

E2SHB 1443 - S AMD 349

By Senators Tom, Litzow

ADOPTED AS AMENDED 04/12/2011

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

3 "PART I

4 **STRENGTHENING INSTRUCTION AND SUPPORT**

5 NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.655
6 RCW to read as follows:

7 Before implementing revisions to the state essential academic
8 learning requirements as authorized under RCW 28A.655.070, the
9 superintendent of public instruction must ensure that a fairness and
10 bias review of the revisions has been conducted, including providing an
11 opportunity for input from the achievement gap oversight and
12 accountability committee under RCW 28A.300.136 and from an additional
13 diverse group of community representatives, parents, and educators to
14 be convened by the superintendent.

15 NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.230
16 RCW to read as follows:

17 (1) By July 1, 2012, each school district board of directors that
18 grants high school diplomas shall adopt a policy that defines a high
19 school credit for purposes of meeting state and local graduation
20 requirements. The policy may define a high school credit based on a
21 seat-time definition, demonstrated competencies, or some combination,
22 as long as the policy specifies the means by which the school district
23 assures that students have gained the knowledge and skills necessary to
24 earn a credit.

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

27 (3) The state board of education may adopt a rule repealing the

1 seat-time definition of a high school credit by May 31, 2012, and shall
2 require school districts to certify annually to the board that the
3 district has a policy to define a high school credit.

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

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

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

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

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

24 (2) The distribution formula under this section shall be for
25 allocation purposes only. Except as may be required under chapter
26 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
27 regulations, nothing in this section requires school districts to use
28 basic education instructional funds to implement a particular
29 instructional approach or service. Nothing in this section requires
30 school districts to maintain a particular classroom teacher-to-student
31 ratio or other staff-to-student ratio or to use allocated funds to pay
32 for particular types or classifications of staff. Nothing in this
33 section entitles an individual teacher to a particular teacher planning
34 period.

35 (3)(a) To the extent the technical details of the formula have been
36 adopted by the legislature and except when specifically provided as a

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

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

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

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

28 (iii) A prototypical elementary school has four hundred average
29 annual full-time equivalent students in grades kindergarten through
30 six.

31 (4)(a) The minimum allocation for each level of prototypical school
32 shall be based on the number of full-time equivalent classroom teachers
33 needed to provide instruction over the minimum required annual
34 instructional hours under RCW 28A.150.220 and provide at least one
35 teacher planning period per school day, and based on the following
36 general education average class size of full-time equivalent students
37 per teacher:

38 General education

1		average
2		class size
3	Grades K-3	25.23
4	Grade 4	27.00
5	Grades 5-6	27.00
6	Grades 7-8	28.53
7	Grades 9-12	28.74

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

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

18		Career and technical
19		education average
20		class size
21	Approved career and technical education offered at	
22	the middle school and high school level	26.57
23	Skill center programs meeting the standards established	
24	by the office of the superintendent of public	
25	instruction	22.76

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

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

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

33 (5) The minimum allocation for each level of prototypical school
34 shall include allocations for the following types of staff in addition
35 to classroom teachers:

36

1 school districts for career and technical education and skill center
2 administrative and other school-level certificated staff, as specified
3 in the omnibus appropriations act.

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

	Per annual average full-time equivalent student in grades K-12
9	
10	
11	
12 Technology	\$54.43
13 Utilities and insurance	\$147.90
14 Curriculum and textbooks	\$58.44
15 Other supplies and library materials	\$124.07
16 Instructional professional development for certified and	
17 classified staff	\$9.04
18 Facilities maintenance	\$73.27
19 Security and central office	\$50.76

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

	Per annual average full-time equivalent student in grades K-12
27	
28	
29	
30 Technology	\$113.80
31 Utilities and insurance	\$309.21
32 Curriculum and textbooks	\$122.17
33 Other supplies and library materials	\$259.39
34 Instructional professional development for certificated and	
35 classified staff	\$18.89
36 Facilities maintenance	\$153.18
37 Security and central office administration	\$106.12

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

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

6 (b) Laboratory science courses for students in grades nine through
7 twelve;

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

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

12 (10) In addition to the allocations otherwise provided under this
13 section, amounts shall be provided to support the following programs
14 and services:

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

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

33 (c) To provide additional allocations to support programs for
34 highly capable students under RCW 28A.185.010 through 28A.185.030,
35 allocations shall be based on two and three hundred fourteen one-
36 thousandths percent of each school district's full-time equivalent
37 basic education enrollment. The minimum allocation for the programs

1 shall provide resources to provide, on a statewide average, 2.1590
2 hours per week in extra instruction with fifteen highly capable program
3 students per teacher.

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

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

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

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

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

28 (c) The enrollment of any district shall be the annual average
29 number of full-time equivalent students and part-time students as
30 provided in RCW 28A.150.350, enrolled on the first school day of each
31 month, including students who are in attendance pursuant to RCW
32 28A.335.160 and 28A.225.250 who do not reside within the servicing
33 school district. The definition of full-time equivalent student shall
34 be determined by rules of the superintendent of public instruction and
35 shall be included as part of the superintendent's biennial budget
36 request. The definition shall be based on the minimum instructional
37 hour offerings required under RCW 28A.150.220. Any revision of the

1 present definition shall not take effect until approved by the house
2 ways and means committee and the senate ways and means committee.

