
SUBSTITUTE SENATE BILL 5639

State of Washington

62nd Legislature

2011 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Tom, Eide, Harper, Prentice, and Shin; by request of Governor Gregoire)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to education governance; amending RCW 43.17.010,
2 43.17.020, 42.17A.705, 43.215.005, 43.215.147, 28A.175.075,
3 28A.290.020, 28A.300.020, 28A.300.030, 28A.300.035, 28A.300.040,
4 28A.300.041, 28A.300.042, 28A.300.1361, 28A.300.160, 28A.300.250,
5 28A.300.500, 28A.300.505, 28A.305.130, 28A.310.010, 28A.310.200,
6 28A.310.210, 28A.310.270, 28A.310.280, 28A.310.340, 28A.310.400,
7 28A.315.005, 28A.315.115, 28A.315.185, 28A.400.201, 28A.410.010,
8 28A.410.090, 28A.410.210, 28A.410.220, 28A.655.115, 28A.657.005,
9 28A.657.070, 28A.657.110, 72.40.010, 72.40.015, 72.40.019, 72.40.0191,
10 72.40.020, 72.40.024, 72.41.010, 72.41.020, 72.41.040, 72.42.010,
11 72.42.021, 72.42.041, and 43.41.400; reenacting and amending RCW
12 43.215.010, 43.215.020, and 28A.230.090; adding a new section to
13 chapter 41.06 RCW; adding a new section to chapter 41.80 RCW; adding a
14 new chapter to Title 28A RCW; creating new sections; recodifying RCW
15 28A.230.090, 28A.290.020, 28A.300.1361, and 28A.300.160; repealing RCW
16 43.215.030, 43.215.040, 43.215.090, 43.215.125, 43.215.440, 43.215.445,
17 41.06.097, 28A.290.010, 28A.300.050, 28A.300.136, 28A.300.137,
18 28A.305.011, 28A.305.021, 28A.305.035, 28A.305.902, 28A.310.480,
19 28A.345.010, 28A.345.020, 28A.345.030, 28A.345.040, 28A.345.050,
20 28A.345.060, 28A.345.070, 28A.345.902, 28A.410.200, 28A.410.260,
21 43.06B.010, 43.06B.030, and 43.06B.050; and providing an effective

1 date.

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

3 **PART 1**

4 **DEPARTMENT OF EDUCATION CREATED**

5 NEW SECTION. **Sec. 101.** The legislature finds that a growing
6 number of agencies, each with their own priorities and activities, set
7 education policy. The legislature further recognizes that while there
8 is excellent work being pursued by individual entities in response to
9 their specific duties, the focus and impact for student success would
10 be magnified if these agencies were brought together. The legislature
11 further finds that the consolidation of state-level education entities
12 would result in a governance system with a unifying student-centered
13 vision, common goals, shared priorities, and linked outcomes. The
14 results for learners would be improved with an integrated system
15 approach.

16 The legislature intends to create a seamless, cohesive state-level
17 governance education system focused on students and learning from birth
18 through high school graduation. This system will provide for
19 integrated policies at the state level, the creation of a streamlined
20 accountability system with clear measures and expectations, and
21 consistent best practice guidance and technical assistance to local
22 delivery systems. The accountability system will be based upon a
23 strategic plan focusing on achievement, student growth, bridging
24 existing learning gaps, and preparing students for their next steps in
25 learning and career. By consolidating state-level planning, policies,
26 accountability, and assistance, the legislature intends that outcomes
27 for learners will improve and management burdens for local delivery
28 systems will be lessened. The legislature further intends that chronic
29 P-12 issues such as the opportunity gap and mathematics and science
30 achievement be addressed systemically and that best practices for
31 teaching, leading, and learning be incorporated throughout the
32 education system.

33 NEW SECTION. **Sec. 102.** The definitions in this section apply
34 throughout this title unless the context clearly requires otherwise.

1 (1) "Department" means the department of education.

2 (2) "Secretary" means the secretary of education.

3 NEW SECTION. **Sec. 103.** (1) The department of education is created
4 as an executive branch agency. The department is vested with all
5 powers and duties transferred to it under chapter . . . , Laws of 2011
6 (this act) and such other powers and duties as may be authorized by
7 law.

8 (2) The superintendent of public instruction shall be housed within
9 the department of education but the superintendent shall retain the
10 supervisory duties pertaining to public schools granted under the state
11 Constitution.

12 (3) The department of education includes the state school for the
13 blind and the Washington state center for childhood deafness and
14 hearing loss.

15 (4) In administering a seamless state-level system of education
16 from birth through high school graduation, the primary duty of the
17 department is to focus education policy development on implementing
18 education programs and services that promote student achievement. The
19 department shall deliver innovative and flexible services, implement
20 best practices, increase efficiency in state-level administration, and
21 provide systemwide accountability.

22 NEW SECTION. **Sec. 104.** (1) The executive head and appointing
23 authority of the department is the secretary of education. The
24 secretary shall be appointed by the governor, subject to confirmation
25 by the senate. The secretary shall serve at the pleasure of the
26 governor. The secretary shall be paid a salary fixed by the governor
27 in accordance with RCW 43.03.040. If a vacancy occurs in the position
28 of secretary while the senate is not in session, the governor shall
29 make a temporary appointment until the next meeting of the senate at
30 which time he or she shall present to that body his or her nomination
31 for the position.

32 (2) The secretary may employ staff members, who shall be exempt
33 from chapter 41.06 RCW, and any additional staff members as are
34 necessary to administer this chapter, and such other duties as may be
35 authorized by law. The secretary may delegate any power or duty vested

1 in him or her by this chapter or other law, including the authority to
2 make final decisions and enter final orders in hearings conducted under
3 chapter 34.05 RCW.

4 (3) The secretary may create such administrative structures as the
5 secretary considers appropriate, except as otherwise specified by law.
6 The department shall be organized into divisions. When first
7 established, the department shall be organized into divisions for early
8 learning and K-12 education. Except as otherwise specified or as
9 federal requirements may differently require, the secretary may change
10 these divisions under plans prepared by the secretary and approved by
11 the governor.

12 (4) The secretary may employ such personnel as necessary for the
13 general administration of the department. This employment shall be in
14 accordance with the state civil service law, chapter 41.06 RCW, except
15 as otherwise provided.

16 NEW SECTION. **Sec. 105.** (1) The secretary shall administer the
17 activities of the department of education.

18 (2) The secretary shall exercise all the powers and perform all the
19 duties prescribed by law with respect to the state-level
20 administration, as provided in this chapter.

21 (3) In addition to other powers and duties granted to the
22 secretary, the secretary may:

23 (a) Enter into contracts on behalf of the state to carry out the
24 purposes of this chapter;

25 (b) Accept and expend gifts and grants that are related to the
26 purposes of this chapter, whether such grants are of federal or other
27 funds;

28 (c) Appoint a deputy secretary and such assistant secretaries and
29 special assistants, exempt from chapter 41.06 RCW, as may be needed to
30 administer the department;

31 (d) Appoint the superintendent of the school for the blind and the
32 director of the Washington state center for childhood deafness and
33 hearing loss, each of which are exempt from chapter 41.06 RCW;

34 (e) Adopt rules in accordance with chapter 34.05 RCW and perform
35 all other functions necessary and proper to carry out the purposes of
36 this chapter;

1 (f) Delegate powers, duties, and functions as the secretary deems
2 necessary for efficient administration, but the secretary shall be
3 responsible for the official acts of the officers and employees of the
4 department;

5 (g) Create such administrative structures as the secretary
6 considers appropriate, except as otherwise specified by law; and

7 (h) Perform other duties as are necessary and consistent with the
8 law.

9 (4) The secretary shall coordinate and collaborate with the
10 superintendent of public instruction and provide the administrative
11 support services for the superintendent of public instruction.

12 NEW SECTION. **Sec. 106.** In administering the department of
13 education, the secretary shall:

14 (1) Provide leadership for the education of the state's students
15 by:

16 (a) Promoting and measuring achievement;

17 (b) Respecting diverse cultures, abilities, and learning styles;

18 (c) Focusing on learning improvement strategies informed by
19 research and data; and

20 (d) Reviewing, changing, and implementing practices as necessary
21 across and within the education sectors to further learner success;

22 (2) Improve the connections that facilitate students' transitions
23 to and from different educational programs and the preparation for
24 those transitions;

25 (3) Develop and implement and continuously evaluate and adjust a
26 systemwide strategic plan that integrates the goals under section 107
27 of this act, as well as policies, activities, and functions of the
28 education sectors creating a powerful education system focused on
29 student learning that transcends traditional organizational boundaries;

30 (4) Implement performance measures focused on learner outcomes that
31 shall be used to continuously improve and evaluate student performance
32 and programs focusing on improving learning;

33 (5) Focus on improving learning throughout the entire education
34 delivery system including early learning and K-12 schools;

35 (6) Improve the coordination and relationships among the state and
36 parents, students, early learning educators and providers, local school

1 districts, community and technical colleges, and public and private
2 colleges and universities;

3 (7) Improve instructional quality and leadership practices in early
4 learning through secondary classrooms;

5 (8) Promote partnerships with private and nonprofit organizations
6 and other governmental entities to maximize the use of state and
7 private resources and promote innovation; and

8 (9) Submit budget requests for the entities and programs within the
9 department as required by law.

10 NEW SECTION. Sec. 107. (1) The strategic plan required by section
11 106(3) of this act shall be based on the following system goals to
12 provide an opportunity for:

13 (a) All students to enter kindergarten prepared for success in
14 school and life;

15 (b) All students to compete in mathematics and science nationally
16 and internationally, and for more students to graduate with degrees in
17 science, technology, engineering, and mathematics;

18 (c) All students to attain high academic standards regardless of
19 race, ethnicity, income, or gender, and for more students from
20 underrepresented groups to earn certificates and degrees; and

21 (d) All students to graduate able to succeed in college, training,
22 and careers.

23 (2) In developing the initial plan, the secretary shall review:

24 (a) The plans created by the various education agencies and boards
25 transferred to the department and those agencies coordinating with the
26 department under chapter . . . , Laws of 2011 (this act); and (b) the
27 plans developed for the federal race to the top application and related
28 work, as well as the plans and recommendations of the P-12 council.

29 (3) The strategic plan shall also include performance measures that
30 address short and long-term progress in meeting the system goals.
31 These measures shall be designed to be used for accountability
32 purposes.

33 NEW SECTION. Sec. 108. (1) The P-12 education council is created.
34 The council shall advise the secretary on broad policy issues affecting
35 the state's education system focusing on improving student learning to

1 include, but not be limited to, system goals, the state strategic plan,
2 state accountability measures, and implementation of evidence-based
3 best practices.

4 (2)(a) The council shall consist of seven voting members
5 representing the public and the public's interest in early learning and
6 K-12 education as follows:

7 (i) Two members representing early learning, appointed by the
8 governor;

9 (ii) Three members representing K-12 education elected by school
10 district directors, one of whom shall be a resident of the Puget Sound
11 area, one of whom shall be a resident of a non-Puget Sound area, and
12 one of whom shall be a resident of eastern Washington; and

13 (iii) Two members representing K-12 education appointed by the
14 governor.

15 (b) The superintendent of public instruction shall be a nonvoting
16 member, except that the superintendent shall vote in the case of a tie
17 vote of the rest of the council.

18 (3) The members shall serve four-year terms. However, to stagger
19 the terms of the council, the initial appointments for three of the
20 members shall be for two years. Once the initial two-year terms
21 expire, all subsequent terms shall be for four years with the terms
22 expiring on June 30th of the applicable year.

23 (4) The chair shall be determined by the council members, except
24 that the superintendent of public instruction may not be the chair.

25 (5) The department shall provide staff support to the council.

26 NEW SECTION. **Sec. 109.** The secretary may appoint such advisory
27 committees or councils as may be required by any federal legislation as
28 a condition to the receipt of federal funds by the department. The
29 secretary may also appoint statewide committees, councils, or work
30 groups on such subject matters as are or come within the department's
31 responsibilities. The committees, councils, or work groups shall be
32 constituted as the secretary may determine or as required by federal
33 law.

34 NEW SECTION. **Sec. 110.** (1) The governor shall appoint a
35 transition team to plan the technical and practical steps required to
36 bring the current state-level education agencies and structures into a

1 new department as provided in this act. The transition team may
2 include representatives from affected agencies. The governor shall
3 appoint the lead of the transition team.

4 (2) The transition team shall complete the transition plan and
5 implementation schedule by January 1, 2012. The plan shall be designed
6 to phase-in the operation of the department of education to begin by
7 July 1, 2012, and be completed by January 16, 2013.

8 (3) Once the transition is completed, the governor is encouraged to
9 assemble a transition team to consider, and if appropriate, coordinate
10 the inclusion of state-level higher education agencies into the
11 department of education.

12 NEW SECTION. **Sec. 111.** A new section is added to chapter 41.06
13 RCW to read as follows:

14 In addition to the exemptions under RCW 41.06.070, the provisions
15 of this chapter shall not apply in the department of education to the
16 secretary, the secretary's confidential secretary, assistant
17 secretaries, and any other exempt staff members provided for in
18 sections 104 and 105 of this act.

19 **Sec. 112.** RCW 43.17.010 and 2009 c 565 s 25 are each amended to
20 read as follows:

21 There shall be departments of the state government which shall be
22 known as (1) the department of social and health services, (2) the
23 department of ecology, (3) the department of labor and industries, (4)
24 the department of agriculture, (5) the department of fish and wildlife,
25 (6) the department of transportation, (7) the department of licensing,
26 (8) the department of general administration, (9) the department of
27 commerce, (10) the department of veterans affairs, (11) the department
28 of revenue, (12) the department of retirement systems, (13) the
29 department of corrections, (14) the department of health, (15) the
30 department of financial institutions, (16) the department of
31 archaeology and historic preservation, (17) ~~((the department of early
32 learning, and (18))~~ the Puget Sound partnership, and (18) the
33 department of education, which shall be charged with the execution,
34 enforcement, and administration of such laws, and invested with such
35 powers and required to perform such duties, as the legislature may
36 provide.

1 **Sec. 113.** RCW 43.17.020 and 2009 c 565 s 26 are each amended to
2 read as follows:

3 There shall be a chief executive officer of each department to be
4 known as: (1) The secretary of social and health services, (2) the
5 director of ecology, (3) the director of labor and industries, (4) the
6 director of agriculture, (5) the director of fish and wildlife, (6) the
7 secretary of transportation, (7) the director of licensing, (8) the
8 director of general administration, (9) the director of commerce, (10)
9 the director of veterans affairs, (11) the director of revenue, (12)
10 the director of retirement systems, (13) the secretary of corrections,
11 (14) the secretary of health, (15) the director of financial
12 institutions, (16) the director of the department of archaeology and
13 historic preservation, (17) (~~the director of early learning, and~~
14 ~~(18)~~) the executive director of the Puget Sound partnership, and (18)
15 the secretary of education.

16 Such officers, except the director of fish and wildlife, shall be
17 appointed by the governor, with the consent of the senate, and hold
18 office at the pleasure of the governor. The director of fish and
19 wildlife shall be appointed by the fish and wildlife commission as
20 prescribed by RCW 77.04.055.

