
ENGROSSED SENATE BILL 6048

State of Washington

61st Legislature

2009 Regular Session

By Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles, and Haugen

Read first time 02/18/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to education; amending RCW 28A.150.200,
2 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390,
3 28A.150.380, 28A.230.090, 28A.415.360, 28A.165.005, 28A.165.015,
4 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new
5 sections to chapter 28A.150 RCW; adding a new section to chapter
6 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new
7 section to chapter 28A.305 RCW; adding a new section to chapter 43.41
8 RCW; adding a new section to chapter 28A.500 RCW; creating new
9 sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100,
10 28A.150.040, 28A.150.370, and 28A.155.180; and providing an effective
11 date.

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

13 NEW SECTION. **Sec. 1.** (1) Public education in Washington state has
14 evolved since the enactment of the Washington basic education act of
15 1977. Decisions by the courts have played a part in this evolution, as
16 have studies and research about education practices and education
17 funding. The legislature finds ample evidence of a need for continuing
18 to refine the program of basic education that is funded by the state
19 and delivered by school districts.

1 (2) In enacting this legislation, the legislature intends to
2 continue to review, evaluate, and revise the definition and funding of
3 basic education in order to continue to fulfill the state obligation
4 under Article IX of the state Constitution to define and fund a program
5 of basic education for children residing in the state and attending
6 public schools. The legislature also intends to continue to strengthen
7 and modify the structure of the entire K-12 educational system,
8 including nonbasic education programmatic elements, in order to build
9 the capacity to anticipate and support potential future enhancements to
10 basic education as the educational needs of our citizens continue to
11 evolve.

12 (3) The legislature further intends to fulfill the state's
13 obligation under Article IX to establish a general and uniform system
14 of public schools and build upon the actions previously taken by the
15 legislature to address the inequities that exist in the current system.
16 However, the legislature finds that in some instances providing general
17 and uniform educational opportunity requires tailoring basic education
18 to reflect certain needs and circumstances of each school district,
19 including district size and certain student characteristics. It is the
20 intent of the legislature to address these differences using a rational
21 basis for the differences in order to promote equity and uniformity of
22 educational opportunity.

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

37 (5) For practical and educational reasons, major changes of the
38 program of basic education and the funding formulas to support it

1 cannot occur instantaneously. The legislature intends to build upon
2 the previous efforts of the legislature and the work of the basic
3 education task force, the state board of education, the professional
4 educator standards board, and others. However, an implementation
5 strategy must be determined for the instructional program; financial
6 experts must develop the details of the funding formulas that are based
7 on prototypical schools; changes to the systems of educator
8 certification, evaluation, mentoring, and compensation must be
9 established; a data and reporting system must be designed; the capacity
10 of districts to help their schools improve student achievement must be
11 increased; and a system in which the state and school districts share
12 accountability for achieving state educational standards requires new
13 mechanisms that will clearly define the relationship of expectations
14 for the state, school districts, and schools. As development of these
15 formulas, processes, and systems progresses, the legislature shall
16 monitor the progress. The legislature intends to begin a schedule for
17 implementation of a redefined program of basic education and the
18 resources necessary to support it, beginning in the 2011-12 school
19 year. It is the legislature's intent that when the system has the
20 capacity to fully implement these reforms and enhancements they will be
21 included in a definition and funding of basic education.

22 (6) It is the further intent of the legislature to also address
23 additional issues that are of importance to the legislature but are not
24 part of basic education.

25 NEW SECTION. **Sec. 2.** INTENT TO MAKE NECESSARY CORRECTIONS. It is
26 the intent of the legislature that the policies and allocation formulas
27 adopted under this act constitute the legislature's definition of basic
28 education under Article IX of the state Constitution. The legislature
29 intends, however, to continue to review and revise the formulas and
30 schedules and may make additional revisions, including revisions for
31 technical purposes and consistency in the event of mathematical or
32 other technical errors.

33 NEW SECTION. **Sec. 3.** OVERSIGHT. It is the intent of the
34 legislature to maintain an active and ongoing role in monitoring and
35 overseeing the development and implementation of the new basic
36 education funding formula and redefinition of basic education. The

1 state board of education, professional educator standards board, office
2 of financial management, and the technical working groups established
3 under sections 111, 401, and 502 of this act shall present status
4 reports on the progress in completing the tasks assigned under the
5 provisions of this act to a joint work session of the house of
6 representatives and senate education committees as required by the
7 legislature.