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

6 **Sec. 105.** RCW 28A.250.020 and 2009 c 542 s 3 are each amended to
7 read as follows:

8 (1) The superintendent of public instruction, in collaboration with
9 the state board of education, shall develop and implement approval
10 criteria and a process for approving multidistrict online providers; a
11 process for monitoring and if necessary rescinding the approval of
12 courses or programs offered by an online course provider; and an
13 appeals process. The criteria and processes shall be adopted by rule
14 by December 1, 2009.

15 (2) When developing the approval criteria, the superintendent of
16 public instruction shall require that providers offering online courses
17 or programs have accreditation through the Northwest association of
18 accredited schools or another national, regional, or state
19 accreditation program listed by the office of the superintendent of
20 public instruction after consultation with the Washington coalition for
21 online learning. In addition to other criteria, the approval criteria
22 shall include the degree of alignment with state academic standards and
23 require that all teachers be certificated in accordance with Washington
24 state law. When reviewing multidistrict online providers that offer
25 high school courses, the superintendent of public instruction shall
26 assure that the courses offered by the provider are eligible for high
27 school credit. However, final decisions regarding the awarding of high
28 school credit shall remain the responsibility of school districts,
29 except as provided in RCW 28A.250.050.

30 (3) Initial approval of multidistrict online providers by the
31 superintendent of public instruction shall be for four years. The
32 superintendent of public instruction shall develop a process for the
33 renewal of approvals and for rescinding approvals based on
34 noncompliance with approval requirements. Any multidistrict online
35 provider that was approved by the digital learning commons or
36 accredited by the Northwest association of accredited schools before
37 July 26, 2009, and that meets the teacher certification requirements of

1 subsection (2) of this section, is exempt from the initial approval
2 process under this section until August 31, 2012, but must comply with
3 the process for renewal of approvals and must comply with approval
4 requirements.

5 (4) The superintendent of public instruction shall make the first
6 round of decisions regarding approval of multidistrict online providers
7 by April 1, 2010. Thereafter, the superintendent of public instruction
8 shall make annual approval decisions no later than November 1st of each
9 year.

10 (5) The superintendent of public instruction shall establish an
11 online learning advisory committee within existing resources that shall
12 provide advice to the superintendent regarding the approval criteria,
13 major components of the web site, the model school district policy,
14 model agreements, and other related matters. The committee shall
15 include a representative of each of the following groups: Private and
16 public online providers, parents of online students, accreditation
17 organizations, educational service districts, school principals,
18 teachers, school administrators, school board members, institutions of
19 higher education, and other individuals as determined by the
20 superintendent. Members of the advisory committee shall be selected by
21 the superintendent based on nominations from statewide organizations,
22 shall serve three-year terms, and may be reappointed. The
23 superintendent shall select the chair of the committee.

24 **Sec. 106.** RCW 28A.250.050 and 2009 c 542 s 6 are each amended to
25 read as follows:

26 (1) By August 31, 2010, all school district boards of directors
27 shall develop policies and procedures regarding student access to
28 online courses and online learning programs. The policies and
29 procedures shall include but not be limited to: Student eligibility
30 criteria; the types of online courses available to students through the
31 school district; the methods districts will use to support student
32 success, which may include a local advisor; when the school district
33 will and will not pay course fees and other costs; the granting of high
34 school credit; and a process for students and parents or guardians to
35 formally acknowledge any course taken for which no credit is given.
36 The policies and procedures shall take effect beginning with the 2010-
37 11 school year. School districts shall submit their policies to the

1 superintendent of public instruction by September 15, 2010. By
2 December 1, 2010, the superintendent of public instruction shall
3 summarize the school district policies regarding student access to
4 online courses and submit a report to the legislature.

5 (2) School districts may not prevent students from taking
6 individual approved online courses for credit. School districts must
7 award credit for online high school courses successfully completed by
8 a student that meet the school district's graduation requirements and
9 are provided by an approved multidistrict online provider.

10 (3) School districts shall provide students with information
11 regarding online courses that are available through the school
12 district. The information shall include the types of information
13 described in subsection (1) of this section.

14 ((+3)) (4) When developing local or regional online learning
15 programs, school districts shall incorporate into the program design
16 the approval criteria developed by the superintendent of public
17 instruction under RCW 28A.250.020.

18 **Sec. 107.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to
19 read as follows:

20 (1) In order for students to have the opportunity to develop the
21 basic education knowledge and skills under RCW 28A.150.210, school
22 districts must provide instruction of sufficient quantity and quality
23 and give students the opportunity to complete graduation requirements
24 that are intended to prepare them for postsecondary education, gainful
25 employment, and citizenship. The program established under this
26 section shall be the minimum instructional program of basic education
27 offered by school districts.

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

30 (a) For students enrolled in grades one through twelve, at least a
31 district-wide annual average of one thousand hours, which shall be
32 increased to at least one thousand eighty instructional hours for
33 students enrolled in each of grades seven through twelve and at least
34 one thousand instructional hours for students in each of grades one
35 through six according to an implementation schedule adopted by the
36 legislature but not before the 2014-15 school year; and

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

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

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

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

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

18 (d) Supplemental instruction and services for underachieving
19 students through the learning assistance program under RCW 28A.165.005
20 through 28A.165.065;

21 (e) Supplemental instruction and services for eligible and enrolled
22 students whose primary language is other than English through the
23 transitional bilingual instruction program under RCW 28A.180.010
24 through 28A.180.080;

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

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

30 (4) Nothing contained in this section shall be construed to require
31 individual students to attend school for any particular number of hours
32 per day or to take any particular courses.

