

Title 28A

COMMON SCHOOL PROVISIONS

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Chapter 28A.150 RCW GENERAL PROVISIONS

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28A.150.010 Public schools. Public schools means the common schools as referred to in Article IX of the state Constitution, charter schools established under chapter 28A.710 RCW, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense. [2016 c 241 § 131. Prior: 2013 c 2 § 301 (Initiative Measure No. 1240, approved November 6, 2012); 1969 ex.s. c 223 § 28A.01.055; (2004 c 22 § 24, Referendum Measure No. 55 failed to become law). Formerly RCW 28A.01.055.]

Application of chapter 241, Laws of 2016—Effective date—2016 c 241: See RCW 28A.710.900 and 28A.710.901.

Findings—2013 c 2 (Initiative Measure No. 1240): See RCW 28A.710.005.

28A.150.020 Common schools. "Common schools" means schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational

educational courses otherwise permitted by law. [1969 ex.s. c 223 § 28A.01.060. Prior: 1909 c 97 p 261 § 1, part; RRS § 4680, part; prior: 1897 c 118 § 64, part; 1890 p 371 § 44, part. Formerly RCW 28A.01.060, 28.58.190, part, 28.01.060.]

28A.150.050 School holidays. (1) The following are school holidays, and school may not be taught on these days:

- (a) Sunday;
- (b) The first day of January, commonly called New Year's Day;
- (c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;
- (d) The third Monday in February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;
- (e) The last Monday in May, commonly known as Memorial Day;
- (f) The fourth day of July, the anniversary of the Declaration of Independence;
- (g) The first Monday in September, to be known as Labor Day;
- (h) The eleventh day of November, to be known as Veterans' Day;
- (i) The fourth Thursday in November, commonly known as Thanksgiving Day;
- (j) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and
- (k) The twenty-fifth day of December, commonly called Christmas Day.

(2) No reduction from a teacher's time or salary may be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school is not taught. [2014 c 177 § 3; 1989 c 233 § 11; 1985 c 189 § 2; 1984 c 92 § 1; 1975-'76 2nd ex.s. c 24 § 2; 1973 c 32 § 1; 1969 ex.s. c 283 § 13. Prior: 1969 ex.s. c 223 § 28A.02.060; prior: 1955 c 20 § 2; 1909 c 97 p 308 § 6; RRS § 4853. Formerly RCW 28A.02.061, 28A.02.060, 28.02.060.]

Findings—Intent—2014 c 177: See note following RCW 1.16.050.

"Legal holidays": RCW 1.16.050.

Additional notes found at www.leg.wa.gov

28A.150.070 General public school system—Administration. The administration of the public school system shall be entrusted to such state and local officials, boards, and committees as the state Constitution and the laws of the state shall provide. [1969 ex.s. c 223 § 28A.02.020. Prior: 1909 c 97 p 230 § 2; RRS § 4519; prior: 1897 c 118 § 19; 1890 p 348 § 2; Code 1881 §§ 3154, 3155; 1861 p 55 § 1. Formerly RCW 28A.02.020, 28.02.020.]

28A.150.080 Superintendent of the school district. "Superintendent of the school district", if there be no such superintendent, shall mean such other administrative or certificated employee as the school district board of directors shall so designate. [1969 ex.s. c 223 § 28A.01.100. Formerly RCW 28A.01.100.]

28A.150.100 Basic education certificated instructional staff—Definition—Ratio to students. (1) For the

purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full-time equivalent students. This requirement does not apply to that portion of a district's annual average full-time equivalent enrollment that is enrolled in alternative learning experience courses as defined in RCW 28A.232.010. [2013 2nd sp.s. c 18 § 512; 2011 1st sp.s. c 34 § 10; 2010 c 236 § 13; 1990 c 33 § 103; 1987 1st ex.s. c 2 § 203. Formerly RCW 28A.41.110.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2011 1st sp.s. c 34 §§ 9 and 10: See note following RCW 28A.150.260.

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: See note following RCW 28A.150.260.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

28A.150.198 Finding—Intent—2009 c 548. (1) Public education in Washington state has evolved since the enactment of the Washington basic education act of 1977. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by school districts.

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

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

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

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

(5) It is the further intent of the legislature to also address additional issues that are of importance to the legislature but are not part of basic education. [2009 c 548 § 1.]

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.150.1981 Intent—2009 c 548. It is the intent of the legislature that specified policies and allocation formulas adopted under this act will constitute the legislature's definition of basic education under Article IX of the state Constitution once fully implemented. The legislature intends, however, to continue to review and revise the formulas and schedules and may make additional revisions, including revisions for technical purposes and consistency in the event of mathematical or other technical errors. [2009 c 548 § 2.]

28A.150.200 Program of basic education. (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that pre-

compares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

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

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

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

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180. [2009 c 548 § 101; 1990 c 33 § 104; 1977 ex.s. c 359 § 1. Formerly RCW 28A.58.750.]

Effective date—2009 c 548 §§ 101-110 and 701-710: "Sections 101 through 110 and 701 through 710 of this act take effect September 1, 2011." [2009 c 548 § 804.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130. Additional notes found at www.leg.wa.gov

28A.150.203 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

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

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

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

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises

general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

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

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

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

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

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development. [2009 c 548 § 102.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.150.205 Definition. Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals. [1992 c 141 § 502.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.210 Basic education—Goals of school districts. A basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens, to con-

tribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

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

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

(3) Think analytically, logically, and creatively, and to integrate technology literacy and fluency as well as different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities. [2011 c 280 § 2; 2009 c 548 § 103; 2007 c 400 § 1; 1993 c 336 § 101; (1992 c 141 § 501 repealed by 1993 c 336 § 1203); 1977 ex.s. c 359 § 2. Formerly RCW 28A.58.752.]

Finding—2011 c 280: "The legislature finds that technology can be effectively integrated into other K-12 core subjects that students are expected to know and be able to do. Integration of knowledge and skills in technology literacy and fluency into other subjects will engage and motivate students to explore high-demand careers, such as engineering, mathematics, computer science, communication, art, entrepreneurship, and others; fields in which skilled individuals will create the new ideas, new products, and new industries of the future; and fields that demand the collaborative information skills and technological fluency of digital citizenship." [2011 c 280 § 1.]

Effective date—2011 c 280: "This act takes effect September 1, 2011." [2011 c 280 § 3.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Captions not law—2007 c 400: "Captions used in this act are not any part of the law." [2007 c 400 § 9.]

Findings—Intent—1993 c 336: "The legislature finds that student achievement in Washington must be improved to keep pace with societal changes, changes in the workplace, and an increasingly competitive international economy.

To increase student achievement, the legislature finds that the state of Washington needs to develop a public school system that focuses more on the educational performance of students, that includes high expectations for all students, and that provides more flexibility for school boards and educators in how instruction is provided.

The legislature further finds that improving student achievement will require:

(1) Establishing what is expected of students, with standards set at internationally competitive levels;

(2) Parents to be primary partners in the education of their children, and to play a significantly greater role in local school decision making;

(3) Students taking more responsibility for their education;

(4) Time and resources for educators to collaboratively develop and implement strategies for improved student learning;

(5) Making instructional programs more relevant to students' future plans;

(6) All parties responsible for education to focus more on what is best for students; and

(7) An educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation.

It is the intent of the legislature to provide students the opportunity to achieve at significantly higher levels, and to provide alternative or additional instructional opportunities to help students who are having difficulty meeting the essential academic learning requirements in RCW 28A.630.885.

It is also the intent of the legislature that students who have met or exceeded the essential academic learning requirements be provided with alternative or additional instructional opportunities to help advance their educational experience.

The provisions of chapter 336, Laws of 1993 shall not be construed to change current state requirements for students who receive home-based instruction under chapter 28A.200 RCW, or for students who attend state-approved private schools under chapter 28A.195 RCW." [1993 c 336 § 1.]

Findings—1993 c 336: "(1) The legislature finds that preparing students to make successful transitions from school to work helps promote educational, career, and personal success for all students.

(2) A successful school experience should prepare students to make informed career direction decisions at critical points in their educational progress. Schools that demonstrate the relevancy and practical application of coursework will expose students to a broad range of interrelated career and educational opportunities and will expand students' posthigh school options.

(3) The school-to-work transitions program, under chapter 335, Laws of 1993, is intended to help secondary schools develop model programs for school-to-work transitions. The purposes of the model programs are to provide incentives for selected schools to:

(a) Integrate vocational and academic instruction into a single curriculum;

(b) Provide each student with a choice of multiple, flexible educational pathways based on the student's career interest areas;

(c) Emphasize increased vocational and academic guidance and counseling for students;

(d) Foster partnerships with local employers and employees to incorporate work sites as part of work-based learning experiences;

(e) Encourage collaboration among middle or junior high schools and secondary schools in developing successful transition programs and to encourage articulation agreements between secondary schools and community and technical colleges.

(4) The legislature further finds that successful implementation of the school-to-work transitions program is an important part of achieving the purposes of chapter 336, Laws of 1993." [1993 c 336 § 601.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.211 Values and traits recognized. The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to be assessed or be standards for graduation. The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

(1) Honesty, integrity, and trust;

(2) Respect for self and others;

(3) Responsibility for personal actions and commitments;

(4) Self-discipline and moderation;

(5) Diligence and a positive work ethic;

(6) Respect for law and authority;

(7) Healthy and positive behavior; and

(8) Family as the basis of society. [1994 c 245 § 10.]

Additional notes found at www.leg.wa.gov

28A.150.220 Basic education—Minimum instructional requirements—Program accessibility—Rules. (1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

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

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased beginning in the 2015-16 school year to at least one thousand eighty instructional hours for students enrolled in grades nine through twelve and at least one thousand instructional hours for students in grades one through eight, all of which may be calculated by a school district using a district-wide annual average of instructional hours over grades one through twelve; and

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

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

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

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, beginning with the graduating class of 2019 or as otherwise provided in RCW 28A.230.090. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

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

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

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

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

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

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

(5)(a) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all stu-

dents who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315.

(b) Schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.

(c) In the case of students who are graduating from high school, a school district may schedule the last five school days of the one hundred eighty day school year for noninstructional purposes including, but not limited to, the observance of graduation and early release from school upon the request of a student. All such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. Any hours scheduled by a school district for noninstructional purposes during the last five school days for such students shall count toward the instructional hours requirement in subsection (2)(a) of this section.

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

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish. [2014 c 217 § 201; 2013 2nd sp.s. c 9 § 2; 2013 c 323 § 2; 2011 1st sp.s. c 27 § 1; 2009 c 548 § 104; 1993 c 371 § 2; (1995 c 77 § 1 and 1993 c 371 § 1 expired September 1, 2000); 1992 c 141 § 503; 1990 c 33 § 105; 1982 c 158 § 1; 1979 ex.s. c 250 § 1; 1977 ex.s. c 359 § 3. Formerly RCW 28A.58.754.]

Finding—Intent—2014 c 217: "The legislature recognizes that preparing students to be successful in postsecondary education, gainful employment, and citizenship requires increased rigor and achievement, including attaining a meaningful high school diploma with the opportunity to earn twenty-four credits. The legislature finds that an investment was made in the 2013-2015 omnibus appropriations act to implement an increase in instructional hours in the 2014-15 school year. School districts informed the legislature that the funding as provided in the 2013-2015 omnibus appropriations act would result in only a few minutes being added onto each class period and would not result in a meaningful increase in instruction that would have the positive impact on student learning that the legislature expects. The school districts suggested that it would be a better educational policy to use the funds to implement the requirement of twenty-four credits for high school graduation, which will result in a meaningful increase of instructional hours. Based on input from school districts across the state, the legislature recognizes the need to provide flexibility for school districts to implement the increase in instructional hours while still moving towards an increase in the high school graduation requirements. Therefore, the legislature intends to shift the focus and intent of the investments from compliance with the minimum instructional hours offering to assisting school districts to provide an opportunity for students to earn twenty-four credits for high school graduation and obtain a meaningful diploma, beginning with the graduating class of

2019, with the opportunity for school districts to request a waiver for up to two years." [2014 c 217 § 1.]

Intent—2013 2nd sp.s. c 9: "The legislature intends to fund a plan to carry out the reforms enacted in chapter 548, Laws of 2009, and chapter 236, Laws of 2010, and to make the statutory changes necessary to support this plan." [2013 2nd sp.s. c 9 § 1.]

Effective dates—2013 2nd sp.s. c 9: "(1) Sections 2 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect September 1, 2013.

(2) Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2013.

(3) Sections 5, 6, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [June 30, 2013]." [2013 2nd sp.s. c 9 § 9.]

Effective date—2011 1st sp.s. c 27 §§ 1-3: "Sections 1 through 3 of this act take effect September 1, 2011." [2011 1st sp.s. c 27 § 8.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.230 District school directors' responsibilities. (1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

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(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable. [2010 c 235 § 201; 2006 c 263 § 201; 1994 c 245 § 9; 1991 c 61 § 1; 1990 c 33 § 106; 1979 ex.s. c 250 § 7; 1977 ex.s. c 359 § 18. Formerly RCW 28A.58.758.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Purpose—2006 c 263: "In 2005, the legislature reconstituted the state board of education to refocus its purpose; abolished the academic achievement and accountability commission; and assigned policy and rule-making authority for educator preparation and certification to the professional educator standards board. The purpose of this act is to address the remaining statutory responsibilities of the state board of education held before 2005. The legislature finds that some duties should be retained with the reconstituted board; many duties should be transferred to other agencies or organizations, primarily but not exclusively to the superintendent of public instruction; and some duties should be repealed. This act also corrects statutes to implement fully the transfer of responsibilities authorized in 2005." [2006 c 263 § 1.]

Part headings not law—2006 c 263: "Part headings used in this act are not any part of the law." [2006 c 263 § 1001.]

Additional notes found at www.leg.wa.gov

28A.150.240 Certificated teaching and administrative staff as accountable for classroom teaching—Scope—Responsibilities—Penalty. (1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, late arrival to school, or early dismissal.

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(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2)(a) through (g) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff. [1979 ex.s. c 250 § 5; 1977 ex.s. c 359 § 19. Formerly RCW 28A.58.760.]

Additional notes found at www.leg.wa.gov

28A.150.250 Annual basic education allocation—Full funding—Withholding of funds for noncompliance.

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and 28A.150.392 which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.260, 28A.150.390, and 28A.150.392 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410.

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.260 and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, the state board of education may waive this requirement in the event of substantial lack of classroom space. [2009 c 548 § 105; 1990 c 33 § 107; 1987 1st ex.s. c 2 § 201; 1986 c 144 § 1; 1983 c 3 § 30; 1982 c 158 § 3; 1982 c 158 § 2; 1980 c 154 § 12; 1979 ex.s. c 250 § 2; 1977 ex.s. c 359 § 4; 1975 1st ex.s. c 211 § 1; 1973 2nd ex.s. c 4 § 1; 1973 1st ex.s. c 195 § 9; 1973 c 46 § 2. See also 1973 1st ex.s. c 195 §§ 136, 137, 138 and 139. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§

7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28A.41.130, 28A.41.130.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest.

Distribution of forest reserve funds—As affects basic education allocation: RCW 28A.520.020.

Program of basic education, RCW 28A.150.250 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.150.260 Allocation of state funding to support instructional program of basic education—Distribution formula—Prototypical schools—Enhancements and adjustments—Review and approval—Enrollment calculation. The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

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

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

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

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

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

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

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

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

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

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

	Laboratory science average class size
Grades 9-12	19.98

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection

(4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction22.76

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

- (i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and
- (ii) A specialty average class size for advanced placement and international baccalaureate courses.

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.116	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.00	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

	Staff per 1,000 K-12 students
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

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

	Per annual average full-time equivalent student in grades K-12
Technology	\$54.43
Utilities and insurance	\$147.90

Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

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

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

(c) In addition to the amounts provided in (a) and (b) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time

equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies and library materials	\$82.84
Instructional professional development for certificated and classified staff	\$6.04

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

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

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

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

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

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

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

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

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

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

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

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and

28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050. [2014 c 217 § 206; 2011 1st sp.s. c 27 § 2; (2011 1st sp.s. c 34 § 9 expired July 1, 2013); 2010 c 236 § 2; 2009 c 548 § 106; 2006 c 263 § 322; 1997 c 13 § 2; (1997 c 13 § 1 and 1995 c 77 § 2 expired September 1, 2000); 1995 c 77 § 3; 1992 c 141 § 507; 1992 c 141 § 303; 1991 c 116 § 10; 1990 c 33 § 108; 1987 1st ex.s. c 2 § 202; 1985 c 349 § 5; 1983 c 229 § 1; 1979 ex.s. c 250 § 3; 1979 c 151 § 12; 1977 ex.s. c 359 § 5; 1969 ex.s. c 244 § 14. Prior: 1969 ex.s. c 217 § 3; 1969 c 130 § 7; 1969 ex.s. c 223 § 28A.41.140; prior: 1965 ex.s. c 154 § 3. Formerly RCW 28A.41.140, 28.41.140.]

Effective date—2014 c 217 § 206: "Section 206 of this act takes effect September 1, 2014." [2014 c 217 § 209.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Effective date—2011 1st sp.s. c 34 §§ 9 and 10: "Sections 9 and 10 of this act take effect September 1, 2011." [2011 1st sp.s. c 34 § 12.]

Expiration date—2011 1st sp.s. c 34 § 9: "Section 9 of this act expires July 1, 2013." [2011 1st sp.s. c 34 § 13.]

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

Effective date—2011 1st sp.s. c 27 §§ 1-3: See note following RCW 28A.150.220.

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: "Sections 2, 3, 4, 8, 10, 13, and 14 of this act take effect September 1, 2011." [2010 c 236 § 19.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Distribution of forest reserve funds—As affects basic education allocation: RCW 28A.520.020.

Program of basic education, RCW 28A.150.260 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.150.260 Allocation of state funding to support instructional program of basic education—Distribution formula—Prototypical schools—Enhancements and adjustments—Review and approval—Enrollment calculation (as amended by 2014 c 217). The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

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

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

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

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

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

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

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

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

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

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science
average class size

Grades 9-12 19.98

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

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

Career and technical
education average
class size

Approved career and technical education offered at the middle school and high school level26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction22.76

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

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

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising.	0.493	1.116	((1-909)) 2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.00	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

	Staff per 1,000 K-12 students
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be

5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

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

	Per annual average full-time equivalent student in grades K-12
Technology	\$54.43
Utilities and insurance.....	\$147.90
Curriculum and textbooks.....	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff.....	\$9.04
Facilities maintenance.....	\$73.27
Security and central office	\$50.76

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

	Per annual average full-time equivalent student in grades K-12
Technology	\$113.80
Utilities and insurance.....	\$309.21
Curriculum and textbooks.....	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance.....	\$153.18
Security and central office administration	\$106.12

(c) In addition to the amounts provided in (a) and (b) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

	<u>Per annual average full-time equivalent student in grades 9-12</u>
<u>Technology</u>	<u>\$36.35</u>
<u>Curriculum and textbooks</u>	<u>\$39.02</u>
<u>Other supplies and library materials</u>	<u>\$82.84</u>
<u>Instructional professional development for certificated and classified staff</u>	<u>\$6.04</u>

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

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) ~~(Laboratory science courses for students in grades nine through twelve;~~
- (e)) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- ~~((d))~~ (c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

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

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

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be

scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

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

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

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

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

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

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

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050. [2014 c 217 § 206; 2011 1st sp.s. c 27 § 2; 2011 1st sp.s. c 34 § 9 expired July 1, 2013]; 2010 c 236 § 2; 2009 c 548 § 106; 2006 c 263 § 322; 1997 c 13 § 2; (1997 c 13 § 1 and 1995 c 77 § 2 expired September 1, 2000); 1995 c 77 § 3; 1992 c 141 § 507; 1992 c 141 § 303; 1991 c 116 § 10; 1990 c 33 § 108; 1987 1st ex.s. c 2 § 202; 1985 c 349 § 5; 1983 c 229 § 1; 1979 ex.s. c 250 § 3; 1979 c 151 § 12; 1977 ex.s. c 359 § 5; 1969 ex.s. c 244 § 14. Prior: 1969 ex.s. c 217 § 3; 1969 c 130 § 7; 1969 ex.s. c 223 § 28A.41.140; prior: 1965 ex.s. c 154 § 3. Formerly RCW 28A.41.140, 28.41.140.]

Effective date—2014 c 217 § 206: "Section 206 of this act takes effect September 1, 2014." [2014 c 217 § 209.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

28A.150.260 Allocation of state funding to support instructional program of basic education—Distribution formula—Prototypical schools—Enhancements and adjustments—Review and approval—Enrollment calculation (as amended by 2015 c 2). (Effective September 1, 2022.) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

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

(2) The distribution formula under this section shall be for allocation purposes only. Except as required for class size reduction funding provided under subsection (4)(f) of this section and as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education

instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

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

- (i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;
- (ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and
- (iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

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

	General education average class size
Grades K-3	((25-23)) 17.0
Grade 4	((27-00)) 25.0
Grades 5-6	((27-00)) 25.0
Grades 7-8	((28-53)) 25.0
Grades 9-12	((28-74)) 25.0

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades

K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level	((26-57)) 19.0
Skill center programs meeting the standards established by the office of the superintendent of public instruction	((22-76)) 16.0

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

- (i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and
- (ii) a specialty average class size for laboratory science, advanced placement, and international baccalaureate courses.

(e) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

	General education average class size in high poverty
Grades K-3	15.0
Grade 4	22.0
Grades 5-6	23.0
Grades 7-8	23.0
Grades 9-12	23.0

(f)(i) Funding for average class sizes in this subsection (4) shall be provided only to the extent of, and proportionate to, the school district's demonstrated actual average class size, up to the funded class sizes.

(ii) Districts that demonstrate capital facility needs that prevent them from reducing actual class sizes to funded levels, may use funding in this subsection (4) for school-based personnel who provide direct services to students. Districts that use this funding for purposes other than reducing actual class sizes must annually report the number and dollar value for each type of personnel funded by school and grade level.

(iii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4).