8 **PART I**

9 **PROGRAM AND FUNDING OF BASIC EDUCATION**

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

12 PROGRAM OF EDUCATION. (~~((This 1977 amendatory act shall be known~~
13 ~~and may be cited as "The Washington Basic Education Act of 1977." The~~
14 ~~program evolving from the Basic Education Act shall include (1) the~~
15 ~~goal of the school system as defined in RCW 28A.150.210, (2) those~~
16 ~~program requirements enumerated in RCW 28A.150.220, and (3) the~~
17 ~~determination and distribution of state resources as defined in RCW~~
18 ~~28A.150.250 and 28A.150.260.~~

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

29 (2) The legislature defines the program of basic education under
30 this chapter as that which is necessary to provide the opportunity to
31 develop the knowledge and skills necessary to meet the state-
32 established high school graduation requirements that are intended to
33 allow students to have the opportunity to graduate with a meaningful
34 diploma that prepares them for postsecondary education, gainful
35 employment, and citizenship. This program includes the following:

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

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

6 (c) The program of education provided by chapter 28A.193 RCW for
7 individuals under the age of eighteen who are incarcerated in adult
8 correctional facilities; and

9 (d) Transportation and transportation services to and from school
10 for eligible students as provided under RCW 28A.160.150 through
11 28A.160.180.

12 NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this
13 section apply throughout this chapter unless the context clearly
14 requires otherwise.

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

17 (2) "Certificated administrative staff" means all those persons who
18 are chief executive officers, chief administrative officers,
19 confidential employees, supervisors, principals, or assistant
20 principals within the meaning of RCW 41.59.020(4).

21 (3) "Certificated employee" as used in this chapter and RCW
22 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
23 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
24 persons who hold certificates as authorized by rule of the Washington
25 professional educator standards board.

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

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

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

34 (7) "Classroom teacher" means a person who holds a professional
35 education certificate and is employed in a position for which such
36 certificate is required whose primary duty is the daily educational
37 instruction of students. In exceptional cases, people of unusual

1 competence but without certification may teach students so long as a
2 certificated person exercises general supervision, but the hiring of
3 such classified employees shall not occur during a labor dispute, and
4 such classified employees shall not be hired to replace certificated
5 employees during a labor dispute.

6 (8) "Instructional program of basic education" means the minimum
7 program required to be provided by school districts and includes
8 instructional hour requirements and other components under RCW
9 28A.150.220.

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

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

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

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

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

36 BASIC EDUCATION GOAL. (~~The goal of the basic education act for~~
37 ~~the schools of the state of Washington set forth in this chapter shall~~

1 be)) A basic education is an evolving program of instruction that is
2 intended to provide students with the opportunity to become responsible
3 and respectful global citizens, to contribute to their economic well-
4 being and that of their families and communities, to explore and
5 understand different perspectives, and to enjoy productive and
6 satisfying lives. Additionally, the state of Washington intends to
7 provide for a public school system that is able to evolve and adapt in
8 order to better focus on strengthening the educational achievement of
9 all students, which includes high expectations for all students and
10 gives all students the opportunity to achieve personal and academic
11 success. To these ends, the goals of each school district, with the
12 involvement of parents and community members, shall be to provide
13 opportunities for every student to develop the knowledge and skills
14 essential to:

15 (1) Read with comprehension, write effectively, and communicate
16 successfully in a variety of ways and settings and with a variety of
17 audiences;

18 (2) Know and apply the core concepts and principles of mathematics;
19 social, physical, and life sciences; civics and history, including
20 different cultures and participation in representative government;
21 geography; arts; and health and fitness;

22 (3) Think analytically, logically, and creatively, and to integrate
23 different experiences and knowledge to form reasoned judgments and
24 solve problems; and

25 (4) Understand the importance of work and finance and how
26 performance, effort, and decisions directly affect future career and
27 educational opportunities.

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

30 INSTRUCTIONAL PROGRAM. (1) Satisfaction of the basic education
31 (~~(program requirements)~~) goal identified in RCW 28A.150.210 shall be
32 (~~(considered)~~) intended to be implemented by the following minimum
33 instructional program:

34 (a) Each school district shall make available to students enrolled
35 in kindergarten at least a total instructional offering of four hundred
36 fifty hours. The program shall include instruction in the essential
37 academic learning requirements under RCW (~~(28A.630.885)~~) 28A.655.070

1 and such other subjects and such activities as the school district
2 shall determine to be appropriate for the education of the school
3 district's students enrolled in such program;

4 (b) Each school district shall make available to students enrolled
5 in grades one through twelve, at least a district-wide annual average
6 total instructional hour offering of one thousand hours. The state
7 board of education may define alternatives to classroom instructional
8 time for students in grades nine through twelve enrolled in alternative
9 learning experiences. The state board of education shall establish
10 rules to determine annual average instructional hours for districts
11 including fewer than twelve grades. The program shall include the
12 essential academic learning requirements under RCW ((~~28A.630.885~~)
13 28A.655.070 and such other subjects and such activities as the school
14 district shall determine to be appropriate for the education of the
15 school district's students enrolled in such group;

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

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

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

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

30 (2) Nothing contained in subsection (1) of this section shall be
31 construed to require individual students to attend school for any
32 particular number of hours per day or to take any particular courses.