21 **Sec. 114.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to
22 read as follows:

23 For the purposes of RCW 42.17A.700, "executive state officer"
24 includes:

25 (1) The chief administrative law judge, the director of
26 agriculture, the director of the department of services for the blind,
27 the director of the state system of community and technical colleges,
28 the director of commerce, the secretary of corrections, (~~the director~~
29 ~~of early learning,~~) the director of ecology, the secretary of
30 education, the commissioner of employment security, the chair of the
31 energy facility site evaluation council, the secretary of the state
32 finance committee, the director of financial management, the director
33 of fish and wildlife, the executive secretary of the forest practices
34 appeals board, the director of the gambling commission, the director of
35 general administration, the secretary of health, the administrator of
36 the Washington state health care authority, the executive secretary of
37 the health care facilities authority, the executive secretary of the

1 higher education facilities authority, the executive secretary of the
2 horse racing commission, the executive secretary of the human rights
3 commission, the executive secretary of the indeterminate sentence
4 review board, the director of the department of information services,
5 the executive director of the state investment board, the director of
6 labor and industries, the director of licensing, the director of the
7 lottery commission, the director of the office of minority and women's
8 business enterprises, the director of parks and recreation, the
9 director of personnel, the executive director of the public disclosure
10 commission, the executive director of the Puget Sound partnership, the
11 director of the recreation and conservation office, the director of
12 retirement systems, the director of revenue, the secretary of social
13 and health services, the chief of the Washington state patrol, the
14 executive secretary of the board of tax appeals, the secretary of
15 transportation, the secretary of the utilities and transportation
16 commission, the director of veterans affairs, the president of each of
17 the regional and state universities and the president of The Evergreen
18 State College, and each district and each campus president of each
19 state community college;

20 (2) Each professional staff member of the office of the governor;

21 (3) Each professional staff member of the legislature; and

22 (4) Central Washington University board of trustees, the boards of
23 trustees of each community college and each technical college, each
24 member of the state board for community and technical colleges, state
25 convention and trade center board of directors, Eastern Washington
26 University board of trustees, Washington economic development finance
27 authority, Washington energy northwest executive board, The Evergreen
28 State College board of trustees, executive ethics board, fish and
29 wildlife commission, forest practices appeals board, forest practices
30 board, gambling commission, Washington health care facilities
31 authority, higher education coordinating board, higher education
32 facilities authority, horse racing commission, state housing finance
33 commission, human rights commission, indeterminate sentence review
34 board, board of industrial insurance appeals, information services
35 board, state investment board, commission on judicial conduct,
36 legislative ethics board, life sciences discovery fund authority board
37 of trustees, liquor control board, lottery commission, Pacific
38 Northwest electric power and conservation planning council, parks and

1 recreation commission, Washington personnel resources board, board of
2 pilotage commissioners, pollution control hearings board, public
3 disclosure commission, public employees' benefits board, recreation and
4 conservation funding board, salmon recovery funding board, shorelines
5 hearings board, board of tax appeals, transportation commission,
6 University of Washington board of regents, utilities and transportation
7 commission, Washington State University board of regents, and Western
8 Washington University board of trustees.

9 NEW SECTION. **Sec. 115.** (1)(a) The powers, duties, and functions
10 of the state school for the blind and the Washington state center for
11 childhood deafness and hearing loss are hereby transferred to the
12 department of education. All references to the director or the state
13 school for the blind or the Washington state center for childhood
14 deafness and hearing loss in the Revised Code of Washington shall be
15 construed to mean the secretary or the department of education.

16 (b) The department of early learning, the state board of education,
17 and the professional educator standards board are hereby abolished and
18 their powers, duties, and functions are hereby transferred to the
19 department of education. All references to the director or the
20 department of early learning, the state board of education, or the
21 professional educator standards board in the Revised Code of Washington
22 shall be construed to mean the secretary or the department of
23 education.

24 (c) The office of the education ombudsman is abolished.

25 (2)(a) All reports, documents, surveys, books, records, files,
26 papers, or written material in the possession of the state school for
27 the blind, the Washington state center for childhood deafness and
28 hearing loss, the department of early learning, the state board of
29 education, the office of the education ombudsman, or the professional
30 educator standards board shall be delivered to the custody of the
31 department of education. All cabinets, furniture, office equipment,
32 motor vehicles, and other tangible property employed by the state
33 school for the blind, the Washington state center for childhood
34 deafness and hearing loss, the department of early learning, the state
35 board of education, the office of the education ombudsman, or the
36 professional educator standards board shall be made available to the
37 department of education. All funds, credits, or other assets held by

1 the state school for the blind, the Washington state center for
2 childhood deafness and hearing loss, the department of early learning,
3 the state board of education, the office of the education ombudsman, or
4 the professional educator standards board shall be assigned to the
5 department of education.

6 (b) Any appropriations made to the state school for the blind, the
7 Washington state center for childhood deafness and hearing loss, the
8 department of early learning, the state board of education, the office
9 of the education ombudsman, or the professional educator standards
10 board shall, on the effective date of this section, be transferred and
11 credited to the department of education.

12 (c) If any question arises as to the transfer of any personnel,
13 funds, books, documents, records, papers, files, equipment, or other
14 tangible property used or held in the exercise of the powers and the
15 performance of the duties and functions transferred, the director of
16 financial management shall make a determination as to the proper
17 allocation and certify the same to the state agencies concerned.

18 (3) All employees of the state school for the blind, the Washington
19 state center for childhood deafness and hearing loss, the department of
20 early learning, the state board of education, or the professional
21 educator standards board are transferred to the jurisdiction of the
22 department of education. All employees classified under chapter 41.06
23 RCW, the state civil service law, are assigned to the department of
24 education to perform their usual duties upon the same terms as
25 formerly, without any loss of rights, subject to any action that may be
26 appropriate thereafter in accordance with the laws and rules governing
27 state civil service.

28 (4) All rules and all pending business before the state school for
29 the blind, the Washington state center for childhood deafness and
30 hearing loss, the department of early learning, the state board of
31 education, or the professional educator standards board shall be
32 continued and acted upon by the department of education. All existing
33 contracts and obligations shall remain in full force and shall be
34 performed by the department of education.

35 (5) The transfer of the powers, duties, functions, and personnel of
36 the state school for the blind, the Washington state center for
37 childhood deafness and hearing loss, the department of early learning,
38 the state board of education, and the professional educator standards

1 board shall not affect the validity of any act performed before the
2 effective date of this section. The elimination of the office of the
3 education ombudsman shall not affect the validity of any act performed
4 before the effective date of this section.

5 (6) If apportionments of budgeted funds are required because of the
6 transfers directed by this section, the director of financial
7 management shall certify the apportionments to the agencies affected,
8 the state auditor, and the state treasurer. Each of these shall make
9 the appropriate transfer and adjustments in funds and appropriation
10 accounts and equipment records in accordance with the certification.

11 (7) The treatment of all classified employees of the state school
12 for the blind, the Washington center for childhood deafness and hearing
13 loss, the department of early learning, the state board of education,
14 or the professional educator standards board within existing bargaining
15 units assigned to the department of education under this section is as
16 provided in sections 116 and 117, chapter . . . , Laws of 2011 (sections
17 116 and 117 of this act).

18 NEW SECTION. **Sec. 116.** This section provides for the transfer of
19 employees in existing collective bargaining units to the department of
20 education as provided for in section 115 of this act.

21 (1) Employees of the State School for the Blind. The existing
22 bargaining units of the employees at the state school for the blind
23 shall be transferred in their entirety to the department of education
24 without the merging of other bargaining units or the inclusion of
25 employees from other bargaining units. Nothing contained in this
26 section or section 115 of this act may be construed to alter any of the
27 existing collective bargaining units unless and until the bargaining
28 unit has been modified by action of the public employment relations
29 commission as provided by law. Therefore, the certification of the
30 existing bargaining units shall remain. However, the public employment
31 relations commission may, upon request, amend the certification to
32 reflect the name of the new agency. Nothing in this section or section
33 115 of this act may be construed to alter the provisions of any
34 existing collective bargaining agreement until the agreement has
35 expired. The existing bargaining units of employees of the state
36 school for the blind transferred under this section and section 115 of

1 this act shall continue to be subject to the provisions of chapter
2 41.80 RCW.

3 (2) Employees of the Washington State Center for Childhood Deafness
4 and Hearing Loss. The existing bargaining units of the employees at
5 the Washington state center for childhood deafness and hearing loss
6 shall be transferred in their entirety to the department of education
7 without the merging of other bargaining units or the inclusion of
8 employees from other bargaining units. Nothing contained in this
9 section or section 115 of this act may be construed to alter any of the
10 existing collective bargaining units unless and until the bargaining
11 unit has been modified by action of the public employment relations
12 commission as provided by law. Therefore, the certification of the
13 existing bargaining units shall remain. However, the public employment
14 relations commission may, upon request, amend the certification to
15 reflect the name of the new agency. Nothing in this section or section
16 115 of this act may be construed to alter the provisions of any
17 existing collective bargaining agreement until the agreement has
18 expired. The existing bargaining units of employees of the Washington
19 state center for childhood deafness and hearing loss transferred under
20 this section and section 115 of this act shall continue to be subject
21 to the provisions of chapter 41.80 RCW.

22 (3) Employees of the Department of Early Learning. Employees of
23 the department of early learning engaged in performing the powers,
24 functions, and duties transferred to the department of education under
25 section 115 of this act who are employees classified under chapter
26 41.06 RCW, the state civil service law, are assigned to the department
27 of education to perform their usual duties upon the same terms as
28 formerly, without any loss of rights, subject to any action that may be
29 appropriate thereafter in accordance with the laws and rules governing
30 state civil service law.

31 (4) Employees of the State Board of Education. All employees of
32 the state board of education engaged in performing the powers,
33 functions, and duties transferred to the department of education under
34 section 115 of this act who are employees classified under chapter
35 41.06 RCW, the state civil service law, are assigned to the department
36 of education to perform their usual duties upon the same terms as
37 formerly, without any loss of rights, subject to any action that may be

1 appropriate thereafter in accordance with the laws and rules governing
2 state civil service law.

3 (5) Employees of the Professional Educator Standards Board. All
4 employees of the professional educator standards board engaged in
5 performing the powers, functions, and duties transferred to the
6 department of education under section 115 of this act who are employees
7 classified under chapter 41.06 RCW, the state civil service law, are
8 assigned to the department of education to perform their usual duties
9 upon the same terms as formerly, without any loss of rights, subject to
10 any action that may be appropriate thereafter in accordance with the
11 laws and rules governing state civil service law.

12 NEW SECTION. **Sec. 117.** A new section is added to chapter 41.80
13 RCW to read as follows:

14 (1) By July 1, 2012, the public employment relations commission
15 shall review the existing collective bargaining units within the
16 department of early learning to determine if these units would be
17 appropriate units within the department of education. In determining
18 appropriateness of bargaining units, the commission shall use and apply
19 the organizational restructure detail created by the department of
20 education transition team.

21 (2) If the commission determines that an existing collective
22 bargaining unit is appropriate pursuant to RCW 41.80.070, the exclusive
23 bargaining representative certified to represent the bargaining unit
24 before July 1, 2012, shall continue as the exclusive bargaining
25 representative without the necessity of an election and will be so
26 certified by the commission.

27 (3) If the commission determines that existing collective
28 bargaining units are not appropriate, the commission may modify those
29 units and order an election pursuant to RCW 41.80.080. Certified
30 exclusive bargaining representatives will not be required to
31 demonstrate a showing of interest to be included on the ballot.

32 (4) The commission may require an election pursuant to RCW
33 41.80.080 if similarly situated employees are represented by more than
34 one employee organization. Certified exclusive bargaining
35 representatives will not be required to demonstrate a showing of
36 interest to be included on the ballot.

1 (5) Certification under this section does not preclude any
2 subsequent actions allowable under this chapter.

3 **PART 2**
4 **EARLY YEARS**

5 **Sec. 201.** RCW 43.215.005 and 2010 c 232 s 1 are each amended to
6 read as follows:

7 (1) The legislature recognizes that:

8 (a) Parents are their children's first and most important teachers
9 and decision makers;

10 (b) Research across disciplines now demonstrates that what happens
11 in the earliest years makes a critical difference in children's
12 readiness to succeed in school and life;

13 (c) Washington's competitiveness in the global economy requires a
14 world-class education system that starts early and supports life-long
15 learning;

16 (d) Washington state currently makes substantial investments in
17 voluntary child care and early learning services and supports, but
18 because services are fragmented across multiple state agencies, and
19 early learning providers lack the supports and incentives needed to
20 improve the quality of services they provide, many parents have
21 difficulty accessing high quality early learning services;

22 (e) A more cohesive and integrated voluntary early learning system
23 would result in greater efficiencies for the state, increased
24 partnership between the state and the private sector, improved access
25 to high quality early learning services, and better employment and
26 early learning outcomes for families and all children.

27 (2) The legislature finds that:

28 (a) The early years of a child's life are critical to the child's
29 healthy brain development and that the quality of caregiving during the
30 early years can significantly impact the child's intellectual, social,
31 and emotional development;

32 (b) A successful outcome for every child obtaining a K-12 education
33 depends on children being prepared from birth for academic and social
34 success in school. For children at risk of school failure, the
35 achievement gap often emerges as early as eighteen months of age;

1 (c) There currently is a shortage of high quality services and
2 supports for children ages birth to three and their parents and
3 caregivers; and

4 (d) Increasing the availability of high quality services for
5 children ages birth to three and their parents and caregivers will
6 result in improved school and life outcomes.

7 (3) Therefore, the legislature intends to establish a robust birth-
8 to-three continuum of services for parents and caregivers of young
9 children in order to provide education and support regarding the
10 importance of early childhood development.

11 (4) The purpose of this chapter is:

12 (a) To establish the (~~department of~~) responsibilities for early
13 learning within the department of education created in section 103 of
14 this act, including maximizing the integration with K-12;

15 (b) To coordinate and consolidate state activities relating to
16 child care and early learning programs;

17 (c) To safeguard and promote the health, safety, and well-being of
18 children receiving child care and early learning assistance, which is
19 paramount over the right of any person to provide care;

20 (d) To provide tools to promote the hiring of suitable providers of
21 child care by:

22 (i) Providing parents with access to information regarding child
23 care providers;

24 (ii) Providing parents with child care licensing action histories
25 regarding child care providers; and

26 (iii) Requiring background checks of applicants for employment in
27 any child care facility licensed or regulated under current law;

28 (e) To promote linkages and alignment between early learning
29 programs and elementary schools and support the transition of children
30 and families from prekindergarten environments to kindergarten;

31 (f) To promote the development of a sufficient number and variety
32 of adequate child care and early learning facilities, both public and
33 private; and

34 (g) To license agencies and to assure the users of such agencies,
35 their parents, the community at large and the agencies themselves that
36 adequate minimum standards are maintained by all child care and early
37 learning facilities.

1 (5) This chapter does not expand the state's authority to license
2 or regulate activities or programs beyond those licensed or regulated
3 under existing law.

4 **Sec. 202.** RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are
5 each reenacted and amended to read as follows:

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

8 (1) "Agency" means any person, firm, partnership, association,
9 corporation, or facility that provides child care and early learning
10 services outside a child's own home and includes the following
11 irrespective of whether there is compensation to the agency:

12 (a) "Child day care center" means an agency that regularly provides
13 child day care and early learning services for a group of children for
14 periods of less than twenty-four hours;

15 (b) "Early learning" includes but is not limited to programs and
16 services for child care; state, federal, private, and nonprofit
17 preschool; child care subsidies; child care resource and referral;
18 parental education and support; and training and professional
19 development for early learning professionals;

20 (c) "Family day care provider" means a child day care provider who
21 regularly provides child day care and early learning services for not
22 more than twelve children in the provider's home in the family living
23 quarters;

24 (d) "Nongovernmental private-public partnership" means an entity
25 registered as a nonprofit corporation in Washington state with a
26 primary focus on early learning, school readiness, and parental
27 support, and an ability to raise a minimum of five million dollars in
28 contributions;

29 (e) "Service provider" means the entity that operates a community
30 facility.