(5) The minimum allocation for each level of prototypical school shall include allocations necessary for the safe and effective operation of a school, to meet individual student needs, and to ensure all required school functions can be performed by appropriately trained personnel, for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	((1-253)) 1.3	((1-353)) 1.4	((1-880)) 1.9
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	((0-663)) 1.0	((0-519)) 1.0	((0-523)) 1.0
Health and social services:			
School nurses	((0-076)) 0.585	((0-060)) 0.888	((0-096)) 0.824
Social workers	((0-042)) 0.311	((0-006)) 0.088	((0-015)) 0.127
Psychologists	((0-017)) 0.104	((0-002)) 0.024	((0-007)) 0.049
Guidance counselors, a function that includes parent outreach and graduation advising	((0-493)) 0.50	((1-116)) 2.0	((1-909)) 3.5
Teaching assistance, including any aspect of educational instructional services provided by classified employees	((0-936)) 2.0	((0-700)) 1.0	((0-652)) 1.0
Office support and other noninstructional aides	((2-012)) 3.0	((2-325)) 3.5	((3-269)) 3.5
Custodians	((1-657)) 1.7	((1-942)) 2.0	((2-965)) 3.0
Classified staff providing student and staff safety	((0-079)) 0.0	((0-092)) 0.7	((0-144)) 1.3
Parent involvement coordinators	((0-00)) 1.0	((0-00)) 1.0	((0-00)) 1.0

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

	Staff per 1,000 K-12 students
Technology	(0.628) <u>2.8</u>
Facilities, maintenance, and grounds	(1.813) <u>4.0</u>
Warehouse, laborers, and mechanics	(0.332) <u>1.9</u>

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

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

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

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

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

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

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

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

- (a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.
- (b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW

28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4,7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

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

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

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

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

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

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

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050. [2015 c 2 § 2 (Initiative Measure No. 1351, approved November 4, 2014); 2011 1st sp.s. c 27 § 2; (2011 1st sp.s. c 34 § 9 expired July 1, 2013); 2010 c 236 § 2; 2009 c 548 § 106; 2006 c 263 § 322; 1997 c 13 § 2; (1997 c 13 § 1 and 1995 c 77 § 2 expired September 1, 2000); 1995 c 77 § 3; 1992 c 141 § 507; 1992 c 141 § 303; 1991 c 116 § 10; 1990 c 33 § 108; 1987 1st ex.s. c 2 § 202; 1985 c 349 § 5; 1983 c 229 § 1; 1979 ex.s. c 250 § 3; 1979 c 151 § 12; 1977 ex.s. c 359 § 5; 1969 ex.s. c 244 § 14. Prior: 1969 ex.s. c 217 § 3; 1969 c 130 § 7; 1969 ex.s. c 223 § 28A.41.140; prior: 1965 ex.s. c 154 § 3. Formerly RCW 28A.41.140, 28.41.140.]

Reviser's note: This section did not amend the most current version of the RCW. It was amended by 2015 c 2 § 2 (Initiative Measure No. 1351) without cognizance of its amendment by 2014 c 217 § 206.

Effective date—2015 3rd sp.s. c 38; 2015 c 2 § 2 (Initiative Measure No. 1351): "Section 2 of this act takes effect September 1, 2022." [2015 3rd sp.s. c 38 § 3; 2015 c 2 § 5 (Initiative Measure No. 1351, approved November 4, 2014).]

Intent—2015 c 2 (Initiative Measure No. 1351): "This initiative concerns reducing the number of students per class in grades K-12. Washington ranks forty-seventh out of fifty states in the nation in the number of students per class. The voters understand that reduced class sizes are critical for students especially to learn technical skills such as mathematics, science, technology, and other skills critical for success in the new economy."

It is the intent of the voters that reduction in class sizes be achieved by the legislature funding annual investments to lower class sizes and to increase school staffing in order to provide every student with the opportunities to receive a high quality basic education as well as improve student performance and graduation rates.

A teacher's ability to individualize instruction, provide timely feedback to students and families, and keep students actively engaged in learning activities is substantially increased with smaller class sizes. Students in smaller classes have shown improved attendance, greater academic growth, and higher scores on achievement tests; and students from disadvantaged groups experience two to three times the average gains of their peers. Smaller class sizes will provide an equitable opportunity for all students to reach their potential and will assist in closing the achievement gap.

In order to comply with the constitutional requirement to amply fund basic education and with the Washington supreme court decision in *McCleary v. the State of Washington*, it is the intent of the voters to implement with fidelity chapter 548, Laws of 2009 and chapter 236, Laws of 2010. These laws revised the definition of the program of basic education, established new methods for distributing state funds to school districts to support this program of basic education, and established a process where the quality education council and technical working groups would make recommendations as to the level of resources that would be required to achieve the state's defined program of basic education by 2018.

This measure would create smaller class sizes for grades K-12 over a four-year period with priority to schools with high levels of student poverty. These annual improvements are to be considered basic education funding that may be used to assist the Washington supreme court to determine the adequacy of progress in addressing the state's paramount duty in accordance with the McCleary decision. State funding would be provided based on a reduction of K-3 class size to seventeen and grade 4-12 class size to twenty-five; and for schools with more than fifty percent of students in poverty, that is, more than fifty percent of students were eligible for free and reduced-price meals in the prior school year, a reduction of K-3 class size to fifteen, grade 4 to twenty-two, and grade 5-12 class size to twenty-three. The measure would also provide funding for increased school teaching and student support including librarians, counselors, school nurses, teaching assistants, and other critical staff necessary for the safe and effective operation of a school, to meet individual student needs, and to ensure all required school functions can be performed by appropriately trained personnel." [2015 c 2 § 1 (Initiative Measure No. 1351, approved November 4, 2014).]

Short title—2015 c 2 (Initiative Measure No. 1351): "This act may be known and cited as the lower class sizes for a quality education act." [2015 c 2 § 4 (Initiative Measure No. 1351, approved November 4, 2014).]

Effective date—2011 1st sp.s. c 34 §§ 9 and 10: "Sections 9 and 10 of this act take effect September 1, 2011." [2011 1st sp.s. c 34 § 12.]

Expiration date—2011 1st sp.s. c 34 § 9: "Section 9 of this act expires July 1, 2013." [2011 1st sp.s. c 34 § 13.]

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

Effective date—2011 1st sp.s. c 27 §§ 1-3: See note following RCW 28A.150.220.

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: "Sections 2, 3, 4, 8, 10, 13, and 14 of this act take effect September 1, 2011." [2010 c 236 § 19.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Distribution of forest reserve funds—As affects basic education allocation: RCW 28A.520.020.

Program of basic education, RCW 28A.150.260 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

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28A.150.261 State funding to support instructional program of basic education—Schedule of increased allocations. In order to make measurable progress toward implementing the provisions of section 2, chapter 2, Laws of 2015 by September 1, 2021, the legislature shall increase state funding allocations under RCW 28A.150.260 according to the following schedule:

(1) For the 2019-2021 biennium, funding allocations shall be no less than fifty percent of the difference between the funding necessary to support the numerical values under RCW 28A.150.260 as of September 1, 2013, and the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015, with priority for additional funding provided during this biennium for the highest poverty schools and school districts;

(2) By the end of the 2021-2023 biennium and thereafter, funding allocations shall be no less than the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015. [2015 3rd sp.s. c 38 § 2; 2015 c 2 § 3 (Initiative Measure No. 1351, approved November 4, 2014).]

Findings—Intent—2015 3rd sp.s. c 38: "At the 2014 general election, the voters approved Initiative No. 1351, which proposed to amend the formulas by which the state allocates funding for state-funded school district employees. Initiative No. 1351 increased the state's obligation to fund teachers for class size reduction in excess of the class size reduction in grades K-3 already enacted by the legislature in chapter 548, Laws of 2009 (ESHB 2261) and chapter 236, Laws of 2010 (SHB 2776). Initiative No. 1351 also increased the state's obligation to provide funding for other types of school district employees beyond teachers.

In 2012, the state supreme court ruled in *McCleary v. State* that the state has failed to comply with its Article IX duty to make ample provision for the state's program of basic education. In its ruling, the court declared that ESHB 2261 constituted a "promising reform" that would bring the state into compliance with Article IX "if fully funded[.]" In the time since the original McCleary ruling, the state has continued to implement ESHB 2261 and SHB 2776, with full implementation scheduled for the statutory deadline of 2018.

For two sets of educational reasons, the legislature finds that it is appropriate to delay implementation of Initiative No. 1351 for four years.

First, the legislature finds, based on research reviewed by the basic education funding task force and the quality education council, that the greatest improvements in student outcomes in the common schools can be achieved in the near term by focusing the investment of state fiscal resources in the areas identified in ESHB 2261 and SHB 2776, which emphasize fund class size reduction in early grades. The legislature further finds that the court in its McCleary ruling and orders has identified investments in these areas as the funding reforms that are needed to bring the state into compliance with its Article IX obligations, which provides an educational reason for focusing on funding the reforms of ESHB 2261 and SHB 2776 in the 2015-2017 and 2017-2019 fiscal biennia.

Second, the legislature finds that there are practical educational reasons to temporarily defer implementation of increased staffing ratios and the portion of class size reduction that is beyond the reductions called for in SHB 2776. Data from the superintendent of public instruction and the professional educator standards board indicate that Washington's teacher education programs are not estimated to produce sufficient teachers to achieve the class size reductions on the schedule established by Initiative No. 1351. Further, the experience of other states indicates that the need to hire teachers quickly for rapid implementation of class size reductions may exacerbate recruiting difficulties for schools or districts that are at a relative disadvantage in attracting staff. Finally, implementing class size reduction requires time to plan and build new classrooms.

For these reasons, the legislature intends to temporarily defer implementation of Initiative No. 1351." [2015 3rd sp.s. c 38 § 1.]

Effective date—2015 3rd sp.s. c 38: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 14, 2015]." [2015 3rd sp.s. c 38 § 4.]

Intent—Short title—2015 c 2 (Initiative Measure No. 1351): See notes following RCW 28A.150.260.

28A.150.270 Annual basic education allocation of funds according to average FTE student enrollment—Procedure for crediting portion for school building purposes. The board of directors of a school district may, by properly executed resolution, request that the superintendent of public instruction direct a portion of the district's basic education allocation be credited to the district's capital projects fund and/or bond redemption fund. Moneys so credited shall be used solely for school building purposes. [1985 c 7 § 89; 1980 c 154 § 13. Formerly RCW 28A.41.143.]

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest. *School funds enumerated—Deposits—Uses:* RCW 28A.320.330.

28A.150.275 Annual basic education allocation for students in technical colleges. The basic education allocation, including applicable vocational entitlements and special education program money, generated under this chapter and under state appropriation acts by school districts for students enrolled in a technical college program established by an interlocal agreement under RCW 28B.50.533 shall be allocated in amounts as determined by the superintendent of public instruction to the serving college rather than to the school district, unless the college chooses to continue to receive the allocations through the school districts. This section does not apply to students enrolled in the running start program established in RCW 28A.600.310. [1995 c 77 § 4; 1993 c 223 § 1.]

28A.150.280 Reimbursement for acquisition of approved transportation equipment—Method. Costs of acquisition of approved transportation equipment purchased prior to September 1, 1982, shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be placed in the transportation vehicle fund for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized in RCW 28A.160.130. [1993 c 111 § 1. Prior: 1990 c 33 § 110; 1990 c 33 § 109; 1981 c 343 § 1; 1981 c 265 § 9; 1981 c 265 § 8; 1977 ex.s. c 359 § 6; 1977 c 80 § 3; 1975 1st ex.s. c 275 § 60; 1972 ex.s. c 85 § 1; 1971 c 48 § 14; 1969 ex.s. c 223 § 28A.41.160; prior: 1965 ex.s. c 154 § 5. Formerly RCW 28A.41.160, 28.41.160.]

Program of basic education, RCW 28A.150.280 as part of: RCW 28A.150.200.

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.150.290 State superintendent to make rules and regulations—Unforeseen conditions or actions to be recognized—Paperwork limited. (1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW 28A.160.150 through *28A.160.220, 28A.300.170, and 28A.500.010 not inconsis-

tent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through *28A.160.220, 28A.300.170, and 28A.500.010.

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW 28A.150.250 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.150.220 and 28A.150.260 due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.160.150 through *28A.160.220, 28A.300.170, and 28A.500.010; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests. [1992 c 141 § 504; 1990 c 33 § 111; 1981 c 285 § 1; 1979 ex.s. c 250 § 6; 1973 1st ex.s. c 78 § 1; 1972 ex.s. c 105 § 4; 1971 c 46 § 1; 1969 ex.s. c 3 § 2; 1969 ex.s. c 223 §

28A.41.170. Prior: 1965 ex.s. c 154 § 6. Formerly RCW 28A.41.170, 28.41.170.]

***Reviser's note:** RCW 28A.160.220 was recodified as RCW 28A.300.035 pursuant to 1994 c 113 § 2.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.150.295 General public school system—Maintained. A general and uniform system of public schools embracing the common schools shall be maintained throughout the state of Washington in accordance with Article IX of the state Constitution. [1969 ex.s. c 223 § 28A.02.010. Prior: 1909 c 97 p 230 § 1; RRS § 4518; prior: 1897 c 118 § 1; 1890 p 348 § 1. Formerly RCW 28A.02.010, 28.02.010.]

28A.150.300 Corporal punishment prohibited—Adoption of policy. The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts. [2006 c 263 § 702; 1993 c 68 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.150.305 Alternative educational service providers—Student eligibility. (1) The board of directors of school districts may contract with alternative educational service providers for eligible students. Alternative educational service providers that the school district may contract with include, but are not limited to:

- (a) Other schools;
- (b) Alternative education programs not operated by the school district;
- (c) Education centers;
- (d) Skills [Skill] centers;
- (e) The Washington national guard youth challenge program;
- (f) Dropout prevention programs; or
- (g) Other public or private organizations, excluding sectarian or religious organizations.

(2) Eligible students include students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

(3) If a school district board of directors chooses to initiate specialized programs for students at risk of expulsion or who are failing academically by contracting out with alternative educational service providers identified in subsection (1) of this section, the school district board of directors and the organization must specify the specific learning standards that students are expected to achieve. Placement of the student shall be jointly determined by the school district, the student's parent or legal guardian, and the alternative educational service provider.

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen

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years of age or older may take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190.

(5) The board of directors of school districts may require that students who would otherwise be suspended or expelled attend schools or programs listed in subsection (1) of this section as a condition of continued enrollment in the school district. [2013 c 39 § 3; 2002 c 291 § 1; 1997 c 265 § 6.]

Additional notes found at www.leg.wa.gov

28A.150.310 National guard youth challenge program—Allocation of funding—Rules. Basic and nonbasic education funding, including applicable vocational entitlements and special education program money, generated under this chapter and under state appropriations acts shall be allocated directly to the military department for a national guard youth challenge program for students earning high school graduation credit under *RCW 28A.305.170. Funding shall be provided based on statewide average rates for basic education, special education, categorical, and block grant programs as determined by the office of the superintendent of public instruction. The monthly full-time equivalent enrollment reported for students enrolled in the national guard youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section. [2002 c 291 § 2.]

***Reviser's note:** RCW 28A.305.170 was recodified as RCW 28A.300.165 pursuant to 2006 c 263 § 419.

28A.150.315 Voluntary all-day kindergarten programs—Funding—Identification of skills, knowledge, and characteristics—Assessments. (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
 - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
 - (ii) Developing a variety of communication skills;
 - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
 - (iv) Acquiring large and small motor skills;

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

(vi) Learning through hands-on experiences;

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

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

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

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

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

(c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities. [2012 c 51 § 1; 2011 c 340 § 1; 2010 c 236 § 4; 2009 c 548 § 107; 2007 c 400 § 2.]

Effective date—2011 c 340 § 1: "Section 1 of this act takes effect September 1, 2011." [2011 c 340 § 3.]

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: See note following RCW 28A.150.260.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Captions not law—2007 c 400: See note following RCW 28A.150.210.

28A.150.350 Part time students—Defined—Enrollment authorized—Reimbursement for costs—Funding authority recognition—Rules, regulations. (1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.150.260. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.150.260 and 28A.150.350. [1990 c 33 § 112; 1985 c 441 § 5; 1977 ex.s. c 359 § 8; 1972 ex.s. c 14 § 1; 1969 ex.s. c 217 § 4. Formerly RCW 28A.41.145.]

Program of basic education, RCW 28A.150.350 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.150.360 Adjustments to meet emergencies. In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with the

intent of this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010 in providing an equal educational opportunity for the children of such district or districts. [1995 c 335 § 101; 1990 c 33 § 113; 1969 ex.s. c 223 § 28A.41.150. Prior: 1965 ex.s. c 154 § 4. Formerly RCW 28A.41.150, 28.41.150.]

Additional notes found at www.leg.wa.gov

28A.150.380 Appropriations by legislature. (1) The state legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of the common schools such amounts as needed for state support to school districts during the ensuing biennium for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education. [2012 1st sp.s. c 10 § 3. Prior: 2009 c 548 § 110; 2009 c 479 § 16; 2001 c 3 § 10 (Initiative Measure No. 728, approved November 7, 2000); 1995 c 335 § 103; 1990 c 33 § 115; 1980 c 6 § 3; 1969 ex.s. c 223 § 28A.41.050; prior: 1945 c 141 § 2; Rem. Supp. 1945 § 4940-2. Formerly RCW 28A.41.050, 28.41.050.]

Purpose—Construction—2012 1st sp.s. c 10: See note following RCW 84.52.0531.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Effective date—2009 c 479: See note following RCW 2.56.030.

Short title—Purpose—Intent—Construction—Effective dates—2001 c 3 (Initiative Measure No. 728): See notes following RCW 67.70.240.

Additional notes found at www.leg.wa.gov

28A.150.390 Appropriations for special education programs. (1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a) and (b), (5), (6), and (8).

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

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

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

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution for-

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mula under RCW 28A.150.260 (4)(a) and (b), (5), (6), and (8), to be divided by the district's full-time equivalent enrollment.

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

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent. [2010 c 236 § 3; 2009 c 548 § 108; 1995 c 77 § 6; 1994 c 180 § 8; 1993 c 149 § 9; 1990 c 33 § 116; 1989 c 400 § 2; 1980 c 87 § 5; 1971 ex.s. c 66 § 11. Formerly RCW 28A.41.053.]

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: See note following RCW 28A.150.260.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Intent—1989 c 400: "The legislature finds that there is increasing demand for school districts' special education programs to include medical services necessary for handicapped children's participation and educational progress. In some cases, these services could qualify for federal funding under Title XIX of the social security act. The legislature intends to establish a process for school districts to obtain reimbursement for eligible services from medical assistance funds. In this way, state dollars for handicapped education can be leveraged to generate federal matching funds, thereby increasing the overall level of resources available for school districts' special education programs." [1989 c 400 § 1.]

Additional notes found at www.leg.wa.gov

28A.150.392 Special education funding—Safety net awards—Rules—Annual survey and report—Safety net oversight committee. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing

their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

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

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

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

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

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

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

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

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

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

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

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding. [2009 c 548 § 109.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.150.400 Apportionment factors to be based on current figures—Rules and regulations. State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PROVIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments to the extent necessary: PROVIDED FURTHER, That as to those revenues used in determining the amount of state funds to be apportioned to school districts pursuant to RCW 28A.150.250, any apportionment factors shall utilize data and statistics derived in an annual period established pursuant to rules and regulations promulgated by the superintendent of public instruction in cooperation with the department of revenue. [1990 c 33 § 117; 1972 ex.s. c 26 § 3; 1969 ex.s. c 223 § 28A.41.055. Prior: 1955 c 350 § 1. Formerly RCW 28A.41.055, 28.41.055.]

Additional notes found at www.leg.wa.gov

28A.150.410 Basic education certificated instructional staff—Salary allocation schedule—Limits on post-graduate credits. (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated

under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits. [2010 c 236 § 10; 2007 c 403 § 1; 2002 c 353 § 1; 1997 c 141 § 1; 1990 c 33 § 118; 1989 1st ex.s. c 16 § 1; 1987 3rd ex.s. c 1 § 4; 1987 1st ex.s. c 2 § 204. Formerly RCW 28A.41.112.]

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: See note following RCW 28A.150.260.

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Additional notes found at www.leg.wa.gov

28A.150.420 Reimbursement for classes provided outside regular school year. The superintendent of public instruction shall establish procedures to allow school districts to claim basic education allocation funds for students attending classes that are provided outside the regular school year to the extent such attendance is in lieu of attendance during the regular school year: PROVIDED, That nothing in this section shall be construed to alter the basic education allocation for which the district is otherwise eligible. [1989 c 233 § 10. Formerly RCW 28A.41.172.]

28A.150.500 Educational agencies offering vocational education programs—Local advisory committees—Advice on current job needs. (1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture. [1991 c 238 § 76.]

28A.150.510 Transmittal of education records to department of social and health services—Disclosure of educational records—Data-sharing agreements—Comprehensive needs requirement document—Report. (1) In order to effectively serve students who are dependent pursuant to chapter 13.34 RCW, education records shall be transmitted to the department of social and health services within two school days after receiving the request from the department provided that the department certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster par-

ent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes of students who are dependent pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2)(a) The K-12 data governance group established under RCW 28A.300.507 shall create a comprehensive needs requirement document detailing the specific information, technical capacity, and any federal and state statutory and regulatory changes needed by school districts, the office of the superintendent of public instruction, the department of social and health services, or the higher education coordinating board or its successor, to enable the provision, on at least a quarterly basis, of:

(i) Current education records of students who are dependent pursuant to chapter 13.34 RCW to the department of social and health services and, from the department, to those entities with which the department has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes; and

(ii) The names and contact information of students who are dependent pursuant to chapter 13.34 RCW and are thirteen years or older to the higher education coordinating board or its successor and the private agency with which it has contracted to perform outreach for the passport to college promise program under chapter 28B.117 RCW or the college bound scholarship program under chapter 28B.118 RCW.

(b) In complying with (a) of this subsection, the K-12 data governance group shall consult with: Educational support service organizations, with which the department of social and health services contracts or collaborates, having responsibility for educational support services and educational outcomes of dependent students; the passport to college advisory committee; the education support service organizations under contract to perform outreach for the passport to college promise program under chapter 28B.117 RCW; the department of social and health services; the office of the attorney general; the higher education coordinating board or its successor; and the office of the administrator for the courts.

(c) By December 1, 2012, the superintendent of public instruction shall submit a report to the governor and the appropriate committees of the legislature regarding: The analysis of needs by the K-12 data governance group; a timeline for addressing those needs for which no statutory changes are necessary and that can be implemented within existing resources; and recommended options for addressing identified needs for which statutory changes, additional funding, or both, are necessary. [2012 c 163 § 9; 2008 c 297 § 5; 2000 c 88 § 1.]