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

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

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

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

21 FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From
22 those funds made available by the legislature for the current use of
23 the common schools, the superintendent of public instruction shall
24 distribute annually as provided in RCW 28A.510.250 to each school
25 district of the state operating a basic education instructional program
26 approved by the state board of education an ((amount which, when
27 combined with an appropriate portion of such locally available
28 revenues, other than)) allocation based on the formulas provided in RCW
29 28A.150.260, 28A.150.390, and section 108 of this act. The basic
30 education instructional allocation shall be net of receipts from
31 federal forest revenues distributed to school districts pursuant to RCW
32 28A.520.010 and 28A.520.020((7 as the superintendent of public
33 instruction may deem appropriate for consideration in computing state
34 equalization support, excluding excess property tax levies, will
35 constitute a basic education allocation in dollars for each annual
36 average full-time equivalent student enrolled, based upon one full

1 school year of one hundred eighty days, except that for kindergartens
2 one full school year shall be one hundred eighty half days of
3 instruction, or the equivalent as provided in RCW 28A.150.220)).

4 (2) The instructional program of basic education shall be
5 considered to be fully funded by those amounts of dollars appropriated
6 by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260,
7 28A.150.390, and section 108 of this act to fund those program
8 requirements identified in RCW 28A.150.220 in accordance with the
9 formula ((and ratios)) provided in RCW 28A.150.260 and those amounts of
10 dollars appropriated by the legislature to fund the salary requirements
11 of RCW ((28A.150.100 and)) 28A.150.410.

12 ((Operation of a program approved by the state board of education,
13 for the purposes of this section, shall include a finding that the
14 ratio of students per classroom teacher in grades kindergarten through
15 three is not greater than the ratio of students per classroom teacher
16 in grades four and above for such district: PROVIDED, That for the
17 purposes of this section, "classroom teacher" shall be defined as an
18 instructional employee possessing at least a provisional certificate,
19 but not necessarily employed as a certificated employee, whose primary
20 duty is the daily educational instruction of students: PROVIDED
21 FURTHER, That the state board of education shall adopt rules and
22 regulations to insure compliance with the student/teacher ratio
23 provisions of this section, and such rules and regulations shall allow
24 for exemptions for those special programs and/or school districts which
25 may be deemed unable to practicably meet the student/teacher ratio
26 requirements of this section by virtue of a small number of students.))

27 (3) If a school district's basic education program fails to meet
28 the basic education requirements enumerated in RCW ((28A.150.250,))
29 28A.150.260((7)) and 28A.150.220, the state board of education shall
30 require the superintendent of public instruction to withhold state
31 funds in whole or in part for the basic education allocation until
32 program compliance is assured((: PROVIDED, That)). However, the state
33 board of education may waive this requirement in the event of
34 substantial lack of classroom space.

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

37 ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ((The

1 ~~basic education allocation for each annual average full time equivalent~~
2 ~~student shall be determined in accordance with the following~~
3 ~~procedures)) The purpose of this section is to provide for the~~
4 ~~allocation of state funding that the legislature deems necessary to~~
5 ~~support school districts in offering the minimum instructional program~~
6 ~~of basic education under RCW 28A.150.220. The allocation shall be~~
7 ~~determined as follows:~~

8 (1) The governor shall and the superintendent of public instruction
9 may recommend to the legislature a formula (~~based on a ratio of~~
10 ~~students to staff)) for the distribution of a basic education~~
11 ~~instructional~~ allocation for each (~~annual average full time equivalent~~
12 ~~student enrolled in a)) common school district. (~~The distribution~~
13 ~~formula shall have the primary objective of equalizing educational~~
14 ~~opportunities and shall provide appropriate recognition of the~~
15 ~~following costs among the various districts within the state:~~~~

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

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

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

19 ~~(d) Nonsalary costs;~~

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

25 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~
26 ~~28A.225.250 who do not reside within the servicing school district.))~~

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

37 (3)(a) To the extent the technical details of the formula have been
38 adopted by the legislature, the distribution formula for the basic

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

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

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

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

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

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

37 (i) Basic average class size;

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

4 (iii) Average class size in grades kindergarten through three.

5 (d) The minimum allocation for each level of prototypical school
6 shall include allocations for staff in addition to classroom teachers.

7 (4) The minimum allocation for each school district shall include
8 allocations per annual average full-time equivalent student for the
9 following materials, supplies, and operating costs: Student
10 technology; utilities; curriculum, textbooks, library materials, and
11 instructional supplies; instructional professional development; other
12 building-level costs including maintenance, custodial, and security;
13 and central office administration.

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

17 (a) To provide supplemental instruction and services for
18 underachieving students through the learning assistance program under
19 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
20 percent of students in each school who are eligible for free and
21 reduced-price meals. The minimum allocation for the learning
22 assistance program shall provide an extended school day and extended
23 school year for each level of prototypical school and a per student
24 allocation for maintenance, supplies, and operating costs.

