requirements and other components under RCW
3 28A.150.220.

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

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

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

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

28 **Sec. 103.** RCW 28A.150.210 and 2007 c 400 s 1 are each amended to
29 read as follows:

30 (~~The goal of the basic education act for the schools of the state~~
31 ~~of Washington set forth in this chapter shall be~~) A basic education is
32 an evolving program of instruction that is intended to provide students
33 with the opportunity to become responsible and respectful global
34 citizens, to contribute to their economic well- being and that of their
35 families and communities, to explore and understand different
36 perspectives, and to enjoy productive and satisfying lives.
37 Additionally, the state of Washington intends to provide for a public

1 school system that is able to evolve and adapt in order to better focus
2 on strengthening the educational achievement of all students, which
3 includes high expectations for all students and gives all students the
4 opportunity to achieve personal and academic success. To these ends,
5 the goals of each school district, with the involvement of parents and
6 community members, shall be to provide opportunities for every student
7 to develop the knowledge and skills essential to:

8 (1) Read with comprehension, write effectively, and communicate
9 successfully in a variety of ways and settings and with a variety of
10 audiences;

11 (2) Know and apply the core concepts and principles of mathematics;
12 social, physical, and life sciences; civics and history, including
13 different cultures and participation in representative government;
14 geography; arts; and health and fitness;

15 (3) Think analytically, logically, and creatively, and to integrate
16 different experiences and knowledge to form reasoned judgments and
17 solve problems; and

18 (4) Understand the importance of work and finance and how
19 performance, effort, and decisions directly affect future career and
20 educational opportunities.

21 **Sec. 104.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
22 read as follows:

23 ~~(1) ((Satisfaction of the basic education program requirements~~
24 ~~identified in RCW 28A.150.210 shall be considered to be implemented by~~
25 ~~the following program:~~

26 ~~(a) Each school district shall make available to students enrolled~~
27 ~~in kindergarten at least a total instructional offering of four hundred~~
28 ~~fifty hours. The program shall include instruction in the essential~~
29 ~~academic learning requirements under RCW 28A.630.885 and such other~~
30 ~~subjects and such activities as the school district shall determine to~~
31 ~~be appropriate for the education of the school district's students~~
32 ~~enrolled in such program;~~

33 ~~(b))~~ In order for students to have the opportunity to develop the
34 basic education knowledge and skills under RCW 28A.150.210, school
35 districts must provide instruction of sufficient quantity and quality
36 and give students the opportunity to complete graduation requirements
37 that are intended to prepare them for postsecondary education, gainful

1 employment, and citizenship. The program established under this
2 section shall be the minimum instructional program of basic education
3 offered by school districts.

4 (2) Each school district shall make available to students the
5 following minimum instructional offering each school year:

6 (a) For students enrolled in grades one through twelve, at least a
7 district-wide annual average ((total instructional hour offering)) of
8 one thousand hours((. The state board of education may define
9 alternatives to classroom instructional time for students in grades
10 nine through twelve enrolled in alternative learning experiences. The
11 state board of education shall establish rules to determine annual
12 average instructional hours for districts including fewer than twelve
13 grades. The program shall include the essential academic learning
14 requirements under RCW 28A.630.885 and such other subjects and such
15 activities as the school district shall determine to be appropriate for
16 the education of the school district's students enrolled in such
17 group)), which shall be increased to at least one thousand eighty
18 instructional hours for students enrolled in each of grades seven
19 through twelve and at least one thousand instructional hours for
20 students in each of grades one through six according to an
21 implementation schedule adopted by the legislature; and

22 (b) For students enrolled in kindergarten, at least four hundred
23 fifty instructional hours, which shall be increased to at least one
24 thousand instructional hours according to the implementation schedule
25 under RCW 28A.150.315.

26 (3) The instructional program of basic education provided by each
27 school district shall include:

28 (a) Instruction in the essential academic learning requirements
29 under RCW 28A.655.070;

30 (b) Instruction that provides students the opportunity to complete
31 twenty-four credits for high school graduation, subject to a phased-in
32 implementation of the twenty-four credits as established by the
33 legislature. Course distribution requirements may be established by
34 the state board of education under RCW 28A.230.090;

35 (c) If the essential academic learning requirements include a
36 requirement of languages other than English, the requirement may be met
37 by students receiving instruction in one or more American Indian
38 languages;

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

4 (e) Supplemental instruction and services for eligible and enrolled
5 students whose primary language is other than English through the
6 transitional bilingual instruction program under RCW 28A.180.010
7 through 28A.180.080;

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

11 (g) Programs for highly capable students under RCW 28A.185.010
12 through 28A.185.030.

13 ~~((+2))~~ (4) Nothing contained in (~~subsection (1) of~~) this section
14 shall be construed to require individual students to attend school for
15 any particular number of hours per day or to take any particular
16 courses.

17 ~~((+3))~~ (5) Each school district's kindergarten through twelfth
18 grade basic educational program shall be accessible to all students who
19 are five years of age, as provided by RCW 28A.225.160, and less than
20 twenty-one years of age and shall consist of a minimum of one hundred
21 eighty school days per school year in such grades as are conducted by
22 a school district, and one hundred eighty half-days of instruction, or
23 equivalent, in kindergarten(~~:- PROVIDED, That~~), to be increased to a
24 minimum of one hundred eighty school days per school year according to
25 the implementation schedule under RCW 28A.150.315. However, effective
26 May 1, 1979, a school district may schedule the last five school days
27 of the one hundred and eighty day school year for noninstructional
28 purposes in the case of students who are graduating from high school,
29 including, but not limited to, the observance of graduation and early
30 release from school upon the request of a student, and all such
31 students may be claimed as a full-time equivalent student to the extent
32 they could otherwise have been so claimed for the purposes of RCW
33 28A.150.250 and 28A.150.260.

34 ~~((+4))~~ (6) Nothing in this section precludes a school district
35 from enriching the instructional program of basic education, such as
36 offering additional instruction or providing additional services,
37 programs, or activities that the school district determines to be
38 appropriate for the education of the school district's students.

1 (7) The state board of education shall adopt rules to implement and
2 ensure compliance with the program requirements imposed by this
3 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
4 program approval requirements as the state board may establish.

5 **Sec. 105.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
6 read as follows:

7 (1) From those funds made available by the legislature for the
8 current use of the common schools, the superintendent of public
9 instruction shall distribute annually as provided in RCW 28A.510.250 to
10 each school district of the state operating a basic education
11 instructional program approved by the state board of education an
12 amount based on the formulas provided in RCW 28A.150.260, 28A.150.390,
13 and section 109 of this act which, when combined with an appropriate
14 portion of such locally available revenues, other than receipts from
15 federal forest revenues distributed to school districts pursuant to RCW
16 28A.520.010 and 28A.520.020, as the superintendent of public
17 instruction may deem appropriate for consideration in computing state
18 equalization support, excluding excess property tax levies, will
19 constitute a basic education allocation in dollars for each annual
20 average full-time equivalent student enrolled(~~(, based upon one full~~
21 ~~school year of one hundred eighty days, except that for kindergartens~~
22 ~~one full school year shall be one hundred eighty half days of~~
23 ~~instruction, or the equivalent as provided in RCW 28A.150.220)).~~

24 (2) The instructional program of basic education shall be
25 considered to be fully funded by those amounts of dollars appropriated
26 by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260,
27 28A.150.390, and section 109 of this act to fund those program
28 requirements identified in RCW 28A.150.220 in accordance with the
29 formula (~~and ratios~~) provided in RCW 28A.150.260 and those amounts of
30 dollars appropriated by the legislature to fund the salary requirements
31 of RCW ((28A.150.100 and)) 28A.150.410.

32 (~~Operation of a program approved by the state board of education,~~
33 ~~for the purposes of this section, shall include a finding that the~~
34 ~~ratio of students per classroom teacher in grades kindergarten through~~
35 ~~three is not greater than the ratio of students per classroom teacher~~
36 ~~in grades four and above for such district: PROVIDED, That for the~~
37 ~~purposes of this section, "classroom teacher" shall be defined as an~~

1 ~~instructional employee possessing at least a provisional certificate,~~
2 ~~but not necessarily employed as a certificated employee, whose primary~~
3 ~~duty is the daily educational instruction of students:— PROVIDED~~
4 ~~FURTHER, That the state board of education shall adopt rules and~~
5 ~~regulations to insure compliance with the student/teacher ratio~~
6 ~~provisions of this section, and such rules and regulations shall allow~~
7 ~~for exemptions for those special programs and/or school districts which~~
8 ~~may be deemed unable to practicably meet the student/teacher ratio~~
9 ~~requirements of this section by virtue of a small number of students.)~~

10 (3) If a school district's basic education program fails to meet
11 the basic education requirements enumerated in RCW ((28A.150.250,))
12 28A.150.260((7)) and 28A.150.220, the state board of education shall
13 require the superintendent of public instruction to withhold state
14 funds in whole or in part for the basic education allocation until
15 program compliance is assured((:— PROVIDED, That)). However, the state
16 board of education may waive this requirement in the event of
17 substantial lack of classroom space.

18 **Sec. 106.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to
19 read as follows:

20 ((The basic education allocation for each annual average full time
21 equivalent student shall be determined in accordance with the following
22 procedures)) The purpose of this section is to provide for the
23 allocation of state funding that the legislature deems necessary to
24 support school districts in offering the minimum instructional program
25 of basic education under RCW 28A.150.220. The allocation shall be
26 determined as follows:

27 (1) The governor shall and the superintendent of public instruction
28 may recommend to the legislature a formula ((based on a ratio of
29 students to staff)) for the distribution of a basic education
30 instructional allocation for each ((annual average full time equivalent
31 student enrolled in a)) common school district. ((The distribution
32 formula shall have the primary objective of equalizing educational
33 opportunities and shall provide appropriate recognition of the
34 following costs among the various districts within the state:

35 (a) ~~Certificated instructional staff and their related costs;~~

36 (b) ~~Certificated administrative staff and their related costs;~~

37 (c) ~~Classified staff and their related costs;~~

1 ~~(d) Nonsalary costs;~~

2 ~~(e) Extraordinary costs, including school facilities, of remote and~~
3 ~~necessary schools as judged by the superintendent of public~~
4 ~~instruction, with recommendations from the school facilities citizen~~
5 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~
6 ~~costs of additional certificated and classified staff; and~~

7 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~
8 ~~28A.225.250 who do not reside within the servicing school district.)~~

9 (2)((+a)) The distribution formula under this section shall be for
10 allocation purposes only. Except as may be required under chapter
11 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations,
12 nothing in this section requires school districts to use basic
13 education instructional funds to implement a particular instructional
14 approach or service. Nothing in this section requires school districts
15 to maintain a particular classroom teacher-to-student ratio or other
16 staff-to-student ratio or to use allocated funds to pay for particular
17 types or classifications of staff. Nothing in this section entitles an
18 individual teacher to a particular teacher planning period.

19 (3)(a) To the extent the technical details of the formula have been
20 adopted by the legislature, the distribution formula for the basic
21 education instructional allocation shall be based on minimum staffing
22 and nonstaff costs the legislature deems necessary to support
23 instruction and operations in prototypical schools serving high,
24 middle, and elementary school students as provided in this section.
25 The use of prototypical schools for the distribution formula does not
26 constitute legislative intent that schools should be operated or
27 structured in a similar fashion as the prototypes. Prototypical
28 schools illustrate the level of resources needed to operate a school of
29 a particular size with particular types and grade levels of students
30 using commonly understood terms and inputs, such as class size, hours
31 of instruction, and various categories of school staff. It is the
32 intent that the funding allocations to school districts be adjusted
33 from the school prototypes based on the actual number of annual average
34 full-time equivalent students in each grade level at each school in the
35 district and not based on the grade-level configuration of the school
36 to the extent that data is available. The allocations shall be further
37 adjusted from the school prototypes with minimum allocations for small

1 schools and to reflect other factors identified in the omnibus
2 appropriations act.

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

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

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

10 (iii) A prototypical elementary school has four hundred average
11 annual full-time equivalent students in grades kindergarten through
12 six.