33 (5) Each school district's kindergarten through twelfth grade basic
34 educational program shall be accessible to all students who are five
35 years of age, as provided by RCW 28A.225.160, and less than twenty-one
36 years of age and shall consist of a minimum of one hundred eighty
37 school days per school year in such grades as are conducted by a school
38 district, and one hundred eighty half-days of instruction, or

1 equivalent, in kindergarten, to be increased to a minimum of one
2 hundred eighty school days per school year according to the
3 implementation schedule under RCW 28A.150.315. However, effective May
4 1, 1979, a school district may schedule the last five school days of
5 the one hundred and eighty day school year for noninstructional
6 purposes in the case of students who are graduating from high school,
7 including, but not limited to, the observance of graduation and early
8 release from school upon the request of a student, and all such
9 students may be claimed as a full-time equivalent student to the extent
10 they could otherwise have been so claimed for the purposes of RCW
11 28A.150.250 and 28A.150.260.

12 (6) Nothing in this section precludes a school district from
13 enriching the instructional program of basic education, such as
14 offering additional instruction or providing additional services,
15 programs, or activities that the school district determines to be
16 appropriate for the education of the school district's students.

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

21 **Sec. 108.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to
22 read as follows:

23 (1) The local district superintendent and local school board of a
24 school district designated as a required action district must submit a
25 required action plan to the state board of education for approval.
26 Unless otherwise required by subsection (3) of this section, the plan
27 must be submitted under a schedule as required by the state board. A
28 required action plan must be developed in collaboration with
29 administrators, teachers, and other staff, parents, unions representing
30 any employees within the district, students, and other representatives
31 of the local community. The superintendent of public instruction shall
32 provide a district with assistance in developing its plan if requested.
33 The school board must conduct a public hearing to allow for comment on
34 a proposed required action plan. The local school district shall
35 submit the plan first to the office of the superintendent of public
36 instruction to review and approve that the plan is consistent with
37 federal guidelines. After the office of the superintendent of public

1 instruction has approved that the plan is consistent with federal
2 guidelines, the local school district must submit its required action
3 plan to the state board of education for approval.

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

5 (a) Implementation of one of the four federal intervention models
6 required for the receipt of a federal school improvement grant, for
7 those persistently lowest-achieving schools that the district will be
8 focusing on for required action. However, a district may not establish
9 a charter school under a federal intervention model without express
10 legislative authority. The intervention models are the turnaround,
11 restart, school closure, and transformation models. The intervention
12 model selected must address the concerns raised in the academic
13 performance audit and be intended to improve student performance to
14 allow a school district to be removed from the list of districts
15 designated as a required action district by the state board of
16 education within three years of implementation of the plan;

17 (b) Submission of an application for a federal school improvement
18 grant or a grant from other federal funds for school improvement to the
19 superintendent of public instruction;

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

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

27 (e) Use of the state kindergarten readiness assessment process if
28 the school is an elementary school;

29 (f) Use of family engagement coordinators to build relationships
30 between families, the school, and the community to improve student
31 achievement; and

32 (g) Identification of the measures that the school district will
33 use in assessing student achievement at a school identified as a
34 persistently lowest-achieving school, which include improving
35 mathematics and reading student achievement and graduation rates as
36 defined by the office of the superintendent of public instruction that
37 enable the school to no longer be identified as a persistently lowest-
38 achieving school.

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

7 (b) If the school district and the employee organizations are
8 unable to agree on the terms of an addendum or modification to an
9 existing collective bargaining agreement, the parties, including all
10 labor organizations affected under the required action plan, shall
11 request the public employment relations commission to, and the
12 commission shall, appoint an employee of the commission to act as a
13 mediator to assist in the resolution of a dispute between the school
14 district and the employee organizations. Beginning in 2011, and each
15 year thereafter, mediation shall commence no later than April 15th.
16 All mediations held under this section shall include the employer and
17 representatives of all affected bargaining units.

18 (c) If the executive director of the public employment relations
19 commission, upon the recommendation of the assigned mediator, finds
20 that the employer and any affected bargaining unit are unable to reach
21 agreement following a reasonable period of negotiations and mediation,
22 but by no later than May 15th of the year in which mediation occurred,
23 the executive director shall certify any disputed issues for a decision
24 by the superior court in the county where the school district is
25 located. The issues for determination by the superior court must be
26 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

5 (ii) Within seven days after the filing of the petition, each party
6 shall file with the court the proposal it is asking the court to order
7 be implemented in a required action plan for the district for each
8 issue certified by the executive director. Contemporaneously with the
9 filing of the proposal, a party must file a brief with the court
10 setting forth the reasons why the court should order implementation of
11 its proposal in the final plan.