25 (b) To provide supplemental instruction and services for students
26 whose primary language is other than English, allocations shall be
27 based on the number of students in each school who are eligible for and
28 enrolled in the transitional bilingual instruction program under RCW
29 28A.180.010 through 28A.180.080. The minimum allocation for each level
30 of prototypical school shall provide for supplemental instruction based
31 on percent of the school day a student is assumed to receive
32 supplemental instruction and a per student allocation for maintenance,
33 supplies, and operating costs.

34 (6) The allocations under subsections (3)(b), (c)(i), and (d) and
35 (4) of this section shall be enhanced as provided under RCW 28A.150.390
36 on an excess cost basis to provide supplemental instructional resources
37 for students with disabilities.

1 (7) The distribution formula shall include allocations to school
2 districts to support staffing of central office administration. The
3 minimum allocation shall be calculated as a percentage, identified in
4 the omnibus appropriations act, of the total allocations for staff
5 under subsection (3) of this section for all schools in the district.

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

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

21 ~~(b) The formula adopted by the legislature shall reflect the~~
22 ~~following ratios at a minimum: (i) Forty nine certificated~~
23 ~~instructional staff to one thousand annual average full time equivalent~~
24 ~~students enrolled in grades kindergarten through three; (ii) forty six~~
25 ~~certificated instructional staff to one thousand annual average full~~
26 ~~time equivalent students in grades four through twelve; (iii) four~~
27 ~~certificated administrative staff to one thousand annual average full~~
28 ~~time equivalent students in grades kindergarten through twelve; and~~
29 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~
30 ~~thousand annual average full time equivalent students enrolled in~~
31 ~~grades kindergarten through twelve.~~

32 ~~(e))~~ (b) In the event the legislature rejects the distribution
33 formula recommended by the governor, without adopting a new
34 distribution formula, the distribution formula for the previous school
35 year shall remain in effect (~~PROVIDED, That the distribution formula~~
36 ~~developed pursuant to this section shall be for state apportionment and~~
37 ~~equalization purposes only and shall not be construed as mandating~~

1 ~~specific operational functions of local school districts other than~~
2 ~~those program requirements identified in RCW 28A.150.220 and~~
3 ~~28A.150.100).~~

4 (c) The enrollment of any district shall be the annual average
5 number of full-time equivalent students and part-time students as
6 provided in RCW 28A.150.350, enrolled on the first school day of each
7 month ~~((and shall exclude full-time equivalent students with~~
8 ~~disabilities recognized for the purposes of allocation of state funds~~
9 ~~for programs under RCW 28A.155.010 through 28A.155.100)), including
10 students who are in attendance pursuant to RCW 28A.335.160 and
11 28A.225.250 who do not reside within the servicing school district.
12 The definition of full-time equivalent student shall be determined by
13 rules of the superintendent of public instruction ~~((: PROVIDED, That~~
14 ~~the definition))~~ and shall be included as part of the superintendent's
15 biennial budget request ~~((: PROVIDED, FURTHER, That))~~. The definition
16 shall be based on the minimum instructional hour offerings required
17 under RCW 28A.150.220. Any revision of the present definition shall
18 not take effect until approved by the house ~~((appropriations))~~ ways and
19 means committee and the senate ways and means committee ~~((: PROVIDED,~~
20 ~~FURTHER, That))~~.~~

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

24 ~~((3)(a) Certificated instructional staff shall include those~~
25 ~~persons employed by a school district who are nonsupervisory employees~~
26 ~~within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional~~
27 ~~cases, people of unusual competence but without certification may teach~~
28 ~~students so long as a certificated person exercises general~~
29 ~~supervision: PROVIDED, FURTHER, That the hiring of such classified~~
30 ~~people shall not occur during a labor dispute and such classified~~
31 ~~people shall not be hired to replace certificated employees during a~~
32 ~~labor dispute.~~

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

1 **Sec. 107.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to
2 read as follows:

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

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

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

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

26 (3) As used in this section:

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

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

36 (c) "Enrollment percent" means the district's resident special
37 education annual average enrollment, excluding students ages birth

1 through four and those five year olds not yet enrolled in kindergarten,
2 as a percent of the district's annual average full-time equivalent
3 basic education enrollment.

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

6 NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the
7 extent necessary, funds shall be made available for safety net awards
8 for districts with demonstrated needs for special education funding
9 beyond the amounts provided through the special education funding
10 formula under RCW 28A.150.390. If the federal safety net awards based
11 on the federal eligibility threshold exceed the federal appropriation
12 in any fiscal year, then the superintendent shall expend all available
13 federal discretionary funds necessary to meet this need. Safety net
14 funds shall be awarded by the state safety net oversight committee
15 subject to the following conditions and limitations:

16 (a) The committee shall consider additional funds for districts
17 that can convincingly demonstrate that all legitimate expenditures for
18 special education exceed all available revenues from state funding
19 formulas. In the determination of need, the committee shall also
20 consider additional available revenues from federal sources.
21 Differences in program costs attributable to district philosophy,
22 service delivery choice, or accounting practices are not a legitimate
23 basis for safety net awards. In the determination of need, the
24 committee shall require that districts demonstrate that they are
25 maximizing their eligibility for all state and federal revenues related
26 to services for special education students.