13 (c) The minimum allocation for each level of prototypical school
14 shall be based on the number of full-time equivalent classroom teachers
15 needed to provide instruction over the minimum required annual
16 instructional hours under RCW 28A.150.220 and provide at least one
17 teacher planning period per school day, and based on an average class
18 size as specified in the omnibus appropriations act. The omnibus
19 appropriations act shall at a minimum specify:

20 (i) Basic average class size;

21 (ii) Basic average class size in schools where more than fifty
22 percent of the students are eligible for free and reduced-price meals;

23 (iii) Average class size for exploratory and preparatory career and
24 technical education, laboratory science, advanced placement, and
25 international baccalaureate courses; and

26 (iv) Average class size in grades kindergarten through three.

27 (d) The minimum allocation for each level of prototypical school
28 shall include allocations for the following types of staff in addition
29 to classroom teachers:

30 (i) Principals, including assistant principals, and other
31 certificated building-level administrators;

32 (ii) Teacher librarians, performing functions including information
33 literacy, technology, and media to support school library media
34 programs;

35 (iii) Student health services, a function that includes school
36 nurses, whether certificated instructional or classified employee, and
37 social workers;

1 (iv) Guidance counselors, performing functions including parent
2 outreach and graduation advisor;

3 (v) Professional development coaches;

4 (vi) Teaching assistance, which includes any aspect of educational
5 instructional services provided by classified employees;

6 (vii) Office support, technology support, and other
7 noninstructional aides;

8 (viii) Custodians, warehouse, maintenance, laborer, and
9 professional and technical education support employees; and

10 (ix) Classified staff providing student and staff safety.

11 (4)(a) The minimum allocation for each school district shall
12 include allocations per annual average full-time equivalent student for
13 the following materials, supplies, and operating costs: Student
14 technology; utilities; curriculum, textbooks, library materials, and
15 instructional supplies; instructional professional development for both
16 certificated and classified staff; other building-level costs including
17 maintenance, custodial, and security; and central office
18 administration.

19 (b) The annual average full-time equivalent student amounts in (a)
20 of this subsection shall be enhanced based on full-time equivalent
21 student enrollment in exploratory career and technical education
22 courses for students in grades seven through twelve; laboratory science
23 courses for students in grades nine through twelve; preparatory career
24 and technical education courses for students in grades nine through
25 twelve offered in a high school; and preparatory career and technical
26 education courses for students in grades eleven and twelve offered
27 through a skill center.

28 (5) The allocations provided under subsections (3) and (4) of this
29 section shall be enhanced as follows to provide additional allocations
30 for classroom teachers and maintenance, supplies, and operating costs:

31 (a) To provide supplemental instruction and services for
32 underachieving students through the learning assistance program under
33 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
34 percent of students in each school who are eligible for free and
35 reduced-price meals. The minimum allocation for the learning
36 assistance program shall provide an extended school day and extended
37 school year for each level of prototypical school and a per student
38 allocation for maintenance, supplies, and operating costs.

1 (b) To provide supplemental instruction and services for students
2 whose primary language is other than English, allocations shall be
3 based on the number of students in each school who are eligible for and
4 enrolled in the transitional bilingual instruction program under RCW
5 28A.180.010 through 28A.180.080. The minimum allocation for each level
6 of prototypical school shall provide for supplemental instruction based
7 on percent of the school day a student is assumed to receive
8 supplemental instruction and a per student allocation for maintenance,
9 supplies, and operating costs.

10 (6) The allocations provided under subsections (3) and (4) of this
11 section shall be enhanced to provide additional allocations to support
12 programs for highly capable students under RCW 28A.185.010 through
13 28A.185.030, based on two and three hundred fourteen one-thousandths
14 percent of each school district's full-time equivalent enrollment. The
15 minimum allocation for the programs shall provide an extended school
16 day and extended school year for each level of prototypical school and
17 a per student allocation for maintenance, supplies, and operating
18 costs.

19 (7) The allocations under subsections (3)(b), (c)(i), and (d), (4),
20 and (8) of this section shall be enhanced as provided under RCW
21 28A.150.390 on an excess cost basis to provide supplemental
22 instructional resources for students with disabilities.

23 (8) The distribution formula shall include allocations to school
24 districts to support certificated and classified staffing of central
25 office administration. The minimum allocation shall be calculated as
26 a percentage, identified in the omnibus appropriations act, of the
27 total allocations for staff under subsections (3) and (6) of this
28 section for all schools in the district.

29 (9)(a) For the purposes of allocations for prototypical high
30 schools and middle schools under subsections (3) and (5) of this
31 section that are based on the percent of students in the school who are
32 eligible for free and reduced-price meals, the actual percent of such
33 students in a school shall be adjusted by a factor identified in the
34 omnibus appropriations act to reflect underreporting of free and
35 reduced-price meal eligibility among middle and high school students.

36 (b) Allocations or enhancements provided under subsections (3) and
37 (4) of this section for exploratory and preparatory career and

1 technical education courses shall be provided only for courses approved
2 by the office of the superintendent of public instruction under chapter
3 28A.700 RCW.

4 (10)(a) This formula for distribution of basic education funds
5 shall be reviewed biennially by the superintendent and governor. The
6 recommended formula shall be subject to approval, amendment or
7 rejection by the legislature. ~~((The formula shall be for allocation~~
8 ~~purposes only. While the legislature intends that the allocations for~~
9 ~~additional instructional staff be used to increase the ratio of such~~
10 ~~staff to students, nothing in this section shall require districts to~~
11 ~~reduce the number of administrative staff below existing levels.~~

12 ~~(b) The formula adopted by the legislature shall reflect the~~
13 ~~following ratios at a minimum: (i) Forty nine certificated~~
14 ~~instructional staff to one thousand annual average full time equivalent~~
15 ~~students enrolled in grades kindergarten through three; (ii) forty six~~
16 ~~certificated instructional staff to one thousand annual average full~~
17 ~~time equivalent students in grades four through twelve; (iii) four~~
18 ~~certificated administrative staff to one thousand annual average full~~
19 ~~time equivalent students in grades kindergarten through twelve; and~~
20 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~
21 ~~thousand annual average full time equivalent students enrolled in~~
22 ~~grades kindergarten through twelve.~~

23 ~~(e))~~ (b) In the event the legislature rejects the distribution
24 formula recommended by the governor, without adopting a new
25 distribution formula, the distribution formula for the previous school
26 year shall remain in effect ~~((: PROVIDED, That the distribution formula~~
27 ~~developed pursuant to this section shall be for state apportionment and~~
28 ~~equalization purposes only and shall not be construed as mandating~~
29 ~~specific operational functions of local school districts other than~~
30 ~~those program requirements identified in RCW 28A.150.220 and~~
31 ~~28A.150.100)).~~

32 (c) The enrollment of any district shall be the annual average
33 number of full_time equivalent students and part_time students as
34 provided in RCW 28A.150.350, enrolled on the first school day of each
35 month ~~((and shall exclude full time equivalent students with~~
36 ~~disabilities recognized for the purposes of allocation of state funds~~
37 ~~for programs under RCW 28A.155.010 through 28A.155.100)), including
38 students who are in attendance pursuant to RCW 28A.335.160 and~~

1 28A.225.250 who do not reside within the servicing school district.
2 The definition of full-time equivalent student shall be determined by
3 rules of the superintendent of public instruction(~~(:—PROVIDED, That~~
4 ~~the definition))~~ and shall be included as part of the superintendent's
5 biennial budget request(~~(:—PROVIDED, FURTHER, That))~~). The definition
6 shall be based on the minimum instructional hour offerings required
7 under RCW 28A.150.220. Any revision of the present definition shall
8 not take effect until approved by the house (~~(appropriations))~~ ways and
9 means committee and the senate ways and means committee(~~(:—PROVIDED,~~
10 ~~FURTHER, That))~~).

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

14 (~~((3)(a) Certificated instructional staff shall include those~~
15 ~~persons employed by a school district who are nonsupervisory employees~~
16 ~~within the meaning of RCW 41.59.020(8):—PROVIDED, That in exceptional~~
17 ~~cases, people of unusual competence but without certification may teach~~
18 ~~students so long as a certificated person exercises general~~
19 ~~supervision:—PROVIDED, FURTHER, That the hiring of such classified~~
20 ~~people shall not occur during a labor dispute and such classified~~
21 ~~people shall not be hired to replace certificated employees during a~~
22 ~~labor dispute.~~

23 (b) ~~Certificated administrative staff shall include all those~~
24 ~~persons who are chief executive officers, chief administrative~~
25 ~~officers, confidential employees, supervisors, principals, or assistant~~
26 ~~principals within the meaning of RCW 41.59.020(4).)~~

27 **Sec. 107.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to
28 read as follows:

29 (1) Beginning with the 2007-08 school year, funding for voluntary
30 all-day kindergarten programs shall be phased-in beginning with schools
31 with the highest poverty levels, defined as those schools with the
32 highest percentages of students qualifying for free and reduced-price
33 lunch support in the prior school year. Once a school receives funding
34 for the all-day kindergarten program, that school shall remain eligible
35 for funding in subsequent school years regardless of changes in the
36 school's percentage of students eligible for free and reduced-price

1 lunches as long as other program requirements are fulfilled.
2 Additionally, schools receiving all-day kindergarten program support
3 shall agree to the following conditions:

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

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

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

9 (ii) Developing a variety of communication skills;

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

12 (iv) Acquiring large and small motor skills;

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

16 (vi) Learning through hands-on experiences;

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

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

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

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

34 ~~((3) Any funds allocated to support all-day kindergarten programs
35 under this section shall not be considered as basic education
36 funding.))~~

1 **Sec. 108.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall submit to each
4 regular session of the legislature during an odd-numbered year a
5 programmed budget request for special education programs for students
6 with disabilities. Funding for programs operated by local school
7 districts shall be on an excess cost basis from appropriations provided
8 by the legislature for special education programs for students with
9 disabilities and shall take account of state funds accruing through RCW
10 ((28A.150.250,)) 28A.150.260((7)) (3) (b), (c)(i), and (d), (4), and
11 (8) and federal medical assistance and private funds accruing under RCW
12 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((, and
13 other state and local funds, excluding special excess levies)).

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

16 (a) A district's annual average headcount enrollment of students
17 ages birth through four and those five year olds not yet enrolled in
18 kindergarten who are eligible for and enrolled in special education,
19 multiplied by the district's base allocation per full-time equivalent
20 student, multiplied by 1.15; and

21 (b) A district's annual average full-time equivalent basic
22 education enrollment, multiplied by the district's funded enrollment
23 percent, multiplied by the district's base allocation per full-time
24 equivalent student, multiplied by 0.9309.

25 (3) As used in this section:

26 (a) "Base allocation" means the total state allocation to all
27 schools in the district generated by the distribution formula under RCW
28 28A.150.260 (3) (b), (c)(i), and (d), (4), and (8), to be divided by
29 the district's full-time equivalent enrollment.

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

35 (c) "Enrollment percent" means the district's resident special
36 education annual average enrollment, excluding students ages birth
37 through four and those five year olds not yet enrolled in kindergarten,

1 as a percent of the district's annual average full-time equivalent
2 basic education enrollment.

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

5 NEW SECTION. Sec. 109. (1) To the extent necessary, funds shall
6 be made available for safety net awards for districts with demonstrated
7 needs for special education funding beyond the amounts provided through
8 the special education funding formula under RCW 28A.150.390. If the
9 federal safety net awards based on the federal eligibility threshold
10 exceed the federal appropriation in any fiscal year, then the
11 superintendent shall expend all available federal discretionary funds
12 necessary to meet this need. Safety net funds shall be awarded by the
13 state safety net oversight committee subject to the following
14 conditions and limitations:

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

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

35 (c) Using criteria developed by the committee, the committee shall
36 then consider extraordinary costs associated with communities that draw
37 a larger number of families with children in need of special education

1 services, which may include consideration of proximity to group homes,
2 military bases, and regional hospitals. Safety net awards under this
3 subsection (1)(c) shall be adjusted to reflect amounts awarded under
4 (b) of this subsection.