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

Short title—2012 c 163: See RCW 28B.117.902.

28A.150.520 High-performance public buildings—Compliance with requirements. Public school districts must comply with high-performance public building[s]

requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060, and 28A.150.530. [2005 c 12 § 9.]

28A.150.530 High-performance public buildings—Implementation rules—Energy conservation report review. (1) In adopting implementation rules, the superintendent of public instruction, in consultation with the department of enterprise services, shall review and modify the current requirement for an energy conservation report review by the department of enterprise services.

(2) In adopting implementation rules, the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, constructibility review, and building commissioning;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in RCW 39.35D.040;

(c) Coordinate with the department of enterprise services, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section. [2015 c 225 § 26; 2006 c 263 § 326; 2005 c 12 § 7.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.150.540 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 3.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.150.550 Statewide indicators of educational system health—Disaggregation—Use of indicators—Status reports. (1) The following statewide indicators of educational system health are established:

(a) The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080;

(b) The percentage of students meeting the standard on the fourth grade statewide reading assessment administered in accordance with RCW 28A.655.070;

(c) The percentage of students meeting the standard on the eighth grade statewide mathematics assessment administered in accordance with RCW 28A.655.070;

(d) The four-year cohort high school graduation rate;

(e) The percentage of high school graduates who during the second quarter after graduation are either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed; and

(f) The percentage of students enrolled in precollege or remedial courses in college.

(2) The statewide indicators established in subsection (1) of this section shall be disaggregated as provided under RCW 28A.300.042.

(3) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall establish a process for identifying realistic but challenging system-wide performance goals and measurements, if necessary, for each of the indicators established in subsection (1) of this section, including for subcategories of students as provided under subsection (2) of this section. The performance goal for each indicator must be set on a biennial basis, and may only be adjusted upward.

(4) The state board of education, the office of the superintendent of public instruction, and the student achievement council shall each align their strategic planning and education reform efforts with the statewide indicators and performance goals established under this section.

(5)(a) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall submit a report on the status of each indicator in subsection (1) of this section and recommend revised performance goals and measurements, if necessary, by December 1st of each even-numbered year, except that the initial report establishing baseline values and initial goals shall be delivered to the education committees of the legislature by December 1, 2013.

(b) If the educational system is not on target to meet the performance goals on any individual indicator, the report must recommend evidence-based reforms intended to improve student achievement in that area.

(c) To the extent data is available, the performance goals for each indicator must be compared with national data in order to identify whether Washington student achievement results are within the top ten percent nationally or are comparable to results in peer states with similar characteristics as Washington. If comparison data show that Washington students are falling behind national peers on any indicator, the report must recommend evidence-based reforms targeted at addressing the indicator in question. [2013 c 282 § 2.]

Intent—2013 c 282: "(1) The legislature acknowledges that multiple entities, including the state board of education, the office of the superintendent of public instruction, the workforce training and education coordinating board, the quality education council, and the student achievement council, are actively working on efforts to identify measurable goals and priorities, road maps, and strategic plans for the entire educational system. It is not the legislature's intent to undermine or curtail the ongoing work of these groups. However, the legislature believes that a coordinated single set of statewide goals would help focus these efforts.

(2) It is, therefore, the intent of the legislature to establish a discrete set of statewide data points that will serve as snapshots of the overall health of the educational system and as a means for evaluating progress in achieving the outcomes set for the system and the students it serves. By monitoring these statewide indicators over time, it is the intent of the legislature to understand whether reform efforts and investments are making positive progress in the overall education of students and whether adjustments are necessary. Finally, it is the intent of the legislature to align the education reform efforts of each state education agency in order to hold each part of the

system - statewide leaders, school personnel, and students - accountable to the same definitions of success." [2013 c 282 § 1.]

Chapter 28A.155 RCW SPECIAL EDUCATION

Sections

- 28A.155.010 Purpose.
- 28A.155.020 Administration of program in the office of the superintendent of public instruction—Adoption of definitions by rule—Local school district powers not limited.
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- 28A.155.040 Authority of districts—Participation of department of social and health services.
- 28A.155.045 Certificate of individual achievement.
- 28A.155.050 Services through special excess cost aid programs—Apportionment—Allocations from state excess funds.
- 28A.155.060 District authority to contract with approved agencies—Approval standards.
- 28A.155.065 Early intervention services—Accounting of expenditures.
- 28A.155.070 Services to students of preschool age with disabilities—Apportionment—Allocations from state excess cost funds.
- 28A.155.080 Appeal from denial of educational program.
- 28A.155.090 Superintendent of public instruction's duty and authority.
- 28A.155.100 Sanctions applied to noncomplying districts.
- 28A.155.105 Braille instruction—Definitions.
- 28A.155.115 Braille instruction—Assessment—Provision in student's curriculum.
- 28A.155.140 Curriculum-based assessment procedures for early intervening services.
- 28A.155.160 Assistive devices and services—Interagency cooperative agreements—Definitions.
- 28A.155.170 Graduation ceremony—Certificate of attendance—Students with individualized education programs.
- 28A.155.190 Information on autism.
- 28A.155.200 Condensed compliance reports—Second-class districts.
- 28A.155.210 Use of restraint or isolation—Requirement for procedures to notify parent or guardian.
- 28A.155.220 High school transition services—Interagency agreements—Education data center to monitor certain outcomes—Annual report by superintendent of public instruction.

28A.155.010 Purpose. It is the purpose of RCW 28A.155.010 through 28A.155.160, 28A.160.030, and 28A.150.390 to ensure that all children with disabilities as defined in RCW 28A.155.020 shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state and applicable federal laws. [2007 c 115 § 1; 1995 c 77 § 7; 1990 c 33 § 120; 1971 ex.s. c 66 § 1. Formerly RCW 28A.13.005.]

Additional notes found at www.leg.wa.gov

28A.155.020 Administration of program in the office of the superintendent of public instruction—Adoption of definitions by rule—Local school district powers not limited. There is established in the office of the superintendent of public instruction an administrative section or unit for the education of children with disabilities who require special education.

Students with disabilities are those children whether enrolled in school or not who through an evaluation process are determined eligible for special education due to a disability.

In accordance with part B of the federal individuals with disabilities education improvement act and any other federal or state laws relating to the provision of special education services, the superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all children with disabilities between the ages of three and twenty-one, but when the twenty-first

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birthday occurs during the school year, the educational program may be continued until the end of that school year. The superintendent of public instruction, by rule, shall establish for the purpose of excess cost funding, as provided in RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, functional definitions of special education, the various types of disabling conditions, and eligibility criteria for special education programs for children with disabilities, including referral procedures, use of positive behavior interventions, the education curriculum and statewide or district-wide assessments, parent and district requests for special education due process hearings, and procedural safeguards. For the purposes of RCW 28A.155.010 through 28A.155.160, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the children with disabilities who are enrolled either full time or part time in a school district. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for children with disabilities, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.155.070. [2015 c 206 § 2; 2007 c 115 § 2; 1995 c 77 § 8; 1990 c 33 § 121; 1985 c 341 § 4; 1984 c 160 § 1; 1971 ex.s. c 66 § 2; 1969 ex.s. c 2 § 2; 1969 ex.s. c 223 § 28A.13.010. Prior: 1951 c 92 § 1; prior: (i) 1943 c 120 § 1; Rem. Supp. 1943 § 4679-25. (ii) 1943 c 120 § 2, part; Rem. Supp. 1943 § 4679-26, part. Formerly RCW 28A.13.010, 28.13.010.]

Finding—2015 c 206: "The legislature finds that there is no educational or therapeutic benefit to children from physically restraining or isolating them as part of their public school programs when not necessary for immediate safety. The use of seclusion or restraints in nonemergency situations poses significant physical and psychological danger to students and school staff. The legislature declares that it is the policy of the state of Washington to prohibit the planned use of aversive interventions, to promote positive interventions when a student with disabilities is determined to need specially designed instruction to address behavior, and to prohibit schools from physically restraining or isolating any student except when the student's behavior poses an imminent likelihood of serious harm to that student or another person." [2015 c 206 § 1.]

Additional notes found at www.leg.wa.gov

28A.155.030 Division administrative officer—Duties. The superintendent of public instruction shall employ an administrative officer of the division. The administrative officer, under the direction of the superintendent of public instruction, shall coordinate and supervise the program of special education for eligible children with disabilities in the school districts of the state. He or she shall ensure that school districts provide an appropriate educational opportunity for all children with disabilities in need of special education and related services and shall coordinate with the state secretary of social and health services and with county and regional officers on cases where related services are available for children with disabilities. [2007 c 115 § 3; 1995 c 77 § 9; 1990 c

33 § 122; 1975 1st ex.s. c 275 § 52; 1972 ex.s. c 10 § 1. Prior: 1971 ex.s. c 66 § 3; 1971 c 48 § 3; 1969 ex.s. c 223 § 28A.13.020; prior: 1943 c 120 § 3; Rem. Supp. 1943 § 4679-27. Formerly RCW 28A.13.020, 28.13.020.]

Additional notes found at www.leg.wa.gov

28A.155.040 Authority of districts—Participation of department of social and health services. The board of directors of each school district, for the purpose of compliance with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and chapter 28A.190 RCW, shall cooperate with the superintendent of public instruction and with the administrative officer and shall provide an appropriate educational opportunity to children with disabilities, as defined in RCW 28A.155.020, in regular or special school facilities within the district or shall contract for such services with other agencies as provided in RCW 28A.155.060 or shall participate in an inter-district arrangement in accordance with RCW 28A.335.160 and 28A.225.220 and/or 28A.225.250 and 28A.225.260.

In carrying out their responsibilities under this chapter, school districts severally or jointly with the approval of the superintendent of public instruction are authorized to support and/or contract for residential schools and/or homes approved by the department of social and health services for aid and special attention to students with disabilities.

The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those students with disabilities eligible for such aid under programs of the department. The cost of approved board and room shall be provided for those students with disabilities not eligible under programs of the department of social and health services but deemed in need of the same by the superintendent of public instruction: PROVIDED, That no school district shall be financially responsible for special education programs for students who are attending residential schools operated by the department of social and health services: PROVIDED FURTHER, That the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100 shall not preclude the extension by the superintendent of public instruction of special education opportunities to students with disabilities in residential schools operated by the department of social and health services. [2007 c 115 § 4; 1995 c 77 § 10; 1990 c 33 § 123; 1971 ex.s. c 66 § 4; 1969 ex.s. c 223 § 28A.13.030. Prior: 1959 c 122 § 1; 1953 c 135 § 1; 1943 c 120 § 4; Rem. Supp. 1943 § 4679-28. Formerly RCW 28A.13.030, 28.13.030.]

Additional notes found at www.leg.wa.gov

28A.155.045 Certificate of individual achievement. Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in *RCW

28A.655.0611, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement. [2007 c 354 § 3; 2004 c 19 § 104.]

*Reviser's note: RCW 28A.655.0611 expired August 31, 2013.

Findings—Intent—2007 c 354: See note following RCW 28A.655.061.

Additional notes found at www.leg.wa.gov

28A.155.050 Services through special excess cost aid programs—Apportionment—Allocations from state excess funds. Any child who is eligible for special education services through special excess cost aid programs authorized under RCW 28A.155.010 through 28A.155.160 shall be given such services in the least restrictive environment as determined by the student's individualized education program (IEP) team in the school district in which such student resides. Any school district required to provide such services shall thereupon be granted regular apportionment of state and county school funds and, in addition, allocations from state excess funds made available for such special services for such period of time as such special education program is given: PROVIDED, That should such student or any other student with disabilities attend and participate in a special education program operated by another school district in accordance with the provisions of RCW 28A.225.210, 28A.225.220, and/or 28A.225.250, such regular apportionment shall be granted to the receiving school district, and such receiving school district shall be reimbursed by the district in which such student resides in accordance with rules adopted by the superintendent of public instruction for the entire approved excess cost not reimbursed from such regular apportionment. [2007 c 115 § 5; 1995 c 77 § 11; 1990 c 33 § 124; 1971 ex.s. c 66 § 5; 1969 ex.s. c 223 § 28A.13.040. Prior: 1943 c 120 § 5; Rem. Supp. 1943 § 4679-29. Formerly RCW 28A.13.040, 28.13.040.]

Additional notes found at www.leg.wa.gov

28A.155.060 District authority to contract with approved agencies—Approval standards. For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the

superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools. [2007 c 115 § 6; 2006 c 263 § 915; 1995 c 77 § 12; 1990 c 33 § 125; 1971 ex.s. c 66 § 6. Formerly RCW 28A.13.045.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.155.065 Early intervention services—Accounting of expenditures. (1) Each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education act or other applicable federal and state laws, and as specified in the Washington Administrative Code adopted by the state lead agency, which is the department of early learning. School districts shall provide or contract, or both, for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age. The state-designated birth-to-three lead agency shall be payor of last resort for birth-to-three early intervention services provided under this section.

(2)(a) By October 1, 2016, the office of the superintendent of public instruction shall provide the department of early learning, in its role as state lead agency, with a full accounting of the school district expenditures from the 2013-14 and 2014-15 school years, disaggregated by district, for birth-to-three early intervention services provided under this section.

(b) The reported expenditures must include, but are not limited to per student allocations, per student expenditures, the number of children served, detailed information on services provided by school districts and contracted for by school districts, coordination and transition services, and administrative costs.

(3) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution. [2016 c 57 § 3; 2007 c 115 § 7; 2006 c 269 § 2.]

Finding—2006 c 269: "The legislature finds an urgent and substantial need to enhance the development of all infants and toddlers with disabilities in Washington in order to minimize developmental delays and to maximize individual potential for learning and functioning." [2006 c 269 § 1.]

28A.155.070 Services to students of preschool age with disabilities—Apportionment—Allocations from state excess cost funds. Special educational programs provided by the state and the school districts thereof for students with disabilities shall be extended to include students of preschool age. School districts shall be entitled to the regular apportionments from state and county school funds, as provided by law, and in addition to allocations from state excess cost funds made available for such special services for those students with disabilities who are given such special services. [2007 c 115 § 9; (2007 c 115 § 8 expired September 1, 2009); 2006 c 269 § 3; 1995 c 77 § 13; 1971 ex.s. c 66 § 7; 1969 ex.s.

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c 223 § 28A.13.050. Prior: 1951 c 92 § 2; 1949 c 186 § 1; Rem. Supp. 1949 § 4901-3. Formerly RCW 28A.13.050, 28.13.050.]

Effective date—2007 c 115 § 9: "Section 9 of this act takes effect September 1, 2009." [2007 c 115 § 17.]

Expiration date—2007 c 115 § 8: "Section 8 of this act expires September 1, 2009." [2007 c 115 § 16.]

Effective date—2006 c 269 § 3: "Section 3 of this act takes effect September 1, 2009." [2006 c 269 § 4.]

Finding—2006 c 269: See note following RCW 28A.155.065.

Additional notes found at www.leg.wa.gov

28A.155.080 Appeal from denial of educational program. Where a child with disabilities as defined in RCW 28A.155.020 has been denied the opportunity of a special educational program by a local school district there shall be a right of appeal by the parent or guardian of such child to the superintendent of public instruction pursuant to procedures established by the superintendent and in accordance with RCW 28A.155.090 and part B of the federal individuals with disabilities education improvement act. [2007 c 115 § 10; 1995 c 77 § 14; 1990 c 33 § 126; 1971 ex.s. c 66 § 8. Formerly RCW 28A.13.060.]

Additional notes found at www.leg.wa.gov

28A.155.090 Superintendent of public instruction's duty and authority. The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with disabling conditions, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

(7) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities. [2007 c 115 § 11; 1995 c 77 § 15;

1990 c 33 § 127; 1985 c 341 § 5; 1971 ex.s. c 66 § 9. Formerly RCW 28A.13.070.]

Additional notes found at www.leg.wa.gov

28A.155.100 Sanctions applied to noncomplying districts. The superintendent of public instruction is hereby authorized and directed to establish appropriate sanctions to be applied to any school district of the state failing to comply with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.060 and 28A.155.080 through 28A.155.160 to be applied beginning upon the effective date thereof, which sanctions shall include withholding of any portion of state aid to such district until such time as compliance is assured. [2007 c 115 § 12; 1990 c 33 § 128; 1971 ex.s. c 66 § 12. Formerly RCW 28A.13.080.]

Additional notes found at www.leg.wa.gov

28A.155.105 Braille instruction—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply in RCW 28A.155.115.

(1) "Student" means a student who:

(a) Has a visual acuity of 20/200 or less in the better eye with conventional correction or having a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees;

(b) Is unable to read printed material at a competitive rate with facility due to functional visual impairment or lack of visual acuity; or

(c) Has a physical condition with a medical prognosis of a significant visual deterioration to the extent that (a) or (b) of this subsection could apply.

(2) "Braille" means the system of reading and writing through touch commonly known as standard English Braille. [1996 c 135 § 2.]

Findings—1996 c 135: "It is the goal of the legislature to encourage persons who are blind or visually impaired to participate fully in the social and economic life of the state and to engage in remunerative employment. The legislature finds that literacy is essential to the achievement of this goal. Furthermore, the legislature finds that literacy for most persons who are blind or visually impaired means the ability to read and write Braille with proficiency. The legislature sets as a further goal that students who are legally blind or visually impaired shall be given the opportunity to learn Braille in order to communicate effectively and efficiently." [1996 c 135 § 1.]

28A.155.115 Braille instruction—Assessment—Provision in student's curriculum. (1) Each student shall be assessed individually to determine the appropriate learning media for the student including but not limited to Braille.

(2) No student may be denied the opportunity for instruction in Braille reading and writing solely because the student has some remaining vision.

(3) This section does not require the exclusive use of Braille if there are other special education services to meet the student's educational needs. The provision of special education or other services does not preclude Braille use or instruction.

(4) If a student's individualized learning media assessment indicates that Braille is an appropriate learning medium, instruction in Braille shall be provided as a part of such student's educational curriculum and if such student has an indi-

vidualized education program, such instruction shall be provided as part of that program.

(5) If Braille will not be provided to a student, the reason for not incorporating it in the student's individualized education program shall be documented in writing and provided to the parent or guardian. If no individualized education program exists, such documentation, signed by the parent or guardian, shall be placed in the student's file. [2007 c 115 § 13; 1996 c 135 § 3.]

Findings—1996 c 135: See note following RCW 28A.155.105.

28A.155.140 Curriculum-based assessment procedures for early intervening services. School districts may use curriculum-based assessment procedures as measures for developing academic early intervening services, as defined under part B of the federal individuals with disabilities education improvement act, and curriculum planning: PROVIDED, That the use of curriculum-based assessment procedures shall not deny a student the right to use of other assessments to determine eligibility or participation in special education programs as provided by RCW 28A.155.010 through 28A.155.160. [2007 c 115 § 14; 1991 c 116 § 4; 1990 c 33 § 131; 1987 c 398 § 1. Formerly RCW 28A.03.367.]

28A.155.160 Assistive devices and services—Interagency cooperative agreements—Definitions. Notwithstanding any other provision of law, the office of the superintendent of public instruction, the department of early learning, the Washington state center for childhood deafness and hearing loss, the Washington state school for the blind, school districts, educational service districts, and all other state and local government educational agencies and the department of services for the blind, the department of social and health services, and all other state and local government agencies concerned with the care, education, or habilitation or rehabilitation of children with disabilities may enter into interagency cooperative agreements for the purpose of providing assistive technology devices and services to children with disabilities. Such arrangements may include but are not limited to interagency agreements for the acquisition, including joint funding, maintenance, loan, sale, lease, or transfer of assistive technology devices and for the provision of assistive technology services including but not limited to assistive technology assessments and training.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

(1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a child with a disability or if appropriate, the child's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities. [2009 c 381 § 24; 2007 c 115 § 15; 1997 c 104 § 3.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

28A.155.170 Graduation ceremony—Certificate of attendance—Students with individualized education programs. (1) Beginning July 1, 2007, each school district that operates a high school shall establish a policy and procedures that permit any student who is receiving special education or related services under an individualized education program pursuant to state and federal law and who will continue to receive such services between the ages of eighteen and twenty-one to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers and receive a certificate of attendance.

(2) Participation in a graduation ceremony and receipt of a certificate of attendance under this section does not preclude a student from continuing to receive special education and related services under an individualized education program beyond the graduation ceremony.

(3) A student's participation in a graduation ceremony and receipt of a certificate of attendance under this section shall not be construed as the student's receipt of either:

(a) A high school diploma pursuant to RCW 28A.230.120; or

(b) A certificate of individual achievement pursuant to RCW 28A.155.045. [2007 c 318 § 2.]

Findings—2007 c 318: "The legislature finds:

(1) There are students with disabilities throughout the state of Washington who have attended four years of high school, but whose individualized education programs prescribe the continuation of special education and related services beyond the fourth year of high school;

(2) Through their participation in the public schools and the community, students with disabilities have frequently become identified with and connected to a class of typically developing, age-appropriate peers who will graduate in four years and participate in a high school graduation ceremony;

(3) A high school graduation ceremony is an important rite of passage for students regardless of their abilities or limitations; and

(4) There is significant value in recognizing students' attendance and accomplishments in their individualized education programs and in allowing students with disabilities to participate in high school graduation ceremonies and activities with their age-appropriate peers without the forfeiture of their continuing special education and related services." [2007 c 318 § 1.]

Short title—2007 c 318: "This act may be known and cited as Kevin's law." [2007 c 318 § 3.]

Effective date—2007 c 318: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 4, 2007]." [2007 c 318 § 4.]

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28A.155.190 Information on autism. (1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health, the department of social and health services, educational service districts, local school districts, the autism center at the University of Washington, and the autism society of Washington, shall distribute information on child find responsibilities under Part B and Part C of the federal individuals with disabilities education act, as amended, to agencies, districts, and schools that participate in the location, evaluation, and identification of children who may be eligible for early intervention services or special education services.

(2) To the extent funds are made available, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall develop posters to be distributed to medical offices and clinics, grocery stores, and other public places with information on autism and how parents can gain access to the diagnosis and identification of autism and contact information for services and support. These must be made available on the internet for ease of distribution. [2008 c 220 § 2.]

28A.155.200 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 4.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.155.210 Use of restraint or isolation—Requirement for procedures to notify parent or guardian. A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation. [2013 c 202 § 3.]

Findings—2013 c 202: See note following RCW 28A.600.485.