31 (2) "Agency" does not include the following:

32 (a) Persons related to the child in the following ways:

33 (i) Any blood relative, including those of half-blood, and
34 including first cousins, nephews or nieces, and persons of preceding
35 generations as denoted by prefixes of grand, great, or great-great;

36 (ii) Stepfather, stepmother, stepbrother, and stepsister;

- 1 (iii) A person who legally adopts a child or the child's parent as
2 well as the natural and other legally adopted children of such persons,
3 and other relatives of the adoptive parents in accordance with state
4 law; or
- 5 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
6 subsection (2)(a), even after the marriage is terminated;
- 7 (b) Persons who are legal guardians of the child;
- 8 (c) Persons who care for a neighbor's or friend's child or
9 children, with or without compensation, where the person providing care
10 for periods of less than twenty-four hours does not conduct such
11 activity on an ongoing, regularly scheduled basis for the purpose of
12 engaging in business, which includes, but is not limited to,
13 advertising such care;
- 14 (d) Parents on a mutually cooperative basis exchange care of one
15 another's children;
- 16 (e) Nursery schools or kindergartens that are engaged primarily in
17 educational work with preschool children and in which no child is
18 enrolled on a regular basis for more than four hours per day;
- 19 (f) Schools, including boarding schools, that are engaged primarily
20 in education, operate on a definite school year schedule, follow a
21 stated academic curriculum, accept only school-age children, and do not
22 accept custody of children;
- 23 (g) Seasonal camps of three months' or less duration engaged
24 primarily in recreational or educational activities;
- 25 (h) Facilities providing care to children for periods of less than
26 twenty-four hours whose parents remain on the premises to participate
27 in activities other than employment;
- 28 (i) Any agency having been in operation in this state ten years
29 before June 8, 1967, and not seeking or accepting moneys or assistance
30 from any state or federal agency, and is supported in part by an
31 endowment or trust fund;
- 32 (j) An agency operated by any unit of local, state, or federal
33 government or an agency, located within the boundaries of a federally
34 recognized Indian reservation, licensed by the Indian tribe;
- 35 (k) An agency located on a federal military reservation, except
36 where the military authorities request that such agency be subject to
37 the licensing requirements of this chapter;

1 (1) An agency that offers early learning and support services, such
2 as parent education, and does not provide child care services on a
3 regular basis.

4 (3) "Applicant" means a person who requests or seeks employment in
5 an agency.

6 (4) "Department" means the department of (~~early learning~~)
7 education created in section 103 of this act.

8 (5) "Director" means the (~~director~~) secretary of (~~the~~
9 ~~department~~) education or the secretary's designee.

10 (6) "Employer" means a person or business that engages the services
11 of one or more people, especially for wages or salary to work in an
12 agency.

13 (7) "Enforcement action" means denial, suspension, revocation,
14 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)
15 or assessment of civil monetary penalties pursuant to RCW
16 43.215.300(3).

17 (8) "Probationary license" means a license issued as a disciplinary
18 measure to an agency that has previously been issued a full license but
19 is out of compliance with licensing standards.

20 (9) "Requirement" means any rule, regulation, or standard of care
21 to be maintained by an agency.

22 (10) "Secretary" means the secretary of education.

23 **Sec. 203.** RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and
24 2010 c 231 s 6 are each reenacted and amended to read as follows:

25 (1) The department of (~~early learning is created as an executive~~
26 ~~branch agency. The department is vested with all~~) education is
27 responsible for the powers and duties transferred to it under this
28 chapter and such other powers and duties as may be authorized by law.

29 (2) The primary duties of the department under this chapter are to
30 implement state early learning policy maximizing the integration with
31 K-12 and to coordinate, consolidate, and integrate child care and early
32 learning programs in order to administer programs and funding as
33 efficiently as possible. The department's duties include, but are not
34 limited to, the following:

35 (a) To support both public and private sectors toward a
36 comprehensive and collaborative system of early learning that serves

1 parents, children, and providers and to encourage best practices in
2 child care and early learning programs;

3 (b) To make early learning resources available to parents and
4 caregivers;

5 (c) To carry out activities, including providing clear and easily
6 accessible information about quality and improving the quality of early
7 learning opportunities for young children, in cooperation with the
8 nongovernmental private-public partnership;

9 (d) To administer child care and early learning programs;

10 (e) To serve as the state lead agency for Part C of the federal
11 individuals with disabilities education act (IDEA);

12 (f) To standardize internal financial audits, oversight visits,
13 performance benchmarks, and licensing criteria, so that programs can
14 function in an integrated fashion;

15 (g) To support the implementation of the nongovernmental private-
16 public partnership and cooperate with that partnership in pursuing its
17 goals including providing data and support necessary for the successful
18 work of the partnership;

19 ~~((To work cooperatively and in coordination with the early
20 learning council;~~

21 ~~(+i))~~ To collaborate with the K-12 school system at the state and
22 local levels to ensure appropriate connections and smooth transitions
23 between early learning and K-12 programs;

24 ~~((+j))~~ (i) To develop and adopt rules for administration of the
25 program of early learning established in RCW 43.215.141; and

26 ~~((+k) To develop a comprehensive birth to three plan to provide
27 education and support through a continuum of options including, but not
28 limited to, services such as: Home visiting; quality incentives for
29 infant and toddler child care subsidies; quality improvements for
30 family home and center based child care programs serving infants and
31 toddlers; professional development; early literacy programs; and
32 informal supports for family, friend, and neighbor caregivers; and~~

33 ~~(+l))~~ (j) Upon the development of an early learning information
34 system, to make available to parents timely inspection and licensing
35 action information through the internet and other means.

36 (3) The department's programs shall be designed in a way that
37 respects and preserves the ability of parents and legal guardians to
38 direct the education, development, and upbringing of their children,

1 and that recognizes and honors cultural and linguistic diversity. The
2 department shall include parents and legal guardians in the development
3 of policies and program decisions affecting their children.

4 **Sec. 204.** RCW 43.215.147 and 2008 c 152 s 6 are each amended to
5 read as follows:

6 ~~((1))~~ Within available funds, the ~~((council for children and
7 families))~~ department shall fund evidence-based and research-based home
8 visitation programs for improving parenting skills and outcomes for
9 children. Home visitation programs must be voluntary and must address
10 the needs of families to alleviate the effect on child development of
11 factors such as poverty, single parenthood, parental unemployment or
12 underemployment, parental disability, or parental lack of high school
13 diploma, which research shows are risk factors for child abuse and
14 neglect and poor educational outcomes.

15 ~~((2) The council for children and families shall develop a plan
16 with the department of social and health services, the department of
17 health, the department of early learning, and the family policy council
18 to coordinate or consolidate home visitation services for children and
19 families and report to the appropriate committees of the legislature by
20 December 1, 2007, with their recommendations for implementation of the
21 plan.))~~

22 NEW SECTION. **Sec. 205.** The following acts or parts of acts, as
23 now existing or hereafter amended, are each repealed:

24 (1) RCW 43.215.030 (Director--Appointment--Salary) and 2006 c 265
25 s 104;

26 (2) RCW 43.215.040 (Director--Power and duties) and 2006 c 265 s
27 105;

28 (3) RCW 43.215.090 (Early learning advisory council--Statewide
29 early learning plan) and 2010 c 234 s 3, 2010 c 12 s 1, & 2007 c 394 s
30 3;

31 (4) RCW 43.215.125 (Washington head start program proposal--Report)
32 and 2009 c 564 s 941 & 2008 c 164 s 2;

33 (5) RCW 43.215.440 (Early childhood education and assistance
34 program--State support--Priorities--Program funding levels) and 1994 c
35 166 s 10, 1990 c 33 s 214, 1987 c 518 s 102, & 1985 c 418 s 9;

1 (6) RCW 43.215.445 (Early childhood education and assistance
2 program--Reimbursement of advisory committee expenses) and 1985 c 418
3 s 10; and

4 (7) RCW 41.06.097 (Department of early learning--Certain personnel
5 exempted from chapter) and 2006 c 265 s 110.

6 **PART 3**

7 **K-12 EDUCATION**

8 **Sec. 301.** RCW 28A.175.075 and 2010 c 243 s 4 are each amended to
9 read as follows:

10 (1) The office of the superintendent of public instruction shall
11 establish a state-level building bridges work group that includes K-12
12 and state agencies that work with youth who have dropped out or are at
13 risk of dropping out of school. The following agencies shall appoint
14 representatives to the work group: The office of the superintendent of
15 public instruction, the workforce training and education coordinating
16 board, (~~the department of early learning,~~) the employment security
17 department, the state board for community and technical colleges, the
18 department of health, the community mobilization office, and the
19 children's services and behavioral health and recovery divisions of the
20 department of social and health services. The work group should also
21 consist of one representative from each of the following agencies and
22 organizations: A statewide organization representing career and
23 technical education programs including skill centers; the juvenile
24 courts or the office of juvenile justice, or both; the Washington
25 association of prosecuting attorneys; the Washington state office of
26 public defense; accredited institutions of higher education; the
27 educational service districts; the area workforce development councils;
28 parent and educator associations; (~~achievement gap oversight and
29 accountability committee; office of the education ombudsman;~~) local
30 school districts; agencies or organizations that provide services to
31 special education students; community organizations serving youth;
32 federally recognized tribes and urban tribal centers; each of the major
33 political caucuses of the senate and house of representatives; and the
34 minority commissions.

35 (2) To assist and enhance the work of the building bridges programs
36 established in RCW 28A.175.025, the state-level work group shall:

1 (a) Identify and make recommendations to the legislature for the
2 reduction of fiscal, legal, and regulatory barriers that prevent
3 coordination of program resources across agencies at the state and
4 local level;

5 (b) Develop and track performance measures and benchmarks for each
6 partner agency or organization across the state including performance
7 measures and benchmarks based on student characteristics and outcomes
8 specified in RCW 28A.175.035(1)(e); and

9 (c) Identify research-based and emerging best practices regarding
10 prevention, intervention, and retrieval programs.

11 (3)(a) The work group shall report to the (~~quality education~~)
12 P-12 council, the department of education, appropriate committees of
13 the legislature, and the governor on an annual basis beginning December
14 1, 2007, with proposed strategies for building K-12 dropout prevention,
15 intervention, and reengagement systems in local communities throughout
16 the state including, but not limited to, recommendations for
17 implementing emerging best practices, needed additional resources, and
18 eliminating barriers.

19 (b) By September 15, 2010, the work group shall report on:

20 (i) A recommended state goal and annual state targets for the
21 percentage of students graduating from high school;

22 (ii) A recommended state goal and annual state targets for the
23 percentage of youth who have dropped out of school who should be
24 reengaged in education and be college and work ready;

25 (iii) Recommended funding for supporting career guidance and the
26 planning and implementation of K-12 dropout prevention, intervention,
27 and reengagement systems in school districts and a plan for phasing the
28 funding into the program of basic education, beginning in the 2011-2013
29 biennium; and

30 (iv) A plan for phasing in the expansion of the current school
31 improvement planning program to include state-funded, dropout-focused
32 school improvement technical assistance for school districts in
33 significant need of improvement regarding high school graduation rates.

34 (4) State agencies in the building bridges work group shall work
35 together, wherever feasible, on the following activities to support
36 school/family/community partnerships engaged in building K-12 dropout
37 prevention, intervention, and reengagement systems:

1 (a) Providing opportunities for coordination and flexibility of
2 program eligibility and funding criteria;

3 (b) Providing joint funding;

4 (c) Developing protocols and templates for model agreements on
5 sharing records and data;

6 (d) Providing joint professional development opportunities that
7 provide knowledge and training on:

8 (i) Research-based and promising practices;

9 (ii) The availability of programs and services for vulnerable
10 youth; and

11 (iii) Cultural competence.

12 (5) The building bridges work group shall make recommendations to
13 the governor and the legislature by December 1, 2010, on a state-level
14 and regional infrastructure for coordinating services for vulnerable
15 youth. Recommendations must address the following issues:

16 (a) Whether to adopt an official conceptual approach or framework
17 for all entities working with vulnerable youth that can support
18 coordinated planning and evaluation;

19 (b) The creation of a performance-based management system,
20 including outcomes, indicators, and performance measures relating to
21 vulnerable youth and programs serving them, including accountability
22 for the dropout issue;

23 (c) The development of regional and/or county-level multipartner
24 youth consortia with a specific charge to assist school districts and
25 local communities in building K-12 comprehensive dropout prevention,
26 intervention, and reengagement systems;

27 (d) The development of integrated or school-based one-stop shopping
28 for services that would:

29 (i) Provide individualized attention to the neediest youth and
30 prioritized access to services for students identified by a dropout
31 early warning and intervention data system;

32 (ii) Establish protocols for coordinating data and services,
33 including getting data release at time of intake and common assessment
34 and referral processes; and

35 (iii) Build a system of single case managers across agencies;

36 (e) Launching a statewide media campaign on increasing the high
37 school graduation rate; and

1 (f) Developing a statewide database of available services for
2 vulnerable youth.

3 **Sec. 302.** RCW 28A.230.090 and 2009 c 548 s 111 and 2009 c 223 s 2
4 are each reenacted and amended to read as follows:

5 (1) The ((~~state board~~)) department of education shall establish
6 high school graduation requirements or equivalencies for students,
7 except those equivalencies established by local high schools or school
8 districts under RCW 28A.230.097. The purpose of a high school diploma
9 is to declare that a student is ready for success in postsecondary
10 education, gainful employment, and citizenship, and is equipped with
11 the skills to be a lifelong learner.

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

16 (b) The certificate of academic achievement requirements under RCW
17 28A.655.061 or the certificate of individual achievement requirements
18 under RCW 28A.155.045 are required for graduation from a public high
19 school but are not the only requirements for graduation.

20 (c) Any decision on whether a student has met the ((~~state board's~~))
21 department of education's high school graduation requirements for a
22 high school and beyond plan shall remain at the local level.

23 (2)(a) In recognition of the statutory authority of the ((~~state~~
24 ~~board~~)) department of education to establish and enforce minimum high
25 school graduation requirements, the ((~~state board~~)) department shall
26 periodically reevaluate the graduation requirements and shall report
27 such findings to the legislature in a timely manner as determined by
28 the ((~~state board~~)) department.

29 (b) The ((~~state board~~)) department of education shall reevaluate
30 the graduation requirements for students enrolled in vocationally
31 intensive and rigorous career and technical education programs,
32 particularly those programs that lead to a certificate or credential
33 that is state or nationally recognized. The purpose of the evaluation
34 is to ensure that students enrolled in these programs have sufficient
35 opportunity to earn a certificate of academic achievement, complete the
36 program and earn the program's certificate or credential, and complete
37 other state and local graduation requirements.

1 (c) The (~~state board~~) department of education shall forward any
2 proposed changes to the high school graduation requirements to the
3 education committees of the legislature for review and to the (~~quality~~
4 ~~education~~) P-12 council established under (~~RCW 28A.290.010~~) section
5 108 of this act, and the secretary of education. The legislature shall
6 have the opportunity to act during a regular legislative session before
7 the changes are adopted through administrative rule by the (~~state~~
8 ~~board~~) department of education. Changes that have a fiscal impact on
9 school districts, as identified by a fiscal analysis prepared by the
10 office of the superintendent of public instruction, shall take effect
11 only if formally authorized and funded by the legislature through the
12 omnibus appropriations act or other enacted legislation.

13 (3) Pursuant to any requirement for instruction in languages other
14 than English established by the (~~state board~~) department of education
15 or a local school district, or both, for purposes of high school
16 graduation, students who receive instruction in American sign language
17 or one or more American Indian languages shall be considered to have
18 satisfied the state or local school district graduation requirement for
19 instruction in one or more languages other than English.