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

17 (iv) The court must enter an order selecting the proposal for
18 inclusion in a required action plan that best responds to the issues
19 raised in the school district's academic performance audit, and allows
20 for the award of a federal school improvement grant or a grant from
21 other federal funds for school improvement to the district from the
22 office of the superintendent of public instruction to implement one of
23 the four federal intervention models. The court's decision must be
24 issued no later than June 15th of the year in which the petition is
25 filed and is final and binding on the parties; however the court's
26 decision is subject to appeal only in the case where it does not allow
27 the school district to implement a required action plan consistent with
28 the requirements for the award of a federal school improvement grant or
29 other federal funds for school improvement by the superintendent of
30 public instruction.

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

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

37 (4) All contracts entered into between a school district and an

1 employee must be consistent with this section and allow school
2 districts designated as required action districts to implement one of
3 the four federal models in a required action plan.

4 NEW SECTION. **Sec. 109.** A new section is added to chapter 28A.655
5 RCW to read as follows:

6 To the extent permitted by federal law and regulations, the office
7 of the superintendent of public instruction may require elementary
8 schools receiving federal school improvement grants to use the state
9 kindergarten readiness assessment, and may require a school to use
10 family engagement coordinators to build relationships between families,
11 the school, and the community to improve student achievement.

12 **PART II**

13 **CLOSING THE OPPORTUNITY GAP**

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

16 Unless the context clearly indicates otherwise the definitions in
17 this section apply throughout this chapter.

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

22 (2) "Basic skills areas" means reading, writing, ~~((and))~~
23 mathematics, and science as well as readiness associated with these
24 skills.

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

33 (4) "Statewide assessments" means one or more of the several basic
34 skills assessments administered as part of the state's student

1 assessment system, and assessments in the basic skills areas
2 administered by local school districts.

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

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

8 Unless the context clearly indicates otherwise the definitions in
9 this section apply throughout this chapter.

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

14 (2) "Basic skills areas" means reading, writing, ~~((and))~~
15 mathematics, and science as well as readiness associated with these
16 skills.

17 (3) "Participating student" means a student in kindergarten through
18 grade twelve who scores below standard for his or her grade level on
19 the statewide assessments and who is identified in the approved plan to
20 receive services.

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

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

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

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

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

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

7 (c) How accelerated learning plans are developed and implemented
8 for participating students. Accelerated learning plans may be
9 developed as part of existing student achievement plan process such as
10 student plans for achieving state high school graduation standards,
11 individual student academic plans, or the achievement plans for groups
12 of students. Accelerated learning plans shall include:

13 (i) Achievement goals for the students;

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

16 (iii) Communication procedures regarding student accomplishment;
17 and

18 (iv) Plan reviews and adjustments processes;

19 (d) How state level and classroom assessments are used to inform
20 instruction;

21 (e) How focused and intentional instructional strategies have been
22 identified and implemented;

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

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

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

30 (2) If a school district has received approval of its plan once, it
31 is not required to submit a plan for approval under RCW 28A.165.045 or
32 this section unless the district has made a significant change to the
33 plan. If a district has made a significant change to only a portion of
34 the plan the district need only submit a description of the changes
35 made and not the entire plan. Plans or descriptions of changes to the
36 plan must be submitted by July 1st as required under this section. The
37 office of the superintendent of public instruction shall establish
38 guidelines for what a "significant change" is.

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

3 (1) The extended learning opportunities program is created for
4 eligible (~~eleventh and~~) ninth through twelfth grade students who are
5 not on track to meet local or state graduation requirements as well as
6 eighth grade students who need additional assistance in order to have
7 the opportunity for a successful entry into high school. The program
8 shall provide early notification of graduation status and information
9 on education opportunities including preapprenticeship programs that
10 are available.

11 (2) Under the extended learning opportunities program and to the
12 extent funds are available for that purpose, districts shall make
13 available to students in grade twelve who have failed to meet one or
14 more local or state graduation requirements the option of continuing
15 enrollment in the school district in accordance with RCW 28A.225.160.
16 Districts are authorized to use basic education program funding to
17 provide instruction to eligible students under RCW 28A.150.220(~~(+3)~~)
18 (5).

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

27 (a) Individual or small group instruction;

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

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

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

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

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

1 (g) Reading improvement specialists available at the educational
2 service districts to serve eighth(~~(, eleventh, and)~~) through twelfth
3 grade educators through professional development in accordance with RCW
4 28A.415.350. The reading improvement specialist may also provide
5 direct services to eligible students and those students electing to
6 continue a fifth year in a high school program who are still struggling
7 with basic reading skills.

8 NEW SECTION. **Sec. 205.** (1) The Washington state institute for
9 public policy shall work with the office of the superintendent of
10 public instruction to design and implement a research study to measure
11 the impact on student achievement of remediation strategies funded by
12 the learning assistance program.

13 (2) The objectives of the research study are to determine which
14 remediation strategies are most effective and efficient in improving
15 student achievement in reading, mathematics, and science; and identify
16 outcome measures for use by policymakers in evaluating learning
17 assistance program success. The study design shall include
18 quantitative and qualitative methods; identify the data necessary for
19 a high-quality study; and identify the extent that necessary data is
20 being collected and, if not, how it could be collected, including
21 through sampling if necessary.