28A.155.220 High school transition services—Interagency agreements—Education data center to monitor certain outcomes—Annual report by superintendent of public instruction. (1) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services, the department of services for the blind, and any other state agency that provides high school transition services for special education students. Such interagency agreements shall not interfere with existing individualized education programs, nor override any individualized education program team's decision-making power. The purpose of the interagency agreements is to foster effective collaboration among the multiple agencies providing transition services for individualized education program-eligible special education students from the beginning of transition planning, as soon as educationally and developmentally appropriate, through age twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency.

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(2)(a) When educationally and developmentally appropriate, the interagency responsibilities and linkages with transition services under subsection (1) of this section must be addressed in a transition plan to a postsecondary setting in the individualized education program of a student with disabilities.

(b) Transition planning shall be based upon educationally and developmentally appropriate transition assessments that outline the student's individual needs, strengths, preferences, and interests. Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, as well as academic assessments.

(c) The transition services that the transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals.

(d) Transition activities that the transition plan may address include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

(e) When educationally and developmentally appropriate, a discussion must take place with the student and parents, and others as needed, to determine the postsecondary goals or postschool vision for the student. This discussion may be included as part of an annual individualized education program review, high school and beyond plan meeting, or any other meeting that includes parents, students, and educators. The postsecondary goals included in the transition plan shall be goals that are measurable and must be based on appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. The goals must also be based on the student's needs, while considering the strengths, preferences, and interests of the student.

(f) As the student gets older, changes in the transition plan may be noted in the annual update of the student's individualized education program.

(g) A student with disabilities who has a high school and beyond plan may use the plan to comply with the transition plan required under this subsection (2).

(3) To the extent that data is available through data-sharing agreements established by the education data center under RCW 43.41.400, the education data center must monitor the following outcomes for individualized education program-eligible special education students after high school graduation:

(a) The number of students who, within one year of high school graduation:

(i) Enter integrated employment paid at the greater of minimum wage or competitive wage for the type of employment, with access to related employment and health benefits; or

(ii) Enter a postsecondary education or training program focused on leading to integrated employment;

(b) The wages and number of hours worked per pay period;

(c) The impact of employment on any state and federal benefits for individuals with disabilities;

(d) Indicators of the types of settings in which students who previously received transition services primarily reside;

(e) Indicators of improved economic status and self-sufficiency;

(f) Data on those students for whom a postsecondary or integrated employment outcome does not occur within one year of high school graduation, including:

(i) Information on the reasons that the desired outcome has not occurred;

(ii) The number of months the student has not achieved the desired outcome; and

(iii) The efforts made to ensure the student achieves the desired outcome.

(4) To the extent that the data elements in subsection (3) of this section are available to the education data center through data-sharing agreements, the office of the superintendent of public instruction must prepare an annual report using existing resources and submit the report to the legislature. [2015 c 217 § 2; 2014 c 47 § 1.]

Findings—Intent—2015 c 217: "The legislature finds that research continues to suggest that high expectations for students with disabilities is paramount to improving student outcomes. The legislature further finds that to increase the number of students with disabilities who are prepared for higher education, teachers and administrators in K-12 education should continue to improve their acceptance of students with disabilities as full-fledged learners for whom there are high expectations. The legislature also encourages continuous development in transition services to higher education opportunities for these students. The legislature recognizes that other states have authorized transition planning to postsecondary settings for students with disabilities as early as the age of fourteen. To remove barriers and obstacles for students with disabilities to access to postsecondary settings including higher education, the legislature intends to authorize transition planning for students with disabilities as soon as practicable when educationally and developmentally appropriate." [2015 c 217 § 1.]

Chapter 28A.160 RCW STUDENT TRANSPORTATION

Sections

28A.160.010	Operation of student transportation program—Responsibility of local district—Scope—Transporting of elderly—Insurance.
28A.160.020	Authorization for private school students to ride buses—Conditions.
28A.160.030	Authorizing individual transportation or other arrangements.
28A.160.040	Lease of buses to transport children with disabilities and elderly—Limitation.
28A.160.050	Lease of buses to transport children with disabilities and elderly—Directors to authorize.
28A.160.060	Lease of buses to transport children with disabilities and elderly—Lease at local level—Criteria.
28A.160.070	Lease of buses to transport children with disabilities and elderly—Elderly persons defined—Program limitation.
28A.160.080	School buses, rental or lease for emergency purposes—Authorization.
28A.160.090	School buses, rental or lease for emergency purposes—Board to determine district policy—Conditions if rent or lease.
28A.160.100	School buses, transport of general public to interscholastic activities—Limitations.
28A.160.110	School buses, authorization for parent, guardian or custodian of a student to ride—Limitations.
28A.160.115	Bus routes.
28A.160.117	Transportation efficiency reviews—Reports.
28A.160.120	Agreements with other governmental entities for transportation of public or other noncommon school purposes—Limitations.
28A.160.130	Transportation vehicle fund—Deposits in—Use—Rules for establishment and use.
28A.160.140	Contract for pupil transportation services with private non-governmental entity—Competitive bid procedures.
28A.160.150	Student transportation allocation—Operating costs, determination and funding.
28A.160.160	Student transportation allocation—Definitions.
28A.160.170	Student transportation allocation—District's reports to superintendent.

- 28A.160.180 Student transportation allocation determination—Report.
- 28A.160.190 Student transportation allocation—Notice—Payment schedule.
- 28A.160.191 Student transportation allocation—Adequacy for certain districts—Adjustment.
- 28A.160.192 Student transportation allocation—Distribution formula.
- 28A.160.195 Vehicle acquisition—School bus categories—Competitive specifications—Purchase—Reimbursement—Rules.
- 28A.160.200 Vehicle acquisition—Reimbursement schedule—Maintenance and operation—Depreciation schedule.
- 28A.160.205 School bus replacement incentive program—Rules.
- 28A.160.210 School bus drivers—Training and qualifications—Rules.
- 28A.160.225 Condensed compliance reports—Second-class districts.

Age limit for bus drivers: RCW 46.20.045.

Rules for design, marking, operations: RCW 46.61.380.

School buses—Crossing arms: RCW 46.37.620.

Signs required: RCW 46.37.193.

Stop signal and lamps: RCW 46.37.190.

28A.160.010 Operation of student transportation program—Responsibility of local district—Scope—Transporting of elderly—Insurance. The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

School districts may use school buses and drivers hired by the district or commercial chartered bus service for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.160.080 and 28A.160.090, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any char-

ter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.400.350.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable. [1990 c 33 § 132; 1986 c 32 § 1; 1983 1st ex.s. c 61 § 1; 1981 c 265 § 10; 1980 c 122 § 2; 1973 c 45 § 1; 1971 c 24 § 3; 1969 ex.s. c 153 § 3; 1969 ex.s. c 223 § 28A.24.055. Prior: (i) 1969 c 53 § 1; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 90 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.58.100, part. (ii) 1965 ex.s. c 86 § 1. Formerly RCW 28A.24.055, 28.58.421.]

Elderly persons defined—Program limitation: RCW 28A.160.070.

Additional notes found at www.leg.wa.gov

28A.160.020 Authorization for private school students to ride buses—Conditions. Every school district board of directors may authorize children attending a private school approved in accordance with RCW 28A.195.010 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

(1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;

(2) Private school students shall be allowed to ride on a seat-available basis only; and

(3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation. [1990 c 33 § 133; 1981 c 307 § 1. Formerly RCW 28A.24.065.]

Additional notes found at www.leg.wa.gov

28A.160.030 Authorizing individual transportation or other arrangements. Individual transportation, board and room, and other arrangements may be authorized or provided and, in whole or part, paid for or reimbursed by a school district, when approved by the educational service district superintendent or his or her designee pursuant to rules promulgated by the superintendent of public instruction for that purpose: PROVIDED, That the total of payments for board and room and transportation incidental thereto shall not exceed the amount which would otherwise be paid for such

individual transportation. [1981 c 265 § 11; 1977 c 80 § 2; 1971 ex.s. c 66 § 10; 1969 ex.s. c 223 § 28A.24.100. Prior: 1965 ex.s. c 154 § 9. Formerly RCW 28A.24.100, 28.24.100.]

Additional notes found at www.leg.wa.gov

28A.160.040 Lease of buses to transport children with disabilities and elderly—Limitation. The directors of school districts are authorized to lease school buses to non-profit organizations to transport children with disabilities and elderly persons to and from the site of activities or programs deemed beneficial to such persons by such organizations: PROVIDED, That commercial bus transportation is not reasonably available for such purposes. [1995 c 77 § 16; 1973 c 45 § 2; 1971 c 78 § 1. Formerly RCW 28A.24.110.]

Elderly persons defined—Program limitation: RCW 28A.160.070.

28A.160.050 Lease of buses to transport children with disabilities and elderly—Directors to authorize. The directors of school districts may authorize leases under RCW 28A.160.040 through 28A.160.060: PROVIDED, That such leases do not conflict with regular school purposes. [1990 c 33 § 134; 1971 c 78 § 2. Formerly RCW 28A.24.111.]

28A.160.060 Lease of buses to transport children with disabilities and elderly—Lease at local level—Criteria. The lease of the equipment shall be handled by the school directors at a local level. The school directors may establish criteria for bus use and lease, including, but not limited to, minimum costs, and driver requirements. [1971 c 78 § 3. Formerly RCW 28A.24.112.]

28A.160.070 Lease of buses to transport children with disabilities and elderly—Elderly persons defined—Program limitation. For purposes of RCW 28A.160.010 and 28A.160.040, "elderly person" shall mean a person who is at least sixty years of age. No school district funds may be used for the operation of such a program. [1990 c 33 § 135; 1973 c 45 § 3. Formerly RCW 28A.24.120.]

28A.160.080 School buses, rental or lease for emergency purposes—Authorization. It is the intent of the legislature and the purpose of RCW 28A.160.010, 28A.160.080, and 28A.160.090 that in the event of major forest fires, floods, or other natural emergencies that boards of directors of school districts, in their discretion, may rent or lease school buses to governmental agencies for the purposes of transporting personnel, supplies and/or evacuees. [1990 c 33 § 136; 1971 c 24 § 1. Formerly RCW 28A.24.170.]

28A.160.090 School buses, rental or lease for emergency purposes—Board to determine district policy—Conditions if rent or lease. Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.160.080, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the *director of community, trade, and economic development or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency

exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto. [1995 c 399 § 20; 1990 c 33 § 137; 1986 c 266 § 21; 1985 c 7 § 88; 1974 ex.s. c 171 § 1; 1971 c 24 § 2. Formerly RCW 28A.24.172.]

*Reviser's note: The "director of community, trade, and economic development" was changed to the "director of commerce" by 2009 c 565.

Additional notes found at www.leg.wa.gov

28A.160.100 School buses, transport of general public to interscholastic activities—Limitations. In addition to the authority otherwise provided in RCW 28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available, this section shall not apply. [2006 c 263 § 907; 1990 c 33 § 138; 1980 c 91 § 1. Formerly RCW 28A.24.175.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.160.110 School buses, authorization for parent, guardian or custodian of a student to ride—Limitations. Every school district board of directors may authorize any parent, guardian or custodian of a student enrolled in the district to ride a school bus or other student transportation vehicle at the request of school officials or employees designated by the board: PROVIDED, That excess seating space is available on the vehicle after the transportation needs of students have been met: PROVIDED FURTHER, That private or other public transportation of the parent, guardian or custodian is not reasonable in the board's judgment. [1980 c 122 § 1. Formerly RCW 28A.24.178.]

28A.160.115 Bus routes. On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, public school district bus routes and private school bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three

hundred feet of the bus stop to assist students while crossing such multiple-lane highways. [1990 c 241 § 11.]

28A.160.117 Transportation efficiency reviews—Reports. (1) The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:

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

(2) The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators. [2009 c 548 § 310.]

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.160.120 Agreements with other governmental entities for transportation of public or other noncommon school purposes—Limitations. Any school district board of directors or any intermediate school district board may enter into agreements pursuant to chapter 39.34 RCW or chapter 35.58 RCW, as now or hereafter amended, with any city, town, county, metropolitan municipal corporation, and any federal or other state governmental entity, or any combination of the foregoing, for the purpose of providing for the transportation of students and/or members of the public through the use, in whole or part, of the school district's buses, transportation equipment and facilities, and employees: PROVIDED, That any agreement entered into for purposes of transportation pursuant to this section shall conform with the provisions of RCW 35.58.250 where applicable and shall provide for the reimbursement and payment to the school district of not less than the district's actual costs and the reasonable value of the use of the district's buses, and transportation equipment and supplies which are incurred and otherwise provided in connection with the transportation of members of the public or other noncommon school purposes: PROVIDED FURTHER, That wherever public transportation, or private transportation certified or licensed by the Washington utilities and transportation commission is not reasonably available, the school district or intermediate school district may transport members of the public so long as they are reimbursed for the cost of such transportation, and such transportation has been approved by any metropolitan municipal corporation performing public transportation pursuant to chapter 35.58 RCW in the area to be served by the district. [1974 ex.s. c 93 § 1. Formerly RCW 28A.24.180.]

(2016 Ed.)

28A.160.130 Transportation vehicle fund—Deposits in—Use—Rules for establishment and use. (1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW 28A.150.280. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in RCW 28A.160.200 except those provided under RCW 28A.160.200(3) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.320.300; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to RCW 28A.160.200 and 28A.150.280;

(b) Payment of conditional sales contracts as authorized in RCW 28A.335.200 or payment of obligations authorized in RCW 28A.530.080, entered into or issued for the purpose of pupil transportation vehicles;

(c) Major repairs to pupil transportation vehicles;

(d) For the 2009-2011 biennium, a school district that is wholly contained on an island and has a student enrollment greater than two hundred fifty students and fewer than five hundred and fifty students may transfer from the transportation vehicle fund to the school district's general fund such amounts as necessary for instructional costs.

The superintendent of public instruction shall adopt rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district, except as provided under subsection (2)(d) of this section. [2009 c 564 § 919; 1991 c 114 § 2; 1990 c 33 § 139; 1981 c 265 § 7. Formerly RCW 28A.58.428.]

Effective date—2009 c 564: See note following RCW 2.68.020.

Additional notes found at www.leg.wa.gov

28A.160.140 Contract for pupil transportation services with private nongovernmental entity—Competitive bid procedures. As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987. As used in this section:

(1) "Open competitive process" means either one of the following, at the choice of the school district:

(a) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

(b) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

(2) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

(3) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction. [1990 c 33 § 140; 1987 c 141 § 2. Formerly RCW 28A.58.133.]

Additional notes found at www.leg.wa.gov

28A.160.150 Student transportation allocation—Operating costs, determination and funding. Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within the walk area as determined under RCW 28A.160.160(5). [2009 c 548 § 304; 1996 c 279 § 1; 1990 c 33 § 141; 1983 1st ex.s. c 61 § 2; 1981 c 265 § 1. Formerly RCW 28A.41.505.]

Effective date—2009 c 548 §§ 304-311: "Sections 304 through 311 of this act take effect September 1, 2011." [2010 c 236 § 16; 2009 c 548 § 805.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.160 Student transportation allocation—Definitions. For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

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

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

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

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

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

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

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

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall be considered part of transportation of students "to and from school" for the purposes of this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within the walk area includes the coordination of walk-to-school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area. [2009 c 548 § 305; 1996 c 279 § 2; 1995 c 77 § 17; 1990 c 33 § 142; 1983 1st ex.s. c 61 § 3; 1981 c 265 § 2. Formerly RCW 28A.41.510.]

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.170 Student transportation allocation—District's reports to superintendent. Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) from non-to-and-from-school pupil transportation costs in the annual financial state-

ment. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys. [2009 c 548 § 306; 2007 c 139 § 1; 1990 c 33 § 143; 1983 1st ex.s. c 61 § 4; 1981 c 265 § 3. Formerly RCW 28A.41.515.]

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Effective date—2007 c 139 § 1: "Section 1 of this act takes effect September 1, 2007." [2007 c 139 § 3.]

Additional notes found at www.leg.wa.gov

28A.160.180 Student transportation allocation determination—Report. Each district's annual student transportation allocation shall be determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate the transportation allocation for those services provided for in RCW 28A.160.150. The allocation formula may be adjusted to include such additional differential factors as basic and special passenger counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(2) The allocation shall be based on a regression analysis of the number of basic and special students transported and as many other site characteristics that are identified as being statistically significant.

(3) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation for the following year. [2009 c 548 § 307; 1996 c 279 § 3; 1995 c 77 § 18; 1990 c 33 § 144; 1985 c 59 § 1; 1983 1st ex.s. c 61 § 5; 1982 1st ex.s. c 24 § 2; 1981 c 265 § 4. Formerly RCW 28A.41.520.]

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.190 Student transportation allocation—Notice—Payment schedule. The superintendent shall notify districts of their student transportation allocation before January 15th. The superintendent shall recalculate and prorate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on the prior school year's ridership report for payments to be made in September, October, November, December, and January. [2009 c 548 § 308; 1990 c 33 § 145; 1985 c 59 § 2; 1983 1st ex.s. c 61 § 6; 1982 1st ex.s. c 24 § 3; 1981 c 265 § 5. Formerly RCW 28A.41.525.]

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.160.191 Student transportation allocation—Adequacy for certain districts—Adjustment. The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts. [2009 c 548 § 309.]

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.160.192 Student transportation allocation—Distribution formula. (1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall begin no later than the 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

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

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

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

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the federal restricted indirect rate as calculated in the district annual financial report;

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

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

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection. [2011 1st sp.s. c 27 § 3; 2010 c 236 § 8; 2009 c 548 § 311.]

Effective date—2011 1st sp.s. c 27 §§ 1-3: See note following RCW 28A.150.220.

Effective date—2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: See note following RCW 28A.150.260.

Effective date—2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.160.195 Vehicle acquisition—School bus categories—Competitive specifications—Purchase—Reimbursement—Rules. (1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. The superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes for base buses from school bus dealers to be in effect for one year and shall estab-

lish a list of all accepted price quotes in each category obtained under this subsection. The superintendent shall also solicit price quotes for optional features and equipment.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote for the base bus in each category. School districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted under RCW 28A.335.190 or through the state bid process established by this section.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from any dealer who is on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section. [2005 c 492 § 1; 2004 c 276 § 904; 1995 1st sp.s. c 10 § 1.]

Additional notes found at www.leg.wa.gov

28A.160.200 Vehicle acquisition—Reimbursement schedule—Maintenance and operation—Depreciation schedule. (1) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. While it is the responsibility of each district to select and pay for each student transportation vehicle purchased by the district, each district shall be paid a sum based on the category of vehicle, anticipated lifetime of vehicles of this category, and state reimbursement rate for the category plus inflation as recognized by the reimbursement schedule established in this section as set by the superintendent. Categories and reimbursement rates of vehicles shall be those established under RCW 28A.160.195. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement cost of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate transportation vehicle fund established for each school district under RCW 28A.160.130. However, educational service districts providing student transportation services pursuant to RCW 28A.310.180(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate transportation vehicle account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW 28A.160.130 and 28A.320.300.

(2) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent. School districts shall prop-

erly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(3) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle. [1995 1st sp.s. c 10 § 2; 1990 c 33 § 146; 1987 c 508 § 4; 1981 c 265 § 6. Formerly RCW 28A.41.540.]

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.160.205 School bus replacement incentive program—Rules. (1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplus under RCW 28A.335.180. As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

(3) The office of the superintendent of public instruction may adopt any rules necessary for the implementation of chapter 348, Laws of 2007. [2007 c 348 § 101.]

Findings—2007 c 348: See RCW 43.325.005.

28A.160.210 School bus drivers—Training and qualifications—Rules. In addition to other powers and duties, the superintendent of public instruction shall adopt rules governing the training and qualifications of school bus drivers. Such rules shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules shall insure that school bus drivers are provided a due process hearing before any certification required by such rules is canceled: PROVIDED FURTHER, That such rules shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The superintendent of public instruction may obtain a

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copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills. [2006 c 263 § 906; 1989 c 178 § 20; 1981 c 200 § 1; 1979 c 158 § 89; 1969 ex.s. c 153 § 4. Formerly RCW 28A.04.131.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.160.225 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 5.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.165 RCW LEARNING ASSISTANCE PROGRAM

Sections

28A.165.005	Purpose—Focus on reading literacy.
28A.165.015	Definitions.
28A.165.035	Program activities—Partnerships with local entities—Development and use of state menus of best practices and strategies.
28A.165.055	Funds—Appropriation and distribution.
28A.165.065	Monitoring.
28A.165.075	Rules.
28A.165.085	Condensed compliance reports—Second-class districts.
28A.165.100	Entrance and exit performance data—Report by school districts—Report by the office of the superintendent of public instruction.

28A.165.005 Purpose—Focus on reading literacy.

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy. [2013 2nd sp.s. c 18 § 201; 2009 c 548 § 701; 2004 c 20 § 1.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.165.015 Definitions. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

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

(2) "Participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other

assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services.

(3) "Statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.

(4) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance measurement tools. [2013 2nd sp.s. c 18 § 202; 2009 c 548 § 702; 2004 c 20 § 2.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.165.035 Program activities—Partnerships with local entities—Development and use of state menus of best practices and strategies. (1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

- (a) Extended learning time opportunities occurring:
 - (i) Before or after the regular school day;
 - (ii) On Saturday; and
 - (iii) Beyond the regular school year;
- (b) Services under RCW 28A.320.190;
- (c) Professional development for certificated and classified staff that focuses on:
 - (i) The needs of a diverse student population;
 - (ii) Specific literacy and mathematics content and instructional strategies; and
 - (iii) The use of student work to guide effective instruction and appropriate assistance;
- (d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;
- (e) Tutoring support for participating students;
- (f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and
- (g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public

instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required. [2016 c 72 § 803; 2013 2nd sp.s. c 18 § 203; 2008 c 321 § 4; 2004 c 20 § 4.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—2008 c 321: See note following RCW 28A.655.061.

28A.165.055 Funds—Appropriation and distribution. The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065 and 28A.655.235. [2013 2nd sp.s. c 18 § 205; 2009 c 548 § 703; 2008 c 321 § 10; 2005 c 489 § 1; 2004 c 20 § 6.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—2008 c 321: See note following RCW 28A.655.061.

28A.165.065 Monitoring. To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs no less than once every four years. The primary purpose of program monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices. The office of the superintendent of public instruction may provide technical assistance to school districts to improve the effectiveness of a learning assistance program. [2013 2nd sp.s. c 18 § 206; 2004 c 20 § 7.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.165.075 Rules. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter. [2004 c 20 § 8.]