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

24 (a) The course was taken with high school students, if the academic
25 level of the course exceeds the requirements for seventh and eighth
26 grade classes, and the student has successfully passed by completing
27 the same course requirements and examinations as the high school
28 students enrolled in the class; or

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

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

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

3 **Sec. 303.** RCW 28A.290.020 and 2010 c 236 s 5 are each amended to
4 read as follows:

5 (1) The legislature intends to continue to redefine the
6 instructional program of education under RCW 28A.150.220 that fulfills
7 the obligations and requirements of Article IX of the state
8 Constitution. The funding formulas under RCW 28A.150.260 to support
9 the instructional program shall be implemented to the extent the
10 technical details of the formula have been established and according to
11 an implementation schedule to be adopted by the legislature. The
12 object of the schedule is to assure that any increases in funding
13 allocations are timely, predictable, and occur concurrently with any
14 increases in program or instructional requirements. It is the intent
15 of the legislature that no increased programmatic or instructional
16 expectations be imposed upon schools or school districts without an
17 accompanying increase in resources as necessary to support those
18 increased expectations.

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

22 (a) Develop the details of the funding formulas under RCW
23 28A.150.260;

24 (b) Recommend to the legislature an implementation schedule for
25 phasing-in any increased program or instructional requirements
26 concurrently with increases in funding for adoption by the legislature;
27 and

28 (c) Examine possible sources of revenue to support increases in
29 funding allocations and present options to the legislature and the
30 ((~~quality education~~)) P-12 council created in ((~~RCW 28A.290.010~~))
31 section 108 of this act for consideration.

32 (3) The working group shall include representatives of the
33 legislative evaluation and accountability program committee, school
34 district and educational service district financial managers, the
35 Washington association of school business officers, the Washington
36 education association, the Washington association of school
37 administrators, the association of Washington school principals, the

1 Washington state school directors' association, the public school
2 employees of Washington, and other interested stakeholders with
3 expertise in education finance. The working group may convene advisory
4 subgroups on specific topics as necessary to assure participation and
5 input from a broad array of diverse stakeholders.

6 (4) The working group shall be monitored and overseen by the
7 legislature and the ~~((quality education))~~ P-12 council established in
8 ~~((RCW 28A.290.010))~~ section 108 of this act. The working group shall
9 submit its recommendations to the legislature by December 1, 2009.

10 (5) After the 2009 report to the legislature, the office of
11 financial management ~~((and))~~, the office of the superintendent of
12 public instruction, and the department of education shall periodically
13 reconvene the working group to monitor and provide advice on further
14 development and implementation of the funding formulas under RCW
15 28A.150.260 and provide technical assistance to the ongoing work of the
16 ~~((quality education))~~ P-12 council established in section 108 of this
17 act.

18 **Sec. 304.** RCW 28A.300.020 and 2005 c 497 s 403 are each amended to
19 read as follows:

20 The superintendent of public instruction may appoint assistant
21 superintendents of public instruction, a deputy superintendent of
22 public instruction, and may employ such other assistants and clerical
23 help as are necessary to carry out the supervisory duties of the
24 superintendent ~~((and the state board of education. However, the
25 superintendent shall employ without undue delay the executive director
26 of the state board of education and other state board of education
27 office assistants and clerical help, appointed by the state board under
28 RCW 28A.305.130, whose positions are allotted and funded in accordance
29 with moneys appropriated exclusively for the operation of the state
30 board of education. The rate of compensation and termination of any
31 such executive director, state board office assistants, and clerical
32 help shall be subject to the prior consent of the state board of
33 education))~~). The assistant superintendents, deputy superintendent, and
34 such other officers and employees as are exempted from the provisions
35 of chapter 41.06 RCW, shall serve at the pleasure of the superintendent
36 ~~((or at the pleasure of the superintendent and the state board of
37 education as provided in this section. Expenditures by the~~

1 ~~superintendent of public instruction for direct and indirect support of~~
2 ~~the state board of education are valid operational expenditures by and~~
3 ~~in behalf of the office of the superintendent of public instruction)).~~

4 **Sec. 305.** RCW 28A.300.030 and 1975 1st ex.s. c 275 s 46 are each
5 amended to read as follows:

6 The department of education or the superintendent of public
7 instruction, by rule (~~or regulation~~), may require the assistance of
8 educational service district boards and/or superintendents in the
9 performance of any duty, authority, or power imposed upon or granted to
10 the department of education or the superintendent of public instruction
11 by law or by the Constitution of the state of Washington, upon such
12 terms and conditions as the department of education or the
13 superintendent of public instruction shall establish. Such authority
14 to assist the superintendent of public instruction shall be limited to
15 the service function of information collection and dissemination and
16 the attestment to the accuracy and completeness of submitted
17 information. Authority to assist the department of education shall
18 include provision of services to students, educators, and organizations
19 in settings from early learning through secondary education as directed
20 by the department of education.

21 **Sec. 306.** RCW 28A.300.035 and 1994 c 113 s 1 are each amended to
22 read as follows:

23 If the superintendent of public instruction or the (~~state board~~)
24 department of education, in carrying out their powers and duties under
25 Title 28A RCW, request the service of any certificated or classified
26 employee of a school district upon any committee formed for the purpose
27 of furthering education within the state, or within any school district
28 therein, and such service would result in a need for a school district
29 to employ a substitute for such certificated or classified employee
30 during such service, payment for such a substitute may be made by the
31 superintendent of public instruction or the department of education
32 from funds appropriated by the legislature for the current use of the
33 common schools and such payments shall be construed as amounts needed
34 for state support to the common schools under RCW 28A.150.380. If such
35 substitute is paid by the superintendent of public instruction or the
36 department of education, no deduction shall be made from the salary of

1 the certificated or classified employee. In no event shall a school
2 district deduct from the salary of a certificated or classified
3 employee serving on such committee more than the amount paid the
4 substitute employed by the district.

5 **Sec. 307.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to
6 read as follows:

7 In addition to any other powers and duties as provided by law, the
8 powers and duties of the superintendent of public instruction shall be:

9 (1) To have supervision over all matters pertaining to the public
10 schools of the state;

11 (2) To report to the governor and the legislature such information
12 and data as may be required for the management and improvement of the
13 schools;

14 (3) To maximize integration with early learning education and to
15 coordinate and collaborate with the secretary of education and other
16 department of education officials in carrying out the duties of the
17 department of education;

18 (4) To prepare and have printed such forms, registers, courses of
19 study, rules for the government of the common schools, and such other
20 material and books as may be necessary for the discharge of the duties
21 of teachers and officials charged with the administration of the laws
22 relating to the common schools, and to distribute the same to
23 educational service district superintendents;

24 ~~((+4))~~ (5) To travel, without neglecting his or her other official
25 duties as superintendent of public instruction, for the purpose of
26 attending educational meetings or conventions, of visiting schools, and
27 of consulting educational service district superintendents or other
28 school officials;

29 ~~((+5))~~ (6) To prepare and from time to time to revise a manual of
30 the Washington state common school code, copies of which shall be made
31 available online and which shall be sold at approximate actual cost of
32 publication and distribution per volume to public and nonpublic
33 agencies or individuals, said manual to contain Titles 28A and 28C RCW,
34 rules related to the common schools, and such other matter as the state
35 superintendent or the ~~((state board))~~ secretary of education shall
36 collaboratively determine. Proceeds of the sale of such code shall be

1 transmitted to the public printer who shall credit the state
2 superintendent's account within the state printing plant revolving fund
3 by a like amount;

4 ((+6+)) (7) To file all papers, reports and public documents
5 transmitted to the superintendent by the school officials of the
6 several counties or districts of the state, each year separately.
7 Copies of all papers filed in the superintendent's office, and the
8 superintendent's official acts, may, or upon request, shall be
9 certified by the superintendent and attested by the superintendent's
10 official seal, and when so certified shall be evidence of the papers or
11 acts so certified to;

12 ((+7+)) (8) To require annually, on or before the 15th day of
13 August, of the president, manager, or principal of every educational
14 institution in this state, a report as required by the superintendent
15 of public instruction; and it is the duty of every president, manager,
16 or principal, to complete and return such forms within such time as the
17 superintendent of public instruction shall direct;

18 ((+8+)) (9) To keep in the superintendent's office a record of all
19 teachers receiving certificates to teach in the common schools of this
20 state;

21 ((+9+)) (10) To issue certificates as provided by law;

22 ((+10+)) (11) To keep in the superintendent's office at the capital
23 of the state, all books and papers pertaining to the business of the
24 superintendent's office, and to keep and preserve in the
25 superintendent's office a complete record of statistics(~~(, as well as~~
26 ~~a record of the meetings of the state board of education)~~);

27 ((+11+)) (12) With the assistance of the office of the attorney
28 general, to decide all points of law which may be submitted to the
29 superintendent in writing by any educational service district
30 superintendent, or that may be submitted to the superintendent by any
31 other person, upon appeal from the decision of any educational service
32 district superintendent; and the superintendent shall publish his or
33 her rulings and decisions from time to time for the information of
34 school officials and teachers; and the superintendent's decision shall
35 be final unless set aside by a court of competent jurisdiction;

36 ((+12+)) (13) To administer oaths and affirmations in the discharge
37 of the superintendent's official duties;

1 (~~(13)~~) (14) To deliver to his or her successor, at the expiration
2 of the superintendent's term of office, all records, books, maps,
3 documents and papers of whatever kind belonging to the superintendent's
4 office or which may have been received by the superintendent's for the
5 use of the superintendent's office;

6 (~~(14)~~) (15) To administer family services and programs to promote
7 the state's policy as provided in RCW 74.14A.025;

8 (~~(15)~~) (16) To promote the adoption of school-based curricula and
9 policies that provide quality, daily physical education for all
10 students, and to encourage policies that provide all students with
11 opportunities for physical activity outside of formal physical
12 education classes;

13 (~~(16)~~) (17) To perform such other duties as may be required by
14 law.

15 **Sec. 308.** RCW 28A.300.041 and 2009 c 310 s 1 are each amended to
16 read as follows:

17 (1) The legislature finds that a statewide student assessment
18 system should improve and inform classroom instruction, support
19 accountability, and provide useful information to all levels of the
20 educational system, including students, parents, teachers, schools,
21 school districts, and the state. The legislature intends to redesign
22 the current statewide system, in accordance with the recommendations of
23 the Washington assessment of student learning legislative work group,
24 to:

25 (a) Include multiple assessment formats, including both formative
26 and summative, as necessary to provide information to help improve
27 instruction and inform accountability;

28 (b) Enable collection of data that allows both statewide and
29 nationwide comparisons of student learning and achievement; and

30 (c) Be balanced so that the information used to make significant
31 decisions that affect school accountability or student educational
32 progress includes many data points and does not rely on solely the
33 results of a single assessment.

34 (2) The legislature further finds that one component of the
35 assessment system should be instructionally supportive formative
36 assessments. The key design elements or characteristics of an
37 instructionally supportive assessment must:

- 1 (a) Be aligned to state standards in areas that are being assessed;
2 (b) Measure student growth and competency at multiple points
3 throughout the year in a manner that allows instructors to monitor
4 student progress and have the necessary trend data with which to
5 improve instruction;
6 (c) Provide rapid feedback;
7 (d) Link student growth with instructional elements in order to
8 gauge the effectiveness of educators and curricula;
9 (e) Provide tests that are appropriate to the skill level of the
10 student;
11 (f) Support instruction for students of all abilities, including
12 highly capable students and students with learning disabilities;
13 (g) Be culturally, linguistically, and cognitively relevant,
14 appropriate, and understandable to each student taking the assessment;
15 (h) Inform parents and draw parents into greater participation of
16 the student's study plan;
17 (i) Provide a way to analyze the assessment results relative to
18 characteristics of the student such as, but not limited to, English
19 language learners, gender, ethnicity, poverty, age, and disabilities;
20 (j) Strive to be computer-based and adaptive; and
21 (k) Engage students in their learning.

22 (3) The legislature further finds that a second component of the
23 assessment system should be a state-administered summative achievement
24 assessment that can be used as a check on the educational system in
25 order to guide state expectations for the instruction of children and
26 satisfy legislative demands for accountability. The key design
27 elements or characteristics of the state administered achievement
28 assessment must:

- 29 (a) Be aligned to state standards in areas that are being assessed;
30 (b) Maintain and increase academic rigor;
31 (c) Measure student learning growth over years; and
32 (d) Strengthen curriculum.

33 (4) The legislature further finds that a third component of the
34 assessment system should include classroom-based assessments, which may
35 be formative, summative, or both. Depending on their use, classroom-
36 based assessments should have the same design elements and
37 characteristics described in this section for formative and summative
38 assessments.

1 (5) The legislature further finds that to sustain a strong and
2 viable assessment system, preservice and ongoing training should be
3 provided for teachers and administrators on the effective use of
4 different types of assessments.

5 (6) The legislature further finds that as the statewide data system
6 is developed, data should be collected for all state-required statewide
7 assessments to be used for accountability and to monitor overall
8 student achievement.

9 (7) The superintendent of public instruction, in consultation with
10 the (~~state board~~) department of education, shall begin design and
11 development of an overall K-12 assessment system that meets the
12 principles and characteristics described in this section. In designing
13 formative and summative assessments, the superintendent shall solicit
14 bids for the use of computerized adaptive testing methodologies.

15 (8) (~~Beginning December 1, 2009, and annually thereafter, the~~
16 ~~superintendent and state board shall jointly report to the legislature~~
17 ~~regarding the assessment system, including a cost analysis of any~~
18 ~~changes and costs to expand availability and use of instructionally~~
19 ~~supportive formative assessments.)) Beginning December 1, 2012, and
20 annually thereafter, the department of education and the superintendent
21 of public instruction shall jointly report to the legislature regarding
22 the K-12 assessment system, including a cost analysis of any changes
23 and costs to expand availability and use of instructionally supportive
24 formative assessments as well as efforts to align the K-12 assessment
25 system with assessment development and implementation in early learning
26 and higher education as appropriate.~~

27 **Sec. 309.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to
28 read as follows:

29 All student data-related reports required of the superintendent of
30 public instruction and the department of education in this title must
31 be disaggregated by at least the following subgroups of students:
32 White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
33 Islander/Hawaiian Native, low income, transitional bilingual, migrant,
34 special education, and students covered by section 504 of the federal
35 rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

1 **Sec. 310.** RCW 28A.300.1361 and 2009 c 468 s 7 are each amended to
2 read as follows:

3 The (~~superintendent of public instruction~~) department of
4 education shall take all actions necessary to secure federal funds to
5 support enhancing data collection and data system capacity in order to
6 monitor progress in closing the achievement gap and to support other
7 innovations and model programs that align education reform and address
8 disproportionality in the public school system.

9 **Sec. 311.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
10 read as follows:

11 (1) The (~~office of the superintendent of public instruction~~)
12 department of education shall be the lead agency and shall assist the
13 department of social and health services, (~~the department of~~
14 ~~community, trade, and economic development~~) early learning providers,
15 and school districts in establishing a coordinated primary prevention
16 program for child abuse and neglect.

17 (2) In developing the program, consideration shall be given to the
18 following:

19 (a) Parent, teacher, and children's workshops whose information and
20 training is:

21 (i) Provided in a clear, age-appropriate, nonthreatening manner,
22 delineating the problem and the range of possible solutions;

23 (ii) Culturally and linguistically appropriate to the population
24 served;

25 (iii) Appropriate to the geographic area served; and

26 (iv) Designed to help counteract common stereotypes about child
27 abuse victims and offenders;

28 (b) Training for school age children's parents and school staff,
29 which includes:

30 (i) Physical and behavioral indicators of abuse;

31 (ii) Crisis counseling techniques;

32 (iii) Community resources;

33 (iv) Rights and responsibilities regarding reporting;

34 (v) School district procedures to facilitate reporting and apprise
35 supervisors and administrators of reports; and

36 (vi) Caring for a child's needs after a report is made;

1 (c) Training for licensed day care providers and parents that
2 includes:

- 3 (i) Positive child guidance techniques;
 - 4 (ii) Physical and behavioral indicators of abuse;
 - 5 (iii) Recognizing and providing safe, quality day care;
 - 6 (iv) Community resources;
 - 7 (v) Rights and responsibilities regarding reporting; and
 - 8 (vi) Caring for the abused or neglected child;
- 9 (d) Training for children that includes:

- 10 (i) The right of every child to live free of abuse;
- 11 (ii) How to disclose incidents of abuse and neglect;
- 12 (iii) The availability of support resources and how to obtain help;
- 13 (iv) Child safety training and age-appropriate self-defense
14 techniques; and
- 15 (v) A period for crisis counseling and reporting immediately
16 following the completion of each children's workshop in a school
17 setting which maximizes the child's privacy and sense of safety.