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

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

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

30 The superintendent of public instruction shall develop an
31 evaluation system designed to measure increases in the English and
32 academic proficiency of eligible pupils. When developing the system,
33 the superintendent shall:

34 (1) Require school districts to assess potentially eligible pupils
35 within ten days of registration using an English proficiency assessment

1 or assessments as specified by the superintendent of public
2 instruction. Results of these assessments shall be made available to
3 both the superintendent of public instruction and the school district;

4 (2) Require school districts to annually assess all eligible pupils
5 at the end of the school year using an English proficiency assessment
6 or assessments as specified by the superintendent of public
7 instruction. Results of these assessments shall be made available to
8 both the superintendent of public instruction and the school district.
9 Aggregated results must be posted on the web site of the office of the
10 superintendent of public instruction for each school and school
11 district, using the Washington state report card. The report card must
12 include the average length of time students in each school and district
13 are enrolled in the transitional bilingual instructional program,
14 annual change in the number and percentage of students making progress
15 in learning English, annual change in the number and percentage of
16 students attaining English proficiency, and the number and percentage
17 of students meeting annual targets in reading and mathematics for state
18 and federal accountability; and

19 (3) Develop a system to evaluate increases in the English and
20 academic proficiency of students who are, or were, eligible pupils.
21 This evaluation shall include students when they are in the program and
22 after they exit the program until they finish their K-12 career or
23 transfer from the school district. Aggregated results from the
24 academic assessment of students who were formerly eligible pupils under
25 the program must be reported by school and school district using the
26 Washington state report card. The purpose of the evaluation system is
27 to inform schools, school districts, parents, and the state of the
28 effectiveness of the transitional bilingual programs in school and
29 school districts in teaching these students English and other content
30 areas, such as mathematics and writing(~~(+and~~

31 ~~(4) Report to the education and fiscal committees of the~~
32 ~~legislature by November 1, 2002, regarding the development of the~~
33 ~~systems described in this section and a timeline for the full~~
34 ~~implementation of those systems. The legislature shall approve and~~
35 ~~provide funding for the evaluation system in subsection (3) of this~~
36 ~~section before any implementation of the system developed under~~
37 ~~subsection (3) of this section may occur)).~~

1 NEW SECTION. **Sec. 207.** A new section is added to chapter 28A.185
2 RCW to read as follows:

3 For the purposes of the program for highly capable students under
4 this chapter, a highly capable student means a student who performs, or
5 shows potential for performing, at significantly advanced levels when
6 compared to others of his or her age, experience, or environment.
7 Outstanding capabilities are seen with the student's general
8 intellectual aptitudes, specific academic abilities, creative
9 productivities within a specific domain, or leadership skills. Highly
10 capable students are present in all cultural and linguistic groups and
11 across all socioeconomic strata; coexist with all manner of disabling
12 conditions both visible and invisible; and manifest across all areas of
13 human endeavor.

14 **Sec. 208.** RCW 28A.185.020 and 2009 c 548 s 708 are each amended to
15 read as follows:

16 (1) The legislature finds that, for highly capable students, access
17 to accelerated learning and enhanced instruction is access to a basic
18 education. The education of highly capable students may include
19 supports and services that are in addition to those ordinarily provided
20 as part of general education.

21 (2) There are multiple definitions of highly capable, from
22 intellectual to academic to artistic. The research literature strongly
23 supports using multiple criteria to identify highly capable students,
24 and therefore, the legislature does not intend to prescribe a single
25 method. Instead, the legislature intends to allocate funding based on
26 two and three hundred fourteen one-thousandths percent of each school
27 district's population and authorize school districts to identify
28 through the use of multiple, objective criteria those students most
29 highly capable and eligible to receive accelerated learning and
30 enhanced instruction in the program offered by the district. Access to
31 accelerated learning and enhanced instruction through the program for
32 highly capable students does not constitute an individual entitlement
33 for any particular student.

34 ((+2)) (3) Supplementary funds provided by the state for the
35 program for highly capable students under RCW 28A.150.260 shall be
36 categorical funding to provide services to highly capable students as
37 determined by a school district under RCW 28A.185.030.

1 **Sec. 209.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to
2 read as follows:

3 Local school districts may establish and operate, either separately
4 or jointly, programs for highly capable students. Such authority shall
5 include the right to employ and pay special instructors and to operate
6 such programs jointly with a public institution of higher education.
7 Local school districts which establish and operate programs for highly
8 capable students shall adopt identification procedures and provide
9 educational opportunities as follows:

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

25 (a) Universal screening;

26 (b) Regular public notification;

27 (c) Use of multiple criteria;

28 (d) Involvement of qualified professionals in the identification
29 process;

30 (e) Family involvement in decision making;

31 (f) Notification of parents or legal guardians;

32 (g) Safeguards to reduce cultural, linguistic, socioeconomic, and
33 gender bias, and to mitigate impacts resulting from disabilities; and

34 (h) Periodic reviews, including input from families.

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

1 (a) The receiving school shall determine whether the district's
2 program is a like program when compared to the sending school's
3 program; and

4 (b) The receiving school may conduct subsequent assessments to
5 determine appropriate placement and continued enrollment in the
6 program.

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

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

16 **Sec. 210.** RCW 28C.18.162 and 2009 c 238 s 3 are each amended to
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this section and RCW 28C.18.160 and
20 28C.18.164 through 28C.18.168.

21 (1) "High-demand occupation" means an occupation with a substantial
22 number of current or projected employment opportunities. For the
23 purposes of opportunity internships, the teaching of mathematics,
24 science, bilingual education, special education, or English as a second
25 language is considered a high-demand occupation.