28A.165.085 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 6.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.165.100 Entrance and exit performance data—Report by school districts—Report by the office of the superintendent of public instruction. (1) Beginning with the 2014-15 school year, school districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) By August 1, 2014, and each August 1st thereafter, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

- (a) The amount of academic growth gained by students participating in the learning assistance program;
- (b) The number of students who gain at least one year of academic growth; and
- (c) The specific practices, activities, and programs used by each school building that received learning assistance program funding.

(3) The office of the superintendent of public instruction shall compile the school district data and report annual and longitudinal gains for the specific practices, activities, and programs used by the school districts to show which are the most effective. The data must be disaggregated by student subgroups. [2013 2nd sp.s. c 18 § 204.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.170 RCW

SUBSTANCE ABUSE AWARENESS PROGRAM

Sections

28A.170.050 Advisory committee—Members—Duties.
28A.170.075 Findings—Intent.

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28A.170.080 Grants—Substance abuse intervention.
28A.170.090 Selection of grant recipients—Program rules.
28A.170.095 Condensed compliance reports—Second-class districts.

28A.170.050 Advisory committee—Members—Duties. The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and classified staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation. [1997 c 13 § 3; 1987 c 518 § 209. Formerly RCW 28A.120.038.]

Intent—1994 c 166; 1987 c 518: See note following RCW 43.215.425.

Additional notes found at www.leg.wa.gov

28A.170.075 Findings—Intent. (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) Substance abuse awareness programs funded under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk. [1995 c 335 § 204; 1990 c 33 § 156; 1989 c 271 § 310. Formerly RCW 28A.120.080.]

Additional notes found at www.leg.wa.gov

28A.170.080 Grants—Substance abuse intervention. (1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;

- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under Washington professional educator standards board rules adopted pursuant to RCW 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020. [2011 c 89 § 8; 2005 c 497 § 213; 1990 c 33 § 157; 1989 c 271 § 311. Formerly RCW 28A.120.082.]

Effective date—2011 c 89: See note following RCW 18.320.005.

Findings—2011 c 89: See RCW 18.320.005.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.170.090 Selection of grant recipients—Program rules. (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.170.050, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall include provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement RCW 28A.170.080 and 28A.170.090. [1995 c 335 § 205; 1990 c 33 § 158; 1989 c 271 § 312. Formerly RCW 28A.120.084.]

Additional notes found at www.leg.wa.gov

28A.170.095 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 7.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.175 RCW

DROPOUT PREVENTION, INTERVENTION, AND RETRIEVAL SYSTEM

Sections

- 28A.175.010 Educational progress information—Reporting requirements—Rules—Reports to legislature—Annual estimate of savings.
- 28A.175.025 Building bridges program—Grants.
- 28A.175.035 Grants—Criteria and requirements—Data collection—Third-party evaluator—Report.
- 28A.175.045 Grant awards—Recipients.
- 28A.175.055 Grant awards—Eligibility.
- 28A.175.065 Duties of educational service districts—Collaboration with workforce development councils.
- 28A.175.074 Definitions.
- 28A.175.075 Building bridges work group—Composition—Duties—Reports.
- 28A.175.100 Statewide dropout reengagement program.
- 28A.175.105 Statewide dropout reengagement program—Definitions.

- 28A.175.110 Statewide dropout reengagement program—Model interlocal agreement and model contract—Students considered regularly enrolled in district.
- 28A.175.115 Statewide dropout reengagement program—Rules.
- 28A.175.120 Condensed compliance reports—Second-class districts.
- 28A.175.130 Pay for actual student success (PASS) program—Created—Finding—Collaboration.
- 28A.175.135 PASS program—Allocation of funds.
- 28A.175.140 PASS program—Duties of superintendent of public instruction.
- 28A.175.145 PASS program—Awards.
- 28A.175.150 PASS program—Graduation coach.
- 28A.175.155 PASS program—High school completion account.
- 28A.175.160 PASS program—Information regarding funds and awards—Development of strategies for dropout prevention and reengagement programs, planning, and improvement.

28A.175.010 Educational progress information—Reporting requirements—Rules—Reports to legislature—Annual estimate of savings. Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

(1) For students enrolled in each of a school district's high school programs:

(a) The number of students who graduate in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and

(f) The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades seven through twelve.

(3) Dropout rates for student populations in each of the grades seven through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status;

(d) Disability status; and

(e) Identified homeless status.

(4) The causes or reasons, or both, attributed to students for having dropped out of school in grades seven through twelve.

(5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

(6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

(7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section.

(8) The Washington state institute for public policy shall calculate an annual estimate of the savings resulting from any change compared to the prior school year in the extended graduation rate. The superintendent shall include the estimate from the institute in an appendix of the report required under subsection (7) of this section, beginning with the 2010 report. [2014 c 212 § 4; 2010 c 243 § 5; 2005 c 207 § 3; 1991 c 235 § 4; 1986 c 151 § 1. Formerly RCW 28A.58.087.]

Findings—Intent—2014 c 212: See note following RCW 28A.300.540.

Findings—Intent—2005 c 207: See note following RCW 28A.600.300.

28A.175.025 Building bridges program—Grants.

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

(1) For purposes of RCW 28A.175.025 through 28A.175.075, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and non-academic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

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

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under RCW 28A.175.035(1)(e); and

(d) Submit a report to the legislature by December 1, 2009. [2007 c 408 § 2.]

Intent—Findings—2007 c 408: "It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results." [2007 c 408 § 1.]

28A.175.035 Grants—Criteria and requirements—Data collection—Third-party evaluator—Report. (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

(iv) On-time graduation rates;

(v) Extended graduation rates;

(vi) Credentials obtained;

(vii) Absenteeism rates;

(viii) Truancy rates; and

(ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of the partnerships relative to the type of entity, as identified in RCW 28A.175.045, serving as the lead agency for the partnership; and

(g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in RCW 28A.175.075.

(3) In selecting recipients for grant funds appropriated under RCW 28A.175.135, the office of the superintendent of public instruction shall use a streamlined and expedited application and review process for those programs that have already proven to be successful in dropout prevention. [2011 c 288 § 9; 2007 c 408 § 3.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.045 Grant awards—Recipients. In awarding the grants under RCW 28A.175.025, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills [skill] center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately. [2007 c 408 § 4.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.055 Grant awards—Eligibility. To be eligible for a grant under RCW 28A.175.025, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agen-

cies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners. [2007 c 408 § 5.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.065 Duties of educational service districts—Collaboration with workforce development councils. (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under RCW 28A.175.025 in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under RCW 28A.175.025, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under RCW 28A.175.025 may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school. [2007 c 408 § 6.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.074 Definitions. The definitions in this section apply throughout section 3, chapter 243, Laws of 2010 and RCW 28A.175.075 unless the context clearly requires otherwise.

(1) "Critical community members" means representatives in the local community from among the following agencies and organizations: Student/parent organizations, parents and families, local government, law enforcement, juvenile corrections, any tribal organization in the local school district, the local health district, nonprofit and social service organizations serving youth, and faith organizations.

(2) "Dropout early warning and intervention data system" means a student information system that provides the data needed to conduct a universal screening to identify students at risk of dropping out, catalog student interventions, and monitor student progress towards graduation.

(3) "K-12 dropout prevention, intervention, and reengagement system" means a system that provides all of the following functions:

(a) Engaging in school improvement planning specifically focused on improving high school graduation rates, including goal-setting and action planning, based on a comprehensive assessment of strengths and challenges;

(b) Providing prevention activities including, but not limited to, emotionally and physically safe school environments, implementation of a comprehensive guidance and counseling model facilitated by certified school counselors, core academic instruction, and career and technical education exploratory and preparatory programs;

(c) Identifying vulnerable students based on a dropout early warning and intervention data system;

(d) Timely academic and nonacademic group and individual interventions for vulnerable students based on a response to intervention model, including planning and sharing of information at critical academic transitions;

(e) Providing graduation coaches, mentors, certified school counselors, and/or case managers for vulnerable students identified as needing a more intensive one-on-one adult relationship;

(f) Establishing and providing staff to coordinate a school/family/community partnership that assists in building a K-12 dropout prevention, intervention, and reengagement system;

(g) Providing retrieval or reentry activities; and

(h) Providing alternative educational programming including, but not limited to, credit retrieval and online learning opportunities.

(4) "School/family/community partnership" means a partnership between a school or schools, families, and the community, that engages critical community members in a formal, structured partnership with local school districts in a coordinated effort to provide comprehensive support services and improve outcomes for vulnerable youth.

(5) "Vulnerable students" means students who are in foster care, involved in the juvenile justice system, receiving special education services under chapter 28A.155 RCW, recent immigrants, homeless, emotionally traumatized, or are facing behavioral health issues, and students deemed at-risk of school failure as identified by a dropout early warning data system or other assessment. [2010 c 243 § 2.]

28A.175.075 Building bridges work group—Composition—Duties—Reports. (1) The office of the superintendent of public instruction shall establish a state-level building bridges work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the work group: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of early learning, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of social and health services. The work group should also consist of one representative from each of the following agencies and organizations: A statewide organization representing career and technical education programs including skill centers; the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; educational opportunity gap over-

sight and accountability committee; office of the education ombuds; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Providing joint funding;

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

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

(i) Research-based and promising practices;

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

(iii) Cultural competence.

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

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

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

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

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

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

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

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

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

(f) Developing a statewide database of available services for vulnerable youth. [2016 c 162 § 1; 2013 c 23 § 46; 2010 c 243 § 4; 2007 c 408 § 7.]

Intent—Findings—2007 c 408: See note following RCW 28A.175.025.

28A.175.100 Statewide dropout reengagement program. (1) This section and RCW 28A.175.105 through 28A.175.115 provide a statutory framework for a statewide dropout reengagement system to provide appropriate educational opportunities and access to services for students age sixteen to twenty-one who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of twenty-one.

(2) Under the system, school districts may:

(a) Enter into the model interlocal agreement developed under RCW 28A.175.110 with an educational service district, community or technical college, or other public entity to provide a dropout reengagement program for eligible students of the district; or

(b) Enter into the model contract developed under RCW 28A.175.110 with a community-based organization to provide a dropout reengagement program for eligible students of the district.

(3) If a school district does not enter an interlocal agreement or contract with an educational service district, community or technical college, other public entity, or community-based organization to provide a dropout reengagement pro-

gram for eligible students residing in the district, the educational service district, community or technical college, other public entity, or community-based organization may petition a school district other than the resident school district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 and enter the interlocal agreement or contract with the petitioning entity to provide a dropout reengagement program for the eligible students.

(4) This section does not affect the authority of school districts to contract for educational services under RCW 28A.150.305 and 28A.320.035. This section also does not affect the authority of school districts to offer dropout reengagement programs or other educational services for eligible students directly. [2010 c 20 § 2.]

Intent—2013 c 39; 2010 c 20: "(1) In every school district there are older youth who have become disengaged with the traditional education program of public high schools. They may have failed multiple classes and are far behind in accumulating credits to graduate. They do not see a high school diploma as an achievable goal. They may have dropped out of school entirely. They are not likely to become reengaged in their education by the prospect of reenrollment in a traditional or even an alternative high school.

(2) For many years, school districts, community and technical colleges, and community-based organizations have created partnerships to provide appropriate educational programs for these students. Programs such as career education options and career link have successfully offered individualized academic instruction, case management support, and career-oriented skills in an age-appropriate learning environment to hundreds of disengaged older youth. Preparation for a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 is provided but is not the end goal for students.

(3) However, in recent years, many of these partnerships have ceased to operate. The laws and rules authorizing school districts to contract using basic education allocations do not provide sufficient guidance and instead present barriers. Program providers are forced to adapt to rules that were not written to address the needs of the students being served. Questions and concerns about liability, responsibility, and administrative burden have caused districts reluctantly to abandon their partnerships, and consequently leave hundreds of students without a viable alternative for continuing their public education.

(4) Therefore the legislature intends to provide a statutory framework to support a statewide dropout reengagement system for older youth. The framework clarifies and standardizes funding, programs, and administration by directing the office of the superintendent of public instruction to develop model contracts and interlocal agreements. It is the legislature's intent to encourage school districts, community and technical colleges, and community-based organizations to participate in this system and provide appropriate instruction and services to reengage older students and help them make progress toward a meaningful credential and career skills." [2013 c 39 § 4; 2010 c 20 § 1.]

28A.175.105 Statewide dropout reengagement program—Definitions. The definitions in this section apply throughout RCW 28A.175.100 through 28A.175.110 unless the context clearly requires otherwise:

(1) "Dropout reengagement program" means an educational program that offers at least the following instruction and services:

(a) Academic instruction, including but not limited to preparation to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190, academic skills instruction, and college and work readiness preparation, that generates credits that can be applied to a high school diploma from the student's school district or from a community or technical college under RCW 28B.50.535 and has the goal of enabling the student to obtain the academic and work readiness skills necessary for employment or postsecondary study. A dropout

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reengagement program is not required to offer instruction in only those subject areas where a student is deficient in accumulated credits. Academic instruction must be provided by teachers certified by the Washington professional educator standards board or by instructors employed by a community or technical college whose required credentials are established by the college;

(b) Case management, academic and career counseling, and assistance with accessing services and resources that support at-risk youth and reduce barriers to educational success; and

(c) If the program provider is a community or technical college, the opportunity for qualified students to enroll in college courses that lead to a postsecondary degree or certificate. The college may not charge an eligible student tuition for such enrollment.

(2) "Eligible student" means a student who:

(a) Is at least sixteen but less than twenty-one years of age at the beginning of the school year;

(b) Is not accumulating sufficient credits toward a high school diploma to reasonably complete a high school diploma from a public school before the age of twenty-one or is recommended for the program by case managers from the department of social and health services or the juvenile justice system; and

(c) Is enrolled or enrolls in the school district in which the student resides, or is enrolled or enrolls in a nonresident school district under RCW 28A.225.220 through 28A.225.230.

(3) "Full-time equivalent eligible student" means an eligible student whose enrollment and attendance meet criteria adopted by the office of the superintendent of public instruction specifically for dropout reengagement programs. The criteria shall be:

(a) Based on the community or technical college credits generated by the student if the program provider is a community or technical college; and

(b) Based on a minimum amount of planned programming or instruction and minimum attendance by the student rather than hours of seat time if the program provider is a community-based organization. [2013 c 39 § 5; 2010 c 20 § 3.]

Intent—2010 c 20: See note following RCW 28A.175.100.

28A.175.110 Statewide dropout reengagement program—Model interlocal agreement and model contract—Students considered regularly enrolled in district. (1) The office of the superintendent of public instruction shall develop a model interlocal agreement and a model contract for the dropout reengagement system.

(2) The model interlocal agreement and contract shall, at a minimum, address the following:

(a) Responsibilities for identification, referral, and enrollment of eligible students;

(b) Instruction and services to be provided by a dropout reengagement program, as specified under RCW 28A.175.105;

(c) Responsibilities for data collection and reporting, including student transcripts and data required for the statewide student information system;

(d) Administration of the high school statewide student assessments;

(e) Uniform financial reimbursement rates per full-time equivalent eligible student enrolled in a dropout reengagement program, calculated and allocated as a statewide annual average of the basic education allocations generated under RCW 28A.150.260 for nonvocational students and including enhancements for vocational students where eligible students are enrolled in vocational courses in a program, and allowing for a uniform administrative fee to be retained by the district;

(f) Responsibilities for provision of special education or related services for eligible students with disabilities who have an individualized education program;

(g) Responsibilities for necessary accommodations and plans for students qualifying under section 504 of the rehabilitation act of 1973;

(h) Minimum instructional staffing ratios for dropout reengagement programs offered by community-based organizations, which are not required to be the same as for other basic education programs in school districts; and

(i) Performance measures that must be reported to the office of the superintendent of public instruction in a common format for purposes of accountability, including longitudinal monitoring of student progress and postsecondary education and employment.

(3) Eligible students enrolled in a dropout reengagement program under RCW 28A.175.100, 28A.175.105, and this section are considered regularly enrolled students of the school district in which they are enrolled, except that the students shall not be included in the school district's enrollment for purposes of calculating compliance with RCW 28A.150.100. [2010 c 20 § 4.]

Intent—2010 c 20: See note following RCW 28A.175.100.

28A.175.115 Statewide dropout reengagement program—Rules. (1) The office of the superintendent of public instruction shall adopt rules to implement RCW 28A.175.100 through 28A.175.110.

(2) When adopting rules under this section and developing model interlocal agreements and contracts under RCW 28A.175.110, the office of the superintendent of public instruction shall consult with the state board for community and technical colleges, the workforce training and education coordinating board, colleges and community-based organizations that have previously offered dropout reengagement programs, providers of online courses and programs approved under RCW 28A.250.020, school districts, and educational service districts. [2010 c 20 § 5.]

Intent—2010 c 20: See note following RCW 28A.175.100.

28A.175.120 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 8.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.175.130 Pay for actual student success (PASS) program—Created—Finding—Collaboration. (1) The pay for actual student success (PASS) program is created

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under this section and RCW 28A.175.135 through 28A.175.160 to invest in proven dropout prevention and intervention programs as provided in RCW 28A.175.135 and provide a financial award for high schools that demonstrate improvement in the dropout prevention indicators established under RCW 28A.175.140. The legislature finds that increased accumulation of credits and reductions in incidents of student discipline lead to improved graduation rates.

(2) The office of the superintendent of public instruction, the workforce training and education coordinating board, the building bridges working group, the student achievement council, and the college scholarship organization under RCW 28A.175.135(4) shall collaborate to assure that the programs under RCW 28A.175.135 operate systematically and are expanded to include as many additional students and schools as possible. [2012 c 229 § 503; 2011 c 288 § 2.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.175.135 PASS program—Allocation of funds. Subject to funds appropriated for this purpose, funds shall be allocated as specified in the omnibus appropriations act to support the PASS program through the following programs:

(1) The opportunity internship program under RCW 28C.18.160 through 28C.18.168;

(2) The jobs for America's graduates program administered through the office of the superintendent of public instruction;

(3) The building bridges program under RCW 28A.175.025, to be used to expand programs that have been implemented by building bridges partnerships and determined by the building bridges work group to be successful in reducing dropout rates, or to replicate such programs in new partnerships; and

(4) Individualized student support services provided by a college scholarship organization with expertise in managing scholarships for low-income, high potential students and foster care youth under contract with the office of student financial assistance, including but not limited to college and career advising, counseling, tutoring, community mentor programs, and leadership development. [2012 c 229 § 601; 2011 c 288 § 3.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.175.140 PASS program—Duties of superintendent of public instruction. (1) The office of the superintendent of public instruction, in consultation with the state board of education, must:

(a) Calculate the annual extended graduation rate for each high school, which is the rate at which a class of students enters high school as first-year students and graduates with a high school diploma, including students who receive a high school diploma after the year they were expected to graduate. The office may statistically adjust the rate for student demographics in the high school, including the number of students eligible for free and reduced-price meals, special education and English language learner students, students of various racial and ethnic backgrounds, and student mobility;

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(b) Annually calculate the proportion of students at grade level for each high school, which shall be measured by the number of credits a student has accumulated at the end of each school year compared to the total number required for graduation. For the purposes of this subsection (1)(b), the office shall adopt a standard definition of "at grade level" for each high school grade;

(c) Annually calculate the proportion of students in each high school who are suspended or expelled from school, as reported by the high school. In-school suspensions shall not be included in the calculation. Improvement on the indicator under this subsection (1)(c) shall be measured by a reduction in the number of students suspended or expelled from school; and

(d) Beginning with the 2012-13 school year, annually measure student attendance in each high school as provided under RCW 28A.300.046.

(2) The office of the superintendent of public instruction may add dropout prevention indicators to the list of indicators under subsection (1) of this section, such as student grades, state assessment mastery, or student retention.

(3) To the maximum extent possible, the office of the superintendent of public instruction shall rely on data collected through the comprehensive education data and research system to calculate the dropout prevention indicators under this section and shall minimize additional data collection from schools and school districts unless necessary to meet the requirements of this section.

(4) The office of the superintendent of public instruction shall develop a metric for measuring the performance of each high school on the indicators under subsection (1) of this section that assigns points for each indicator and results in a single numeric dropout prevention score for each high school. The office shall weight the extended graduation rate indicator within the metric so that a high school does not qualify for an award under RCW 28A.175.145 without an increase in its extended graduation rate. The metric used through the 2012-13 school year shall include the indicators in subsection (1)(a) through (c) of this section and shall measure improvement against the 2010-11 school year as the baseline year. Beginning in the 2013-14 school year, the metric shall also include the indicator in subsection (1)(d) of this section, with improvement in this indicator measured against the 2012-13 school year as the baseline year. The office may establish a minimum level of improvement in a high school's dropout prevention score for the high school to qualify for a PASS program award under RCW 28A.175.145. [2013 c 23 § 47; 2011 c 288 § 4.]

28A.175.145 PASS program—Awards. (1)(a) Subject to funds appropriated for this purpose or otherwise available in the account established in RCW 28A.175.155, beginning in the 2011-12 school year and each year thereafter, a high school that demonstrates improvement in its dropout prevention score compared to the baseline school year as calculated under RCW 28A.175.140 may receive a PASS program award as provided under this section. The legislature intends to recognize and reward continuous improvement by using a baseline year for calculating eligibility for PASS program awards so that a high school retains previously earned award

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funds from one year to the next unless its performance declines.

(b) The office of the superintendent of public instruction must determine the amount of PASS program awards based on appropriated funds and eligible high schools. The intent of the legislature is to provide an award to each eligible high school commensurate with the degree of improvement in the high school's dropout prevention score and the size of the high school. The office must establish a minimum award amount. If funds available for PASS program awards are not sufficient to provide an award to each eligible high school, the office of the superintendent of public instruction shall establish objective criteria to prioritize awards based on eligible high schools with the greatest need for additional dropout prevention and intervention services. The office of the superintendent of public instruction shall encourage and may require a high school receiving a PASS program award to demonstrate an amount of community matching funds or an amount of in-kind community services to support dropout prevention and intervention.

(c) Ninety percent of an award under this section must be allocated to the eligible high school to be used for dropout prevention activities in the school as specified in subsection (2) of this section. The principal of the high school shall determine the use of funds after consultation with parents and certificated and classified staff of the school.