18 (3) The primary prevention program established under this section
19 shall be a voluntary program and shall not be part of the basic program
20 of education.

21 (4) Parents shall be given notice of the primary prevention program
22 and may refuse to have their children participate in the program.

23 **Sec. 312.** RCW 28A.300.250 and 1991 c 366 s 402 are each amended to
24 read as follows:

25 The department of education and the superintendent of public
26 instruction shall aggressively solicit eligible schools, child and
27 adult day care centers, and other organizations to participate in the
28 nutrition programs authorized by the United States department of
29 agriculture.

30 **Sec. 313.** RCW 28A.300.500 and 2007 c 401 s 2 are each amended to
31 read as follows:

32 (1) The office of the superintendent of public instruction is
33 authorized to establish a longitudinal student data system for and on
34 behalf of school districts in the state that is integrated with the
35 research and data work of the department of education. The primary
36 purpose of the data system is to better aid research into programs and

1 interventions that are most effective in improving student performance,
2 better understand the state's public educator workforce, and provide
3 information on areas within the educational system that need
4 improvement.

5 (2) The confidentiality of personally identifiable student data
6 shall be safeguarded consistent with the requirements of the federal
7 family educational rights privacy act and applicable state laws.
8 Consistent with the provisions of these federal and state laws, data
9 may be disclosed for educational purposes and studies, including but
10 not limited to:

11 (a) Educational studies authorized or mandated by the state
12 legislature;

13 (b) Studies initiated by other state educational authorities and
14 authorized by the office of the superintendent of public instruction or
15 the department of education, including analysis conducted by the
16 education data center established under RCW 43.41.400; and

17 (c) Studies initiated by other public or private agencies and
18 organizations and authorized by the office of the superintendent of
19 public instruction or the department of education.

20 (3) Any agency or organization that is authorized by the office of
21 the superintendent of public instruction or the department of education
22 to access student-level data shall adhere to all federal and state laws
23 protecting student data and safeguarding the confidentiality and
24 privacy of student records.

25 (4) Nothing in this section precludes the office of the
26 superintendent of public instruction or the department of education
27 from collecting and distributing aggregate data about students or
28 student-level data without personally identifiable information.

29 **Sec. 314.** RCW 28A.300.505 and 2007 c 401 s 5 are each amended to
30 read as follows:

31 (1) The office of the superintendent of public instruction in
32 collaboration with the department of education shall develop standards
33 for school data systems that focus on validation and verification of
34 data entered into the systems to ensure accuracy and compatibility of
35 data. The standards shall address but are not limited to the following
36 topics:

37 (a) Date validation;

1 (b) Code validation, which includes gender, race or ethnicity, and
2 other code elements;

3 (c) Decimal and integer validation; and

4 (d) Required field validation as defined by state and federal
5 requirements.

6 (2) The superintendent of public instruction in collaboration with
7 the department of education shall develop a reporting format and
8 instructions for school districts to collect and submit data on student
9 demographics that is disaggregated by distinct ethnic categories within
10 racial subgroups so that analyses may be conducted on student
11 achievement using the disaggregated data.

12 **Sec. 315.** RCW 28A.305.130 and 2009 c 548 s 502 are each amended to
13 read as follows:

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

23 ~~(1) Hold regularly scheduled meetings at such time and place within~~
24 ~~the state as the board shall determine and may hold such special~~
25 ~~meetings as may be deemed necessary for the transaction of public~~
26 ~~business;~~

27 ~~(2) Form committees as necessary to effectively and efficiently~~
28 ~~conduct the work of the board;~~

29 ~~(3) Seek advice from the public and interested parties regarding~~
30 ~~the work of the board;~~

31 ~~(4))~~ (1) For purposes of statewide kindergarten through grade
32 twelve accountability, the secretary of education shall:

33 (a) Adopt and revise performance improvement goals in reading,
34 writing, science, and mathematics, by subject and grade level, once
35 assessments in these subjects are required statewide; academic and
36 technical skills, as appropriate, in secondary career and technical
37 education programs; and student attendance, ~~((as the board deems))~~

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

19 (b) Identify the scores students must achieve in order to meet the
20 standard on the Washington assessment of student learning and, for high
21 school students, to obtain a certificate of academic achievement. The
22 ~~((board))~~ secretary shall also determine student scores that identify
23 levels of student performance below and beyond the standard. The
24 ~~((board))~~ secretary shall consider the incorporation of the standard
25 error of measurement into the decision regarding the award of the
26 certificates. The ~~((board))~~ secretary shall set such performance
27 standards and levels in consultation with the ~~((superintendent of
28 public instruction))~~ P-12 education council created in section 108 of
29 this act and after consideration of any recommendations that may be
30 developed by any advisory committees that may be established for this
31 purpose. The initial performance standards and any changes recommended
32 by the ~~((board))~~ secretary in the performance standards for the tenth
33 grade assessment shall be presented to the education committees of the
34 house of representatives and the senate by November 30th of the school
35 year in which the changes will take place to permit the legislature to
36 take statutory action before the changes are implemented if such action
37 is deemed warranted by the legislature. The legislature shall be

1 advised of the initial performance standards and any changes made to
2 the elementary level performance standards and the middle school level
3 performance standards;

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

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

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

24 ~~((+6))~~ (f) Articulate with the institutions of higher education,
25 workforce representatives, and early learning policymakers and
26 providers to coordinate and unify the work of the public school
27 system(~~(+~~

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

1 ~~service, together with other staff as now or hereafter designated as~~
2 ~~exempt in accordance with chapter 41.06 RCW; and~~
3 ~~(8) Adopt a seal that shall be kept in the office of the~~
4 ~~superintendent of public instruction)).~~

5 **Sec. 316.** RCW 28A.310.010 and 2009 c 381 s 25 are each amended to
6 read as follows:

7 It shall be the intent and purpose of this chapter to establish
8 educational service districts as regional agencies which are intended
9 to:

- 10 (1) Provide cooperative and informational services to local school
11 districts and to other education providers as appropriate;
- 12 (2) Assist the department of education and the superintendent of
13 public instruction (~~and the state board of education~~) in the
14 performance of their respective statutory or constitutional duties; and
- 15 (3) Provide services to school districts and to the Washington
16 state center for childhood deafness and hearing loss and the school for
17 the blind to assure equal educational opportunities and other education
18 providers as appropriate.

19 **Sec. 317.** RCW 28A.310.200 and 2009 c 381 s 27 are each amended to
20 read as follows:

21 In addition to other powers and duties as provided by law, every
22 educational service district board shall:

- 23 (1) Approve the budgets of the educational service district in
24 accordance with the procedures provided for in this chapter;
- 25 (2) Meet regularly according to the schedule adopted at the
26 organization meeting and in special session upon the call of the chair
27 or a majority of the board;
- 28 (3) Approve the selection of educational service district personnel
29 and clerical staff as provided in RCW 28A.310.230;
- 30 (4) Fix the amount of and approve the bonds for those educational
31 service district employees designated by the board as being in need of
32 bonding;
- 33 (5) Keep in the educational service district office a full and
34 correct transcript of the boundaries of each school district within the
35 educational service district;

1 (6) Acquire by borrowing funds or by purchase, lease, devise,
2 bequest, and gift and otherwise contract for real and personal property
3 necessary for the operation of the educational service district and to
4 the execution of the duties of the board and superintendent thereof and
5 sell, lease, or otherwise dispose of that property not necessary for
6 district purposes. No real property shall be acquired or alienated
7 without the prior approval of the superintendent of public instruction
8 and the acquisition or alienation of all such property shall be subject
9 to such provisions as the superintendent may establish. When borrowing
10 funds for the purpose of acquiring property, the educational service
11 district board shall pledge as collateral the property to be acquired.
12 Borrowing shall be evidenced by a note or other instrument between the
13 district and the lender;

14 (7) Under RCW 28A.310.010, upon the written request of the board of
15 directors of a local school district or districts served by the
16 educational service district, the educational service district board of
17 directors may provide cooperative and informational services not in
18 conflict with other law that provide for the development and
19 implementation of programs, activities, services, or practices that
20 support the education of preschool through twelfth grade students in
21 the public schools or that support the effective, efficient, or safe
22 management and operation of the school district or districts served by
23 the educational service district, or assist the department of education
24 in providing services to students, educators, and organizations in
25 settings from early learning through high school graduation;

26 (8) Adopt such bylaws and rules for its own operation as it deems
27 necessary or appropriate; and

28 (9) Enter into contracts, including contracts with common and
29 educational service districts and the Washington state center for
30 childhood deafness and hearing loss and the school for the blind for
31 the joint financing of cooperative service programs conducted pursuant
32 to RCW 28A.310.180(3), and employ consultants and legal counsel
33 relating to any of the duties, functions, and powers of the educational
34 service districts.

35 **Sec. 318.** RCW 28A.310.210 and 1975 1st ex.s. c 275 s 19 are each
36 amended to read as follows:

1 In addition to other powers and duties prescribed by law every
2 educational service district board shall be authorized to(~~(+~~
3 ~~(1))~~) pay the expenses of its members in accordance with law for
4 attendance at statewide meetings of educational service district board
5 members.

6 ~~((2) Pay dues from educational service district funds in an amount
7 not to exceed one hundred dollars per board member per year for
8 membership in a statewide association of educational service district
9 board members: PROVIDED, That dues to such an association shall not be
10 paid unless the formation of such an association, including its
11 constitution and bylaws, is approved by a resolution passed by at least
12 two thirds of the educational service district boards within the state:
13 PROVIDED FURTHER, That such association if formed shall not employ any
14 staff but shall contract either with the Washington state school
15 directors' association or with the superintendent of public instruction
16 for staff and informational services.))~~

17 **Sec. 319.** RCW 28A.310.270 and 1975 1st ex.s. c 275 s 24 are each
18 amended to read as follows:

19 In addition to other powers and duties as provided by law, each
20 educational service district superintendent shall:

21 (1) Serve as chief executive officer of the educational service
22 district and secretary of the educational service district board.

23 (2) Visit the schools in the educational service district, counsel
24 with directors and staff, and assist in every possible way to advance
25 the educational ~~((interest in))~~ interests of the department of
26 education and the educational service district.

27 **Sec. 320.** RCW 28A.310.280 and 1975 1st ex.s. c 275 s 25 are each
28 amended to read as follows:

29 In addition to other powers and duties as provided by law, each
30 educational service district superintendent shall:

31 (1) Perform such record keeping, including such annual reports as
32 may be required, and liaison and informational services to local school
33 districts, the department of education, and the superintendent of
34 public instruction as required by rule ~~((or regulation))~~ of the
35 department of education or the superintendent of public instruction
36 ~~((or state board of education))~~: PROVIDED, That the department of

1 education and the superintendent of public instruction (~~(and the state~~
2 ~~board of education)~~) may require some or all of the school districts to
3 report information directly when such reporting procedures are deemed
4 desirable or feasible.

5 (2) Keep records of official acts of the educational service
6 district board and superintendents in accordance with RCW (~~(28A.21.120,~~
7 ~~as now or hereafter amended)~~) 28A.310.310.

8 (3) Preserve carefully all reports of school officers and teachers
9 and deliver to the successor of the office all records, books,
10 documents, and papers belonging to the office either personally or
11 through a personal representative, taking a receipt for the same, which
12 shall be filed in the office of the county auditor in the county where
13 the office is located.

14 **Sec. 321.** RCW 28A.310.340 and 1990 c 33 s 286 are each amended to
15 read as follows:

16 It is the intent of the legislature that a basic core of uniform
17 services be provided by educational service districts and be identified
18 in statute so that biennial budget requests for educational service
19 districts may be based upon measurable goals and needs. Educational
20 service districts as noted in RCW 28A.310.010, are intended primarily
21 to:

22 (1) Provide cooperative and informational services to local
23 districts and to perform functions for those districts when such
24 functions are more effectively or economically administered from the
25 regional level;

26 (2) Assist the state educational agencies, the department of
27 education, and the office of the superintendent of public instruction
28 (~~(and the state board of education)~~) in the legal performance of their
29 duties; and

30 (3) Assist in providing pupils with equal educational
31 opportunities.

32 The purpose of RCW 28A.310.350 and 28A.310.360 is to further
33 identify those core services in order to prepare educational service
34 district budgets for the 1979-81 biennium, and those bienniums beyond.

35 **Sec. 322.** RCW 28A.310.400 and 1975 1st ex.s. c 275 s 35 are each
36 amended to read as follows:

1 The (~~superintendent of public instruction~~) department of
2 education shall be responsible for the provision of legal services to
3 all educational service districts: PROVIDED, That any educational
4 service district board may contract with any county for the legal
5 services of its prosecuting attorney.

6 **Sec. 323.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to
7 read as follows:

8 (1) Under the constitutional framework and the laws of the state of
9 Washington, the governance structure for the state's public common
10 school system is comprised of the following bodies: The legislature,
11 the governor, the superintendent of public instruction, the (~~state~~
12 ~~board~~) department of education, the educational service district
13 boards of directors, and local school district boards of directors.
14 The respective policy and administrative roles of each body are
15 determined by the state Constitution and statutes.

16 (2) Local school districts are political subdivisions of the state
17 and the organization of such districts, including the powers, duties,
18 and boundaries thereof, may be altered or abolished by laws of the
19 state of Washington.

20 **Sec. 324.** RCW 28A.315.115 and 1985 c 385 s 3 are each amended to
21 read as follows:

22 Persons possessing the status of any of the following positions
23 shall not be eligible to be a member of a regional committee: The
24 secretary of education, the superintendent of public instruction, (~~a~~
25 ~~member of the state board of education,~~) an educational service
26 district superintendent, a member of a board of directors of a school
27 district, a member of an educational service district board, a member
28 of a governing board of either a private school or a private school
29 district which conducts any grades kindergarten through twelve,
30 officers appointed by any such governing board, and employees of a
31 school district, an educational service district, the (~~office of the~~
32 ~~superintendent of public instruction~~) department of education, a
33 private school, or a private school district.

34 **Sec. 325.** RCW 28A.315.185 and 2006 c 263 s 509 are each amended to
35 read as follows:

1 To the extent funds are appropriated, the superintendent of public
2 instruction, in cooperation with the educational service districts and
3 the (~~Washington state school directors' association~~) state
4 association representing the school district boards of directors, shall
5 conduct an annual training meeting for the regional committees,
6 educational service district superintendents, and local school district
7 superintendents and boards of directors. Training may also be provided
8 upon request.

9 **Sec. 326.** RCW 28A.400.201 and 2010 c 236 s 7 are each amended to
10 read as follows:

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

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

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

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

36 (c) How to account for different geographic regions of the state

1 where districts may encounter difficulty recruiting and retaining
2 teachers;

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

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

6 (f) Initial fiscal estimates for implementing the recommendations
7 including a recognition that staff on the existing salary allocation
8 model would have the option to grandfather in permanently to the
9 existing schedule.

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

17 (4) The analysis required under subsection (1) of this section
18 must:

19 (a) Examine salaries and other compensation for teachers, other
20 certificated instructional staff, principals, and other building-level
21 certificated administrators, and the types of classified employees for
22 whom salaries are allocated;

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

26 (c) Include a comparison of salaries and other compensation to the
27 appropriate labor market for at least the following subgroups of
28 educators: Beginning teachers and types of educational staff
29 associates.