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

32 (c) Using criteria developed by the committee, the committee shall
33 then consider extraordinary costs associated with communities that draw
34 a larger number of families with children in need of special education
35 services. Safety net awards under this subsection (1)(c) shall be
36 adjusted to reflect amounts awarded under (b) of this subsection.

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

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

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

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

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

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

35 (a) One staff member from the office of the superintendent of
36 public instruction;

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

1 (c) One or more representatives from school districts or
2 educational service districts knowledgeable of special education
3 programs and funding.

4 **Sec. 109.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to
5 read as follows:

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

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

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

22 **Sec. 110.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
23 read as follows:

24 GRADUATION REQUIREMENTS. (1) The state board of education shall
25 establish high school graduation requirements or equivalencies for
26 students, except those equivalencies established by local high schools
27 or school districts under RCW 28A.230.097.

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

32 (b) The certificate of academic achievement requirements under RCW
33 28A.655.061 or the certificate of individual achievement requirements
34 under RCW 28A.155.045 are required for graduation from a public high
35 school but are not the only requirements for graduation.

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

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

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

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

30 (3) Pursuant to any requirement for instruction in languages other
31 than English established by the state board of education or a local
32 school district, or both, for purposes of high school graduation,
33 students who receive instruction in American sign language or one or
34 more American Indian languages shall be considered to have satisfied
35 the state or local school district graduation requirement for
36 instruction in one or more languages other than English.

37 (4) If requested by the student and his or her family, a student

1 who has completed high school courses before attending high school
2 shall be given high school credit which shall be applied to fulfilling
3 high school graduation requirements if:

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

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

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

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

20 NEW SECTION. **Sec. 111.** FUNDING WORKING GROUP. (1) The
21 legislature intends to redefine the instructional program of education
22 under RCW 28A.150.220 that fulfills the obligations and requirements of
23 Article IX of the state Constitution. The funding formulas under RCW
24 28A.150.260 to support the instructional program shall be implemented
25 beginning in the 2011-12 school year to the extent the technical
26 details of the formula have been established and according to an
27 implementation schedule to be adopted by the legislature. The object
28 of the schedule is to assure that increases in funding allocations are
29 timely, predictable, and occur concurrently with any increases in
30 program or instructional requirements. It is the intent of the
31 legislature that no increased programmatic or instructional
32 expectations be imposed upon schools or school districts without an
33 accompanying increase in resources as necessary to support those
34 increased expectations.

35 (2) The office of financial management, with assistance and support
36 from the office of the superintendent of public instruction, shall

1 convene a technical working group to recommend the details of the
2 funding formulas and a concurrent implementation schedule.

3 (3) In addition to any other details the technical working group
4 deems necessary, the technical working group shall:

5 (a) Based on the intent established in RCW 28A.150.260, determine
6 how to adjust the actual allocations to school districts from the
7 school prototypes and what additional data might be necessary to allow
8 adjustments based on the actual number of full-time equivalent students
9 in each grade level at each school in the district;

10 (b) Recommend whether there should be additional class size
11 categories, in addition to those in RCW 28A.150.260, that should be
12 specified in the omnibus appropriations act for prototypical schools;

13 (c) Recommend what staff categories, in addition to classroom
14 teachers, should have specified allocations included in the omnibus
15 appropriations act for prototypical schools. In developing the list,
16 the working group shall at a minimum consider the following categories:

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

19 (ii) Teacher or classified employee librarians, a function that
20 includes information literacy, technology, and media to support school
21 library media programs;

22 (iii) Student health services, a function that includes school
23 nurses, whether certificated instructional or classified employee, and
24 social workers;

25 (iv) Guidance counselors, a function that includes parent outreach
26 and graduation advisor;

27 (v) Professional development coaches;

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

30 (vii) Office support, technology support, and noninstructional
31 aides;

32 (viii) Custodians, warehouse, maintenance, laborer, and
33 professional and technical education support employees;

34 (ix) Student and staff safety; and

35 (x) Teacher mentor enhancement; and

36 (d) Recommend whether additional categories of enhancements to the
37 annual average full-time equivalent student allocation should be
38 included in the omnibus appropriations act for prototypical schools,

1 any recommended criteria for those enhancements, and whether
2 restrictions on when those enhancements apply should be included. The
3 working group shall at a minimum give consideration to the following
4 potential enhancements:

5 (i) Based on student enrollment in exploratory career and technical
6 education courses;

7 (ii) Based on student enrollment in laboratory science courses;

8 (iii) Based on student enrollment in preparatory career and
9 technical education courses;

10 (iv) Based on enrollment in preparatory career and technical
11 education courses offered through a skill center; and

12 (v) Based on the enrollment of highly capable students.

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

24 (5) The working group shall be monitored and overseen by the
25 legislature as established in section 3 of this act. The working group
26 shall submit its recommendations to the legislature by December 1,
27 2009.