(d) Ten percent of an award under this section must be allocated to the school district in which the eligible high school is located to be used for dropout prevention activities as specified in subsection (2) of this section in the high school or in other schools in the district.

(e) The office of the superintendent of public instruction may withhold distribution of award funds under this section to an otherwise eligible high school or school district if the superintendent of public instruction issues a finding that the school or school district has willfully manipulated the dropout prevention indicators under RCW 28A.175.140, for example by expelling, suspending, transferring, or refusing to enroll students at risk of dropping out of school or at risk of low achievement.

(2) High schools and school districts may use PASS program award funds for any programs or activities that support the development of a dropout prevention, intervention, and reengagement system as described in RCW 28A.175.074, offered directly by the school or school district or under contract with education agencies or community-based organizations, including but not limited to educational service districts, workforce development councils, and boys and girls clubs. Such programs or activities may include but are not limited to the following:

(a) Strategies to close the achievement gap for disadvantaged students and minority students;

(b) Use of graduation coaches as defined in RCW 28A.175.150;

(c) Opportunity internship activities under RCW 28C.18.164;

(d) Dropout reengagement programs provided by community-based organizations or community and technical colleges;

(e) Comprehensive guidance and planning programs as defined under RCW 28A.600.045, including but not limited to the navigation 101 program;

(f) Reduced class sizes, extended school day, extended school year, and tutoring programs for students identified as at risk of dropping out of school, including instruction to assist these students in meeting graduation requirements in mathematics and science;

(g) Outreach and counseling targeted to students identified as at risk of dropping out of school, or who have dropped out of school, to encourage them to consider learning alternatives such as preapprenticeship programs, skill centers, running start, technical high schools, and other options for completing a high school diploma;

(h) Preapprenticeship programs or running start for the trades initiatives under RCW 49.04.190;

(i) Mentoring programs for students;

(j) Development and use of dropout early warning data systems;

(k) Counseling, resource and referral services, and intervention programs to address social, behavioral, and health factors associated with dropping out of school;

(l) Implementing programs for in-school suspension or other strategies to avoid excluding middle and high school students from the school whenever possible;

(m) Parent engagement activities such as home visits and off-campus parent support group meetings related to dropout prevention and reengagement; and

(n) Early learning programs for prekindergarten students.

(3) High schools and school districts are encouraged to implement dropout prevention and reengagement strategies in a comprehensive and systematic manner, using strategic planning, school improvement plans, evaluation and feedback, and response to intervention tools. [2011 c 288 § 5.]

28A.175.150 PASS program—Graduation coach.

For the purposes of RCW 28A.175.145, a "graduation coach" means a staff person, working in consultation with counselors, who is assigned to identify and provide intervention services to students who have dropped out or are at risk of dropping out of school or of not graduating on time through the following activities:

(1) Monitoring and advising on individual student progress toward graduation;

(2) Providing student support services and case management;

(3) Motivating students to focus on a graduation plan;

(4) Encouraging parent and community involvement;

(5) Connecting parents and students with appropriate school and community resources;

(6) Securing supplemental academic services for students;

(7) Implementing school-wide dropout prevention programs and interventions; and

(8) Analyzing data to identify at-risk students. [2011 c 288 § 6.]

28A.175.155 PASS program—High school completion account. The high school completion account is created in the custody of the state treasurer. Revenues to the account

shall consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Expenditures from the account may be used only for proven dropout prevention and intervention programs identified under RCW 28A.175.135 and to make PASS program awards under RCW 28A.175.145. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2011 c 288 § 7.]

28A.175.160 PASS program—Information regarding funds and awards—Development of strategies for dropout prevention and reengagement programs, planning, and improvement. The office of the superintendent of public instruction must regularly inform high schools and school districts about the opportunities under RCW 28A.175.135 to receive funding to implement programs that have been proven to reduce dropout rates and increase graduation rates, as well as the opportunities under RCW 28A.175.145 for high schools to receive a financial incentive for success. Within available funds, the office shall develop systemic, ongoing strategies for identifying and disseminating successful dropout prevention and reengagement programs and strategies and for incorporating dropout prevention and reengagement into high school and school district strategic planning and improvement. The office may offer support and assistance to schools and districts through regional networks. The office shall make every effort to keep dropout prevention and reduction of the dropout rate a top priority for school directors, administrators, and teachers. [2011 c 288 § 8.]

Chapter 28A.180 RCW

TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM

Sections

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28A.180.100 Continuing education plan for older students.

28A.180.110 Condensed compliance reports—Second-class districts.

28A.180.010 Short title—Purpose. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools. [2009 c 548 § 704; 1990 c 33 § 163; 1984 c 124 § 1; 1979 c 95 § 1. Formerly RCW 28A.58.800.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.180.020 Annual report by superintendent of public instruction. The superintendent of public instruction shall review annually the transitional bilingual instruction program and shall submit a report of such review to the legislature on or before January 1 of each year. [1984 c 124 § 8. Formerly RCW 28A.58.801.]

28A.180.030 Definitions. As used throughout this chapter, unless the context clearly indicates otherwise:

(1) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

(2) "Exited pupil" means a student previously enrolled in the transitional bilingual instruction program who is no longer eligible for the program based on his or her performance on an English proficiency assessment approved by the superintendent of public instruction.

(3) "Primary language" means the language most often used by the student for communication in his/her home.

(4) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English. [2013 2nd sp.s. c 9 § 3; 2001 1st sp.s. c 6 § 3; 1990 c 33 § 164; 1984 c 124 § 2; 1979 c 95 § 2. Formerly RCW 28A.58.802.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Intent—Effective dates—2013 2nd sp.s. c 9: See notes following RCW 28A.150.220.

Additional notes found at www.leg.wa.gov

28A.180.040 School board duties. (1) Every school district board of directors shall:

(a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction;

(b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program;

(c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the

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beginning of a school year and thereafter during the year as necessary in individual cases;

(d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

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

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction;

(f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models; and

(g) Make available a program of instructional support for up to two years immediately after pupils exit from the program, for exited pupils who need assistance in reaching grade-level performance in academic subjects even though they have achieved English proficiency for purposes of the transitional bilingual instructional program.

(2) Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for eligible pupils must hold an endorsement in bilingual education or English language learner, or both.

(3) The definitions in Article II of RCW 28A.705.010 apply to subsection (1)(d) of this section. [2016 c 72 § 301; 2013 2nd sp.s. c 9 § 4; 2009 c 380 § 5; 2001 1st sp.s. c 6 § 4; 1984 c 124 § 3; 1979 c 95 § 3. Formerly RCW 28A.58.804.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Intent—Effective dates—2013 2nd sp.s. c 9: See notes following RCW 28A.150.220.

Additional notes found at www.leg.wa.gov

28A.180.060 Guidelines and rules. The superintendent of public instruction shall:

(1) Promulgate and issue program development guidelines to assist school districts in preparing their programs;

(2) Promulgate rules for implementation of RCW 28A.180.010 through 28A.180.080 in accordance with chapter 34.05 RCW. The rules shall be designed to maximize the role of school districts in selecting programs appropriate to meet the needs of eligible students. The rules shall identify the process and criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction pursuant to RCW 28A.180.010 through 28A.180.080. [1990 c 33 § 165; 1984 c 124 § 5; 1979 c 95 § 5. Formerly RCW 28A.58.808.]

Additional notes found at www.leg.wa.gov

28A.180.080 Allocation of moneys for bilingual instruction program. Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program. [2009 c 548 § 705; 1995 c 335 § 601; 1990 c 33 § 167; 1979 c 95 § 6. Formerly RCW 28A.58.810.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.180.090 Evaluation system—Technical assistance and support. The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing; and

(4) Subject to funds appropriated specifically for this purpose, provide school districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development for program staff, including disseminating information about best practices and innovative programs. The information must include research about the differences between conversational language proficiency, academic language proficiency, and subject-specific language proficiency and the implications this research has on instructional practices and evaluation of program effectiveness. [2016 c 72 § 401; 2001 1st sp.s. c 6 § 2.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.180.100 Continuing education plan for older students. The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing

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education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual instruction program who have completed the twelfth grade but have not earned a certificate of academic achievement. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan. [2004 c 19 § 105.]

Additional notes found at www.leg.wa.gov

28A.180.110 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 9.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.185 RCW HIGHLY CAPABLE STUDENTS

Sections

28A.185.010	Program—Duties of superintendent of public instruction.
28A.185.020	Funding.
28A.185.030	Programs—Authority of local school districts—Selection of students.
28A.185.040	Contracts with University of Washington for education of highly capable students at early entrance program or transition school—Allocation of funds—Rules.
28A.185.050	Program review and monitoring—Reports to the legislature—Rules.
28A.185.060	Condensed compliance reports—Second-class districts.

28A.185.010 Program—Duties of superintendent of public instruction. Pursuant to rules adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW 28A.150.260. [2009 c 548 § 707; 1984 c 278 § 12. Formerly RCW 28A.16.040.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.185.020 Funding. (1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports

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using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on two and three hundred fourteen one-thousandths percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds provided by the state for the program for highly capable students under RCW 28A.150.260 shall be categorical funding to provide services to highly capable students as determined by a school district under RCW 28A.185.030. [2009 c 548 § 708; 1990 c 33 § 168; 1984 c 278 § 14. Formerly RCW 28A.16.050.]

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Additional notes found at www.leg.wa.gov

28A.185.030 Programs—Authority of local school districts—Selection of students. Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

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

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

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

(3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those

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options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

(4) The definitions in Article II of RCW 28A.705.010 apply to subsection (2) of this section. [2009 c 380 § 4; 1984 c 278 § 13. Formerly RCW 28A.16.060.]

Additional notes found at www.leg.wa.gov

28A.185.040 Contracts with University of Washington for education of highly capable students at early entrance program or transition school—Allocation of funds—Rules. (1) The superintendent of public instruction shall contract with the University of Washington for the education of highly capable students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school as are now or hereafter established and maintained by the University of Washington.

(2) The superintendent of public instruction shall allocate directly to the University of Washington all of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under RCW 28A.185.010 through 28A.185.030, and federal moneys generated by a student while attending an early entrance program or transition school at the University of Washington. The allocations shall be according to each student's school district of residence. The expenditure of such moneys shall be limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

(4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter 34.05 RCW implementing subsection (2) of this section before August 31, 1989. [1990 c 33 § 169; 1989 c 233 § 9; 1987 c 518 § 222. Formerly RCW 28A.58.217.]

Intent—1994 c 166; 1987 c 518: See note following RCW 43.215.425.

Additional notes found at www.leg.wa.gov

28A.185.050 Program review and monitoring—Reports to the legislature—Rules. In order to ensure that school districts are meeting the requirements of an approved program for highly capable students, the superintendent of public instruction shall monitor highly capable programs at least once every five years. Monitoring shall begin during the 2002-03 school year.

Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction. In its review, the office shall monitor

program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, assessment data and other indicators to determine how well the district is meeting the academic needs of highly capable students, and district expenditures used to enrich or expand opportunities for these students.

Beginning June 30, 2003, and every five years thereafter, the office of the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate that provides a brief description of the various instructional programs offered to highly capable students.

The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section. [2002 c 234 § 1.]

28A.185.060 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 10.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.188 RCW

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) EDUCATION

Sections

28A.188.010	STEM literacy.
28A.188.020	Statewide director for math, science, and technology—Duties—Reporting.
28A.188.030	STEM education innovation alliance.
28A.188.040	STEM education report card—Coordination of data collection and analysis—Reports by education agencies and the employment security department.
28A.188.050	Statewide STEM organization.
28A.188.060	Identification and dissemination of resources and materials to encourage interdisciplinary instruction and project-based learning.
28A.188.070	Specialized courses in science, technology, engineering, and mathematics (STEM)—Grants to high schools—Selection criteria—Data collection by education data center—Reports.
28A.188.080	Mathematics, engineering, and science achievement program—Findings and intent.
28A.188.082	Mathematics, engineering, and science achievement program—Establishment and administration—Goals.
28A.188.084	Mathematics, engineering, and science achievement program—Coordinator—Staff.
28A.188.086	Mathematics, engineering, and science achievement program—Selection standards.
28A.188.088	Local program centers.
28A.188.090	Lighthouse programs—Science, technology, engineering, and mathematics focus.
28A.188.092	Lighthouse programs—Science, technology, engineering, and mathematics education lighthouse account.

28A.188.010 STEM literacy. (1) As used throughout this chapter, "STEM" means science, technology, engineering, and mathematics.

(2) To provide focus and clarity to efforts to increase learning opportunities and improve educational outcomes in STEM, the following definition of STEM literacy is adopted: STEM literacy means the ability to identify, apply, and integrate concepts from science, technology, engineering, and mathematics to understand complex problems and to inno-

vate to solve them. STEM literacy is achieved when a student is able to apply his or her understanding of how the world works within and across the four interrelated STEM disciplines to improve the social, economic, and environmental conditions of the local and global community.

(3) The component parts of STEM literacy are:

(a) Scientific literacy, which is the ability to use scientific knowledge and processes in physics, chemistry, biology, and earth and space science to understand the natural world and to participate in decisions that affect it;

(b) Technological literacy, which is the ability to use new technologies, understand how technologies are developed, and have skills to analyze how new technologies affect individuals, the nation, and the world. Technology is the innovation, change, or modification of the natural environment to satisfy perceived human needs and wants;

(c) Engineering literacy, which is the understanding of how technologies are developed through the engineering design process. Engineering design is the systematic and creative application of scientific and mathematical principles to practical ends, such as the design, manufacture, and operation of efficient and economic structures, machines, processes, and systems; and

(d) Mathematical literacy, which is the ability to analyze, reason, and communicate ideas effectively through posing, formulating, solving, and interpreting solutions to mathematical problems in a variety of situations. [2013 2nd sp.s. c 25 § 1.]

28A.188.020 Statewide director for math, science, and technology—Duties—Reporting. The superintendent of public instruction shall provide support for statewide coordination for math, science, and technology, including employing a statewide director for math, science, and technology. The duties of the director shall include, but not be limited to:

(1) Within funds specifically appropriated therefor, obtain a statewide license, or otherwise obtain and disseminate, an interactive, project-based high school and middle school technology curriculum that includes a comprehensive professional development component for teachers and, if possible, counselors, and also includes a systematic program evaluation. The curriculum must be distributed to all school districts, or as many as feasible, by the 2007-08 school year;

(2) Within funds specifically appropriated therefor, supporting a public-private partnership to assist school districts with implementing an ongoing, inquiry-based science program that is based on a research-based model of systemic reform and aligned with the Washington state science grade level expectations;

(3) Within funds specifically appropriated therefor, supporting a public-private partnership to provide enriching opportunities in mathematics, engineering, and science for underrepresented students in grades kindergarten through twelve using exemplary materials and instructional approaches;

(4) In an effort to increase precollege and prework interest in math, science, and technology fields, in collaboration with the community and technical colleges, the four-year institutions of higher education, and the workforce training and education coordinating board, conducting outreach

efforts to attract middle and high school students to careers in math, science, and technology and to educate students about the coursework that is necessary to be adequately prepared to succeed in these fields;

(5) Coordinating youth opportunities in math, science, and technology, including facilitating student participation in school clubs, state-level fairs, national competitions, and encouraging partnerships between students and university faculty or industry to facilitate such student participation;

(6) Developing and maintaining public-private partnerships to generate business and industry assistance to accomplish the following:

(a) Increasing student engagement and career awareness, including increasing student participation in the youth opportunities in subsection (5) of this section;

(b) Creation and promotion of student scholarships, internships, and apprenticeships;

(c) Provision of relevant teacher experience and training, including on-the-job professional development opportunities;

(d) Upgrading kindergarten through twelfth grade school equipment and facilities to support high quality math, science, and technology programs;

(7) Assembling a cadre of inspiring speakers employed or experienced in the relevant fields to speak to kindergarten through twelfth grade students to demonstrate the breadth of the opportunities in the relevant fields as well as share the types of coursework that are necessary for someone to be successful in the relevant field;

(8) Providing technical assistance to schools and school districts, including working with counselors in support of the math, science, and technology programs;

(9) Subject to available funding, working with the state board for community and technical colleges to develop high-demand applied baccalaureate programs that align with high quality secondary science, technology, engineering, and mathematics programs and career and technical education programs; and

(10) Reporting annually to the legislature about the actions taken to provide statewide coordination for math, science, and technology. [2013 c 55 § 1; 2007 c 396 § 15. Formerly RCW 28A.300.515.]

Finding—Intent—2007 c 396: "The legislature finds that knowledge, skills, and opportunities in mathematics, science, and technology should be increased for all students in Washington. The legislature intends to foster capacity between and among the educational sectors to enable continuous and sustainable growth of the learning and teaching of mathematics, science, and technologies. The legislature intends to foster high quality mathematics, science, and technology programs to increase the number of students in the kindergarten through twelfth grade pipeline who are prepared and aspire to continue in the areas of mathematics, science, and technology, whether it be at a college, university, or in the workforce." [2007 c 396 § 12.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

28A.188.030 STEM education innovation alliance.

(1) The STEM education innovation alliance is established to advise the governor and to provide vision, guidance, assistance, and advice to support the initiatives under this chapter, as well as other current or proposed programs and initiatives across the spectrum of early learning through postsecondary education, that are intended to increase learning opportunities and improve educational outcomes in STEM.

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(2) The governor's office, in consultation with the superintendent of public instruction, shall invite representatives of STEM businesses, business and labor organizations with expertise in STEM fields, one or more nonprofit organizations with a mission to enhance STEM education from early learning through postsecondary education, school districts and institutions of higher education that have demonstrated leadership and innovation in STEM education, and STEM educators to participate in the alliance. Representatives from the governor's office, the office of the superintendent of public instruction, and other state education agencies shall also participate as members of the alliance.

(3) The STEM education innovation alliance shall initiate its work by aligning and combining previous STEM education strategic plans into a single, cohesive, and comprehensive STEM framework for action and accountability. The framework must concentrate on a limited number of selected and specific measures that are meaningful indicators of progress in increasing STEM learning opportunities and in achieving the intended longer-term outcomes of such efforts. The framework must use measures that are quantifiable and based on data that are regularly and reliably collected statewide.

(4) Staff support for the STEM education innovation alliance shall be provided by the governor's office and the office of financial management, with support from the office of the superintendent of public instruction and other state education agencies as necessary. [2013 2nd sp.s. c 25 § 2.]

28A.188.040 STEM education report card—Coordination of data collection and analysis—Reports by education agencies and the employment security department.

(1) The STEM education innovation alliance shall develop a STEM education report card, based on the STEM framework for action and accountability, to monitor progress in increasing learning opportunities and aligning strategic plans and activities in order to prepare students for STEM-related jobs and careers, with the longer-term goal of improving educational, workforce, and economic outcomes in STEM.

(2) The report card must:

(a) Illustrate the most recent data for the indicators and measures of the STEM framework for action and accountability;

(b) Provide information from state education agencies that indicates the extent that activities and resources are aligned with and support the STEM framework for action and accountability;

(c) Provide data regarding current and projected STEM job openings in the state; and

(d) Be prominently displayed on a web site designed for this purpose.

(3)(a) The education data center under RCW 43.41.400 must coordinate data collection and analysis to support the report card.

(b) The state education agencies must annually report on how their policies, activities, and expenditures of public resources align with and support the STEM framework for action and accountability. The focus of the reporting under this subsection is on programs and initiatives specifically identified in law or budget proviso as related to STEM education. The agencies must use a common metric for the report-

ing, designed by the education data center in consultation with the STEM education innovation alliance. For the purposes of this section, "state education agencies" includes the office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, the workforce training and education coordinating board, the professional educator standards board, the state board of education, and the department of early learning.

(c) The employment security department must create an annual report on current and projected job openings in STEM fields and submit the report to the education data center for inclusion in the STEM education report card.

(4) The STEM education innovation alliance must publish the first STEM education report card with baseline data on the identified measures by January 10, 2014, and must update the report card by each January 10th thereafter. [2013 2nd sp.s. c 25 § 3.]

28A.188.050 Statewide STEM organization. (1) To the extent funds are appropriated specifically for this purpose, the office of financial management shall contract with a statewide nonprofit organization with expertise in promoting and supporting STEM education from early learning through postsecondary education. The purpose of the contract is to identify, test, and develop scalable, cost-effective, and evidence-based approaches for increasing learning opportunities and improving educational outcomes in STEM that are aligned with the STEM framework for action and accountability. The activities to be conducted under the contract shall be as provided in this section, with specific performance expectations negotiated between the office of the governor, the office of financial management, and the selected organization.

(2) Under the terms of the contract, the organization selected under this section shall:

(a) Conduct a statewide communications campaign to expand awareness of the importance of STEM literacy and the opportunities presented by STEM education and careers, particularly as a strategy to close the educational opportunity gap for disadvantaged students and promote economic development in disadvantaged communities;

(b) Expand regional networks of schools, institutions of higher education, educational service districts, STEM businesses, and community-based organizations to align STEM learning opportunities with best practices and local economic development;

(c) Establish an innovation fund and offer competitive grants to support innovative practices in STEM education, from early learning through postsecondary education, including developing models of interdisciplinary instruction and project-based learning;

(d) Expand STEM professional development opportunities for educators, faculty, and principals, including developing technology-enabled learning systems to support implementation of state learning standards; and

(e) Create opportunities to extend STEM learning into early learning programs. [2013 2nd sp.s. c 25 § 4.]

28A.188.060 Identification and dissemination of resources and materials to encourage interdisciplinary instruction and project-based learning. (1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in consultation with the STEM education innovation alliance, must identify and disseminate resources and materials to elementary, middle, and high schools that are intended to encourage and increase interdisciplinary instruction and project-based learning in STEM.

(2) In collaboration with work groups of STEM educators and using the work of regional STEM networks and innovation grant recipients under RCW 28A.188.050, the office of the superintendent of public instruction must:

(a) Identify interdisciplinary STEM instructional modules appropriate for different grade levels;

(b) Identify project-based learning models, projects, lessons, and guides appropriate for different grade levels; and

(c) Make the information collected in this section, including online resource guides, available for teachers to incorporate into their classroom instruction.

(3) The office of the superintendent of public instruction must also disseminate information and research on best practices in interdisciplinary instruction and project-based learning in STEM. [2013 2nd sp.s. c 25 § 5.]