30 (5) The working group shall include representatives of the
31 department of personnel, (~~the professional educator standards board,~~)
32 the office of the superintendent of public instruction, the Washington
33 education association, the Washington association of school
34 administrators, the association of Washington school principals, the
35 Washington state school directors' association, the public school
36 employees of Washington, and other interested stakeholders with
37 appropriate expertise in compensation related matters. The working

1 group may convene advisory subgroups on specific topics as necessary to
2 assure participation and input from a broad array of diverse
3 stakeholders.

4 (6) The working group shall be monitored and overseen by the
5 legislature and the (~~quality education~~) P-12 council created in (~~RCW~~
6 ~~28A.290.010~~) section 108 of this act, the superintendent of public
7 instruction, and the secretary of education. The working group shall
8 make an initial report to the legislature by June 30, 2012, and shall
9 include in its report recommendations for whether additional further
10 work of the group is necessary.

11 **Sec. 327.** RCW 28A.410.010 and 2005 c 497 s 203 are each amended to
12 read as follows:

13 The (~~Washington professional educator standards board~~) secretary
14 of education shall establish, publish, and enforce rules determining
15 eligibility for and certification of personnel employed in the common
16 schools of this state, including certification for emergency or
17 temporary, substitute or provisional duty and under such certificates
18 or permits as the board shall deem proper or as otherwise prescribed by
19 law. The rules shall require that the initial application for
20 certification shall require a record check of the applicant through the
21 Washington state patrol criminal identification system and through the
22 federal bureau of investigation at the applicant's expense. The record
23 check shall include a fingerprint check using a complete Washington
24 state criminal identification fingerprint card. (~~The superintendent~~
25 ~~of public instruction may waive~~) Department of education rules may
26 provide a waiver of the record check for any applicant who has had a
27 record check within the two years before application. The rules shall
28 permit a holder of a lapsed certificate but not a revoked or suspended
29 certificate to be employed on a conditional basis by a school district
30 with the requirement that the holder must complete any certificate
31 renewal requirements established by the (~~state board~~) department
32 of education within two years of initial reemployment.

33 In establishing rules pertaining to the qualifications of
34 instructors of American sign language the board shall consult with the
35 national association of the deaf, "sign instructors guidance network"
36 (s.i.g.n.), and the Washington state association of the deaf for
37 evaluation and certification of sign language instructors.

1 The superintendent of public instruction shall act as the
2 administrator of any such rules and have the power to issue any
3 certificates or permits and revoke the same in accordance with
4 (~~board~~) department of education rules.

5 **Sec. 328.** RCW 28A.410.090 and 2009 c 396 s 5 are each amended to
6 read as follows:

7 (1)(a) Any certificate or permit authorized under the provisions of
8 this chapter, chapter 28A.405 RCW, or rules (~~promulgated~~) adopted
9 thereunder by the department of education, may be revoked or suspended
10 by the authority authorized to grant the same based upon a criminal
11 records report authorized by law, or upon the complaint of any school
12 district superintendent, educational service district superintendent,
13 or private school administrator for immorality, violation of written
14 contract, unprofessional conduct, intemperance, or crime against the
15 law of the state. School district superintendents, educational service
16 district superintendents, or private school administrators may file a
17 complaint concerning any certificated employee of a school district,
18 educational service district, or private school and this filing
19 authority is not limited to employees of the complaining superintendent
20 or administrator. Such written complaint shall state the grounds and
21 summarize the factual basis upon which a determination has been made
22 that an investigation by the superintendent of public instruction is
23 warranted.

24 (b) If the superintendent of public instruction has reasonable
25 cause to believe that an alleged violation of this chapter or rules
26 adopted under it has occurred based on a written complaint alleging
27 physical abuse or sexual misconduct by a certificated school employee
28 filed by a parent or another person, but no complaint has been
29 forwarded to the superintendent by a school district superintendent,
30 educational service district superintendent, or private school
31 administrator, and that a school district superintendent, educational
32 service district superintendent, or private school administrator has
33 sufficient notice of the alleged violation and opportunity to file a
34 complaint, the superintendent of public instruction may cause an
35 investigation to be made of the alleged violation, together with such
36 other matters that may be disclosed in the course of the investigation
37 related to certificated personnel.

1 (2) A parent or another person may file a written complaint with
2 the superintendent of public instruction alleging physical abuse or
3 sexual misconduct by a certificated school employee if:

4 (a) The parent or other person has already filed a written
5 complaint with the educational service district superintendent
6 concerning that employee;

7 (b) The educational service district superintendent has not caused
8 an investigation of the allegations and has not forwarded the complaint
9 to the superintendent of public instruction for investigation; and

10 (c) The written complaint states the grounds and factual basis upon
11 which the parent or other person believes an investigation should be
12 conducted.

13 (3)(a) Any such certificate or permit authorized under this chapter
14 or chapter 28A.405 RCW shall be revoked by the authority authorized to
15 grant the certificate upon a guilty plea or the conviction of any
16 felony crime specified under RCW 28A.400.322, in accordance with this
17 section. The person whose certificate is in question shall be given an
18 opportunity to be heard.

19 (b) Mandatory permanent revocation upon a guilty plea or the
20 conviction of felony crimes specified under RCW 28A.400.322(1) shall
21 apply to such convictions or guilty pleas which occur after July 23,
22 1989, and before July 26, 2009.

23 (c) Mandatory permanent revocation upon a guilty plea or conviction
24 of felony crimes specified under RCW 28A.400.322(2) shall apply to such
25 convictions or guilty pleas that occur on or after July 26, 2009.

26 (d) Revocation of any certificate or permit authorized under this
27 chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction
28 of a crime specified under RCW 28A.400.322 occurring prior to July 23,
29 1989, shall be subject to the provisions of subsection (1) of this
30 section.

31 (4)(a) Any such certificate or permit authorized under this chapter
32 or chapter 28A.405 RCW shall be suspended or revoked, according to the
33 provisions of this subsection, by the authority authorized to grant the
34 certificate upon a finding that an employee has engaged in an
35 unauthorized use of school equipment to intentionally access material
36 depicting sexually explicit conduct or has intentionally possessed on
37 school grounds any material depicting sexually explicit conduct; except
38 for material used in conjunction with established curriculum. A first

1 time violation of this subsection shall result in either suspension or
2 revocation of the employee's certificate or permit as determined by the
3 office of the superintendent of public instruction. A second violation
4 shall result in a mandatory revocation of the certificate or permit.

5 (b) In all cases under this subsection (4), the person whose
6 certificate is in question shall be given an opportunity to be heard
7 (~~and has the right to appeal as established in RCW 28A.410.100~~).
8 Certificates or permits shall be suspended or revoked under this
9 subsection only if findings are made on or after July 24, 2005. For
10 the purposes of this subsection, "sexually explicit conduct" has the
11 same definition as provided in RCW 9.68A.011.

12 (5) Any such certificate or permit authorized under this chapter or
13 chapter 28A.405 RCW shall be revoked by the authority authorized to
14 grant the certificate upon a finding that the certificate holder
15 obtained the certificate through fraudulent means, including fraudulent
16 misrepresentation of required academic credentials or prior criminal
17 record. In all cases under this subsection, the person whose
18 certificate is in question shall be given an opportunity to be heard
19 (~~and has the right to appeal as established in RCW 28A.410.100~~).
20 Certificates or permits shall be revoked under this subsection only if
21 findings are made on or after July 26, 2009.

22 **Sec. 329.** RCW 28A.410.210 and 2009 c 531 s 4 are each amended to
23 read as follows:

24 The (~~purpose of the professional educator standards board is to~~)
25 department of education shall establish policies and requirements for
26 the preparation and certification of educators that provide standards
27 for competency in professional knowledge and practice in the areas of
28 certification; a foundation of skills, knowledge, and attitudes
29 necessary to help students with diverse needs, abilities, cultural
30 experiences, and learning styles meet or exceed the learning goals
31 outlined in RCW 28A.150.210; knowledge of research-based practice; and
32 professional development throughout a career. The (~~Washington~~
33 ~~professional educator standards board~~) department shall:

34 (1) Establish policies and practices for the approval of programs
35 of courses, requirements, and other activities leading to educator
36 certification including teacher, school administrator, and educational
37 staff associate certification;

1 (2) Establish policies and practices for the approval of the
2 character of work required to be performed as a condition of entrance
3 to and graduation from any educator preparation program including
4 teacher, school administrator, and educational staff associate
5 preparation program as provided in subsection (1) of this section;

6 (3) Establish a list of accredited institutions of higher education
7 of this and other states whose graduates may be awarded educator
8 certificates as teacher, school administrator, and educational staff
9 associate and establish criteria and enter into agreements with other
10 states to acquire reciprocal approval of educator preparation programs
11 and certification, including teacher certification from the national
12 board for professional teaching standards;

13 (4) Establish policies for approval of nontraditional educator
14 preparation programs;

15 (5) Conduct a review of educator program approval standards at
16 least every five years, beginning in 2006, to reflect research findings
17 and assure continued improvement of preparation programs for teachers,
18 administrators, and school specialized personnel;

19 (6) Specify the types and kinds of educator certificates to be
20 issued and conditions, including certificate suspension and revocation,
21 for certification in accordance with subsection (1) of this section
22 ~~((and))~~, RCW 28A.410.010, and as authorized by law;

23 (7) Apply for and receive federal or other funds on behalf of the
24 state for purposes related to the duties of the board;

25 (8) Adopt rules under chapter 34.05 RCW that are necessary for the
26 effective and efficient implementation of this chapter;

27 (9) Maintain data concerning educator preparation programs and
28 their quality, educator certification, educator employment trends and
29 needs, and other data deemed relevant by the board;

30 (10) Serve as an advisory body to the governor, the superintendent
31 of public instruction, and the legislature on issues related to
32 educator recruitment, hiring, mentoring and support, professional
33 growth, retention, educator evaluation including but not limited to
34 peer evaluation, and revocation and suspension of licensure;

35 (11) Submit, by October 15th of each even-numbered year, a
36 ~~((joint))~~ report ~~((with the state board of education))~~ to the
37 legislative education committees, the superintendent of public
38 instruction, and the governor~~((, and the superintendent of public~~

1 ~~instruction. The report shall address the progress the boards have~~
2 ~~made and the obstacles they have encountered, individually and~~
3 ~~collectively, in the work of achieving the goals set out in RCW~~
4 ~~28A.150.210)) regarding the work accomplished by the board as directed~~
5 ~~by this chapter and any recommendations for improvements related to the~~
6 ~~effective and efficient discharge of these duties and the programs~~
7 ~~administered;~~

8 (12) Establish the prospective teacher assessment system for basic
9 skills and subject knowledge that shall be required to obtain residency
10 certification pursuant to RCW 28A.410.220 through 28A.410.240;

11 (13) By January 2010, set performance standards and develop, pilot,
12 and implement a uniform and externally administered professional-level
13 certification assessment based on demonstrated teaching skill. In the
14 development of this assessment, consideration shall be given to changes
15 in professional certification program components such as the
16 culminating seminar; and

17 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

18 **Sec. 330.** RCW 28A.410.220 and 2008 c 176 s 2 are each amended to
19 read as follows:

20 (1)(a) Beginning not later than September 1, 2001, the Washington
21 professional educator standards board shall make available and pilot a
22 means of assessing an applicant's knowledge in the basic skills. For
23 the purposes of this section, "basic skills" means the subjects of at
24 least reading, writing, and mathematics. Beginning September 1, 2002,
25 except as provided in (c) of this subsection and subsection (4) of this
26 section, passing this assessment shall be required for admission to
27 approved teacher preparation programs and for persons from out-of-state
28 applying for a Washington state residency teaching certificate. After
29 the effective date of this section, the department of education shall
30 implement the assessment.

31 (b) On an individual student basis, approved teacher preparation
32 programs may admit into their programs a candidate who has not achieved
33 the minimum basic skills assessment score established by the
34 (~~Washington professional educator standards board~~) department of
35 education. Individuals so admitted may not receive residency
36 certification without passing the basic skills assessment under this
37 section.

1 (c) The ~~((Washington professional educator standards board))~~
2 department of education may establish criteria to ensure that persons
3 from out-of-state who are applying for residency certification and
4 persons applying to master's degree level teacher preparation programs
5 can demonstrate to the ~~((board's))~~ department's satisfaction that they
6 have the requisite basic skills based upon having completed another
7 basic skills assessment acceptable to the ~~((Washington professional~~
8 ~~educator standards board))~~ department or by some other alternative
9 approved by the ~~((Washington professional educator standards board))~~
10 department.

11 (2) The professional educator standards board shall set performance
12 standards and develop~~((τ))~~ and pilot~~((, and implement))~~ a uniform and
13 externally administered professional-level certification assessment
14 based on demonstrated teaching skill. In the development of this
15 assessment, consideration shall be given to changes in professional
16 certification program components such as the culminating seminar. The
17 department of education shall implement the professional-level
18 certification.

19 (3) Beginning not later than September 1, 2002, the Washington
20 professional educator standards board shall provide for the initial
21 piloting and implementation of a means of assessing an applicant's
22 knowledge in the subjects for which the applicant has applied for an
23 endorsement to his or her residency or professional teaching
24 certificate. The assessment of subject knowledge shall not include
25 instructional methodology. Beginning September 1, 2005, passing this
26 assessment shall be required to receive an endorsement for
27 certification purposes. After the effective date of this section, the
28 department of education shall implement the assessment.

29 (4) The ~~((Washington professional educator standards board))~~
30 department of education may permit exceptions from the assessment
31 requirements under subsections (1), (2), and (3) of this section on a
32 case-by-case basis.

33 (5) The ~~((Washington professional educator standards board))~~
34 department of education shall provide for reasonable accommodations for
35 individuals who are required to take the assessments in subsection (1),
36 (2), or (3) of this section if the individuals have learning or other
37 disabilities.

1 (6) With the exception of applicants exempt from the requirements
2 of subsections (1), (2), and (3) of this section, an applicant must
3 achieve a minimum assessment score or scores established by the
4 ~~((Washington professional educator standards board))~~ department of
5 education on each of the assessments under subsections (1), (2), and
6 (3) of this section.

7 (7) The ~~((Washington professional educator standards board and~~
8 ~~superintendent of public instruction, as determined by the Washington~~
9 ~~professional educator standards board,))~~ department of education may
10 contract with one or more third parties for:

11 (a) The development, purchase, administration, scoring, and
12 reporting of scores of the assessments established by the Washington
13 professional educator standards board under subsections (1), (2), and
14 (3) of this section;

15 (b) Related clerical and administrative activities; or

16 (c) Any combination of the purposes in this subsection.

17 (8) Applicants for admission to a Washington teacher preparation
18 program and applicants for residency and professional certificates who
19 are required to successfully complete one or more of the assessments
20 under subsections (1), (2), and (3) of this section, and who are
21 charged a fee for the assessment by a third party contracted with under
22 subsection (7) of this section, shall pay the fee charged by the
23 contractor directly to the contractor. Such fees shall be reasonably
24 related to the actual costs of the contractor in providing the
25 assessment.

26 (9) ~~((The superintendent of public instruction is responsible for~~
27 ~~supervision and providing support services to administer this section.~~

28 ~~(+10+))~~ The ~~((Washington professional educator standards board))~~
29 department of education shall ~~((collaboratively))~~ select or develop and
30 implement the assessments and minimum assessment scores required under
31 this section ~~((with the superintendent of public instruction))~~ and
32 shall provide opportunities for representatives of other interested
33 educational organizations to participate in the selection or
34 development and implementation of such assessments in a manner deemed
35 appropriate by the ~~((Washington professional educator standards board))~~
36 department.

37 ~~((+11+))~~ (10) The ~~((Washington professional educator standards~~

1 ~~board~~) department of education shall adopt rules under chapter 34.05
2 RCW that are reasonably necessary for the effective and efficient
3 implementation of this section.