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

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

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

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

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

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

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

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

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

8 **Sec. 110.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to
9 read as follows:

10 (1) The state legislature shall, at each regular session in an odd-
11 numbered year, appropriate (~~((from the state general fund))~~) for the
12 current use of the common schools such amounts as needed for state
13 support to (~~((the common schools))~~) school districts during the ensuing
14 biennium (~~((as provided in this chapter, RCW 28A.160.150 through~~
15 ~~28A.160.210, 28A.300.170, and 28A.500.010))~~) for the program of basic
16 education under RCW 28A.150.200.

17 (2) In addition to those state funds provided to school districts
18 for basic education, the legislature may appropriate funds to be
19 distributed to school districts for other factors and for other special
20 programs to enhance or enrich the program of basic education.

21 (3) The state legislature shall also, at each regular session in an
22 odd-numbered year, appropriate from the student achievement fund and
23 education construction fund solely for the purposes of and in
24 accordance with the provisions of the student achievement act during
25 the ensuing biennium.

26 **Sec. 111.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
27 read as follows:

28 (1) The state board of education shall establish high school
29 graduation requirements or equivalencies for students, except those
30 equivalencies established by local high schools or school districts
31 under RCW 28A.230.097.

32 (a) Any course in Washington state history and government used to
33 fulfill high school graduation requirements shall consider including
34 information on the culture, history, and government of the American
35 Indian peoples who were the first inhabitants of the state.

1 (b) The certificate of academic achievement requirements under RCW
2 28A.655.061 or the certificate of individual achievement requirements
3 under RCW 28A.155.045 are required for graduation from a public high
4 school but are not the only requirements for graduation.

5 (c) Any decision on whether a student has met the state board's
6 high school graduation requirements for a high school and beyond plan
7 shall remain at the local level.

8 (2)(a) In recognition of the statutory authority of the state board
9 of education to establish and enforce minimum high school graduation
10 requirements, the state board shall periodically reevaluate the
11 graduation requirements and shall report such findings to the
12 legislature in a timely manner as determined by the state board.

13 (b) The state board shall reevaluate the graduation requirements
14 for students enrolled in vocationally intensive and rigorous career and
15 technical education programs, particularly those programs that lead to
16 a certificate or credential that is state or nationally recognized.
17 The purpose of the evaluation is to ensure that students enrolled in
18 these programs have sufficient opportunity to earn a certificate of
19 academic achievement, complete the program and earn the program's
20 certificate or credential, and complete other state and local
21 graduation requirements. ~~((The board shall reports [report] its
22 findings and recommendations for additional flexibility in graduation
23 requirements, if necessary, to the legislature by December 1, 2007.))~~

24 (c) The state board shall forward any proposed changes to the high
25 school graduation requirements to the education committees of the
26 legislature for review and to the quality education council established
27 under section 114 of this act. The legislature shall have the
28 opportunity to act during a regular legislative session before the
29 changes are adopted through administrative rule by the state board.
30 Changes that have a fiscal impact on school districts, as identified by
31 a fiscal analysis prepared by the office of the superintendent of
32 public instruction, shall take effect only if formally authorized and
33 funded by the legislature through the omnibus appropriations act or
34 other enacted legislation.

35 (3) Pursuant to any requirement for instruction in languages other
36 than English established by the state board of education or a local
37 school district, or both, for purposes of high school graduation,
38 students who receive instruction in American sign language or one or

1 more American Indian languages shall be considered to have satisfied
2 the state or local school district graduation requirement for
3 instruction in one or more languages other than English.

4 (4) If requested by the student and his or her family, a student
5 who has completed high school courses before attending high school
6 shall be given high school credit which shall be applied to fulfilling
7 high school graduation requirements if:

8 (a) The course was taken with high school students, if the academic
9 level of the course exceeds the requirements for seventh and eighth
10 grade classes, and the student has successfully passed by completing
11 the same course requirements and examinations as the high school
12 students enrolled in the class; or

13 (b) The academic level of the course exceeds the requirements for
14 seventh and eighth grade classes and the course would qualify for high
15 school credit, because the course is similar or equivalent to a course
16 offered at a high school in the district as determined by the school
17 district board of directors.

18 (5) Students who have taken and successfully completed high school
19 courses under the circumstances in subsection (4) of this section shall
20 not be required to take an additional competency examination or perform
21 any other additional assignment to receive credit.

22 (6) At the college or university level, five quarter or three
23 semester hours equals one high school credit.

24 NEW SECTION. **Sec. 112.** (1) The legislature intends to continue to
25 redefine the instructional program of education under RCW 28A.150.220
26 that fulfills the obligations and requirements of Article IX of the
27 state Constitution. The funding formulas under RCW 28A.150.260 to
28 support the instructional program shall be implemented to the extent
29 the technical details of the formula have been established and
30 according to an implementation schedule to be adopted by the
31 legislature. The object of the schedule is to assure that any
32 increases in funding allocations are timely, predictable, and occur
33 concurrently with any increases in program or instructional
34 requirements. It is the intent of the legislature that no increased
35 programmatic or instructional expectations be imposed upon schools or
36 school districts without an accompanying increase in resources as
37 necessary to support those increased expectations.

1 (2) The office of financial management, with assistance and support
2 from the office of the superintendent of public instruction, shall
3 convene a technical working group to:

4 (a) Develop the details of the funding formulas under RCW
5 28A.150.260;

6 (b) Recommend to the legislature an implementation schedule for
7 phasing-in any increased program or instructional requirements
8 concurrently with increases in funding for adoption by the legislature;
9 and

10 (c) Examine possible sources of revenue to support increases in
11 funding allocations and present options to the legislature and the
12 quality education council created in section 114 of this act for
13 consideration.

14 (3) The working group shall include representatives of the
15 legislative evaluation and accountability program committee, school
16 district and educational service district financial managers, the
17 Washington association of school business officers, the Washington
18 education association, the Washington association of school
19 administrators, the association of Washington school principals, the
20 Washington state school directors' association, the public school
21 employees of Washington, and other interested stakeholders with
22 expertise in education finance. The working group may convene advisory
23 subgroups on specific topics as necessary to assure participation and
24 input from a broad array of diverse stakeholders.

25 (4) The working group shall be monitored and overseen by the
26 legislature and the quality education council established in section
27 114 of this act. The working group shall submit its recommendations to
28 the legislature by December 1, 2009.

29 NEW SECTION. **Sec. 113.** A new section is added to chapter 28A.300
30 RCW to read as follows:

31 (1) As part of the estimates and information submitted to the
32 governor by the superintendent of public instruction under RCW
33 28A.300.170, the superintendent of public instruction shall biennially
34 make determinations on the educational system's capacity to accommodate
35 increased resources in relation to the elements in the prototypical
36 funding allocation model. In areas where there are specific and
37 significant capacity limitations to providing enhancements to a

1 recommended element, the superintendent of public instruction shall
2 identify those limitations and make recommendations on how to address
3 the issue.

4 (2) The legislature shall:

5 (a) Review the recommendations of the superintendent of public
6 instruction submitted under subsection (1) of this section; and

7 (b) Use the information as it continues to review, evaluate, and
8 revise the definition and funding of basic education in a manner that
9 serves the educational needs of the citizen's of Washington; continues
10 to fulfill the state's obligation under Article IX of the state
11 Constitution and ensures that no enhancements are imposed on the
12 educational system that cannot be accommodated by the existing system
13 capacity.

14 (3) "System capacity" for purposes of this section includes, but is
15 not limited to, the ability of schools and districts to provide the
16 capital facilities necessary to support a particular instructional
17 program, the staffing levels necessary to support an instructional
18 program both in terms of actual numbers of staff as well as the
19 experience level and types of staff available to fill positions, the
20 higher education systems capacity to prepare the next generation of
21 educators, and the availability of data and a data system capable of
22 helping the state allocate its resources in a manner consistent with
23 evidence-based practices that are shown to improve student learning.

24 (4) The office of the superintendent of public instruction shall
25 report to the legislature on a biennial basis beginning December 1,
26 2010.

27 NEW SECTION. **Sec. 114.** (1) The quality education council is
28 created to recommend and inform the ongoing implementation by the
29 legislature of an evolving program of basic education and the financing
30 necessary to support such program. The council shall develop strategic
31 recommendations on the program of basic education for the common
32 schools. The council shall take into consideration the capacity report
33 produced under section 113 of this act and the availability of data and
34 progress of implementing the data systems required under section 202 of
35 this act. Any recommendations for modifications to the program of
36 basic education shall be based on evidence that the programs

1 effectively support student learning. The council shall update the
2 statewide strategic recommendations every four years. The
3 recommendations of the council are intended to:

4 (a) Inform future educational policy and funding decisions of the
5 legislature and governor;

6 (b) Identify measurable goals and priorities for the educational
7 system in Washington state for a ten-year time period, including the
8 goals of basic education and ongoing strategies for coordinating
9 statewide efforts to eliminate the achievement gap and reduce student
10 dropout rates; and

11 (c) Enable the state of Washington to continue to implement an
12 evolving program of basic education.

13 (2) The council may request updates and progress reports from the
14 office of the superintendent of public instruction, the state board of
15 education, the professional educator standards board, and the
16 department of early learning on the work of the agencies as well as
17 educational working groups established by the legislature.

18 (3) The chair of the council shall be selected from the
19 councilmembers. The council shall be composed of the following
20 members:

21 (a) Four members of the house of representatives, with two members
22 representing each of the major caucuses and appointed by the speaker of
23 the house of representatives;

24 (b) Four members of the senate, with two members representing each
25 of the major caucuses and appointed by the president of the senate; and

26 (c) One representative each from the office of the governor, office
27 of the superintendent of public instruction, state board of education,
28 professional educator standards board, and department of early
29 learning.

30 (4) In the 2009 fiscal year, the council shall meet as often as
31 necessary as determined by the chair. In subsequent years, the council
32 shall meet no more than four times a year.

33 (5)(a) The council shall submit an initial report to the governor
34 and the legislature by January 1, 2010, detailing its recommendations,
35 including recommendations for resolving issues or decisions requiring
36 legislative action during the 2010 legislative session, and
37 recommendations for any funding necessary to continue development and
38 implementation of chapter, Laws of 2009 (this act).

1 (b) The initial report shall, at a minimum, include:

2 (i) Consideration of how to establish a statewide beginning teacher
3 mentoring and support system;

4 (ii) Recommendations for a program of early learning for at-risk
5 children;

6 (iii) A recommended schedule for the concurrent phase-in of the
7 changes to the instructional program of basic education and the
8 implementation of the funding formulas and allocations to support the
9 new instructional program of basic education as established under
10 chapter, Laws of 2009 (this act). The phase-in schedule shall
11 have full implementation completed by September 1, 2018; and

12 (iv) A recommended schedule for phased-in implementation of the new
13 distribution formula for allocating state funds to school districts for
14 the transportation of students to and from school, with phase-in
15 beginning no later than September 1, 2013.

16 (6) The council shall be staffed by the office of the
17 superintendent of public instruction and the office of financial
18 management. Additional staff support shall be provided by the state
19 entities with representatives on the committee. Senate committee
20 services and the house of representatives office of program research
21 may provide additional staff support.

22 (7) Legislative members of the council shall serve without
23 additional compensation but may be reimbursed for travel expenses in
24 accordance with RCW 44.04.120 while attending sessions of the council
25 or on official business authorized by the council. Nonlegislative
26 members of the council may be reimbursed for travel expenses in
27 accordance with RCW 43.03.050 and 43.03.060.

28 NEW SECTION. **Sec. 115.** (1) The legislature finds that a critical
29 factor in the eventual successful outcome of a K-12 education is for
30 students to begin school ready, both intellectually and socially, to
31 learn. The legislature also finds that, due to a variety of factors,
32 disadvantaged young children need supplemental instruction in preschool
33 to assure that they have the opportunity to meaningfully participate
34 and reach the necessary levels of achievement in the regular program of
35 basic education. Therefore the legislature intends to establish a
36 program of early learning for at-risk children and intends to include
37 this program within the overall program of basic education.