26 (2) "Low-income high school student" means a student who is
27 enrolled in grade((s)) ten, eleven, or twelve in a public high school
28 and who qualifies for federal free or reduced-price meals. If a
29 student qualifies at the time the student begins participating in the
30 opportunity internship program, the student remains eligible even if
31 the student does not receive free or reduced-price meals thereafter.
32 To participate in the program, the student must remain enrolled in high
33 school until the student receives a high school diploma.

34 (3) "Opportunity internship consortium" means a local consortium
35 formed for the purpose of participating in the opportunity internship
36 program and which may be composed of a local workforce development
37 council, economic development council, area high schools, community or

1 technical colleges, apprenticeship councils, preapprenticeship programs
2 such as running start for the trades, private vocational schools
3 licensed under chapter 28C.10 RCW, public and private four-year
4 institutions of higher education, employers in targeted industries, and
5 labor organizations. Partnerships of high schools, teacher preparation
6 programs, and community-based organizations offering the program under
7 RCW 28A.415.370 may be considered opportunity internship consortia.

8 (4) "Opportunity internship graduate" means a low-income high
9 school student who successfully completes an opportunity internship
10 program and graduates from high school.

11 (5) "Postsecondary program of study" means an undergraduate or
12 graduate certificate, apprenticeship, or degree program.

13 (6) "Preapprenticeship" means a program of at least ninety hours
14 and not more than one hundred eighty hours in length that provides
15 practical experience, education, preparation, and the development of
16 skills that would be beneficial for entry into state-approved
17 apprenticeship programs, including but not limited to construction
18 industry structure and the construction process; orientation to state-
19 approved apprenticeship; tools of the various trades and safe handling
20 of power tools; and industry standards of safety, responsibility, and
21 craft excellence.

22 (7) "Targeted industry" means a business or industry identified by
23 a local workforce development council as having high-demand occupations
24 that require candidates to have completed a postsecondary program of
25 study.

26 **Sec. 211.** RCW 28A.660.042 and 2007 c 396 s 6 are each amended to
27 read as follows:

28 (1) The pipeline for paraeducators conditional scholarship program
29 is created.

30 (2)(a) Except as provided under subsection (3) of this section,
31 participation is limited to paraeducators without a college degree who
32 have at least three years of classroom experience. It is anticipated
33 that candidates enrolled in this program will complete their associate
34 of arts degree at a community and technical college in two years or
35 less and become eligible for a mathematics, special education, or
36 English as a second language endorsement via route one in the

1 alternative routes to teacher certification program provided in this
2 chapter.

3 ~~((2))~~ (b) Entry requirements for candidates under this subsection
4 (2) include district or building validation of qualifications,
5 including three years of successful student interaction and leadership
6 as a classified instructional employee.

7 (3) Subject to the availability of funds for the pipeline for
8 paraeducators conditional scholarship program under RCW 28A.660.050,
9 after qualified candidates under subsection (2) of this section have
10 been accepted, individuals who participated in one of the recruiting
11 Washington teachers grant programs under RCW 28A.415.370 may
12 participate in the pipeline for paraeducators conditional scholarship
13 program if the individual meets the criteria for the scholarship under
14 RCW 28A.660.050.

15 **Sec. 212.** RCW 28A.660.050 and 2010 c 235 s 505 are each amended to
16 read as follows:

17 Subject to the availability of amounts appropriated for these
18 purposes, the conditional scholarship programs in this chapter are
19 created under the following guidelines:

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

23 (a) To adopt necessary rules and develop guidelines to administer
24 the programs;

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

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

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

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

1 (i) Be accepted and maintain enrollment in alternative
2 certification routes through a professional educator standards board-
3 approved program;

4 (ii) Continue to make satisfactory progress toward completion of
5 the alternative route certification program and receipt of a residency
6 teaching certificate; and

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

14 (b) The pipeline for paraeducators conditional scholarship program
15 is limited to qualified (~~paraeducators~~) individuals as provided by
16 RCW 28A.660.042. Paraeducators who apply for the program under RCW
17 28A.660.042(2) shall receive first priority in scholarship awards. In
18 order to receive conditional scholarship awards, recipients shall:

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

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

27 (iii) Receive no more than the annual amount of the scholarship,
28 not to exceed four thousand dollars, for the cost of tuition, fees, and
29 educational expenses, including books, supplies, and transportation for
30 the alternative route certification program in which the recipient is
31 enrolled. The board may adjust the annual award by the average rate of
32 tuition and fee increases at the state community and technical
33 colleges.

34 (c) The retooling to teach mathematics and science conditional
35 scholarship program is limited to current K-12 teachers. In order to
36 receive conditional scholarship awards:

37 (i) Individuals currently employed as teachers shall pursue a

1 middle level mathematics or science, or secondary mathematics or
2 science endorsement; or

3 (ii) Individuals who are certificated with an elementary education
4 endorsement shall pursue an endorsement in middle level mathematics or
5 science, or both; and

6 (iii) Individuals shall use one of the pathways to endorsement
7 processes to receive a mathematics or science endorsement, or both,
8 which shall include passing a mathematics or science endorsement test,
9 or both tests, plus observation and completing applicable coursework to
10 attain the proper endorsement; and

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

15 (3) The Washington professional educator standards board shall
16 select individuals to receive conditional scholarships. In selecting
17 recipients, preference shall be given to eligible veterans or national
18 guard members.