28 NEW SECTION. **Sec. 112.** A new section is added to chapter 28A.300
29 RCW to read as follows:

30 CAPACITY AND PHASE IN OF BASIC EDUCATION ENHANCEMENTS. (1) As part
31 of the estimates and information submitted to the governor by the
32 superintendent of public instruction under RCW 28A.300.170, the
33 superintendent of public instruction shall annually make determinations
34 on the educational system's capacity to accommodate increased resources
35 in relation to the recommended elements in the prototypical funding
36 allocation model. In areas where there are specific and significant

1 capacity limitations to providing enhancements to a recommended
2 element, the superintendent of public instruction shall identify those
3 limitations and make recommendations on how to address 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 redefine and enhance an
8 evolving program of basic education that serves the educational needs
9 of the citizen's of Washington; and ensure that no enhancements are
10 imposed on the educational system that cannot be accommodated by the
11 existing system capacity.

12 (3) It is the intent of the legislature that as state support for
13 the common schools is increased, increases in appropriations that are
14 not basic education appropriations and that are above the maintenance
15 level of the prior budget cycle shall be used primarily for the
16 purposes of building system capacity to support:

17 (a) Class size reductions in grades kindergarten through three; or

18 (b) Increasing and enhancing a statewide beginning teacher
19 mentoring and support system.

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

30 (5) The office of the superintendent of public instruction shall
31 report to the legislature on an annual basis beginning December 1,
32 2010.

33 PART II

34 CERTIFICATION AND PROFESSIONAL DEVELOPMENT

35 NEW SECTION. **Sec. 201.** INTENT. The legislature recognizes that
36 the key to providing all students the opportunity to achieve the basic

1 education goal is effective teaching and leadership. Teachers and
2 administrators must be provided with access to the opportunities they
3 need to gain the knowledge and skills that will enable them to be
4 increasingly successful in their classroom and schools. A system that
5 clearly defines, supports, measures, and recognizes effective teaching
6 and leadership is one of the most important investments to be made.

7 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.410
8 RCW to read as follows:

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

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

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

34 (a) An update on the status of implementation of the professional
35 certificate external and uniform assessment authorized in RCW
36 28A.410.210;

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

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

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

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

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

32 (c) Administration and management of the assessments.

33 (4) To the extent that funds are appropriated for this purpose and
34 in accordance with the timeline established in subsection (2) of this
35 section, recognizing the capacity limitations of the education systems,
36 the professional educator standards board shall develop the system and
37 process as established in subsections (1), (2), and (3) of this section
38 throughout the remainder of the 2010-11 and 2011-12 school years.

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

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

12 **Sec. 203.** RCW 28A.415.360 and 2007 c 402 s 9 are each amended to
13 read as follows:

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

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

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

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

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

33 (d) Skillful guidance for students participating in alternative
34 assessment activities;

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

1 (f) Increased student opportunities for focused, applied
2 mathematics and science classes;

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

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

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

17 PART III

18 SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT

19 NEW SECTION. Sec. 301. INTENT. (1) The legislature intends to
20 develop a system in which the state and school districts share
21 accountability for achieving state educational standards and supporting
22 continuous school improvement. The legislature recognizes that
23 comprehensive education finance reform and the increased investment of
24 public resources necessary to implement that reform must be accompanied
25 by a new mechanism for clearly defining the relationships and
26 expectations for the state, school districts, and schools. It is the
27 legislature's intent that this be accomplished through the development
28 of a proactive, collaborative accountability system that focuses on
29 school improvement system that engages and serves the local school
30 board, parents, students, staff in the schools and districts, and the
31 community. The improvement system shall be based on progressive levels
32 of support, with a goal of continuous improvement in student
33 achievement and alignment with the federal system of accountability.
34 The legislature further recognizes that it is the state's
35 responsibility to provide schools and districts with the tools
36 necessary to improve student achievement. These tools include the

1 necessary accounting and data reporting systems, assessment systems to
2 monitor student achievement, and a system of general support, targeted
3 assistance, recognition, and, potentially, state-funded intervention
4 strategies.

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

14 NEW SECTION. **Sec. 302.** A new section is added to chapter 28A.305
15 RCW to read as follows:

16 PRINCIPLES. (1) The state board of education shall continue to
17 refine the development of an accountability framework that creates a
18 unified system of support for challenged schools, that aligns with
19 basic education, increases the level of support based upon the
20 magnitude of need, and uses data for decisions.

21 (2) The state board of education shall develop an accountability
22 index to identify schools and districts for recognition and for
23 additional state support. The index shall be based on student growth
24 using criteria that are fair, consistent, and transparent. Performance
25 shall be measured using multiple outcomes and indicators including, but
26 not limited to, graduation rates and results from statewide
27 assessments. The accountability index shall take into account the
28 level of state resources a school or school district receives in
29 support of the program of basic education. The index shall be
30 developed in such a way as to be easily understood by both employees
31 within the schools and districts, as well as parents and community
32 members. It is the legislature's intent that the index provide
33 feedback to schools and districts to self-assess their progress, and
34 enable the identification of schools with exemplary student performance
35 and those that need assistance to overcome challenges in order to
36 achieve exemplary student performance.