28A.188.070 Specialized courses in science, technology, engineering, and mathematics (STEM)—Grants to high schools—Selection criteria—Data collection by education data center—Reports. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to high schools to implement specialized courses in science, technology, engineering, and mathematics (STEM) careers as provided by a national multidisciplinary science, technology, engineering, and mathematics program. Grant funds must be allocated on a one-time basis and may be used to purchase course curriculum and equipment, initial course student materials, and support professional development for course teachers.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (2). This is a competitive grant process. Successful high school applicants must:

(a) Demonstrate engaged and committed high school and district leadership and faculty in support of expanding specialized STEM courses;

(b) Demonstrate that faculty are appropriately trained to offer specialized STEM courses or a plan for faculty to obtain the appropriate training;

(c) Demonstrate capacity to offer the specialized STEM courses and maximize the use of grant resources by addressing: Availability of appropriate physical space, meeting program technology requirements, providing projected enrollment at the high school and from area high schools as appropriate, planned hours and days each week the program is to be offered, and other specific program requirements set forth by the superintendent of public instruction;

(d) Provide the plan for course implementation that includes a beginning date for first classes as well as plans for recruiting and retaining students in the course;

(e) Provide a plan to promote opportunities for students to acquire college credit;

(f) Demonstrate a history of successful partnerships within the community and partner support for implementing specialized STEM courses. Partner support may include one or more of the following: Supplying materials, instruction support, internships, mentorships, apprenticeships, and other program components;

(g) Demonstrate connections to community and technical college programs as well as links to four-year higher education institution STEM programs; and

(h) Demonstrate capacity to continue the course in years succeeding the initial grant year.

(3)(a) The education data center in the office of financial management must, with the office of the superintendent of public instruction, collect student course enrollment and course completion information.

(b) The education data center must: (i) Study mathematics and science course-taking patterns of students completing specialized STEM courses; and (ii) follow the students to employment or further training and education in the two years following high school. This study must be designed to inform policymakers about the extent to which specialized science, technology, engineering, and mathematics classes taken by students reduce mathematics remediation of students entering the workplace, apprenticeships, community and technical colleges, and four-year institutions of higher education. Study findings must be reported annually beginning January 2014 and each January thereafter through January 2018 to the governor, appropriate state agencies, and the appropriate education and fiscal committees of the legislature. [2011 2nd sp.s. c 1 § 4. Formerly RCW 28A.700.120.]

Findings—Intent—2011 2nd sp.s. c 1: See note following RCW 28A.700.100.

28A.188.080 Mathematics, engineering, and science achievement program—Findings and intent. The legislature finds that high technology is important to the state's economy and the welfare of its citizens. The legislature finds that certain groups, as characterized by sex or ethnic background, are traditionally underrepresented in mathematics, engineering, and the science-related professions in this state. The legislature finds that women and minority students have been traditionally discouraged from entering the fields of science and mathematics including teaching in these fields. The legislature finds that attitudes and knowledges acquired during the kindergarten through eighth grade prepare students to succeed in high school science and mathematics programs and that special skills necessary for these fields need to be acquired during the ninth through twelfth grades. It is the intent of the legislature to promote a mathematics, engineering, and science achievement program to help increase the number of people in these fields and teaching in these fields from groups underrepresented in these fields. [1989 c 66 § 1; 1984 c 265 § 1. Formerly RCW 28A.625.200, 28A.03.430.]

Additional notes found at www.leg.wa.gov

28A.188.082 Mathematics, engineering, and science achievement program—Establishment and administration—Goals. A program to increase the number of people from groups underrepresented in the fields of mathematics,

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engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in middle and junior high schools and the sixth through twelfth grades, to acquire the academic skills needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities including the career opportunities of teaching in the fields of science and mathematics and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, middle and junior high schools, and private business and industry. [1990 c 286 § 1; 1989 c 66 § 2; 1984 c 265 § 2. Formerly RCW 28A.625.210, 28A.03.432.]

Additional notes found at www.leg.wa.gov

28A.188.084 Mathematics, engineering, and science achievement program—Coordinator—Staff. A coordinator shall be hired to administer the program. Additional staff as necessary may be hired. [1984 c 265 § 3. Formerly RCW 28A.625.220, 28A.03.434.]

Additional notes found at www.leg.wa.gov

28A.188.086 Mathematics, engineering, and science achievement program—Selection standards. The coordinator shall develop standards and criteria for selecting students who participate in the program which may include predictive instruments to ascertain aptitude and probability of success. The standards shall include requirements that students take certain courses, maintain a certain grade point average, and participate in activities sponsored by the program. Women and students from minority groups, which are traditionally underrepresented in mathematics and science-related professions and which meet the requirements established by the coordinator shall be selected. [1984 c 265 § 4. Formerly RCW 28A.625.230, 28A.03.436.]

Additional notes found at www.leg.wa.gov

28A.188.088 Local program centers. The coordinator shall establish local program centers throughout the state to implement *RCW 28A.625.210 through 28A.625.230. Each center shall be managed by a center director. Additional staff as necessary may be hired. [1990 c 33 § 521; 1984 c 265 § 5. Formerly RCW 28A.625.240, 28A.03.438.]

*Reviser's note: RCW 28A.625.210 through 28A.625.230 were recodified as RCW 28A.188.082 through 28A.188.086 pursuant to 2013 2nd sp.s. c 25 § 8.

Additional notes found at www.leg.wa.gov

28A.188.090 Lighthouse programs—Science, technology, engineering, and mathematics focus. (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate schools at the elementary, middle, and high school level to serve as resources and examples of how to combine the following best practices:

- (a) A small, highly personalized learning community;
- (b) An interdisciplinary curriculum with a strong focus on science, technology, engineering, and mathematics delivered through a project-based instructional approach; and
- (c) Active partnerships with businesses and the local community to connect learning beyond the classroom.

(2) The designated elementary, middle, and high schools shall serve as lighthouse programs and provide technical assistance and advice to other schools and communities in the initial stages of creating an alternative learning environment focused on science, technology, engineering, and mathematics. The designated schools must have proven experience and be recognized as model programs.

(3) In addition, the office of the superintendent of public instruction shall work with the designated elementary, middle, and high schools to publicize the models of best practices in science, technology, engineering, and mathematics instruction used by the designated schools and shall encourage other schools and communities to work with the designated schools to replicate similar models. [2012 c 151 § 1; 2010 c 238 § 2. Formerly RCW 28A.630.065.]

Intent—2010 c 238: "(1) The legislature has made a commitment to support multiple strategies to improve teaching and learning of science, technology, engineering, and mathematics in Washington's public schools. In recent years, Washington has adopted new technology, mathematics, and science learning standards; initiated funding for middle schools to provide a career and technical program in science, technology, engineering, and mathematics at the same rate as a high school operating a similar program; provided professional development for mathematics and science teachers; created a scholarship program to encourage students to enter mathematics and science degree programs; supported career and technical education in high-demand fields; and authorized alternative ways for teachers to earn certification in the mathematics and science fields.

(2) At the local level, school districts and their communities are also finding new ways to improve teaching and learning of science, technology, engineering, and mathematics. Some districts have combined several best practices into promising learning models for students. For example, Aviation high school in the Highline school district offers a small, highly personalized learning community that is focused on interdisciplinary immersion in science, technology, engineering, and mathematics using a hands-on, project-based curriculum. Delta high school in the Tri-Cities is a collaboration among three school districts, a skill center, two institutions of higher education, a community foundation, and local business leaders. The science and math institute at Point Defiance in Tacoma offers students field-based applied learning using the natural, historical, and community resources of a large metropolitan park. These schools draw students from across regions who are seeking an exciting, rigorous, and nontraditional learning experience. Other schools and communities across the state are seeking to replicate these innovative learning models.

(3) The legislature intends to support continued expansion of the type of innovation and creativity displayed by Aviation, Delta, and the science and math institute by designating so-called "lighthouse" high schools to serve as resources and examples of best practices in science, technology, engineering, and mathematics instruction." [2010 c 238 § 1.]

28A.188.092 Lighthouse programs—Science, technology, engineering, and mathematics education lighthouse account. The science, technology, engineering, and mathematics education lighthouse account is created in the custody of the state treasurer. The purpose of the account is to support schools designated as lighthouse schools under

*RCW 28A.630.065 to serve as resources to other schools and communities interested in replicating similar models. Revenues to the account may include gifts from the private sector, federal funds, any appropriations made by the state legislature, or revenues from other sources. Grants to the designated lighthouse schools and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2012 c 151 § 2. Formerly RCW 28A.630.066.]

***Reviser's note:** RCW 28A.630.065 was recodified as RCW 28A.188.090 pursuant to 2013 2nd sp.s. c 25 § 8.

Chapter 28A.190 RCW

RESIDENTIAL EDUCATION PROGRAMS

Sections

- 28A.190.010 Educational program for juveniles in detention facilities.
- 28A.190.015 "School district" defined—Application of RCW 13.04.145.
- 28A.190.020 Educational programs for residential school residents—"Residential school" defined.
- 28A.190.030 Educational programs for residential school residents—School district to conduct—Scope of duties and authority.
- 28A.190.040 Educational programs for residential school residents—Duties and authority of department of social and health services and residential school superintendent.
- 28A.190.050 Educational programs for residential school residents—Contracts between school district and department of social and health services—Scope.
- 28A.190.060 Educational programs for residential school residents—Department of social and health services to give notice when need for reduction of staff—Liability upon failure.

28A.190.010 Educational program for juveniles in detention facilities. A program of education shall be provided for by the department of social and health services and the several school districts of the state for common school-age persons who have been admitted to facilities staffed and maintained or contracted pursuant to RCW 13.40.320 by the department of social and health services for the education and treatment of juveniles who have been diverted or who have been found to have committed a juvenile offense. The division of duties, authority, and liabilities of the department of social and health services and the several school districts of the state respecting the educational programs shall be the same in all respects as set forth in this chapter respecting programs of education for state residential school residents. For the purposes of this section, the term "residential school" or "schools" as used in this chapter shall be construed to mean a facility staffed and maintained by the department of social and health services or a program established under RCW 13.40.320, for the education and treatment of juvenile offenders on probation or parole. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180. [2014 c 157 § 2; 1996 c 84 § 1; 1990 c 33 § 170; 1983 c 98 § 3. Formerly RCW 28A.58.765.]

Juvenile facilities, educational programs: RCW 13.04.145.

28A.190.015 "School district" defined—Application of RCW 13.04.145. (1) For the purposes of this chapter, the term "school district" includes any educational service district that has entered into an agreement to provide a program

of education for residential school residents or detention facility residents on behalf of the school district as a cooperative service program pursuant to RCW 28A.310.180.

(2) The provisions of RCW 13.04.145 apply throughout this chapter. [2014 c 157 § 1.]

28A.190.020 Educational programs for residential school residents—"Residential school" defined. The term "residential school" as used in this chapter and RCW 72.01.200, 72.05.010, and 72.05.130 means Green Hill school, Maple Lane school, Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima Valley school, Interlake school, Fircrest school, Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of western state hospital, and such other schools, camps, and centers as are now or hereafter established by the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental and/or physical deficiency: PROVIDED, That the term shall not include the state schools for the deaf and blind or adult correctional institutions. [2014 c 157 § 3; 1990 c 33 § 171; 1979 ex.s. c 217 § 1. Formerly RCW 28A.58.770.]

Additional notes found at www.leg.wa.gov

28A.190.030 Educational programs for residential school residents—School district to conduct—Scope of duties and authority. Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter 39.34 RCW, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.190.050, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audiovisual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to RCW 28A.155.010 through 28A.155.100, and vocational education, as necessary to address the unique needs and limitations of residents; and

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(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for residential school students with disabilities;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education. [1995 c 77 § 19; 1990 c 33 § 172; 1985 c 341 § 13; 1984 c 160 § 3; 1979 ex.s. c 217 § 2. Formerly RCW 28A.58.772.]

Additional notes found at www.leg.wa.gov

28A.190.040 Educational programs for residential school residents—Duties and authority of department of social and health services and residential school superintendent. The duties and authority of the department of social and health services and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to RCW 28A.190.030, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education. [1990 c 33 § 173; 1979 ex.s. c 217 § 3. Formerly RCW 28A.58.774.]

Additional notes found at www.leg.wa.gov

28A.190.050 Educational programs for residential school residents—Contracts between school district and department of social and health services—Scope. Each school district required to conduct a program of education pursuant to RCW 28A.190.030, and the department of social and health services shall hereafter negotiate and execute a written contract for each school year or such longer period as may be agreed to which delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved. Any such contract may provide for the performance of duties by a school district in addition to those set forth in RCW 28A.190.030 (1) through (5), including duties imposed upon the department of social and health services and its agents pursuant to RCW 28A.190.040: PROVIDED, That funds identified in RCW 28A.190.030(6) and/or funds provided by the department of social and health services are available to fully pay the direct and indirect costs of such additional duties and the district is otherwise authorized by law to perform such duties in connection with the maintenance and operation of a school district. [1990 c 33 § 174; 1979 ex.s. c 217 § 4. Formerly RCW 28A.58.776.]

Additional notes found at www.leg.wa.gov

28A.190.060 Educational programs for residential school residents—Department of social and health services to give notice when need for reduction of staff—Liability upon failure. The department of social and health services shall provide written notice on or before April 15th of each school year to the superintendent of each school district conducting a program of education pursuant to this chapter of any foreseeable residential school closure, reduction in the number of residents, or any other cause for a reduction in the school district's staff for the next school year. In the event the department of social and health services fails to provide notice as prescribed by this section, the department shall be liable and responsible for the payment of the salary and employment related costs for the next school year of each school district employee whose contract the school district would have nonrenewed but for the failure of the department to provide notice. [2014 c 157 § 4; 1990 c 33 § 175; 1979 ex.s. c 217 § 5. Formerly RCW 28A.58.778.]

Additional notes found at www.leg.wa.gov

Chapter 28A.193 RCW EDUCATION PROGRAMS FOR JUVENILE INMATES

Sections

28A.193.005	Intent—Findings.
28A.193.010	Operation of program by school district or educational service district.
28A.193.020	Solicitation for education provider—Selection of provider—Operation of program by educational service district.
28A.193.030	Duties and authority of education provider—Continuation in program by students age eighteen.
28A.193.040	Education providers—Additional authority and limitations.
28A.193.050	Required support of education programs.
28A.193.060	Contract between education providers and department of corrections.
28A.193.070	Education site closures or reduction in services—Notice to the superintendent of public instruction and education pro-

viders—Liability for failure to provide notice—Alternative dispute resolution.

28A.193.080 Allocation of money—Accountability requirements—Rules.
28A.193.900 Effective date—1998 c 244 § 1-9 and 11-15.

28A.193.005 Intent—Findings. The legislature intends to provide for the operation of education programs for the department of corrections' juvenile inmates. School districts, educational service districts, or any combination thereof should be the primary providers of the education programs. However, the legislature does not intend to preclude community and technical colleges, four-year institutions of higher education, or other qualified entities from contracting to provide all or part of these education programs if no school district or educational service district is willing to operate all or part of the education programs.

The legislature finds that this chapter fully satisfies any constitutional duty to provide education programs for juvenile inmates in adult correctional facilities. The legislature further finds that biennial appropriations for education programs under this chapter amply provide for any constitutional duty to educate juvenile inmates in adult correctional facilities. [1998 c 244 § 1.]

28A.193.010 Operation of program by school district or educational service district. Any school district or educational service district may operate all or any portion of an education program for juveniles in accordance with this chapter, notwithstanding the fact the services or benefits provided extend beyond the geographic boundaries of the school district or educational service district providing the service. [1998 c 244 § 2.]

28A.193.020 Solicitation for education provider—Selection of provider—Operation of program by educational service district. The superintendent of public instruction shall solicit an education provider for the department of corrections' juvenile inmates within sixty days as follows:

(1) The superintendent of public instruction shall notify and solicit proposals from all interested and capable school districts, educational service districts, institutions of higher education, private contractors, or any combination thereof. The notice shall describe the proposed education program's requirements and the appropriated amount. The selection of an education provider shall be in the following order:

(a) The school district where there is an educational site for juveniles in an adult correctional facility maintained by the state department of corrections has first priority to operate an education program for inmates at that site. The district may elect to operate an education program by itself or with another school district, educational service district, institution of higher education, private contractor, or any combination thereof. If the school district elects not to exercise its priority, it shall notify the superintendent of public instruction within thirty calendar days of the day of solicitation.

(b) The educational service district where there is an educational site for juveniles in an adult correctional facility maintained by the state department of corrections has second priority to operate an education program for inmates at that site. The educational service district may elect to do so by itself or with a school district, another educational service district, institution of higher education, private contractor, or

any combination thereof. If the educational service district elects not to exercise its priority, it shall notify the superintendent of public instruction within forty-five calendar days of the day of solicitation.

(c) If neither the school district nor the educational service district chooses to operate an education program for inmates as provided for in (a) and (b) of this subsection, the superintendent of public instruction may contract with an entity, including, but not limited to, school districts, educational service districts, institutions of higher education, private contractors, or any combination thereof, within sixty calendar days of the day of solicitation. The selected entity may operate an education program by itself or with another school district, educational service district, institution of higher education, or private contractor, or any combination thereof.

(2) If the superintendent of public instruction does not contract with an interested entity within sixty days of the day of solicitation, the educational service district where there is an educational site for juveniles in an adult correctional facility maintained by the state department of corrections shall begin operating the education program for inmates at the site within ninety days from the day of solicitation in subsection (1) of this section. [1998 c 244 § 3.]

28A.193.030 Duties and authority of education provider—Continuation in program by students age eighteen. Except as otherwise provided for by contract under RCW 28A.193.060, the duties and authority of a school district, educational service district, institution of higher education, or private contractor to provide for education programs under this chapter are limited to the following:

(1) Employing, supervising, and controlling administrators, teachers, specialized personnel, and other persons necessary to conduct education programs, subject to security clearance by the department of corrections;

(2) Purchasing, leasing, or renting and providing textbooks, maps, audiovisual equipment, paper, writing instruments, physical education equipment, and other instructional equipment, materials, and supplies deemed necessary by the provider of the education programs;

(3) Conducting education programs for inmates under the age of eighteen in accordance with program standards established by the superintendent of public instruction. The education provider shall develop the curricula, instructional methods, and educational objectives of the education programs, subject to applicable requirements of state and federal law. The department of corrections shall establish behavior standards that govern inmate participation in education programs, subject to applicable requirements of state and federal law;

(4) Students age eighteen who have participated in an education program governed by this chapter may continue in the program with the permission of the department of corrections and the education provider, under the rules adopted by the superintendent of public instruction. [1998 c 244 § 4.]

28A.193.040 Education providers—Additional authority and limitations. School districts and educational service districts providing an education program to juvenile inmates in an adult corrections [correctional] facility, not-

withstanding that their geographical boundaries do not include the facility, may:

(1) Award appropriate diplomas or certificates to inmates who successfully complete graduation requirements;

(2) Spend only funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs under this chapter, including direct and indirect costs of maintaining and operating the education programs, and funds from federal and private grants, bequests, and gifts made for that purpose. School districts may not expend excess tax levy proceeds authorized for school district purposes to pay costs incurred under this chapter. [1998 c 244 § 5.]

28A.193.050 Required support of education programs. To support each education program under this chapter, the department of corrections and each superintendent or chief administrator of a correction facility shall:

(1) Through construction, lease, or rental of space, provide necessary building and exercise spaces for the education program that is secure, separate, and apart from space occupied by nonstudent inmates;

(2) Through construction, lease, or rental, provide vocational instruction machines; technology and supporting equipment; tools, building, and exercise facilities; and other equipment and fixtures deemed necessary by the department of corrections to conduct the education program;

(3) Provide heat, lights, telephone, janitorial services, repair services, and other support services for the building and exercise spaces, equipment, and fixtures provided under this section;

(4) Employ, supervise, and control security staff to safeguard agents of the education providers and inmates while engaged in educational and related activities conducted under this chapter;

(5) Provide clinical and medical evaluation services necessary for a determination by the education provider of the educational needs of inmates; and

(6) Provide such other support services and facilities as are reasonably necessary to conduct the education program. [1998 c 244 § 6.]

28A.193.060 Contract between education providers and department of corrections. Each education provider under this chapter and the department of corrections shall negotiate and execute a written contract for each school year or such longer period as may be agreed to that delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved through mediation, and if necessary, arbitration. Any such contract may provide for the performance of duties by an education provider in addition to those set forth in this chapter, including duties imposed upon the department of corrections and its agents under RCW 28A.193.050 if supplemental funding provided by the department of corrections is available to fully pay the direct and indirect costs of these additional duties. [1998 c 244 § 7.]

28A.193.070 Education site closures or reduction in services—Notice to the superintendent of public instruction and education providers—Liability for failure to provide notice—Alternative dispute resolution. By April 15th of each school year, the department of corrections shall provide written notice to the superintendent of public instruction and education providers operating programs under this chapter of any reasonably foreseeable education site closures, reductions in the number of inmates or education services, or any other cause for a reduction in certificated or classified staff the next school year. In the event the department of corrections fails to provide notice as required by this section, the department is liable and responsible for the payment of the salary and employment-related costs for the next school year of each employee whose contract would or could have been nonrenewed but for the failure of the department to provide notice. Disputes arising under this section shall be resolved in accordance with the alternative dispute resolution method or methods specified in the contract required by RCW 28A.193.060. [1998 c 244 § 8.]

28A.193.080 Allocation of money—Accountability requirements—Rules. The superintendent of public instruction shall:

(1) Allocate money appropriated by the legislature to administer and provide education programs under this chapter to school districts, educational service districts, and other education providers selected under RCW 28A.193.020 that have assumed the primary responsibility to administer and provide education programs under this chapter. The allocation of moneys to any private contractor is contingent upon and must be in accordance with a contract between the private contractor and the department of corrections; and

(2) Adopt rules in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the biennial operating act effectively. [1998 c 244 § 9.]

28A.193.900 Effective date—1998 c 244 §§ 1-9 and 11-15. Sections 1 through 9 and 11 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 30, 1998]. [1998 c 244 § 17.]

Chapter 28A.194 RCW

EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS

Sections

28A.194.005	Intent—Findings.
28A.194.010	Education programs for juveniles in adult jails.
28A.194.020	Definition.
28A.194.030	Duties and authority of education provider.
28A.194.040	School districts—Additional authority and limitation.
28A.194.050	Duties of jail facility superintendent or chief administrator.
28A.194.060	Contract between education providers and adult jail facilities.
28A.194.070	Instructional service plans—Notice of closure of facility or unavailability of facility for juveniles.
28A.194.080	Allocation of money—Accountability requirements—Rules.