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

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

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

1 **Sec. 213.** RCW 28A.660.040 and 2010 c 235 s 504 are each amended to
2 read as follows:

3 Alternative route programs under this chapter shall operate one to
4 four specific route programs. Successful completion of the program
5 shall make a candidate eligible for residency teacher certification.
6 The mentor of the teacher candidate at the school and the supervisor of
7 the teacher candidate from the teacher preparation program must both
8 agree that the teacher candidate has successfully completed the
9 program.

10 (1) Alternative route programs operating route one programs shall
11 enroll currently employed classified instructional employees with
12 transferable associate degrees or former participants in the recruiting
13 Washington teachers program who enter through the pipeline for
14 paraeducators conditional scholarship program under RCW 28A.660.042 who
15 are seeking residency teacher certification with endorsements in
16 mathematics, special education, bilingual education, or English as a
17 second language. It is anticipated that candidates enrolled in this
18 route will complete both their baccalaureate degree and requirements
19 for residency certification in two years or less, including a mentored
20 internship to be completed in the final year. In addition, partnership
21 programs shall uphold entry requirements for candidates that include:

22 (a) District or building validation of qualifications, including
23 one year of successful student interaction and leadership as a
24 classified instructional employee;

25 (b) Successful passage of the statewide basic skills exam; and

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

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

1 (a) District or building validation of qualifications, including
2 one year of successful student interaction and leadership as classified
3 staff;

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

7 (c) Successful completion of the subject matter assessment required
8 by RCW 28A.410.220(3);

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

11 (e) Successful passage of the statewide basic skills exam.

12 (3) Alternative route programs seeking funds to operate route three
13 programs shall enroll individuals with baccalaureate degrees, who are
14 not employed in the district at the time of application. When
15 selecting candidates for certification through route three, districts
16 and approved preparation program providers shall give priority to
17 individuals who are seeking residency teacher certification in subject
18 matter shortage areas or shortages due to geographic locations.
19 Cohorts of candidates for this route shall attend an intensive summer
20 teaching academy, followed by a full year employed by a district in a
21 mentored internship, followed, if necessary, by a second summer
22 teaching academy. In addition, partnership programs shall uphold entry
23 requirements for candidates that include:

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

27 (b) Successful completion of the subject matter assessment required
28 by RCW 28A.410.220(3);

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

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

34 (e) Successful passage of statewide basic skills exam.

35 (4) Alternative route programs operating route four programs shall
36 enroll individuals with baccalaureate degrees, who are employed in the
37 district at the time of application, or who hold conditional teaching
38 certificates or emergency substitute certificates. Cohorts of

1 candidates for this route shall attend an intensive summer teaching
2 academy, followed by a full year employed by a district in a mentored
3 internship. If employed on a conditional certificate, the intern may
4 serve as the teacher of record, supported by a well-trained mentor. In
5 addition, partnership programs shall uphold entry requirements for
6 candidates that include:

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

10 (b) Successful completion of the subject matter assessment required
11 by RCW 28A.410.220(3);

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

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

17 (e) Successful passage of statewide basic skills exam.

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

22 PART III

23 SUPPORTING EDUCATION PROFESSIONALS

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

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

31 (1) The legislature recognizes that providing students with the
32 opportunity to access a world-class educational system depends on our
33 continuing ability to provide students with access to world-class
34 educators. The legislature also understands that continuing to attract
35 and retain the highest quality educators will require increased

1 investments. The legislature intends to enhance the current salary
2 allocation model and recognizes that changes to the current model
3 cannot be imposed without great deliberation and input from teachers,
4 administrators, and classified employees. Therefore, it is the intent
5 of the legislature to begin the process of developing an enhanced
6 salary allocation model that is collaboratively designed to ensure the
7 rationality of any conclusions regarding what constitutes adequate
8 compensation.

9 (2) Beginning July 1, 2011, the office of the superintendent of
10 public instruction, in collaboration with the office of financial
11 management, shall convene a technical working group to recommend the
12 details of an enhanced salary allocation model that aligns state
13 expectations for educator development and certification with the
14 compensation system and establishes recommendations for a concurrent
15 implementation schedule. In addition to any other details the
16 technical working group deems necessary, the technical working group
17 shall consider how a new compensation system should reward educational
18 attainment, years of service, performance as measured by the four-tier
19 evaluation system described in RCW 28A.405.100, service in high-demand
20 fields, and national board for professional teaching standards
21 certification. The working group shall also make recommendations on
22 the following:

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

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

26 (c) How to account for different geographic regions of the state
27 where districts may encounter difficulty recruiting and retaining
28 teachers;

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

30 (e) Ways to eliminate or phase out grandfathered salaries for
31 certificated, classified, and administrative employees to accomplish
32 salary equalization over a set number of years; ~~((and))~~

33 (f) Initial fiscal estimates for implementing the recommendations
34 including a recognition that staff on the existing salary allocation
35 model would have the option to grandfather in permanently to the
36 existing schedule; and

37 (g) How to use school-based incentives to encourage and reward
38 school-wide improvements.