1 (3) Based on the accountability index and in consultation with the
2 superintendent of public instruction, the state board of education
3 shall develop a proposal and timeline for implementation of a
4 comprehensive system of voluntary support and assistance for schools
5 and districts. The timeline must take into account and accommodate
6 capacity limitations of the K-12 educational system. The proposal and
7 timeline shall be submitted to the education committees of the
8 legislature for review, and the legislature shall have the opportunity
9 to act during a regular legislative session before the system of
10 voluntary support is implemented. Changes that have a fiscal impact on
11 school districts, as identified by a fiscal analysis prepared by the
12 office of the superintendent of public instruction, shall take effect
13 only if formally authorized by the legislature through the omnibus
14 appropriations act or other enacted legislation.

15 (4) The state board of education shall develop a proposal and
16 implementation timeline for a more formalized comprehensive system
17 improvement targeted to challenged schools and districts that have not
18 demonstrated sufficient improvement through the voluntary system. The
19 timeline must take into account and accommodate capacity limitations of
20 the K-12 educational system. The proposal and timeline shall be
21 submitted to the education committees of the legislature by December 1,
22 2012, and shall include recommended legislation and recommended
23 resources to implement the system according to the timeline developed.
24 The proposal shall take effect only if formally authorized by the
25 legislature through the omnibus appropriations act or other enacted
26 legislation.

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

33 (6) The state board of education shall work with the education data
34 center established within the office of financial management and the
35 technical working group established in section 111 of this act to
36 determine the feasibility of using the prototypical funding allocation
37 model as not only a tool for allocating resources to schools and

1 districts but also as a tool for schools and districts to report to the
2 state legislature and the state board of education on how the state
3 resources received are being used.

4 **PART IV**
5 **COMPENSATION**

6 NEW SECTION. **Sec. 401.** A new section is added to chapter 43.41
7 RCW to read as follows:

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

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

- 29 (a) How to reduce the number of tiers within the existing salary
30 allocation model;
- 31 (b) How to account for labor market adjustments;
- 32 (c) The role of and types of bonuses available;
- 33 (d) Ways to accomplish salary equalization over a set number of
34 years; and
- 35 (e) Initial fiscal estimates for implementing the recommendations

1 including a recognition that staff on the existing salary allocation
2 model would have the option to grandfather in permanently to the
3 existing schedule.

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

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

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

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

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

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

35 (6) The working group shall be monitored and overseen by the
36 legislature as established in section 3 of this act. The working group
37 shall make an initial report to the legislature by December 1, 2012,

1 and shall include in its report recommendations for whether additional
2 further work of the group is necessary.

3 **PART V**
4 **OTHER FINANCE**

5 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.500
6 RCW to read as follows:

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

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

30 NEW SECTION. **Sec. 502.** LOCAL FUNDING WORKING GROUP. (1)
31 Beginning July 1, 2010, the office of financial management, with
32 assistance and support from the office of the superintendent of public
33 instruction, shall convene a technical working group to develop options
34 for a new system of supplemental school funding through local school
35 levies and local effort assistance.

1 (2) The working group shall consider the impact on overall school
2 district revenues of the new basic education funding system established
3 under this act and shall recommend a phase-in plan that ensures that no
4 school district suffers a decrease in funding from one school year to
5 the next due to implementation of the new system of supplemental
6 funding.

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

19 (4) The local funding working group shall be monitored and overseen
20 by the legislature as established in section 3 of this act. The
21 working group shall report to the legislature December 1, 2011.

22 **PART VI**

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

24 **Sec. 601.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to
25 read as follows:

26 LAP ADJUSTMENTS. (~~The learning assistance program requirements~~
27 ~~in~~) This chapter (~~are~~) is designed to: (1) Promote the use of
28 assessment data when developing programs to assist underachieving
29 students; and (2) guide school districts in providing the most
30 effective and efficient practices when implementing (~~programs~~)
31 supplemental instruction and services to assist underachieving
32 students. (~~Further, this chapter provides the means by which a school~~
33 ~~district becomes eligible for learning assistance program funds and the~~
34 ~~distribution of those funds.~~)

1 **Sec. 602.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to
2 read as follows:

3 LAP ADJUSTMENTS. Unless the context clearly indicates otherwise
4 the definitions in this section apply throughout this chapter.