4 **Sec. 331.** RCW 28A.655.115 and 2010 c 235 s 702 are each amended to
5 read as follows:

6 (1) Beginning with the 2010-11 school year, each school shall
7 conduct outreach and seek feedback from a broad and diverse range of
8 parents, other individuals, and organizations in the community
9 regarding their experiences with the school. The school shall
10 summarize the responses in its annual report under RCW 28A.655.110.

11 (2) The office of the superintendent of public instruction shall
12 create a working group with representatives of organizations
13 representing parents, teachers, and principals as well as diverse
14 communities. (~~The working group shall also include a representative~~
15 ~~from the achievement gap oversight and accountability committee.~~) By
16 September 1, 2010, the working group shall develop model feedback tools
17 and strategies that school districts may use to facilitate the feedback
18 process required in subsection (1) of this section. The model tools
19 and strategies are intended to provide assistance to school districts.
20 School districts are encouraged to adapt the models or develop unique
21 tools and strategies that best fit the circumstances in their
22 communities.

23 **Sec. 332.** RCW 28A.657.005 and 2010 c 235 s 101 are each amended to
24 read as follows:

25 The legislature finds that it is the state's responsibility to
26 create a coherent and effective accountability framework for the
27 continuous improvement for all schools and districts. This system must
28 provide an excellent and equitable education for all students; an
29 aligned federal/state accountability system; and the tools necessary
30 for schools and districts to be accountable. These tools include the
31 necessary accounting and data reporting systems, assessment systems to
32 monitor student achievement, and a system of general support, targeted
33 assistance, and, if necessary, intervention.

34 The office of the superintendent of public instruction is
35 responsible for developing and implementing the accountability tools to
36 build district capacity and working within federal and state

1 guidelines. The legislature assigned the state board of education or
2 the department of education responsibility and oversight for creating
3 an accountability framework. This framework provides a unified system
4 of support for challenged schools that aligns with basic education,
5 increases the level of support based upon the magnitude of need, and
6 uses data for decisions. Such a system will identify schools and their
7 districts for recognition as well as for additional state support. For
8 a specific group of challenged schools, defined as persistently lowest-
9 achieving schools, and their districts, it is necessary to provide a
10 required action process that creates a partnership between the state
11 and local district to target funds and assistance to turn around the
12 identified lowest-achieving schools.

13 Phase I of this accountability system will recognize schools that
14 have done an exemplary job of raising student achievement and closing
15 the achievement gaps using the state board of education's or the
16 department of education's accountability index. (~~The state board of~~
17 ~~education shall have ongoing collaboration with the achievement gap~~
18 ~~oversight and accountability committee regarding the measures used to~~
19 ~~measure the closing of the achievement gaps and the recognition~~
20 ~~provided to the school districts for closing the achievement gaps.))
21 Phase I will also target the lowest five percent of persistently
22 lowest-achieving schools defined under federal guidelines to provide
23 federal funds and federal intervention models through a voluntary
24 option in 2010, and for those who do not volunteer and have not
25 improved student achievement, a required action process beginning in
26 2011.~~

27 Phase II of this accountability system will work toward
28 implementing the state board of education's or the department of
29 education's accountability index for identification of schools in need
30 of improvement, including those that are not Title I schools, and the
31 use of state and local intervention models and state funds through a
32 required action process beginning in 2013, in addition to the federal
33 program. Federal approval of the state board of education's or the
34 department of education's accountability index must be obtained or else
35 the federal guidelines for persistently lowest-achieving schools will
36 continue to be used.

37 The expectation from implementation of this accountability system

1 is the improvement of student achievement for all students to prepare
2 them for postsecondary education, work, and global citizenship in the
3 twenty-first century.

4 **Sec. 333.** RCW 28A.657.070 and 2010 c 235 s 107 are each amended to
5 read as follows:

6 (1) A required action plan review panel shall be established to
7 offer an objective, external review of a request from a school district
8 for reconsideration of the state board of education's or the department
9 of education's rejection of the district's required action plan. The
10 review and reconsideration by the panel shall be based on whether the
11 state board of education or the department of education gave
12 appropriate consideration to the unique circumstances and
13 characteristics identified in the academic performance audit of the
14 local school district whose required action plan was rejected.

15 (2)(a) The panel shall be composed of five individuals with
16 expertise in school improvement, school and district restructuring, or
17 parent and community involvement in schools. Two of the panel members
18 shall be appointed by the speaker of the house of representatives; two
19 shall be appointed by the president of the senate; and one shall be
20 appointed by the governor.

21 (b) The speaker of the house of representatives, president of the
22 senate, and governor shall solicit recommendations for possible panel
23 members from the Washington association of school administrators, the
24 Washington state school directors' association, the association of
25 Washington school principals, (~~the achievement gap oversight and~~
26 ~~accountability committee,~~) and associations representing certificated
27 teachers, classified school employees, and parents.

28 (c) Members of the panel shall be appointed no later than December
29 1, 2010, but the superintendent of public instruction shall convene the
30 panel only as needed to consider a school district's request for
31 reconsideration. Appointments shall be for a four-year term, with
32 opportunity for reappointment. Reappointments in the case of a vacancy
33 shall be made expeditiously so that all requests are considered in a
34 timely manner.

35 (3) The required action plan review panel may reaffirm the decision
36 of the state board of education or the department of education,
37 recommend that the state board or the department of education

1 reconsider the rejection, or recommend changes to the required action
2 plan that should be considered by the district and the state board of
3 education or the department of education to secure approval of the
4 plan. The state board of education or the department of education
5 shall consider the recommendations of the panel and issue a decision in
6 writing to the local school district and the panel. If the school
7 district must submit a new required action plan to the state board of
8 education or the department of education, the district must submit the
9 plan within forty days of the board's decision.

10 (4) The state board of education, department of education, and
11 superintendent of public instruction must develop timelines and
12 procedures for the deliberations under this section so that school
13 districts can implement a required action plan within the time frame
14 required under RCW 28A.657.060.

15 **Sec. 334.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to
16 read as follows:

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

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

36 (3) The state board of education or the department of education, in
37 cooperation with the office of the superintendent of public

1 instruction, shall annually recognize schools for exemplary performance
2 as measured on the state board of education or the department of
3 education accountability index. (~~The state board of education shall~~
4 ~~have ongoing collaboration with the achievement gap oversight and~~
5 ~~accountability committee regarding the measures used to measure the~~
6 ~~closing of the achievement gaps and the recognition provided to the~~
7 ~~school districts for closing the achievement gaps.~~)

8 (4) In coordination with the superintendent of public instruction,
9 the state board of education or the department of education shall seek
10 approval from the United States department of education for use of the
11 accountability index and the state system of support, assistance, and
12 intervention, to replace the federal accountability system under P.L.
13 107-110, the no child left behind act of 2001.

14 (5) The state board of education or the department of education
15 shall work with the education data center established within the office
16 of financial management and the technical working group established in
17 section 112, chapter 548, Laws of 2009 to determine the feasibility of
18 using the prototypical funding allocation model as not only a tool for
19 allocating resources to schools and districts but also as a tool for
20 schools and districts to report to the state legislature, and the state
21 board of education or the department of education on how the state
22 resources received are being used.

23 **Sec. 335.** RCW 72.40.010 and 2009 c 381 s 3 are each amended to
24 read as follows:

25 There are established at Vancouver, Clark county, a school which
26 shall be known as the state school for the blind, and a separate school
27 which shall be known as the state school for the deaf. The primary
28 purpose of the state school for the blind and the state school for the
29 deaf is to educate and train hearing and visually impaired children.

30 The school for the blind shall be under the direction of the
31 superintendent with the advice of the board of trustees. The
32 superintendent shall report to the secretary of education. The school
33 for the deaf shall be under the direction of the director of the center
34 for childhood deafness and hearing loss or the director's designee
35 (~~and~~) with the advice of the board of trustees. The director shall
36 report to the secretary of education.

1 **Sec. 336.** RCW 72.40.015 and 2009 c 381 s 2 are each amended to
2 read as follows:

3 (1) The Washington state center for childhood deafness and hearing
4 loss is established within the department of education to provide
5 statewide leadership for the coordination and delivery of educational
6 services to children who are deaf or hard of hearing. The activities
7 of the center shall be under the ((~~authority~~)) direction of the
8 director and advice of the board of trustees. ((~~The superintendent and~~
9 ~~board of trustees of the state school for the deaf as of July 26, 2009,~~
10 ~~shall be the director and board of trustees of the center.~~))

11 (2) The center's primary functions are:

12 (a) Managing and directing the supervision of the state school for
13 the deaf;

14 (b) Providing statewide leadership and support for the coordination
15 of regionally delivered educational services in the full range of
16 communication modalities, for children who are deaf or hard of hearing;
17 and

18 (c) Collaborating with appropriate public and private partners for
19 the training and professional development of educators serving children
20 who are deaf or hard of hearing.

21 **Sec. 337.** RCW 72.40.019 and 2009 c 381 s 4 are each amended to
22 read as follows:

23 The ((~~governor~~)) secretary of education shall appoint a director
24 for the Washington state center for childhood deafness and hearing
25 loss. The director shall have a master's or higher degree from an
26 accredited college or university in school administration or deaf
27 education, five or more years of experience teaching or providing
28 habilitative services to deaf or hard of hearing students, and three or
29 more years administrative or supervisory experience in programs for
30 deaf or hard of hearing students.

31 **Sec. 338.** RCW 72.40.0191 and 2009 c 381 s 5 are each amended to
32 read as follows:

33 In addition to any other powers and duties prescribed by law, the
34 director of the Washington state center for childhood deafness and
35 hearing loss:

1 (1) Shall be responsible for the supervision and management of the
2 center, including the state school for the deaf, and the property of
3 various kinds. The director may designate an individual to oversee the
4 day-to-day operation and supervision of students at the school;

5 (2) Shall employ members of the faculty, administrative officers,
6 and other employees, who shall all be subject to chapter 41.06 RCW, the
7 state civil service law, unless specifically exempted by other
8 provisions of law;

9 (3) Shall provide technical assistance and support as appropriate
10 to local and regional efforts to build critical mass and
11 communication-rich networking opportunities for children who are deaf
12 or hard of hearing and their families;

13 (4) Shall establish the course of study including vocational
14 training, with the assistance of the faculty and the approval of the
15 board of trustees;

16 (5) Shall(~~(, as approved by the board of trustees,)~~) control and
17 authorize the use of the facilities for night school, summer school,
18 public meetings, applied research and training for the instruction of
19 students who are deaf or hard of hearing, outreach and support to
20 families of children who are deaf or hard of hearing, or other purposes
21 consistent with the purposes of the center;

22 (6) Shall purchase all supplies and lease or purchase equipment and
23 other personal property needed for the operation or maintenance of the
24 center;

25 (7) Shall prepare(~~(, submit to the board of trustees for~~
26 ~~approval,)~~) and administer the budget consistent with RCW 43.88.160 and
27 the budget and accounting act, chapter 43.88 RCW generally, as
28 applicable;

29 (8) Shall provide technical assistance and support to educational
30 service districts for the regional delivery of a full range of
31 educational services to students who are deaf or hard of hearing,
32 including but not limited to services relying on American Sign
33 Language, auditory oral education, total communication, and signed
34 exact English;

35 (9) As requested by educational service districts, shall recruit,
36 employ, and deploy itinerant teachers to provide in-district services
37 to children who are deaf or hard of hearing;

1 (10) May establish criteria, in addition to state certification,
2 for the teachers at the school and employees of the center;

3 (11) May establish(~~(, with the approval of the board of trustees,)~~)
4 new facilities as needs demand;

5 (12) May adopt rules, under chapter 34.05 RCW, (~~(as approved by the~~
6 ~~board of trustees and)~~) as deemed necessary for the governance,
7 management, and operation of the center;

8 (13) May adopt rules(~~(, as approved by the board of trustees,)~~) for
9 pedestrian and vehicular traffic on property owned, operated, and
10 maintained by the center;

11 (14) Except as otherwise provided by law, may enter into contracts
12 as the director deems essential to the purpose of the center;

13 (15) May receive gifts, grants, conveyances, devises, and bequests
14 of real or personal property from whatever source, as may be made from
15 time to time, in trust or otherwise, whenever the terms and conditions
16 will aid in carrying out the programs of the center; sell, lease, or
17 exchange, invest, or expend the same or the proceeds, rents, profits,
18 and income thereof except as limited by the terms and conditions
19 thereof; and adopt rules to govern the receipt and expenditure of the
20 proceeds, rents, profits, and income thereof;

21 (16) May adopt rules(~~(, as approved by the board of trustees,)~~)
22 providing for the transferability of employees between the center and
23 the school for the blind consistent with collective bargaining
24 agreements in effect; and

25 (17) May adopt rules under chapter 34.05 RCW(~~(, as approved by the~~
26 ~~board of trustees,)~~) and perform all other acts not forbidden by law as
27 the director deems necessary or appropriate to the administration of
28 the center.

29 **Sec. 339.** RCW 72.40.020 and 1985 c 378 s 13 are each amended to
30 read as follows:

31 The (~~governor~~) secretary of education shall appoint a
32 superintendent for the state school for the blind. The superintendent
33 shall have a master's degree from an accredited college or university
34 in school administration or blind education, five years of experience
35 teaching blind students in the classroom, and three years
36 administrative or supervisory experience in programs for blind
37 students.

1 **Sec. 340.** RCW 72.40.024 and 2009 c 381 s 6 are each amended to
2 read as follows:

3 In addition to the powers and duties under RCW 72.40.022 and
4 72.40.0191, the superintendent of the school for the blind and the
5 director of the Washington state center for childhood deafness and
6 hearing loss, or the director's designee, shall:

7 (1) Monitor the location and educational placement of each student
8 reported to the superintendent and the director, or the director's
9 designee, by the educational service district superintendents;

10 (2) Provide information about educational programs, instructional
11 techniques, materials, equipment, and resources available to students
12 with visual or auditory impairments to the parent or guardian,
13 educational service district superintendent, and the superintendent of
14 the school district where the student resides; and

15 (3) Serve as a consultant to the department of education and the
16 office of the superintendent of public instruction, provide
17 instructional leadership, and assist school districts in improving
18 their instructional programs for students with visual or hearing
19 impairments.

20 **Sec. 341.** RCW 72.41.010 and 1985 c 378 s 28 are each amended to
21 read as follows:

22 It is the intention of the legislature in creating a board of
23 trustees for the state school for the blind to perform the duties set
24 forth in this chapter, that the board of trustees perform needed
25 advisory services to the legislature, to the secretary of education,
26 and to the superintendent of the Washington state school for the blind,
27 in the development of programs for the visually impaired, and in the
28 operation of the Washington state school for the blind.

29 **Sec. 342.** RCW 72.41.020 and 1993 c 147 s 7 are each amended to
30 read as follows:

31 There is hereby created a board of trustees for the state school
32 for the blind to be composed of a resident from each of the state's
33 congressional districts now or hereafter existing. Trustees with
34 voting privileges shall be appointed by the (~~governor with the consent~~
35 ~~of the senate~~)) secretary of education. A representative of the
36 parent-teachers association of the Washington state school for the

1 blind, a representative of the Washington council of the blind, a
2 representative of the national federation of the blind of Washington,
3 one representative designated by the teacher association of the
4 Washington state school for the blind, and a representative of the
5 classified staff designated by his or her exclusive bargaining
6 representative shall each be ex officio and nonvoting members of the
7 board of trustees and shall serve during their respective tenures in
8 such positions.

9 Trustees shall be appointed by the (~~governor~~) secretary of
10 education to serve for a term of five years except that any person
11 appointed to fill a vacancy occurring prior to the expiration of any
12 term shall be appointed within sixty days of the vacancy and appointed
13 only for the remainder of the term.