1 (2) The office of the superintendent of public instruction, with
2 the support and assistance from the department of early learning, shall
3 convene a working group to develop the basic education program of early
4 learning. The early learning working group shall be composed of
5 representatives from head start and early childhood education and
6 assistance program providers, school districts, thrive by five
7 Washington, and other stakeholders with expertise in early learning.
8 The working group may convene advisory subgroups on specific topics as
9 necessary to assure participation and input from a broad array of
10 diverse stakeholders.

11 (3) The early learning working group shall continue the preliminary
12 work of the department of early learning under RCW 43.215.125 to
13 develop a proposal for a statewide Washington head start program. The
14 working group shall:

15 (a) Recommend student eligibility criteria that focus on children
16 age three and four considered most at-risk;

17 (b) Develop options for a service delivery system that includes
18 school districts, educational service districts, community and
19 technical colleges, and public and private nonsectarian organizations;

20 (c) Develop options for shared governance that include the
21 superintendent of public instruction and the department of early
22 learning each with appropriate supervisory and administrative
23 responsibilities;

24 (d) Develop recommended parameters and minimum standards for the
25 program; and

26 (e) Continue development of a statewide kindergarten assessment
27 process.

28 (4) The early learning working group shall be monitored and
29 overseen by the quality education council established in section 114 of
30 this act and shall submit progress reports to the council by September
31 1, 2010, and September 1, 2011, with a final report by September 1,
32 2012.

33 **PART II**
34 **EDUCATION DATA IMPROVEMENT SYSTEM**

35 **Sec. 201.** RCW 43.41.400 and 2007 c 401 s 3 are each amended to
36 read as follows:

1 (1) An education data center shall be established in the office of
2 financial management. The education data center shall jointly, with
3 the legislative ((education—[evaluation])) evaluation and
4 accountability program committee, conduct collaborative analyses of
5 early learning, K-12, and higher education programs and education
6 issues across the P-20 system, which includes the department of early
7 learning, the superintendent of public instruction, the professional
8 educator standards board, the state board of education, the state board
9 for community and technical colleges, the workforce training and
10 education coordinating board, the higher education coordinating board,
11 public and private nonprofit four-year institutions of higher
12 education, and the employment security department. The education data
13 center shall conduct collaborative analyses under this section with the
14 legislative evaluation and accountability program committee and provide
15 data electronically to the legislative evaluation and accountability
16 program committee, to the extent permitted by state and federal
17 confidentiality requirements. The education data center shall be
18 considered an authorized representative of the state educational
19 agencies in this section under applicable federal and state statutes
20 for purposes of accessing and compiling student record data for
21 research purposes.

22 (2) The education data center shall:

23 (a) In consultation with the legislative evaluation and
24 accountability program committee and the agencies and organizations
25 participating in the education data center, identify the critical
26 research and policy questions that are intended to be addressed by the
27 education data center and the data needed to address the questions;

28 (b) Coordinate with other state education agencies to compile and
29 analyze education data, including data on student demographics that is
30 disaggregated by distinct ethnic categories within racial subgroups,
31 and complete P-20 research projects;

32 ((+b)) (c) Collaborate with the legislative evaluation and
33 accountability program committee and the education and fiscal
34 committees of the legislature in identifying the data to be compiled
35 and analyzed to ensure that legislative interests are served;

36 ((+e)) (d) Annually provide to the K-12 data governance group a
37 list of data elements and data quality improvements that are necessary
38 to answer the research and policy questions identified by the education

1 data center and have been identified by the legislative committees in
2 (c) of this subsection. Within three months of receiving the list, the
3 K-12 data governance group shall develop and transmit to the education
4 data center a feasibility analysis of obtaining or improving the data,
5 including the steps required, estimated time frame, and the financial
6 and other resources that would be required. Based on the analysis,
7 the education data center shall submit, if necessary, a recommendation
8 to the legislature regarding any statutory changes or resources that
9 would be needed to collect or improve the data;

10 (e) Monitor and evaluate the education data collection systems of
11 the organizations and agencies represented in the education data center
12 ensuring that data systems are flexible, able to adapt to evolving
13 needs for information, and to the extent feasible and necessary,
14 include data that are needed to conduct the analyses and provide
15 answers to the research and policy questions identified in (a) of this
16 subsection;

17 (f) Track enrollment and outcomes through the public centralized
18 higher education enrollment system;

19 ~~((d))~~ (g) Assist other state educational agencies' collaborative
20 efforts to develop a long-range enrollment plan for higher education
21 including estimates to meet demographic and workforce needs; ~~(and~~

22 ~~(e))~~ (h) Provide research that focuses on student transitions
23 within and among the early learning, K-12, and higher education sectors
24 in the P-20 system; and

25 (i) Make recommendations to the legislature as necessary to help
26 ensure the goals and objectives of this section and sections 202 and
27 203 of this act are met.

28 (3) The department of early learning, superintendent of public
29 instruction, professional educator standards board, state board of
30 education, state board for community and technical colleges, workforce
31 training and education coordinating board, higher education
32 coordinating board, public four-year institutions of higher education,
33 and employment security department shall work with the education data
34 center to develop data-sharing and research agreements, consistent with
35 applicable security and confidentiality requirements, to facilitate the
36 work of the center. Private, nonprofit institutions of higher
37 education that provide programs of education beyond the high school
38 level leading at least to the baccalaureate degree and are accredited

1 by the Northwest association of schools and colleges or their peer
2 accreditation bodies may also develop data-sharing and research
3 agreements with the education data center, consistent with applicable
4 security and confidentiality requirements. The education data center
5 shall make data from collaborative analyses available to the education
6 agencies and institutions that contribute data to the education data
7 center to the extent allowed by federal and state security and
8 confidentiality requirements applicable to the data of each
9 contributing agency or institution.

10 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.655
11 RCW to read as follows:

12 (1) It is the legislature's intent to establish a comprehensive K-
13 12 education data improvement system for financial, student, and
14 educator data. The objective of the system is to monitor student
15 progress, have information on the quality of the educator workforce,
16 monitor and analyze the costs of programs, provide for financial
17 integrity and accountability, and have the capability to link across
18 these various data components by student, by class, by teacher, by
19 school, by district, and statewide. Education data systems must be
20 flexible and able to adapt to evolving needs for information, but there
21 must be an objective and orderly data governance process for
22 determining when changes are needed and how to implement them. It is
23 the further intent of the legislature to provide independent review and
24 evaluation of a comprehensive K-12 education data improvement system by
25 assigning the review and monitoring responsibilities to the education
26 data center and the legislative evaluation and accountability program
27 committee.

28 (2) It is the intent that the data system specifically service
29 reporting requirements for teachers, parents, superintendents, school
30 boards, the legislature, the office of the superintendent of public
31 instruction, and the public.

32 (3) It is the legislature's intent that the K-12 education data
33 improvement system used by school districts and the state include but
34 not be limited to the following information and functionality:

35 (a) Comprehensive educator information, including grade level and
36 courses taught, building or location, program, job assignment, years of
37 experience, the institution of higher education from which the educator

1 obtained his or her degree, compensation, class size, mobility of class
2 population, socioeconomic data of class, number of languages and which
3 languages are spoken by students, general resources available for
4 curriculum and other classroom needs, and number and type of
5 instructional support staff in the building;

6 (b) The capacity to link educator assignment information with
7 educator certification information such as certification number, type
8 of certification, route to certification, certification program, and
9 certification assessment or evaluation scores;

10 (c) Common coding of secondary courses and major areas of study at
11 the elementary level or standard coding of course content;

12 (d) Robust student information, including but not limited to
13 student characteristics, course and program enrollment, performance on
14 statewide and district summative and formative assessments to the
15 extent district assessments are used, and performance on college
16 readiness tests;

17 (e) A subset of student information elements to serve as a dropout
18 early warning system;

19 (f) The capacity to link educator information with student
20 information;

21 (g) A common, standardized structure for reporting the costs of
22 programs at the school and district level with a focus on the cost of
23 services delivered to students;

24 (h) Separate accounting of state, federal, and local revenues and
25 costs;

26 (i) Information linking state funding formulas to school district
27 budgeting and accounting, including procedures:

28 (i) To support the accuracy and auditing of financial data; and

29 (ii) Using the prototypical school model for school district
30 financial accounting reporting;

31 (j) The capacity to link program cost information with student
32 performance information to gauge the cost-effectiveness of programs;

33 (k) Information that is centrally accessible and updated regularly;
34 and

35 (l) An anonymous, nonidentifiable replicated copy of data that is
36 updated at least quarterly, and made available to the public by the
37 state.

1 (4) It is the legislature's goal that all school districts have the
2 capability to collect state-identified common data and export it in a
3 standard format to support a statewide K-12 education data improvement
4 system under this section.

5 (5) It is the legislature's intent that the K-12 education data
6 improvement system be developed to provide the capability to make
7 reports as required under section 203 of this act available.

8 (6) It is the legislature's intent that school districts collect
9 and report new data elements to satisfy the requirements of RCW
10 43.41.400, this section, and section 203 of this act, only to the
11 extent funds are available for this purpose.

12 NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.300
13 RCW to read as follows:

14 (1) A K-12 data governance group shall be established within the
15 office of the superintendent of public instruction to assist in the
16 design and implementation of a K-12 education data improvement system
17 for financial, student, and educator data. It is the intent that the
18 data system reporting specifically serve requirements for teachers,
19 parents, superintendents, school boards, the office of the
20 superintendent of public instruction, the legislature, and the public.

21 (2) The K-12 data governance group shall include representatives of
22 the education data center, the office of the superintendent of public
23 instruction, the legislative evaluation and accountability program
24 committee, the professional educator standards board, the state board
25 of education, and school district staff, including information
26 technology staff. Additional entities with expertise in education data
27 may be included in the K-12 data governance group.

28 (3) The K-12 data governance group shall:

29 (a) Identify the critical research and policy questions that need
30 to be addressed by the K-12 education data improvement system;

31 (b) Identify reports and other information that should be made
32 available on the internet in addition to the reports identified in
33 subsection (5) of this section;

34 (c) Create a comprehensive needs requirement document detailing the
35 specific information and technical capacity needed by school districts
36 and the state to meet the legislature's expectations for a

1 comprehensive K-12 education data improvement system as described under
2 section 202 of this act;

3 (d) Conduct a gap analysis of current and planned information
4 compared to the needs requirement document, including an analysis of
5 the strengths and limitations of an education data system and programs
6 currently used by school districts and the state, and specifically the
7 gap analysis must look at the extent to which the existing data can be
8 transformed into canonical form and where existing software can be used
9 to meet the needs requirement document;

10 (e) Focus on financial and cost data necessary to support the new
11 K-12 financial models and funding formulas, including any necessary
12 changes to school district budgeting and accounting, and on assuring
13 the capacity to link data across financial, student, and educator
14 systems; and

15 (f) Define the operating rules and governance structure for K-12
16 data collections, ensuring that data systems are flexible and able to
17 adapt to evolving needs for information, within an objective and
18 orderly data governance process for determining when changes are needed
19 and how to implement them. Strong consideration must be made to the
20 current practice and cost of migration to new requirements. The
21 operating rules should delineate the coordination, delegation, and
22 escalation authority for data collection issues, business rules, and
23 performance goals for each K-12 data collection system, including:

24 (i) Defining and maintaining standards for privacy and
25 confidentiality;

26 (ii) Setting data collection priorities;

27 (iii) Defining and updating a standard data dictionary;

28 (iv) Ensuring data compliance with the data dictionary;

29 (v) Ensuring data accuracy; and

30 (vi) Establishing minimum standards for school, student, financial,
31 and teacher data systems. Data elements may be specified "to the
32 extent feasible" or "to the extent available" to collect more and
33 better data sets from districts with more flexible software. Nothing
34 in RCW 43.41.400, this section, or section 202 of this act should be
35 construed to require that a data dictionary or reporting should be
36 hobbled to the lowest common set. The work of the K-12 data
37 governance group must specify which data are desirable. Districts that

1 can meet these requirements shall report the desirable data. Funding
2 from the legislature must establish which subset data are absolutely
3 required.

4 (4)(a) The K-12 data governance group shall provide updates on its
5 work as requested by the education data center and the legislative
6 evaluation and accountability program committee.

7 (b) The work of the K-12 data governance group shall be
8 periodically reviewed and monitored by the educational data center and
9 the legislative evaluation and accountability program committee.