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

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

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

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

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

26 **Sec. 603.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to
27 read as follows:

28 LAP ADJUSTMENTS. (~~((1))~~) Each school district with an approved
29 program is eligible for state funds provided for the learning
30 assistance program. The funds shall be appropriated for the learning
31 assistance program in accordance with RCW 28A.150.260 and the
32 (~~((biennial))~~) omnibus appropriations act. The distribution formula is
33 for school district allocation purposes only, but funds appropriated
34 for the learning assistance program must be expended for the purposes
35 of RCW 28A.165.005 through 28A.165.065. (~~((The distribution formula~~
36 ~~shall be based on one or more family income factors measuring economic~~
37 ~~need.~~

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

8 ~~(a) If, in the prior school year, a district's percent of October~~
9 ~~headcount student enrollment in grades kindergarten through twelve who~~
10 ~~are enrolled in the transitional bilingual instruction program, based~~
11 ~~on an average of the program headcount taken in October and May,~~
12 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~
13 ~~district's percent transitional bilingual instruction program~~
14 ~~enrollment and the resulting percent shall be multiplied by the~~
15 ~~district's kindergarten through twelve annual average full-time~~
16 ~~equivalent enrollment for the prior school year.~~

17 ~~(b) The number calculated under (a) of this subsection shall be the~~
18 ~~number of additional funded students for purposes of this subsection,~~
19 ~~to be multiplied by the per funded student allocation rates specified~~
20 ~~in the omnibus appropriations act.~~

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

25 **Sec. 604.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to
26 read as follows:

27 TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be
28 known and cited as "the transitional bilingual instruction act." The
29 legislature finds that there are large numbers of children who come
30 from homes where the primary language is other than English. The
31 legislature finds that a transitional bilingual education program can
32 meet the needs of these children. Pursuant to the policy of this state
33 to insure equal educational opportunity to every child in this state,
34 it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for
35 the implementation of transitional bilingual education programs in the
36 public schools(~~, and to provide supplemental financial assistance to~~
37 ~~school districts to meet the extra costs of these programs)).~~

1 **Sec. 605.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to
2 read as follows:

3 TBIP ADJUSTMENTS. (~~The superintendent of public instruction shall~~
4 ~~prepare and submit biennially to the governor and the legislature a~~
5 ~~budget — request — for — bilingual — instruction — programs.~~) Moneys
6 appropriated by the legislature for the purposes of RCW 28A.180.010
7 through 28A.180.080 shall be allocated by the superintendent of public
8 instruction to school districts for the sole purpose of operating an
9 approved bilingual instruction program(~~∴ priorities for funding shall~~
10 ~~exist for the early elementary grades. — No moneys shall be allocated~~
11 ~~pursuant to this section to fund more than three school years of~~
12 ~~bilingual instruction for each eligible pupil within a district∴~~
13 ~~PROVIDED, That such moneys may be allocated to fund more than three~~
14 ~~school years of bilingual instruction for any pupil who fails to~~
15 ~~demonstrate improvement in English language skills adequate to remove~~
16 ~~impairment of learning when taught only in English. The superintendent~~
17 ~~of public instruction shall set standards and approve a test for the~~
18 ~~measurement of such English language skills)).~~

19 **Sec. 606.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
20 read as follows:

21 EDUCATION BY OTHER DISTRICTS. (1) A local district may be
22 authorized by the educational service district superintendent to
23 transport and educate its pupils in other districts for one year,
24 either by payment of a compensation agreed upon by such school
25 districts, or under other terms mutually satisfactory to the districts
26 concerned when this will afford better educational facilities for the
27 pupils and when a saving may be effected in the cost of education(~~∴~~
28 ~~PROVIDED, That~~). Notwithstanding any other provision of law, the
29 amount to be paid by the state to the resident school district for
30 apportionment purposes and otherwise payable pursuant to RCW
31 ((~~28A.150.100,~~) 28A.150.250 through 28A.150.290, 28A.150.350 through
32 28A.150.410, 28A.160.150 through 28A.160.200, ((~~28A.160.220~~))
33 28A.300.035, and 28A.300.170((~~, and 28A.500.010~~)) shall not be greater
34 than the regular apportionment for each high school student of the
35 receiving district. Such authorization may be extended for an
36 additional year at the discretion of the educational service district
37 superintendent.

1 (2) Subsection (1) of this section shall not apply to districts
2 participating in a cooperative project established under RCW
3 28A.340.030 which exceeds two years in duration.

4 NEW SECTION. **Sec. 607.** The following acts or parts of acts are
5 each repealed:

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

8 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
9 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
10 1973 1st ex.s. c 105 s 1;

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

14 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s
15 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s
16 22, & 1969 ex.s. c 223 s 28A.01.020;

17 (5) RCW 28A.150.370 (Additional programs for which legislative
18 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s
19 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;
20 and

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

23 **PART VII**
24 **MISCELLANEOUS PROVISIONS**

25 NEW SECTION. **Sec. 701.** Part headings and captions used in this
26 act are not any part of the law.

27 NEW SECTION. **Sec. 702.** Sections 1, 3, 102, and 108 of this act
28 are each added to chapter 28A.150 RCW.

29 NEW SECTION. **Sec. 703.** Sections 101 through 109 and 601 through
30 607 of this act take effect September 1, 2011.

31 NEW SECTION. **Sec. 704.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

--- END ---