14 One trustee shall be a resident and qualified elector from each of
15 the state's congressional districts. The board shall not be deemed to
16 be unlawfully constituted and a trustee shall not be deemed ineligible
17 to serve the remainder of the trustee's unexpired term on the board
18 solely by reason of the establishment of new or revised boundaries for
19 congressional districts. No voting trustee may be an employee of the
20 state school for the blind, a member of the board of directors of any
21 school district, a member of the governing board of any public or
22 private educational institution, a school district or educational
23 service district administrator, appointed after July 1, 1986, or an
24 elected officer or member of the legislative authority or any municipal
25 corporation.

26 The board of trustees shall organize itself by electing a chairman
27 from its members. The board shall adopt a seal and may adopt such
28 bylaws, rules, and regulations as it deems necessary for its own
29 government. A majority of the voting members of the board in office
30 shall constitute a quorum, but a lesser number may convene from time to
31 time and may compel the attendance of absent members in such manner as
32 prescribed in its bylaws, rules, or regulations. The superintendent of
33 the state school for the blind shall serve as, or may designate another
34 person to serve as, the secretary of the board, who shall not be deemed
35 to be a member of the board.

36 **Sec. 343.** RCW 72.41.040 and 1985 c 378 s 30 are each amended to
37 read as follows:

1 The board of trustees of the state school for the blind:

2 (1) Shall monitor and inspect all existing facilities of the state
3 school for the blind, and report its findings to the superintendent;

4 (2) Shall study and recommend comprehensive programs of education
5 and training and review the admission policy as set forth in RCW
6 72.40.040 and 72.40.050, and make appropriate recommendations to the
7 superintendent;

8 (3) Shall submit a list of three qualified candidates for
9 superintendent to the ((governor)) secretary of education and shall
10 advise the superintendent about the criteria and policy to be used in
11 the selection of members of the faculty and such other administrative
12 officers and other employees, who shall with the exception of the
13 superintendent all be subject to chapter 41.06 RCW, the state civil
14 service law, unless specifically exempted by other provisions of law.
15 All employees and personnel classified under chapter 41.06 RCW shall
16 continue, after July 1, 1986, to perform their usual duties upon the
17 same terms as formerly, without any loss of rights, subject to any
18 action that may be appropriate thereafter in accordance with the laws
19 and rules governing the state civil service law;

20 (4) Shall submit an evaluation of the superintendent to the
21 ((governor)) secretary of education by July 1st of each odd-numbered
22 year and may recommend to the ((governor)) secretary of education that
23 the superintendent be removed for misfeasance, malfeasance, or
24 ((wilful)) willful neglect of duty;

25 (5) May recommend to the superintendent the establishment of new
26 facilities as needs demand;

27 (6) May recommend to the superintendent rules and regulations for
28 the government, management, and operation of such housing facilities
29 deemed necessary or advisable;

30 (7) May make recommendations to the superintendent concerning
31 classrooms and other facilities to be used for summer or night schools,
32 or for public meetings and for any other uses consistent with the use
33 of such classrooms or facilities for the school for the blind;

34 (8) May make recommendations to the superintendent for adoption of
35 rules and regulations for pedestrian and vehicular traffic on property
36 owned, operated, or maintained by the school for the blind;

37 (9) Shall recommend to the superintendent, with the assistance of

1 the faculty, the course of study including vocational training in the
2 school for the blind, in accordance with other applicable provisions of
3 law and rules and regulations;

4 (10) May grant to every student, upon graduation or completion of
5 a program or course of study, a suitable diploma, nonbaccalaureate
6 degree, or certificate;

7 (11) Shall participate in the development of, and monitor the
8 enforcement of the rules and regulations pertaining to the school for
9 the blind;

10 (12) Shall perform any other duties and responsibilities prescribed
11 by the superintendent.

12 **Sec. 344.** RCW 72.42.010 and 2009 c 381 s 13 are each amended to
13 read as follows:

14 It is the intention of the legislature, in creating a board of
15 trustees for the Washington state center for childhood deafness and
16 hearing loss to perform the duties set forth in this chapter, that the
17 board of trustees perform needed (~~(oversight)~~) advisory services to the
18 (~~(governor and)~~) the legislature, the secretary of education, and the
19 director of the center in the development of programs for the hard of
20 hearing, and in the operation of the center, including the school for
21 the deaf.

22 **Sec. 345.** RCW 72.42.021 and 2009 c 381 s 16 are each amended to
23 read as follows:

24 (1) The governance of the center and the school shall be vested in
25 a board of trustees. The board shall consist of nine members appointed
26 by the (~~(governor, with the consent of the senate)~~) secretary of
27 education. The board shall be composed of a resident from each of the
28 state's congressional districts and may include:

29 (a) One member who is deaf or hard of hearing;

30 (b) Two members who are experienced educational professionals;

31 (c) One member who is experienced in providing residential services
32 to youth; and

33 (d) One member who is the parent of a child who is deaf or hard of
34 hearing and who is receiving or has received educational services
35 related to deafness or hearing impairment from a public educational
36 institution.

1 (2) No voting trustee may be an employee of the school or the
2 center, a member of the board of directors of any school district, a
3 member of the governing board of any public or private educational
4 institution or an elected officer or member of the legislative
5 authority of any municipal corporation. No more than two voting
6 trustees may be school district or educational service district
7 administrators appointed after July 1, 1986.

8 (3) Trustees shall be appointed by the (~~governor~~) secretary of
9 education to serve a term of five years, except that any person
10 appointed to fill a vacancy occurring prior to the expiration of a term
11 shall be appointed within sixty days of the vacancy and appointed only
12 for the remainder of the term. Of the initial members, three must be
13 appointed for two-year terms, three must be appointed for three-year
14 terms, and the remainder must be appointed for five-year terms.

15 (4) The board shall not be deemed unlawfully constituted and a
16 trustee shall not be deemed ineligible to serve the remainder of the
17 trustee's unexpired term on the board solely by reason of the
18 establishment of new or revised boundaries for congressional districts.
19 In such an event, each trustee may continue to serve in office for the
20 balance of the term for which he or she was appointed so long as the
21 trustee continues to reside within the boundaries of the congressional
22 district as they existed at the time of his or her appointment.
23 Vacancies which occur in a trustee position during the balance of any
24 term shall be filled pursuant to subsection (3) of this section by a
25 successor who resides within the boundaries of the congressional
26 district from which the member whose office was vacated was appointed
27 as they existed at the time of his or her appointment. At the
28 completion of such term, and thereafter, a successor shall be appointed
29 from the congressional district which corresponds in number with the
30 congressional district from which the incumbent was appointed.

31 **Sec. 346.** RCW 72.42.041 and 2009 c 381 s 17 are each amended to
32 read as follows:

33 The board of trustees of the center:

34 (1) Shall adopt (~~rules and regulations~~) procedures for its own
35 governance;

36 (2) Shall (~~direct~~) advise the director regarding the development

1 of, (~~approve~~) and monitor the enforcement of policies(~~(7)~~) and
2 rules(~~(7) and regulations~~) pertaining to the school and the center,
3 including but not limited to:

4 (a) The use of classrooms and other facilities for summer or night
5 schools or for public meetings and any other uses consistent with the
6 mission of the center;

7 (b) Pedestrian and vehicular traffic on property owned, operated,
8 or maintained by the center;

9 (c) Governance, management, and operation of the residential
10 facilities;

11 (d) Transferability of employees between the center and the school
12 for the blind consistent with collective bargaining agreements in
13 effect; and

14 (e) Compliance with state and federal education civil rights laws
15 at the school;

16 (3) Shall develop a process for recommending candidates for the
17 position of director and upon a vacancy shall submit a list of three
18 qualified candidates for director to the (~~governor~~) secretary of
19 education;

20 (4) Shall submit an evaluation of the director to the (~~governor~~)
21 secretary of education by July 1st of each odd-numbered year that
22 includes a recommendation regarding the retention of the director;

23 (5) May recommend to the (~~governor~~) secretary of education at any
24 time that the director be removed for conduct deemed by the board to be
25 detrimental to the interests of the center;

26 (6) Shall prepare and submit by July 1st of each even-numbered year
27 a report to the (~~governor~~) secretary of education and the appropriate
28 committees of the legislature which contains a detailed summary of the
29 center's progress on performance objectives and the center's work,
30 facility conditions, and revenues and costs of the center for the
31 previous year and which contains those recommendations it deems
32 necessary and advisable for the (~~governor~~) secretary of education and
33 the legislature to act on;

34 (7) (~~Shall approve~~) May make recommendations to the director
35 regarding the center's budget and all funding requests, both operating
36 and capital, submitted to the (~~governor~~) secretary of education;

37 (8) (~~Shall direct and approve~~) May make recommendations to the
38 director regarding the development and implementation of comprehensive

1 programs of education, training, and as needed residential living, such
2 that students served by the school receive a challenging and quality
3 education in a safe school environment;

4 (9) Shall (~~(direct,)~~) monitor(~~(, and approve)~~) the implementation
5 of a comprehensive continuous quality improvement system for the
6 center;

7 (10) Shall monitor and inspect all existing facilities of the
8 center and report its findings in its biennial report to the
9 (~~(governor)~~) secretary of education and appropriate committees of the
10 legislature; and

11 (11) May grant to every student of the school, upon graduation or
12 completion of a program or course of study, a suitable diploma,
13 nonbaccalaureate degree, or certificate.

14 NEW SECTION. Sec. 347. The following acts or parts of acts, as
15 now existing or hereafter amended, are each repealed:

16 (1) RCW 28A.290.010 (Quality education council--Purpose--Membership
17 and staffing--Reports) and 2010 c 236 s 15, 2010 c 234 s 4, & 2009 c
18 548 s 114;

19 (2) RCW 28A.300.050 (Assistance to professional educator standards
20 board for activities involving professional educator excellence) and
21 2006 c 263 s 819, 1990 c 33 s 252, & 1987 c 525 s 227;

22 (3) RCW 28A.300.136 (Achievement gap oversight and accountability
23 committee--Policy and strategy recommendations) and 2010 c 235 s 901 &
24 2009 c 468 s 2;

25 (4) RCW 28A.300.137 (Strategies to address the achievement gap--
26 Improvement of education performance measures--Annual report) and 2009
27 c 468 s 3 & 2008 c 298 s 3;

28 (5) RCW 28A.305.011 (Board membership--Terms--Compensation) and
29 2006 c 263 s 105 & 2005 c 497 s 101;

30 (6) RCW 28A.305.021 (Election of board members--Restrictions) and
31 2005 c 497 s 102;

32 (7) RCW 28A.305.035 (Joint report to the legislature) and 2006 c
33 263 s 103 & 2005 c 497 s 103;

34 (8) RCW 28A.305.902 (Transfer of duties--Review and
35 recommendation--2006 c 263) and 2006 c 263 s 101;

36 (9) RCW 28A.310.480 (Delegation to ESD of state board of education
37 program, project or service--Contract) and 1977 ex.s. c 283 s 6;

- 1 (10) RCW 28A.345.010 (Association created) and 1969 ex.s. c 223 s
2 28A.61.010;
- 3 (11) RCW 28A.345.020 (Membership) and 1969 ex.s. c 223 s
4 28A.61.020;
- 5 (12) RCW 28A.345.030 (Powers of association) and 1991 c 66 s 1,
6 1990 c 33 s 372, 1989 c 325 s 1, 1983 c 187 s 1, 1979 c 151 s 13, 1974
7 ex.s. c 101 s 1, 1969 ex.s. c 184 s 4, & 1969 ex.s. c 223 s 28A.61.030;
- 8 (13) RCW 28A.345.040 (Coordination of policies--Report) and 1969
9 ex.s. c 223 s 28A.61.040;
- 10 (14) RCW 28A.345.050 (Association dues--Payment) and 1983 c 187 s
11 2, 1969 c 125 s 2, & 1969 ex.s. c 223 s 28A.61.050;
- 12 (15) RCW 28A.345.060 (Audit of staff classifications and employees'
13 salaries--Contract with department of personnel--Copies) and 1986 c 158
14 s 3 & 1983 c 187 s 4;
- 15 (16) RCW 28A.345.070 (Tribal relationships--Achievement gap--
16 Curriculum--Reports to the legislature) and 2005 c 205 s 2;
- 17 (17) RCW 28A.345.902 (Effective date--1983 c 187) and 1983 c 187 s
18 8;
- 19 (18) RCW 28A.410.200 (Washington professional educator standards
20 board--Creation--Membership--Executive director) and 2009 c 531 s 2,
21 2005 c 497 s 202, 2003 1st sp.s. c 22 s 1, 2002 c 92 s 1, & 2000 c 39
22 s 102;
- 23 (19) RCW 28A.410.260 (Washington professional educator standards
24 board--Model standards for cultural competency--Recommendations) and
25 2009 c 468 s 5;
- 26 (20) RCW 43.06B.010 (Office created--Purposes--Appointment--
27 Regional education ombudsmen) and 2006 c 116 s 3;
- 28 (21) RCW 43.06B.030 (Liability for good faith performance--
29 Privileged communications) and 2006 c 116 s 5; and
- 30 (22) RCW 43.06B.050 (Annual reports) and 2006 c 116 s 7.

31 NEW SECTION. **Sec. 348.** RCW 28A.230.090, 28A.290.020,
32 28A.300.1361, and 28A.300.160 are each recodified as sections in
33 chapter 28A.--- RCW (the new chapter created in section 502 of this
34 act).

35 **PART 4**

1 MISCELLANEOUS TECHNICAL REVISIONS

2 **Sec. 401.** RCW 43.41.400 and 2009 c 548 s 201 are each amended to
3 read as follows:

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

25 (2) The education data center shall:

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

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

35 (c) Collaborate with the legislative evaluation and accountability
36 program committee and the education and fiscal committees of the
37 legislature in identifying the data to be compiled and analyzed to
38 ensure that legislative interests are served;

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

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

20 (f) Track enrollment and outcomes through the public centralized
21 higher education enrollment system;

22 (g) Assist other state educational agencies' collaborative efforts
23 to develop a long-range enrollment plan for higher education including
24 estimates to meet demographic and workforce needs;

25 (h) Provide research that focuses on student transitions within and
26 among the early learning, K-12, and higher education sectors in the P-
27 20 system; and

28 (i) Make recommendations to the legislature as necessary to help
29 ensure the goals and objectives of this section and RCW 28A.655.210 and
30 28A.300.507 are met.

31 (3) The department of (~~(early learning,~~) education, superintendent
32 of public instruction, (~~(professional educator standards board, state~~
33 ~~board of education,~~) state board for community and technical colleges,
34 workforce training and education coordinating board, higher education
35 coordinating board, public four-year institutions of higher education,
36 and employment security department shall work with the education data
37 center to develop data-sharing and research agreements, consistent with
38 applicable security and confidentiality requirements, to facilitate the

1 work of the center. Private, nonprofit institutions of higher
2 education that provide programs of education beyond the high school
3 level leading at least to the baccalaureate degree and are accredited
4 by the Northwest association of schools and colleges or their peer
5 accreditation bodies may also develop data-sharing and research
6 agreements with the education data center, consistent with applicable
7 security and confidentiality requirements. The education data center
8 shall make data from collaborative analyses available to the education
9 agencies and institutions that contribute data to the education data
10 center to the extent allowed by federal and state security and
11 confidentiality requirements applicable to the data of each
12 contributing agency or institution.

13 **PART 5**

14 **MISCELLANEOUS PROVISIONS**

15 NEW SECTION. **Sec. 501.** The code reviser shall prepare legislation
16 for the 2012 session to correct obsolete references resulting from the
17 enactment of this bill.

18 NEW SECTION. **Sec. 502.** Sections 101 through 110 and 115 of this
19 act constitute a new chapter in Title 28A RCW.

20 NEW SECTION. **Sec. 503.** Sections 101 through 109, 111 through 117,
21 201 through 205, 301 through 348, and 401 of this act take effect July
22 1, 2012.

--- END ---