10 (5) To the extent data is available, the office of the
11 superintendent of public instruction shall make the following minimum
12 reports available on the internet. The reports must either be run on
13 demand against current data, or, if a static report, must have been run
14 against the most recent data:

15 (a) The percentage of data compliance and data accuracy by school
16 district;

17 (b) The magnitude of spending per student, by student estimated by
18 the following algorithm and reported as the detailed summation of the
19 following components:

20 (i) An approximate, prorated fraction of each teacher or human
21 resource element that directly serves the student. Each human resource
22 element must be listed or accessible through online tunneling in the
23 report;

24 (ii) An approximate, prorated fraction of classroom or building
25 costs used by the student;

26 (iii) An approximate, prorated fraction of transportation costs
27 used by the student; and

28 (iv) An approximate, prorated fraction of all other resources
29 within the district. District-wide components should be disaggregated
30 to the extent that it is sensible and economical;

31 (c) The cost of K-12 basic education, per student, by student, by
32 school district, estimated by the algorithm in (b) of this subsection,
33 and reported in the same manner as required in (b) of this subsection;

34 (d) The cost of K-12 special education services per student, by
35 student receiving those services, by school district, estimated by the
36 algorithm in (b) of this subsection, and reported in the same manner as
37 required in (b) of this subsection;

1 (e) Improvement on the statewide assessments computed as both a
2 percentage change and absolute change on a scale score metric by
3 district, by school, and by teacher that can also be filtered by a
4 student's length of full-time enrollment within the school district;

5 (f) Number of K-12 students per classroom teacher on a per teacher
6 basis;

7 (g) Number of K-12 classroom teachers per student on a per student
8 basis;

9 (h) Percentage of a classroom teacher per student on a per student
10 basis; and

11 (i) The cost of K-12 education per student by school district
12 sorted by federal, state, and local dollars.

13 (6) The superintendent of public instruction shall submit a
14 preliminary report to the legislature by November 15, 2009, including
15 the analyses by the K-12 data governance group under subsection (3) of
16 this section and preliminary options for addressing identified gaps.
17 A final report, including a proposed phase-in plan and preliminary cost
18 estimates for implementation of a comprehensive data improvement system
19 for financial, student, and educator data shall be submitted to the
20 legislature by September 1, 2010.

21 (7) All reports and data referenced in this section, RCW 43.41.400,
22 and section 202 of this act shall be made available in a manner
23 consistent with the technical requirements of the legislative
24 evaluation and accountability program committee and the education data
25 center so that selected data can be provided to the legislature,
26 governor, school districts, and the public.

27 (8) Reports shall contain data to the extent it is available. All
28 reports must include documentation of which data are not available or
29 are estimated. Reports must not be suppressed because of poor data
30 accuracy or completeness. Reports may be accompanied with
31 documentation to inform the reader of why some data are missing or
32 inaccurate or estimated.

33 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.41
34 RCW to read as follows:

35 The education data center and the superintendent of public
36 instruction shall take all actions necessary to secure federal funds to
37 implement sections 201 through 203 of this act.

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PART III

OTHER EDUCATIONAL PROVISIONS

NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.500 RCW to read as follows:

(1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. **Sec. 302.** (1) Beginning July 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under this act and shall recommend a phase-in plan that ensures that no

1 school district suffers a decrease in funding from one school year to
2 the next due to implementation of the new system of supplemental
3 funding.

4 (3) The working group shall be composed of representatives from the
5 department of revenue, the legislative evaluation and accountability
6 program committee, school district and educational service district
7 financial managers, and representatives of the Washington association
8 of school business officers, the Washington education association, the
9 Washington association of school administrators, the association of
10 Washington school principals, the Washington state school directors'
11 association, the public school employees of Washington, and other
12 interested stakeholders with expertise in education finance. The
13 working group may convene advisory subgroups on specific topics as
14 necessary to assure participation and input from a broad array of
15 diverse stakeholders.

16 (4) The local funding working group shall be monitored and overseen
17 by the legislature and by the quality education council created in
18 section 114 of this act. The working group shall report to the
19 legislature December 1, 2011.

20 **Sec. 303.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to
21 read as follows:

22 The legislature hereby recognizes that private schools should be
23 subject only to those minimum state controls necessary to insure the
24 health and safety of all the students in the state and to insure a
25 sufficient basic education to meet usual graduation requirements. The
26 state, any agency or official thereof, shall not restrict or dictate
27 any specific educational or other programs for private schools except
28 as hereinafter in this section provided.

29 Principals of private schools or superintendents of private school
30 districts shall file each year with the state superintendent of public
31 instruction a statement certifying that the minimum requirements
32 hereinafter set forth are being met, noting any deviations. After
33 review of the statement, the state superintendent will notify schools
34 or school districts of those deviations which must be corrected. In
35 case of major deviations, the school or school district may request and
36 the state board of education may grant provisional status for one year
37 in order that the school or school district may take action to meet the

1 requirements. The state board of education shall not require private
2 school students to meet the student learning goals, obtain a
3 certificate of academic achievement, or a certificate of individual
4 achievement to graduate from high school, to master the essential
5 academic learning requirements, or to be assessed pursuant to RCW
6 28A.655.061. However, private schools may choose, on a voluntary
7 basis, to have their students master these essential academic learning
8 requirements, take the assessments, and obtain a certificate of
9 academic achievement or a certificate of individual achievement.
10 Minimum requirements shall be as follows:

11 (1) The minimum school year for instructional purposes shall
12 consist of no less than one hundred eighty school days or the
13 equivalent in annual minimum (~~(program)~~) instructional hour offerings
14 (~~((as prescribed in RCW 28A.150.220))~~), with a school-wide annual average
15 total instructional hour offering of one thousand hours for students
16 enrolled in grades one through twelve, and at least four hundred fifty
17 hours for students enrolled in kindergarten.

18 (2) The school day shall be the same as (~~(that required in RCW~~
19 ~~28A.150.030 and 28A.150.220, except that the percentages of total~~
20 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~
21 ~~skills, work skills, and optional subjects and activities shall not~~
22 ~~apply to private schools or private sectarian schools)) defined in~~

23 section 102 of this act.
24 (3) All classroom teachers shall hold appropriate Washington state
25 certification except as follows:

26 (a) Teachers for religious courses or courses for which no
27 counterpart exists in public schools shall not be required to obtain a
28 state certificate to teach those courses.

29 (b) In exceptional cases, people of unusual competence but without
30 certification may teach students so long as a certified person
31 exercises general supervision. Annual written statements shall be
32 submitted to the office of the superintendent of public instruction
33 reporting and explaining such circumstances.

34 (4) An approved private school may operate an extension program for
35 parents, guardians, or persons having legal custody of a child to teach
36 children in their custody. The extension program shall require at a
37 minimum that:

1 (a) The parent, guardian, or custodian be under the supervision of
2 an employee of the approved private school who is certified under
3 chapter 28A.410 RCW;

4 (b) The planning by the certified person and the parent, guardian,
5 or person having legal custody include objectives consistent with this
6 subsection and subsections (1), (2), (5), (6), and (7) of this section;

7 (c) The certified person spend a minimum average each month of one
8 contact hour per week with each student under his or her supervision
9 who is enrolled in the approved private school extension program;

10 (d) Each student's progress be evaluated by the certified person;
11 and

12 (e) The certified employee shall not supervise more than thirty
13 students enrolled in the approved private school's extension program.

14 (5) Appropriate measures shall be taken to safeguard all permanent
15 records against loss or damage.

16 (6) The physical facilities of the school or district shall be
17 adequate to meet the program offered by the school or district:
18 PROVIDED, That each school building shall meet reasonable health and
19 fire safety requirements. A residential dwelling of the parent,
20 guardian, or custodian shall be deemed to be an adequate physical
21 facility when a parent, guardian, or person having legal custody is
22 instructing his or her child under subsection (4) of this section.

23 (7) Private school curriculum shall include instruction of the
24 basic skills of occupational education, science, mathematics, language,
25 social studies, history, health, reading, writing, spelling, and the
26 development of appreciation of art and music, all in sufficient units
27 for meeting state board of education graduation requirements.

28 (8) Each school or school district shall be required to maintain
29 up-to-date policy statements related to the administration and
30 operation of the school or school district.

31 All decisions of policy, philosophy, selection of books, teaching
32 material, curriculum, except as in subsection (7) of this section
33 provided, school rules and administration, or other matters not
34 specifically referred to in this section, shall be the responsibility
35 of the administration and administrators of the particular private
36 school involved.

1 **Sec. 304.** RCW 28A.160.150 and 1996 c 279 s 1 are each amended to
2 read as follows:

3 Funds allocated for transportation costs, except for funds provided
4 for transportation and transportation services to and from school shall
5 be in addition to the basic education allocation. The distribution
6 formula developed in RCW 28A.160.150 through 28A.160.180 shall be for
7 allocation purposes only and shall not be construed as mandating
8 specific levels of pupil transportation services by local districts.
9 Operating costs as determined under RCW 28A.160.150 through 28A.160.180
10 shall be funded at one hundred percent or as close thereto as
11 reasonably possible for transportation of an eligible student to and
12 from school as defined in RCW 28A.160.160(3). In addition, funding
13 shall be provided for transportation services for students living
14 within (~~one radius mile from school~~) the walk area as determined
15 under RCW (~~(28A.160.180(2))~~) 28A.160.160(5).

16 **Sec. 305.** RCW 28A.160.160 and 1996 c 279 s 2 are each amended to
17 read as follows:

18 For purposes of RCW 28A.160.150 through 28A.160.190, except where
19 the context shall clearly indicate otherwise, the following definitions
20 apply:

21 (1) "Eligible student" means any student served by the
22 transportation program of a school district or compensated for
23 individual transportation arrangements authorized by RCW 28A.160.030
24 whose route stop is (~~more than one radius mile from the~~) outside the
25 walk area for a student's school, except if the student to be
26 transported is disabled under RCW 28A.155.020 and is either not
27 ambulatory or not capable of protecting his or her own welfare while
28 traveling to or from the school or agency where special education
29 services are provided, in which case no mileage distance restriction
30 applies.

31 (2) "Superintendent" means the superintendent of public
32 instruction.

33 (3) "To and from school" means the transportation of students for
34 the following purposes:

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

36 (b) Transportation to and from schools pursuant to an interdistrict
37 agreement pursuant to RCW 28A.335.160;

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

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

5 Academic extended day transportation for the instructional program
6 of basic education under RCW 28A.150.220 shall ((not)) be considered
7 part of transportation of students "to and from school" for the
8 purposes of ((chapter 61, Laws of 1983 1st ex. sess)) this section.
9 Transportation for field trips may not be considered part of
10 transportation of students "to and from school" under this section.

11 (4) "Transportation services" for students living within ((one
12 radius mile from school means school transportation services including
13 the use of buses,)) the walk area includes the coordination of walk-to-
14 school programs, the funding of crossing guards, and matching funds for
15 local and state transportation projects intended to mitigate hazardous
16 walking conditions. Priority for transportation services shall be
17 given to students in grades kindergarten through five.

18 (5) As used in this section, "walk area" means that area around a
19 school with an adequate roadway configuration to provide students
20 access to school with a walking distance of less than one mile.
21 Mileage must be measured along the shortest roadway or maintained
22 public walkway where hazardous conditions do not exist. The hazardous
23 conditions must be documented by a process established in rule by the
24 superintendent of public instruction and must include roadway,
25 environmental, and social conditions. Each elementary school shall
26 identify walk routes within the walk area.

27 **Sec. 306.** RCW 28A.160.170 and 2007 c 139 s 1 are each amended to
28 read as follows:

29 Each district shall submit three times each year to the
30 superintendent of public instruction during October, February, and May
31 of each year a report containing the following:

32 (1)(a) The number of eligible students transported to and from
33 school as provided for in RCW 28A.160.150 ((for the current school year
34 and the number of miles estimated to be driven for pupil transportation
35 services)), along with ((a map describing student route))
36 identification of stop locations and school locations, and (b) the

1 number of miles driven for pupil transportation services as authorized
2 in RCW 28A.160.150 the previous school year; and

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

12 Each district shall submit the information required in this section
13 on a timely basis as a condition of the continuing receipt of school
14 transportation moneys.