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

8 (4) The analysis required under subsection (1) of this section
9 must:

10 (a) Examine salaries and other compensation for teachers, other
11 certificated instructional staff, principals, and other building-level
12 certificated administrators, and the types of classified employees for
13 whom salaries are allocated;

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

17 (c) Include a comparison of salaries and other compensation to the
18 appropriate labor market for at least the following subgroups of
19 educators: Beginning teachers and types of educational staff
20 associates.

21 (5) The working group or a technical subgroup of individuals with
22 knowledge and expertise in professional development and mentoring
23 formed by the working group shall conduct a comprehensive analysis of
24 educator professional development and mentoring needs for principals,
25 teachers, educational staff associates, and classified staff. The
26 analysis must include professional development needs in the following
27 specific areas:

28 (a) Cultural competency;

29 (b) Competency in language acquisition; and

30 (c) Science, technology, engineering, and mathematics instruction.

31 (6) The working group shall also examine current barriers and
32 possible strategies, including incentives, to recruit and retain
33 diverse teachers and teachers with knowledge and skills in science,
34 technology, engineering, and mathematics.

35 (7) The working group shall include four legislators, with one
36 member from each of the major caucuses in the house of representatives
37 appointed by the speaker of the house of representatives; and one
38 member from each of the major caucuses in the senate appointed by the

1 president of the senate. Additional members shall include
2 representatives of the department of personnel, the professional
3 educator standards board, the office of the superintendent of public
4 instruction, the Washington education association, the Washington
5 association of school administrators, the association of Washington
6 school principals, the Washington state school directors' association,
7 the public school employees of Washington, and other interested
8 stakeholders with appropriate expertise in compensation related
9 matters. The working group may convene advisory subgroups on specific
10 topics as necessary to assure participation and input from a broad
11 array of diverse stakeholders.

12 ((+6+)) (8) The working group shall be monitored and overseen by
13 the legislature and the quality education council created in RCW
14 28A.290.010. The working group shall make an initial report to the
15 legislature by June 30, 2012, and shall include in its report
16 recommendations for whether additional further work of the group is
17 necessary.

18 **PART IV**
19 **PERFORMANCE-BASED REDUCTION IN FORCE DUE TO ENROLLMENT**
20 **DECLINE OR REVENUE LOSS**

21 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.405
22 RCW to read as follows:

23 (1) When reductions in the workforce occur due to enrollment
24 decline or revenue loss, the employment contracts of any certificated
25 classroom teacher must be nonrenewed in the following manner within
26 each particular certification or endorsement area. Certificated
27 classroom teachers who received the lowest evaluation rating, as
28 described in RCW 28A.405.100 must have their contracts nonrenewed
29 first.

30 (2) The board of directors of each school district shall adopt a
31 written policy governing procedures for the nonrenewal of employment
32 contracts for certificated classroom teachers as provided for in
33 subsection (1) of this section.

34 (3) Any school district whose board policies or locally bargained
35 agreement outlines recall rights for certificated classroom teachers

1 must recall staff in the reverse order contracts were nonrenewed as
2 provided for in subsection (1) of this section.

3 (4) All collective bargaining agreements and other contracts
4 entered into between a school district and an employee bargaining unit
5 or an employee after the effective date of this section, as well as
6 bargaining agreements existing on the effective date of this section,
7 but renewed or extended after the effective date of this section, must
8 be consistent with this section.

9 **PART V**

10 **STAFFING PLACEMENTS**

11 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.405
12 RCW to read as follows:

13 Any policy adopted by a school district board of directors after
14 the effective date of this section under RCW 28A.150.230 or in a
15 locally bargained agreement must contain provisions that prohibit
16 assignment of a certificated classroom teacher to a school in the
17 lowest tier of the state board of education's accountability index,
18 unless agreed to by the hiring principal and, if applicable to local
19 policy, the school-based entity charged with hiring decisions.

20 **PART VI**

21 **MISCELLANEOUS PROVISIONS**

22 NEW SECTION. **Sec. 601.** Sections 104, 107, 202, and 208 of this
23 act take effect September 1, 2011.

24 NEW SECTION. **Sec. 602.** Sections 401 and 501 of this act are
25 necessary for the immediate preservation of the public peace, health,
26 or safety, or support of the state government and its existing public
27 institutions, and take effect immediately.

28 NEW SECTION. **Sec. 603.** Section 201 of this act expires September
29 1, 2011."

E2SHB 1443 - S AMD

By Senators Tom, Litzow

ADOPTED AS AMENDED 04/12/2011

1 On page 1, line 2 of the title, after "council;" strike the
2 remainder of the title and insert "amending RCW 28A.150.260,
3 28A.250.020, 28A.250.050, 28A.150.220, 28A.657.050, 28A.165.015,
4 28A.165.015, 28A.165.025, 28A.320.190, 28A.180.090, 28A.185.020,
5 28A.185.030, 28C.18.162, 28A.660.042, 28A.660.050, 28A.660.040, and
6 28A.400.201; adding new sections to chapter 28A.655 RCW; adding a new
7 section to chapter 28A.230 RCW; adding a new section to chapter 28A.185
8 RCW; adding new sections to chapter 28A.405 RCW; creating new sections;
9 providing an effective date; providing an expiration date; and
10 declaring an emergency."

--- END ---