15 **Sec. 307.** RCW 28A.160.180 and 1996 c 279 s 3 are each amended to
16 read as follows:

17 Each district's annual student transportation allocation shall be
18 ~~((based on differential rates))~~ determined by the superintendent of
19 public instruction in the following manner:

20 (1) The superintendent shall annually calculate ~~((a standard~~
21 ~~student mile allocation rate for determining))~~ the transportation
22 allocation for those services provided for in RCW 28A.160.150.
23 ~~("Standard student mile allocation rate," as used in this chapter,~~
24 ~~means the per mile allocation rate for transporting an eligible~~
25 ~~student.))~~ The ~~((standard student mile))~~ allocation ~~((rate))~~ formula
26 may be adjusted to include such additional differential factors as
27 ~~((distance; restricted))~~ basic and special passenger ~~((load;~~
28 ~~circumstances that require use of special types of transportation~~
29 ~~vehicles; student with disabilities load; and small fleet maintenance))~~
30 counts as defined by the superintendent of public instruction, average
31 distance to school, and number of locations served.

32 (2) ~~((For transportation services for students living within one~~
33 ~~radius mile from school,))~~ The allocation shall be based on a
34 regression analysis of the number of basic and special students ~~((in~~
35 ~~grades kindergarten through five living within one radius mile as~~
36 ~~specified in the biennial appropriations act))~~ transported and as many

1 other site characteristics that are identified as being statistically
2 significant.

3 (3) (~~The superintendent of public instruction shall annually~~
4 ~~calculate allocation rate(s), which shall include vehicle amortization,~~
5 ~~for determining~~) The transportation allocation for transporting
6 students in district-owned passenger cars, as defined in RCW 46.04.382,
7 pursuant to RCW 28A.160.010 for services provided for in RCW
8 28A.160.150 if a school district deems it advisable to use such
9 vehicles after the school district board of directors has considered
10 the safety of the students being transported as well as the economy of
11 utilizing a district-owned passenger car in lieu of a school bus is the
12 private vehicle reimbursement rate in effect on September 1st of each
13 school year. Students transported in district-owned passenger cars
14 must be included in the corresponding basic or special passenger
15 counts.

16 (4) Prior to June 1st of each year the superintendent shall submit
17 to the office of financial management, and the education and fiscal
18 committees (~~on education and ways and means of the senate and house of~~
19 ~~representatives~~) of the legislature, a report outlining the
20 methodology and rationale used in determining the statistical
21 coefficients for each site characteristic used to determine the
22 allocation (~~(rates to be used)~~) for the following year.

23 **Sec. 308.** RCW 28A.160.190 and 1990 c 33 s 145 are each amended to
24 read as follows:

25 The superintendent shall notify districts of their student
26 transportation allocation before January 15th. (~~If the number of~~
27 ~~eligible students in a school district changes ten percent or more from~~
28 ~~the October report, and the change is maintained for a period of twenty~~
29 ~~consecutive school days or more, the district may submit revised~~
30 ~~eligible student data to the superintendent of public instruction.)
31 The superintendent shall(~~, to the extent funds are available,~~)
32 recalculate and prorate the district's allocation for the
33 transportation of pupils to and from school.~~

34 The superintendent shall make the student transportation allocation
35 in accordance with the apportionment payment schedule in RCW
36 28A.510.250. Such allocation payments may be based on (~~estimated~~

1 amounts)) the prior school year's ridership report for payments to be
2 made in September, October, November, December, and January.

3 NEW SECTION. Sec. 309. A new section is added to chapter 28A.160
4 RCW to read as follows:

5 The superintendent of public instruction shall ensure that the
6 allocation formula results in adequate appropriation for low enrollment
7 districts, nonhigh districts, districts involved in cooperative
8 transportation agreements, and cooperative special transportation
9 services operated by educational service districts. If necessary, the
10 superintendent shall develop a separate process to adjust the
11 allocation of the districts.

12 NEW SECTION. Sec. 310. A new section is added to chapter 28A.160
13 RCW to read as follows:

14 (1) The superintendent of public instruction shall encourage
15 efficient use of state resources by providing a linear programming
16 process that compares school district transportation operations. If a
17 school district's operation is calculated to be less than ninety
18 percent efficient, the regional transportation coordinators shall
19 provide an individual review to determine what measures are available
20 to the school district to improve efficiency. The evaluation shall
21 include such measures as:

- 22 (a) Efficient routing of buses;
- 23 (b) Efficient use of vehicle capacity; and
- 24 (c) Reasonable controls on compensation costs.

25 (2) The superintendent shall submit to the fiscal and education
26 committees of the legislature no later than December 1st of each year
27 a report summarizing the efficiency reviews and the resulting changes
28 implemented by school districts in response to the recommendations of
29 the regional transportation coordinators.

30 NEW SECTION. Sec. 311. A new section is added to chapter 28A.160
31 RCW to read as follows:

32 (1) The superintendent of public instruction shall phase-in the
33 implementation of the distribution formula under this chapter for
34 allocating state funds to school districts for the transportation of

1 students to and from school. The phase-in shall be according to the
2 implementation schedule adopted by the legislature and shall begin no
3 later than the 2013-14 school year.

4 (a) The formula must be developed and revised on an ongoing basis
5 using the major cost factors in student transportation, including basic
6 and special student loads, school district land area, average distance
7 to school, roadway miles, and number of locations served. Factors must
8 include all those site characteristics that are statistically
9 significant after analysis of the data required by the revised
10 reporting process.

11 (b) The formula must allocate funds to school districts based on
12 the average predicted costs of transporting students to and from
13 school, using a regression analysis.

14 (2) During the phase-in period, funding provided to school
15 districts for student transportation operations shall be distributed on
16 the following basis:

17 (a) Annually, each school district shall receive the lesser of the
18 previous school year's pupil transportation operations allocation, or
19 the total of allowable pupil transportation expenditures identified on
20 the previous school year's final expenditure report to the state plus
21 district indirect expenses using the state recovery rate identified by
22 the superintendent; and

23 (b) Annually, any funds appropriated by the legislature in excess
24 of the maintenance level funding amount for student transportation
25 shall be distributed among school districts on a prorated basis using
26 the difference between the amount identified in (a) of this subsection
27 and the amount determined under the formula in RCW 28A.160.180.

28 (3) The superintendent shall develop, implement, and provide a copy
29 of the rules specifying the student transportation reporting
30 requirements to the legislature and school districts no later than
31 December 1, 2009.

32 (4) Beginning in December 2009, and continuing until December 2014,
33 the superintendent shall provide quarterly updates and progress reports
34 to the fiscal committees of the legislature on the implementation and
35 testing of the distribution formula.

36 **PART IV**

37 **CERTIFICATION AND PROFESSIONAL DEVELOPMENT**

1 NEW SECTION. **Sec. 401.** The legislature recognizes that the key to
2 providing all students the opportunity to achieve the basic education
3 goal is effective teaching and leadership. Teachers, principals, and
4 administrators must be provided with access to the opportunities they
5 need to gain the knowledge and skills that will enable them to be
6 increasingly successful in their classroom and schools. A system that
7 clearly defines, supports, measures, and recognizes effective teaching
8 and leadership is one of the most important investments to be made.

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

11 (1)(a) By January 1, 2010, the professional educator standards
12 board shall adopt a set of articulated teacher knowledge, skill, and
13 performance standards for effective teaching that are evidence-based,
14 measurable, meaningful, and documented in high quality research as
15 being associated with improved student learning. The standards shall
16 be calibrated for each level of certification and along the entire
17 career continuum. In developing the standards, the board shall, to the
18 extent possible, incorporate standards for cultural competency along
19 the entire continuum. For the purposes of this subsection, "cultural
20 competency" includes knowledge of student cultural histories and
21 contexts, as well as family norms and values in different cultures;
22 knowledge and skills in accessing community resources and community and
23 parent outreach; and skills in adapting instruction to students'
24 experiences and identifying cultural contexts for individual students.

25 (b) By January 1, 2010, the professional educator standards board
26 shall adopt a definition of master teacher, with a comparable level of
27 increased competency between professional certification level and
28 master level as between professional certification level and national
29 board certification. Within the definition established by the
30 professional educator standards board, teachers certified through the
31 national board for professional teaching standards shall be considered
32 master teachers.

33 (2) By January 1, 2010, the professional educator standards board
34 shall submit to the governor and the education and fiscal committees of
35 the legislature:

36 (a) An update on the status of implementation of the professional

1 certificate external and uniform assessment authorized in RCW
2 28A.410.210;

3 (b) A proposal for a uniform, statewide, valid, and reliable
4 classroom-based means of evaluating teacher effectiveness as a
5 culminating measure at the preservice level that is to be used during
6 the student-teaching field experience. This assessment shall include
7 multiple measures of teacher performance in classrooms, evidence of
8 positive impact on student learning, and shall include review of
9 artifacts, such as use of a variety of assessment and instructional
10 strategies, and student work. The proposal shall establish a timeline
11 for when the assessment will be required for successful completion of
12 a Washington state-approved teacher preparation program. The timeline
13 shall take into account the capacity of the K-12 education and higher
14 education systems to accommodate the new assessment. The proposal and
15 timeline shall also address how the assessment will be included in
16 state-reported data on preparation program quality; and

17 (c) A recommendation on the length of time that a residency
18 certificate issued to a teacher is valid and within what time period a
19 teacher must meet the minimum level of performance for and receive a
20 professional certificate in order to continue being certified as a
21 teacher. In developing this recommendation, the professional educator
22 standards board shall consult with interested stakeholders including
23 the Washington education association, the Washington association of
24 school administrators, association of Washington school principals, and
25 the Washington state school directors' association and shall include
26 with its recommendation a description of each stakeholder's comments on
27 the recommendation.

28 (3) The update and proposal in subsection (2)(a) and (b) of this
29 section shall include, at a minimum, descriptions of:

30 (a) Estimated costs and statutory authority needed for further
31 development and implementation of these assessments;

32 (b) A common and standardized rubric for determining whether a
33 teacher meets the minimum level of performance of the assessments; and

34 (c) Administration and management of the assessments.

35 (4) To the extent that funds are appropriated for this purpose and
36 in accordance with the timeline established in subsection (2) of this
37 section, recognizing the capacity limitations of the education systems,

1 the professional educator standards board shall develop the system and
2 process as established in subsections (1), (2), and (3) of this section
3 throughout the remainder of the 2010-11 and 2011-12 school years.

4 (5) Beginning no earlier than September 1, 2011, award of a
5 professional certificate shall be based on a minimum of two years of
6 successful teaching experience as defined by the board and on the
7 results of the evaluation authorized under RCW 28A.410.210(14) and
8 under this section, and may not require candidates to enroll in a
9 professional certification program.

10 (6) Beginning July 1, 2011, educator preparation programs approved
11 to offer the residency teaching certificate shall be required to
12 demonstrate how the program produces effective teachers as evidenced by
13 the measures established under this section and other criteria
14 established by the professional educator standards board.

15 **Sec. 403.** RCW 28A.415.360 and 2007 c 402 s 9 are each amended to
16 read as follows:

17 (1) Subject to funds appropriated for this purpose, targeted
18 professional development programs, to be known as learning improvement
19 days, are authorized to further the development of outstanding
20 mathematics, science, and reading teaching and learning opportunities
21 in the state of Washington. The intent of this section is to provide
22 guidance for the learning improvement days in the omnibus
23 appropriations act. The learning improvement days authorized in this
24 section shall not be considered part of the definition of basic
25 education.

26 (2) (~~The expected outcomes of these programs are~~) A school
27 district is eligible to receive funding for learning improvement days
28 that are limited to specific activities related to student learning
29 that contribute to the following outcomes:

30 (a) Provision of meaningful, targeted professional development for
31 all teachers in mathematics, science, or reading;

32 (b) Increased knowledge and instructional skill for mathematics,
33 science, or reading teachers;

34 (c) Increased use of curriculum materials with supporting
35 diagnostic and supplemental materials that align with state standards;

36 (d) Skillful guidance for students participating in alternative
37 assessment activities;

1 (e) Increased rigor of course offerings especially in mathematics,
2 science, and reading;

3 (f) Increased student opportunities for focused, applied
4 mathematics and science classes;

5 (g) Increased student success on state achievement measures; and

6 (h) Increased student appreciation of the value and uses of
7 mathematics, science, and reading knowledge and exploration of related
8 careers.

9 (3) School districts receiving resources under this section shall
10 submit reports to the superintendent of public instruction (~~regarding~~
11 ~~the use of the funds;~~) documenting how the use of the funds (~~is~~
12 ~~associated with~~) contributes to measurable improvement in the
13 (~~expected~~) outcomes described under subsection (2) of this section;
14 and how other professional development resources and programs
15 authorized in statute or in the omnibus appropriations act contribute
16 to the expected outcomes. The superintendent of public instruction and
17 the office of financial management shall collaborate on required report
18 content and format.

19 **PART V**

20 **SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT**

21 NEW SECTION. Sec. 501. (1)(a) The legislature intends to develop
22 a system in which the state and school districts share accountability
23 for achieving state educational standards and supporting continuous
24 school improvement. The legislature recognizes that comprehensive
25 education finance reform and the increased investment of public
26 resources necessary to implement that reform must be accompanied by a
27 new mechanism for clearly defining the relationships and expectations
28 for the state, school districts, and schools. It is the legislature's
29 intent that this be accomplished through the development of a
30 proactive, collaborative accountability system that focuses on a school
31 improvement system that engages and serves the local school board,
32 parents, students, staff in the schools and districts, and the
33 community. The improvement system shall be based on progressive levels
34 of support, with a goal of continuous improvement in student
35 achievement and alignment with the federal system of accountability.

1 (b) The legislature further recognizes that it is the state's
2 responsibility to provide schools and districts with the tools and
3 resources necessary to improve student achievement. These tools
4 include the necessary accounting and data reporting systems, assessment
5 systems to monitor student achievement, and a system of general
6 support, targeted assistance, recognition, and, if necessary, state
7 intervention.

8 (2) The legislature has already charged the state board of
9 education to develop criteria to identify schools and districts that
10 are successful, in need of assistance, and those where students
11 persistently fail, as well as to identify a range of intervention
12 strategies and a performance incentive system. The legislature finds
13 that the state board of education should build on the work that the
14 board has already begun in these areas. As development of these
15 formulas, processes, and systems progresses, the legislature should
16 monitor the progress.

17 **Sec. 502.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to
18 read as follows:

19 The purpose of the state board of education is to provide advocacy
20 and strategic oversight of public education; implement a standards-
21 based accountability (~~(system)~~) framework that creates a unified system
22 of increasing levels of support for schools in order to improve student
23 academic achievement; provide leadership in the creation of a system
24 that personalizes education for each student and respects diverse
25 cultures, abilities, and learning styles; and promote achievement of
26 the goals of RCW 28A.150.210. In addition to any other powers and
27 duties as provided by law, the state board of education shall:

28 (1) Hold regularly scheduled meetings at such time and place within
29 the state as the board shall determine and may hold such special
30 meetings as may be deemed necessary for the transaction of public
31 business;

32 (2) Form committees as necessary to effectively and efficiently
33 conduct the work of the board;

34 (3) Seek advice from the public and interested parties regarding
35 the work of the board;

36 (4) For purposes of statewide accountability:

1 (a) Adopt and revise performance improvement goals in reading,
2 writing, science, and mathematics, by subject and grade level, once
3 assessments in these subjects are required statewide; academic and
4 technical skills, as appropriate, in secondary career and technical
5 education programs; and student attendance, as the board deems
6 appropriate to improve student learning. The goals shall be consistent
7 with student privacy protection provisions of RCW 28A.655.090(7) and
8 shall not conflict with requirements contained in Title I of the
9 federal elementary and secondary education act of 1965, or the
10 requirements of the Carl D. Perkins vocational education act of 1998,
11 each as amended. The goals may be established for all students,
12 economically disadvantaged students, limited English proficient
13 students, students with disabilities, and students from
14 disproportionately academically underachieving racial and ethnic
15 backgrounds. The board may establish school and school district goals
16 addressing high school graduation rates and dropout reduction goals for
17 students in grades seven through twelve. The board shall adopt the
18 goals by rule. However, before each goal is implemented, the board
19 shall present the goal to the education committees of the house of
20 representatives and the senate for the committees' review and comment
21 in a time frame that will permit the legislature to take statutory
22 action on the goal if such action is deemed warranted by the
23 legislature;

24 (b) Identify the scores students must achieve in order to meet the
25 standard on the Washington assessment of student learning and, for high
26 school students, to obtain a certificate of academic achievement. The
27 board shall also determine student scores that identify levels of
28 student performance below and beyond the standard. The board shall
29 consider the incorporation of the standard error of measurement into
30 the decision regarding the award of the certificates. The board shall
31 set such performance standards and levels in consultation with the
32 superintendent of public instruction and after consideration of any
33 recommendations that may be developed by any advisory committees that
34 may be established for this purpose. The initial performance standards
35 and any changes recommended by the board in the performance standards
36 for the tenth grade assessment shall be presented to the education
37 committees of the house of representatives and the senate by November
38 30th of the school year in which the changes will take place to permit

1 the legislature to take statutory action before the changes are
2 implemented if such action is deemed warranted by the legislature. The
3 legislature shall be advised of the initial performance standards and
4 any changes made to the elementary level performance standards and the
5 middle school level performance standards;

6 ~~(c) ((Adopt objective, systematic criteria to identify successful
7 schools and school districts and recommend to the superintendent of
8 public instruction schools and districts to be recognized for two types
9 of accomplishments, student achievement and improvements in student
10 achievement. Recognition for improvements in student achievement shall
11 include consideration of one or more of the following accomplishments:~~

12 ~~(i) An increase in the percent of students meeting standards. The
13 level of achievement required for recognition may be based on the
14 achievement goals established by the legislature and by the board under
15 (a) of this subsection;~~

16 ~~(ii) Positive progress on an improvement index that measures
17 improvement in all levels of the assessment; and~~

18 ~~(iii) Improvements despite challenges such as high levels of
19 mobility, poverty, English as a second language learners, and large
20 numbers of students in special populations as measured by either the
21 percent of students meeting the standard, or the improvement index.
22 When determining the baseline year or years for recognizing individual
23 schools, the board may use the assessment results from the initial
24 years the assessments were administered, if doing so with individual
25 schools would be appropriate;~~

26 ~~(d) Adopt objective, systematic criteria to identify schools and
27 school districts in need of assistance and those in which significant
28 numbers of students persistently fail to meet state standards. In its
29 deliberations, the board shall consider the use of all statewide
30 mandated criterion-referenced and norm-referenced standardized tests;~~

31 ~~(e) Identify schools and school districts in which state
32 intervention measures will be needed and a range of appropriate
33 intervention strategies after the legislature has authorized a set of
34 intervention strategies. After the legislature has authorized a set of
35 intervention strategies, at the request of the board, the
36 superintendent shall intervene in the school or school district and
37 take corrective actions. This chapter does not provide additional~~

1 ~~authority for the board or the superintendent of public instruction to~~
2 ~~intervene in a school or school district;~~

3 ~~(f) Identify performance incentive systems that have improved or~~
4 ~~have the potential to improve student achievement;~~

5 ~~(g))~~ Annually review the assessment reporting system to ensure
6 fairness, accuracy, timeliness, and equity of opportunity, especially
7 with regard to schools with special circumstances and unique
8 populations of students, and a recommendation to the superintendent of
9 public instruction of any improvements needed to the system; and

10 ~~((h))~~ (d) Include in the biennial report required under RCW
11 28A.305.035, information on the progress that has been made in
12 achieving goals adopted by the board;

13 (5) Accredite, subject to such accreditation standards and
14 procedures as may be established by the state board of education, all
15 private schools that apply for accreditation, and approve, subject to
16 the provisions of RCW 28A.195.010, private schools carrying out a
17 program for any or all of the grades kindergarten through twelve:
18 PROVIDED, That no private school may be approved that operates a
19 kindergarten program only: PROVIDED FURTHER, That no private schools
20 shall be placed upon the list of accredited schools so long as secret
21 societies are knowingly allowed to exist among its students by school
22 officials;

23 (6) Articulate with the institutions of higher education, workforce
24 representatives, and early learning policymakers and providers to
25 coordinate and unify the work of the public school system;

26 (7) Hire an executive director and an administrative assistant to
27 reside in the office of the superintendent of public instruction for
28 administrative purposes. Any other personnel of the board shall be
29 appointed as provided by RCW 28A.300.020. The board may delegate to
30 the executive director by resolution such duties as deemed necessary to
31 efficiently carry on the business of the board including, but not
32 limited to, the authority to employ necessary personnel and the
33 authority to enter into, amend, and terminate contracts on behalf of
34 the board. The executive director, administrative assistant, and all
35 but one of the other personnel of the board are exempt from civil
36 service, together with other staff as now or hereafter designated as
37 exempt in accordance with chapter 41.06 RCW; and

1 (8) Adopt a seal that shall be kept in the office of the
2 superintendent of public instruction.

3 NEW SECTION. **Sec. 503.** A new section is added to chapter 28A.305
4 RCW to read as follows:

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

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

29 (3) Based on the accountability index and in consultation with the
30 superintendent of public instruction, the state board of education
31 shall develop a proposal and timeline for implementation of a
32 comprehensive system of voluntary support and assistance for schools
33 and districts. The timeline must take into account and accommodate
34 capacity limitations of the K-12 educational system. Changes that have
35 a fiscal impact on school districts, as identified by a fiscal analysis
36 prepared by the office of the superintendent of public instruction,

1 shall take effect only if formally authorized by the legislature
2 through the omnibus appropriations act or other enacted legislation.

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

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

26 (5) In coordination with the superintendent of public instruction,
27 the state board of education shall seek approval from the United States
28 department of education for use of the accountability index and the
29 state system of support, assistance, and intervention, to replace the
30 federal accountability system under P.L. 107-110, the no child left
31 behind act of 2001.

32 (6) The state board of education shall work with the education data
33 center established within the office of financial management and the
34 technical working group established in section 112 of this act to
35 determine the feasibility of using the prototypical funding allocation
36 model as not only a tool for allocating resources to schools and
37 districts but also as a tool for schools and districts to report to the

1 state legislature and the state board of education on how the state
2 resources received are being used.

3 **PART VI**
4 **COMPENSATION**

5 NEW SECTION. **Sec. 601.** A new section is added to chapter 43.41
6 RCW to read as follows:

7 (1) The legislature recognizes that providing students with the
8 opportunity to access a world-class educational system depends on our
9 continuing ability to provide students with access to world-class
10 educators. The legislature also understands that continuing to attract
11 and retain the highest quality educators will require increased
12 investments. The legislature intends to enhance the current salary
13 allocation model and recognizes that changes to the current model
14 cannot be imposed without great deliberation and input from teachers,
15 administrators, and classified employees. Therefore, it is the intent
16 of the legislature to begin the process of developing an enhanced
17 salary allocation model that is collaboratively designed to ensure the
18 rationality of any conclusions regarding what constitutes adequate
19 compensation.

20 (2) Beginning July 1, 2011, the office of financial management
21 shall convene a technical working group to recommend the details of an
22 enhanced salary allocation model that aligns state expectations for
23 educator development and certification with the compensation system and
24 establishes recommendations for a concurrent implementation schedule.
25 In addition to any other details the technical working group deems
26 necessary, the technical working group shall make recommendations on
27 the following:

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

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

31 (c) How to account for different geographic regions of the state
32 where districts may encounter difficulty recruiting and retaining
33 teachers;

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

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

1 (f) Initial fiscal estimates for implementing the recommendations
2 including a recognition that staff on the existing salary allocation
3 model would have the option to grandfather in permanently to the
4 existing schedule.

5 (3) As part of its work, the technical working group shall conduct
6 or contract for a preliminary comparative labor market analysis of
7 salaries and other compensation for school district employees to be
8 conducted and shall include the results in any reports to the
9 legislature. For the purposes of this subsection, "salaries and other
10 compensation" includes average base salaries, average total salaries,
11 average employee basic benefits, and retirement benefits.

12 (4) The analysis required under subsection (1) of this section
13 must:

14 (a) Examine salaries and other compensation for teachers, other
15 certificated instructional staff, principals, and other building-level
16 certificated administrators, and the types of classified employees for
17 whom salaries are allocated;

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

21 (c) Include a comparison of salaries and other compensation to the
22 appropriate labor market for at least the following subgroups of
23 educators: Beginning teachers and types of educational staff
24 associates.

25 (5) The working group shall include representatives of the
26 department of personnel, the professional educator standards board, the
27 office of the superintendent of public instruction, the Washington
28 education association, the Washington association of school
29 administrators, the association of Washington school principals, the
30 Washington state school directors' association, the public school
31 employees of Washington, and other interested stakeholders with
32 appropriate expertise in compensation related matters. The working
33 group may convene advisory subgroups on specific topics as necessary to
34 assure participation and input from a broad array of diverse
35 stakeholders.

36 (6) The working group shall be monitored and overseen by the
37 legislature and the quality education council created in section 114 of
38 this act. The working group shall make an initial report to the

1 legislature by December 1, 2012, and shall include in its report
2 recommendations for whether additional further work of the group is
3 necessary.

4 **PART VII**

5 **GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION**

6 **Sec. 701.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to
7 read as follows:

8 ~~((The learning assistance program requirements in))~~ This chapter
9 ~~((are))~~ is designed to: (1) Promote the use of assessment data when
10 developing programs to assist underachieving students; and (2) guide
11 school districts in providing the most effective and efficient
12 practices when implementing ~~((programs))~~ supplemental instruction and
13 services to assist underachieving students. ~~((Further, this chapter~~
14 ~~provides the means by which a school district becomes eligible for~~
15 ~~learning assistance program funds and the distribution of those~~
16 ~~funds.))~~

17 **Sec. 702.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to
18 read as follows:

19 Unless the context clearly indicates otherwise the definitions in
20 this section apply throughout this chapter.

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

25 (2) "Basic skills areas" means reading, writing, and mathematics as
26 well as readiness associated with these skills.

27 (3) "Participating student" means a student in kindergarten through
28 grade ~~((eleven who scores below standard for his or her grade level on~~
29 ~~the statewide assessments and who is identified in the approved plan to~~
30 ~~receive services. Beginning with the 2007-2008 school year,~~
31 ~~"participating student" means a student in kindergarten through grade))~~
32 twelve who scores below standard for his or her grade level on the
33 statewide assessments and who is identified in the approved plan to
34 receive services.

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

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

8 **Sec. 703.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to
9 read as follows:

10 ~~((1))~~ Each school district with an approved program is eligible
11 for state funds provided for the learning assistance program. The
12 funds shall be appropriated for the learning assistance program in
13 accordance with RCW 28A.150.260 and the ((biennial)) omnibus
14 appropriations act. The distribution formula is for school district
15 allocation purposes only, but funds appropriated for the learning
16 assistance program must be expended for the purposes of RCW 28A.165.005
17 through 28A.165.065. ~~((The distribution formula shall be based on one~~
18 ~~or more family income factors measuring economic need.~~

19 ~~(2) In addition to the funds allocated to eligible school districts~~
20 ~~on the basis of family income factors, enhanced funds shall be~~
21 ~~allocated for school districts where more than twenty percent of~~
22 ~~students are eligible for and enrolled in the transitional bilingual~~
23 ~~instruction program under chapter 28A.180 RCW as provided in this~~
24 ~~subsection. The enhanced funding provided in this subsection shall~~
25 ~~take effect beginning in the 2008-09 school year.~~

26 ~~(a) If, in the prior school year, a district's percent of October~~
27 ~~headcount student enrollment in grades kindergarten through twelve who~~
28 ~~are enrolled in the transitional bilingual instruction program, based~~
29 ~~on an average of the program headcount taken in October and May,~~
30 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~
31 ~~district's percent transitional bilingual instruction program~~
32 ~~enrollment and the resulting percent shall be multiplied by the~~
33 ~~district's kindergarten through twelve annual average full-time~~
34 ~~equivalent enrollment for the prior school year.~~

35 ~~(b) The number calculated under (a) of this subsection shall be the~~
36 ~~number of additional funded students for purposes of this subsection,~~

1 to be multiplied by the per-funded student allocation rates specified
2 in the omnibus appropriations act.

3 ~~(c) School districts are only eligible for the enhanced funds under
4 this subsection if their percentage of October headcount enrollment in
5 grades kindergarten through twelve eligible for free or reduced-price
6 lunch exceeded forty percent in the prior school year.)~~)

7 **Sec. 704.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to
8 read as follows:

9 RCW 28A.180.010 through 28A.180.080 shall be known and cited as
10 "the transitional bilingual instruction act." The legislature finds
11 that there are large numbers of children who come from homes where the
12 primary language is other than English. The legislature finds that a
13 transitional bilingual education program can meet the needs of these
14 children. Pursuant to the policy of this state to insure equal
15 educational opportunity to every child in this state, it is the purpose
16 of RCW 28A.180.010 through 28A.180.080 to provide for the
17 implementation of transitional bilingual education programs in the
18 public schools(~~(, and to provide supplemental financial assistance to
19 school districts to meet the extra costs of these programs)~~).

20 **Sec. 705.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to
21 read as follows:

22 ~~((The superintendent of public instruction shall prepare and submit
23 biennially to the governor and the legislature a budget request for
24 bilingual instruction programs.))~~ Moneys appropriated by the
25 legislature for the purposes of RCW 28A.180.010 through 28A.180.080
26 shall be allocated by the superintendent of public instruction to
27 school districts for the sole purpose of operating an approved
28 bilingual instruction program(~~(; priorities for funding shall exist for
29 the early elementary grades. No moneys shall be allocated pursuant to
30 this section to fund more than three school years of bilingual
31 instruction for each eligible pupil within a district: PROVIDED, That
32 such moneys may be allocated to fund more than three school years of
33 bilingual instruction for any pupil who fails to demonstrate
34 improvement in English language skills adequate to remove impairment of
35 learning when taught only in English. The superintendent of public~~

1 ~~instruction shall set standards and approve a test for the measurement~~
2 ~~of such English language skills)).~~

3 **Sec. 706.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
4 read as follows:

5 (1) A local district may be authorized by the educational service
6 district superintendent to transport and educate its pupils in other
7 districts for one year, either by payment of a compensation agreed upon
8 by such school districts, or under other terms mutually satisfactory to
9 the districts concerned when this will afford better educational
10 facilities for the pupils and when a saving may be effected in the cost
11 of education(~~(- PROVIDED, That)~~). Notwithstanding any other provision
12 of law, the amount to be paid by the state to the resident school
13 district for apportionment purposes and otherwise payable pursuant to
14 RCW ((~~28A.150.100,~~) 28A.150.250 through 28A.150.290, 28A.150.350
15 through 28A.150.410, 28A.160.150 through 28A.160.200, ((~~28A.160.220~~))
16 28A.300.035, and 28A.300.170((~~, and 28A.500.010~~)) shall not be greater
17 than the regular apportionment for each high school student of the
18 receiving district. Such authorization may be extended for an
19 additional year at the discretion of the educational service district
20 superintendent.

21 (2) Subsection (1) of this section shall not apply to districts
22 participating in a cooperative project established under RCW
23 28A.340.030 which exceeds two years in duration.

24 **Sec. 707.** RCW 28A.185.010 and 1984 c 278 s 12 are each amended to
25 read as follows:

26 Pursuant to rules (~~(and regulations)~~) adopted by the superintendent
27 of public instruction for the administration of this chapter, the
28 superintendent of public instruction shall carry out a program for
29 highly capable students. Such program may include conducting,
30 coordinating and aiding in research (including pilot programs),
31 disseminating information to local school districts, providing
32 statewide staff development, and allocating to school districts
33 supplementary funds for additional costs of district programs, as
34 provided by RCW ((~~28A.185.020~~)) 28A.150.260.

1 **Sec. 708.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to
2 read as follows:

3 (1) The legislature finds that, for highly capable students, access
4 to accelerated learning and enhanced instruction is access to a basic
5 education. There are multiple definitions of highly capable, from
6 intellectual to academic to artistic. The research literature strongly
7 supports using multiple criteria to identify highly capable students,
8 and therefore, the legislature does not intend to prescribe a single
9 method. Instead, the legislature intends to allocate funding based on
10 two and three hundred fourteen one-thousandths percent of each school
11 district's population and authorize school districts to identify
12 through the use of multiple, objective criteria those students most
13 highly capable and eligible to receive accelerated learning and
14 enhanced instruction in the program offered by the district. Access to
15 accelerated learning and enhanced instruction through the program for
16 highly capable students does not constitute an individual entitlement
17 for any particular student.

18 (2) Supplementary funds ((as may be)) provided by the state for
19 ((this program, in accordance with RCW 28A.150.370,)) the program for
20 highly capable students under RCW 28A.150.260 shall be categorical
21 funding ((on an excess cost basis based upon a per student amount not
22 to exceed three percent of any district's full-time equivalent
23 enrollment)) to provide services to highly capable students as
24 determined by a school district under RCW 28A.185.030.

25 NEW SECTION. **Sec. 709.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969
28 ex.s. c 223 s 28A.01.010;

29 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
30 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
31 1973 1st ex.s. c 105 s 1;

32 (3) RCW 28A.150.100 (Basic education certificated instructional
33 staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st
34 ex.s. c 2 s 203;

35 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s
36 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s
37 22, & 1969 ex.s. c 223 s 28A.01.020;

1 (5) RCW 28A.150.370 (Additional programs for which legislative
2 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s
3 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;
4 and

5 (6) RCW 28A.155.180 (Safety net funds--Application--Technical
6 assistance--Annual survey) and 2007 c 400 s 8.

7 **PART VIII**
8 **MISCELLANEOUS PROVISIONS**

9 NEW SECTION. **Sec. 801.** Part headings used in this act are not any
10 part of the law.

11 NEW SECTION. **Sec. 802.** Sections 1, 102, and 109 of this act are
12 each added to chapter 28A.150 RCW.

13 NEW SECTION. **Sec. 803.** Section 114 of this act constitutes a new
14 chapter in Title 28A RCW.

15 NEW SECTION. **Sec. 804.** Sections 101 through 110 and 701 through
16 709 of this act take effect September 1, 2011.

17 NEW SECTION. **Sec. 805.** Sections 304 through 311 of this act take
18 effect September 1, 2013.

19 NEW SECTION. **Sec. 806.** Section 112 of this act is necessary for
20 the immediate preservation of the public peace, health, or safety, or
21 support of the state government and its existing public institutions,
22 and takes effect immediately.

23 NEW SECTION. **Sec. 807.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected."

ESHB 2261 - S AMD

By Senators McAuliffe, Jarrett, Hobbs, McDermott, Oemig, Tom

ADOPTED AS AMENDED 04/16/2009

1 On page 1, line 1 of the title, after "education;" strike the
2 remainder of the title and insert "amending RCW 28A.150.200,
3 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.315,
4 28A.150.390, 28A.150.380, 28A.230.090, 43.41.400, 28A.195.010,
5 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190,
6 28A.415.360, 28A.305.130, 28A.165.005, 28A.165.015, 28A.165.055,
7 28A.180.010, 28A.180.080, 28A.225.200, 28A.185.010, and 28A.185.020;
8 adding new sections to chapter 28A.150 RCW; adding a new section to
9 chapter 28A.300 RCW; adding a new section to chapter 28A.655 RCW;
10 adding new sections to chapter 43.41 RCW; adding a new section to
11 chapter 28A.500 RCW; adding new sections to chapter 28A.160 RCW; adding
12 a new section to chapter 28A.410 RCW; adding a new section to chapter
13 28A.305 RCW; adding a new chapter to Title 28A RCW; creating new
14 sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100,
15 28A.150.040, 28A.150.370, and 28A.155.180; providing effective dates;
16 and declaring an emergency."

--- END ---