28A.194.005 Intent—Findings. The legislature intends to provide for the operation of education programs for juvenile inmates incarcerated in adult jails.

The legislature finds that this chapter fully satisfies any constitutional duty to provide education programs for juvenile inmates in adult jails. The legislature further finds that biennial appropriations for education programs under this chapter amply provide for any constitutional duty to educate juvenile inmates in adult jails. [2010 c 226 § 1.]

28A.194.010 Education programs for juveniles in adult jails. A program of education shall be made available for juvenile inmates by adult jail facilities and the several school districts of the state for persons under the age of eighteen years who have been incarcerated in any adult jail facilities operated under the authority of chapter 70.48 RCW. Each school district within which there is located an adult jail facility shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or chapter 39.34 RCW, conduct a program of education, including related student activities for inmates in adult jail facilities. School districts are not precluded from contracting with educational service districts, community and technical colleges, four-year institutions of higher education, or other qualified entities to provide all or part of these education programs. The division of duties, authority, and liabilities of the adult jail facilities and the several school districts of the state respecting the educational programs shall be as provided for in this chapter with regard to programs for juveniles in adult jail facilities. [2010 c 226 § 2.]

28A.194.020 Definition. As used in this chapter, "adult jail facility" means an adult jail operated under the authority of chapter 70.48 RCW. [2010 c 226 § 3.]

28A.194.030 Duties and authority of education provider. (1) Except as otherwise provided for by contract under RCW 28A.194.060, the duties and authority of a school district, educational service district, institution of higher education, or private contractor to provide for education programs under this chapter include:

(a) Employing, supervising, and controlling administrators, teachers, specialized personnel, and other persons necessary to conduct education programs, subject to security clearance by the adult jail facilities;

(b) Purchasing, leasing, renting, or providing textbooks, maps, audiovisual equipment paper, writing instruments, physical education equipment, and other instructional equipment, materials, and supplies deemed necessary by the provider of the education programs;

(c) Conducting education programs for inmates under the age of eighteen in accordance with program standards established by the superintendent of public instruction;

(d) Expending funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs for juvenile inmates incarcerated in adult jail facilities, in addition to funds from federal and private grants, and bequests, and gifts

made for the purpose of maintaining and operating the program of education; and

(e) Providing educational services to juvenile inmates within five school days of receiving notification from an adult jail facility within the district's boundaries that an individual under the age of eighteen has been incarcerated.

(2) The school district, educational service district, institution of higher education, or private contractor shall develop the curricula, instruction methods, and educational objectives of the education programs, subject to applicable requirements of state and federal law. For inmates who are under the age of eighteen when they commence the program and who have not met high school graduation requirements, such courses of instruction and school-related student activities as are provided by the school district for students outside of adult jail facilities shall be provided by the school district for students in adult jail facilities, to the extent that it is practical and judged appropriate by the school district and the administrator of the adult jail facility. [2010 c 226 § 4.]

28A.194.040 School districts—Additional authority and limitation. School districts providing an education program to juvenile inmates in an adult jail facility may:

(1) Award appropriate diplomas or certificates to juvenile inmates who successfully complete graduation requirements;

(2) Allow students eighteen years of age who have participated in an education program under this chapter to continue in the program, under rules adopted by the superintendent of public instruction; and

(3) Spend only funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs under this chapter, including direct and indirect costs of maintaining and operating the education programs, and funds from federal and private grants, bequests, and gifts made for that purpose. School districts may not expend excess tax levy proceeds authorized for school district purposes to pay costs incurred under this chapter. [2010 c 226 § 5.]

28A.194.050 Duties of jail facility superintendent or chief administrator. To support each education program under this chapter, the adult jail facility and each superintendent or chief administrator of an adult jail facility shall:

(1) Provide necessary access to existing instructional and exercise spaces for the education program that are safe and secure;

(2) Provide equipment deemed necessary by the adult jail facility to conduct the education program;

(3) Maintain a clean and appropriate classroom environment that is sufficient to meet the program requirements and consistent with security conditions;

(4) Provide appropriate supervision of juvenile inmates consistent with security conditions to safeguard agents of the education providers and juvenile inmates while engaged in educational and related activities conducted under this chapter;

(5) Provide such other support services and facilities deemed necessary by the adult jail facilities to conduct the education program;

(6) Provide the available medical and mental health records necessary to a determination by the school district of the educational needs of the juvenile inmate; and

(7) Notify the school district within which the adult jail facility resides within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility. [2010 c 226 § 6.]

28A.194.060 Contract between education providers and adult jail facilities. Each education provider under this chapter and the adult jail facility shall negotiate and execute a written contract for each school year, or such longer period as may be agreed to, that delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved through mediation, and if necessary, arbitration. Any such contract may provide for the performance of duties by an education provider in addition to those in this chapter, including duties imposed upon the adult jail facility and its agents under RCW 28A.194.050, if supplemental funding is available to fully pay the direct and indirect costs of these additional duties. [2010 c 226 § 7.]

28A.194.070 Instructional service plans—Notice of closure of facility or unavailability of facility for juveniles.

(1) By September 30, 2010, districts must, in coordination with adult jail facilities residing within their boundaries, submit an instructional service plan to the office of the superintendent of public instruction. Service plans must meet requirements stipulated in the rules developed in accordance with RCW 28A.194.080, provided that (a) the rules shall not govern requirements regarding security within the jail facility nor the physical facility of the adult jail, including but not limited to, the classroom space chosen for instruction, and (b) any excess costs to the jails associated with implementing rules shall be negotiated pursuant to the contractual agreements between the education provider and adult jail facility.

(2) Once districts have submitted a plan to the office of the superintendent of public instruction, districts are not required to resubmit their plans unless either districts or adult jail facilities initiate a significant change to their plans.

(3) An adult jail facility shall notify the office of the superintendent of public instruction as soon as practicable upon the closure of any adult jail facility or upon the adoption of a policy that no juvenile shall be held in the adult jail facility. [2010 c 226 § 8.]

28A.194.080 Allocation of money—Accountability requirements—Rules. The superintendent of public instruction shall:

(1) Allocate money appropriated by the legislature to administer and provide education programs under this chapter to school districts that have assumed the primary responsibility to administer and provide education programs under this chapter or to the educational service district operating the program under contract; and

(2) Adopt rules that apply to school districts and educational providers in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the

omnibus appropriations act effectively. In adopting the rules pursuant to this subsection, the superintendent of public instruction shall collaborate with representatives from the Washington association of sheriffs and police chiefs and shall attempt to negotiate rules that deliver the educational program in the most cost-effective manner while, to the extent practicable, not imposing additional costs on local jail facilities. [2010 c 226 § 9.]

Chapter 28A.195 RCW PRIVATE SCHOOLS

Sections

28A.195.010	Private schools—Exemption from high school assessment requirements—Extension programs for parents to teach children in their custody.
28A.195.020	Private schools—Rights recognized.
28A.195.030	Private schools—Actions appealable under Administrative Procedure Act.
28A.195.040	Private schools—Board rules for enforcement—Racial segregation or discrimination prohibited.
28A.195.050	Private school advisory committee.
28A.195.060	Private schools must report attendance.
28A.195.070	Official transcript withholding—Transmittal of information.
28A.195.080	Record checks—Findings—Authority to require.
28A.195.090	Online school programs.

28A.195.010 Private schools—Exemption from high school assessment requirements—Extension programs for parents to teach children in their custody. The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in

grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as defined in RCW 28A.150.203.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

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

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

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

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

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

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

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

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

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

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

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

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

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved. [2009 c 548 § 303; 2004 c 19 § 106; 1993 c 336 § 1101; (1992 c 141 § 505

repealed by 1993 c 336 § 1102); 1990 c 33 § 176. Prior: 1985 c 441 § 4; 1985 c 16 § 1; 1983 c 56 § 1; 1977 ex.s. c 359 § 9; 1975 1st ex.s. c 275 § 71; 1974 ex.s. c 92 § 2. Formerly RCW 28A.02.201.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Authorization for private school students to ride buses—Conditions: RCW 28A.160.020.

Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants—Budgets: RCW 28A.320.080.

Home-based instruction: RCW 28A.200.010.

Immunization program, private schools as affecting: RCW 28A.210.060 through 28A.210.170.

Part-time students—Defined—Enrollment in public schools authorized: RCW 28A.150.350.

Program of basic education, RCW 28A.195.010 as part of: RCW 28A.150.200.

Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation: RCW 28A.335.120.

Surplus school property, rental, lease or use of—Authorized—Limitations: RCW 28A.335.040.

Surplus texts and other educational aids, notice of availability—Student priority as to texts: RCW 28A.335.180.

Additional notes found at www.leg.wa.gov

28A.195.020 Private schools—Rights recognized.

The state recognizes the following rights of every private school:

(1) To teach their religious beliefs and doctrines, if any; to pray in class and in assemblies; to teach patriotism including requiring students to salute the flag of the United States if that be the custom of the particular private school.

(2) To require that there shall be on file the written consent of parents or guardians of students prior to the administration of any psychological test or the conduct of any type of group therapy. [1974 ex.s. c 92 § 3; 1971 ex.s. c 215 § 5. Formerly RCW 28A.02.220.]

Additional notes found at www.leg.wa.gov

28A.195.030 Private schools—Actions appealable under Administrative Procedure Act. Any private school may appeal the actions of the state superintendent of public instruction or state board of education as provided in chapter 34.05 RCW. [1974 ex.s. c 92 § 4; 1971 ex.s. c 215 § 6. Formerly RCW 28A.02.230.]

28A.195.040 Private schools—Board rules for enforcement—Racial segregation or discrimination prohibited. The state board of education shall promulgate rules and regulations for the enforcement of RCW 28A.195.010 through 28A.195.040, 28A.225.010, and 28A.305.130, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

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[1990 c 33 § 177; 1983 c 3 § 29; 1974 ex.s. c 92 § 5; 1971 ex.s. c 215 § 7. Formerly RCW 28A.02.240.]

28A.195.050 Private school advisory committee. The superintendent of public instruction is hereby directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. [1984 c 40 § 1; 1974 ex.s. c 92 § 6. Formerly RCW 28A.02.250.]

Additional notes found at www.leg.wa.gov

28A.195.060 Private schools must report attendance.

It shall be the duty of the administrative or executive authority of every private school in this state to report to the educational service district superintendent on or before the thirtieth day of June in each year, on a form to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state. [1975 1st ex.s. c 275 § 70; 1969 ex.s. c 176 § 111; 1969 ex.s. c 223 § 28A.48.055. Prior: 1933 c 28 § 14; 1913 c 158 § 1; 1909 c 97 p 313 § 6; RRS § 4876. Formerly RCW 28A.48.055, 28.48.055, 28.27.020.]

Additional notes found at www.leg.wa.gov

28A.195.070 Official transcript withholding—Transmittal of information. If a student who previously attended an approved private school enrolls in a public school but has not paid tuition, fees, or fines at the approved private school, the approved private school may withhold the student's official transcript, but shall transmit information to the public school about the student's academic performance, special placement, immunization records, and records of disciplinary action. [1997 c 266 § 5.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.195.080 Record checks—Findings—Authority to require. (1) The legislature finds additional safeguards are necessary to ensure safety of school children attending private schools in the state of Washington. Private schools approved under this chapter are authorized to require that employees who have regularly scheduled unsupervised access to children, whether current employees on May 5, 1999, or applicants for employment on or after May 5, 1999, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. Employees or applicants for employment who have completed a record check in accordance with RCW 28A.410.010 shall not be required to undergo a record check under this section. The superintendent of public instruction shall provide a copy of the record report to the employee or applicant. If an employee or applicant has undergone a record check as authorized under this section, additional record checks shall not be required unless required by other provisions of law.

(2) The approved private school, the employee, or the applicant shall pay the costs associated with the record check authorized in this section.

(3) Applicants may be employed on a conditional basis pending completion of the investigation. If the employee or applicant has had a record check within the previous two years, the approved private school or contractor may waive any record check required by the approved private school under subsection (1) of this section. [1999 c 187 § 1.]

Additional notes found at www.leg.wa.gov

28A.195.090 Online school programs. (1) If a private school that has been approved under this chapter by the state board of education seeks approval also to offer and administer an online school program as defined under RCW 28A.250.010, including under contract with a third party, the requirements for minimum instructional hour offerings under RCW 28A.195.010(1) shall be deemed met for the online school program. A residential dwelling of a parent, guardian, or custodian shall be deemed an adequate physical facility for students enrolled in the online school program. The online school program is not required to be offered for the same grade levels as the approved private school.

(2) The state board of education may approve an online school program under this section that meets other applicable requirements under this chapter.

(3) No private school offering and administering an online program under this section, third party that contracts with a private school to offer and administer an online program, or parent or guardian providing an online program may receive state funding to provide the program. [2013 c 161 § 2.]

Findings—2013 c 161: "The legislature supports student access to a variety of educational options, both public and private. However, state policies regarding the approval of private schools were created before online learning was possible. Consequently, these policies do not provide for approval criteria that are sufficiently flexible to accommodate online learning. While some policy adjustments have been made to permit public online choices, current law does not provide a clear process for private schools to obtain state approval to offer similar learning options." [2013 c 161 § 1.]

Chapter 28A.200 RCW HOME-BASED INSTRUCTION

Sections

- 28A.200.010 Home-based instruction—Duties of parents—Exemption from high school assessment requirements.
28A.200.020 Home-based instruction—Certain decisions responsibility of parent unless otherwise specified.
28A.200.030 Condensed compliance reports—Second-class districts.

28A.200.010 Home-based instruction—Duties of parents—Exemption from high school assessment requirements. (1) Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the

school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

(b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of academic achievement or a certificate of individual achievement pursuant to RCW 28A.655.061 and 28A.155.045. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4). [2004 c 19 § 107; 1995 c 52 § 1; 1993 c 336 § 1103; 1990 c 33 § 178; 1985 c 441 § 2. Formerly RCW 28A.27.310.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Part-time students—Defined—Enrollment in public schools authorized: RCW 28A.150.350.

Private schools—Extension programs for parents to teach children in their custody: RCW 28A.195.010.

Additional notes found at www.leg.wa.gov

28A.200.020 Home-based instruction—Certain decisions responsibility of parent unless otherwise specified. The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.225.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in

the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter. [1990 c 33 § 179; 1985 c 441 § 3. Formerly RCW 28A.27.320.]

Additional notes found at www.leg.wa.gov

28A.200.030 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 11.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.205 RCW EDUCATION CENTERS

Sections

28A.205.010	"Education center," "basic academic skills," defined—Certification as education center and withdrawal of certification.
28A.205.020	Common school dropouts—Reimbursement.
28A.205.030	Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate.
28A.205.040	Fees—Rules—Priority for payment—Review of records.
28A.205.050	Rules.
28A.205.070	Allocation of funds—Criteria—Duties of superintendent.
28A.205.080	Legislative findings—Distribution of funds—Cooperation with school districts.
28A.205.090	Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment.

28A.205.010 "Education center," "basic academic skills," defined—Certification as education center and withdrawal of certification. (1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting or the approval of private schools under RCW 28A.305.130.

(2016 Ed.)

(3) The superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050. [2006 c 263 § 408; 2005 c 497 § 214; 1999 c 348 § 2; 1993 c 211 § 1; 1990 c 33 § 180; 1983 c 3 § 38; 1977 ex.s. c 341 § 1. Formerly RCW 28A.97.010.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Intent—1999 c 348: "During 1997 and 1998, a committee of the state board of education reviewed all board rules and related authorizing statutes. Based on the findings and recommendations resulting from the review, the state board prepared a report to the legislature requesting action be taken. It is the intent of this act to implement recommendations of the state board of education." [1999 c 348 § 1.]

Additional notes found at www.leg.wa.gov

28A.205.020 Common school dropouts—Reimbursement. Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. A person is not an eligible common school dropout if: (1) The person has completed high school, (2) the person has not reached his or her twelfth birthday or has passed his or her twentieth birthday, (3) the person shows proficiency beyond the high school level in a test approved by the state board of education to be given as part of the initial diagnostic procedure, or (4) less than one month has passed after the person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that the person is no longer in attendance at the school. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion. The fact that any person may be subject to RCW 28A.225.010 through 28A.225.140, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter. [1999 c 348 § 3; 1997 c 265 § 7; 1993 c 211 § 2; 1990 c 33 § 181; 1979 ex.s. c 174 § 1; 1977 ex.s. c 341 § 2. Formerly RCW 28A.97.020.]

Intent—1999 c 348: See note following RCW 28A.205.010.

Additional notes found at www.leg.wa.gov

28A.205.030 Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate. The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: PROVIDED, That such individual shall be placed with the class he or she would be in had he or she not dropped out and graduate with that class, if the student's ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified education center student sixteen years of age or older, upon completion of an individual student program, is eligible to take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 as given throughout the state. [2013 c 39 § 6. Prior: 1993 c 218 § 2; 1993 c 211 § 3; 1990 c 33 § 182; 1977 ex.s. c 341 § 3. Formerly RCW 28A.97.030.]

Additional notes found at www.leg.wa.gov

28A.205.040 Fees—Rules—Priority for payment—Review of records. (1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. The administration of any test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190 shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted. [2013 c 39 § 7; 2006 c 263 § 412; 1999 c 348

§ 4; 1990 c 33 § 183; 1979 ex.s. c 174 § 2; 1977 ex.s. c 341 § 4. Formerly RCW 28A.97.040.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1999 c 348: See note following RCW 28A.205.010.

Additional notes found at www.leg.wa.gov

28A.205.050 Rules. In accordance with chapter 34.05 RCW, the administrative procedure act, the Washington professional educator standards board with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules to carry out the purpose and intent of this chapter. [2005 c 497 § 215; 1995 c 335 § 201; 1993 c 211 § 4; 1990 c 33 § 184; 1977 ex.s. c 341 § 5. Formerly RCW 28A.97.050.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.205.070 Allocation of funds—Criteria—Duties of superintendent. In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does

not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation. [2006 c 263 § 409; 1993 c 211 § 6; 1990 c 33 § 185; 1985 c 434 § 3. Formerly RCW 28A.97.120.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1985 c 434: "It is the intent of this act to provide for an equitable distribution of funds appropriated for educational clinics, to stabilize existing programs, and to provide a system for orderly expansion or retrenchment in the event of future increases or reductions in program appropriations." [1985 c 434 § 1.]

28A.205.080 Legislative findings—Distribution of funds—Cooperation with school districts. The legislature recognizes that education centers provide a necessary and effective service for students who have dropped out of common school programs. Education centers have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for education centers in accord with chapter 28A.205 RCW. The legislature encourages school districts to explore cooperation with education centers pursuant to RCW 28A.150.305. [1997 c 265 § 8; 1993 c 211 § 7; 1990 c 33 § 186; 1987 c 518 § 220. Formerly RCW 28A.97.125.]

Intent—1994 c 166; 1987 c 518: See note following RCW 43.215.425. Additional notes found at www.leg.wa.gov

28A.205.090 Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment. The superintendent shall include the education centers program in the biennial budget request. Contracts between the superintendent of public instruction and the education centers shall include quarterly plans which provide for relatively stable student enrollment but take into consideration anticipated seasonal variations in enrollment in the individual centers. Funds which are not expended by a center during the quarter for which they were planned may be carried forward to subsequent quarters of the fiscal year. The superintendent shall make payments to the centers on a monthly basis pursuant to RCW 28A.205.040. [1993 c 211 § 8; 1990 c 33 § 187; 1985 c 434 § 4. Formerly RCW 28A.97.130.]

Intent—1985 c 434: See note following RCW 28A.205.070.

Chapter 28A.210 RCW

HEALTH—SCREENING AND REQUIREMENTS

Sections

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State board of health: Chapter 43.20 RCW.

28A.210.010 Contagious diseases, limiting contact—Rules. The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall provide to appropriate school officials and personnel, access and notice of these rules of the state board of health. Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules. [2009 c 556 § 3; 1971 c 32 § 1; 1969 ex.s. c 223 § 28A.31.010. Prior: 1909 c 97 p 262 § 5; RRS § 4689; prior: 1897 c 118 § 68; 1890 p 372 § 47. Formerly RCW 28A.31.010, 28.31.010.]

28A.210.020 Visual and auditory screening of pupils—Rules. Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Visual screening shall include both distance and near vision screening. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule of the state board of health. Prior to the adoption or revision of such rules the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts. If a vision professional who donates his or her services identifies a vision defect sufficient to affect a student's learning, the vision professional must notify the school nurse and/or the school principal in writing and may not contact the student's parents or guardians directly. A school official shall inform parents or guardians of students in writing that a visual examination was recommended, but may not communicate the name or contact information of the vision professional conducting the screening. [2016 c 219 § 1; 2009 c 556 § 18; 1971 c 32 § 2; 1969 ex.s. c 223 § 28A.31.030. Prior: 1941 c 202 § 1; Rem. Supp. 1941 § 4689-1. Formerly RCW 28A.31.030, 28.31.030.]

28A.210.030 Visual and auditory screening of pupils—Record of screening—Forwarding of records, recommendations and data. The person or persons completing the screening prescribed in RCW 28A.210.020 shall promptly prepare a record of the screening of each child found to have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by RCW 28A.155.010 through 28A.155.100, and send copies of such records and recommendations to the parents or guardians of such children and shall deliver the original records to the appropriate school official who shall preserve such records and forward to the superintendent of public instruction and the secretary of health visual and auditory data as requested by such officials. [1991 c 3 § 289; 1990 c 33 § 188; 1971 c 32 § 3; 1969 ex.s. c 223 § 28A.31.040. Prior: 1941 c 202 § 2; Rem. Supp. 1941 § 4689-2. Formerly RCW 28A.31.040, 28.31.040.]

28A.210.040 Visual and auditory screening of pupils—Access to rules, records, and forms. The superintendent of public instruction shall provide access to appropriate school officials the rules adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section. [2009 c 556 § 4; 1990 c 33 § 189; 1973 c 46 § 1. Prior: 1971 c 48 § 12; 1971 c 32 § 4; 1969 ex.s. c 223 § 28A.31.050; prior: 1941 c 202 § 3; RRS § 4689-3. Formerly RCW 28A.31.050, 28.31.050.]

Additional notes found at www.leg.wa.gov

28A.210.045 Speech-language pathology services—Complaints. (1) The superintendent of public instruction shall report to the department of health:

(a) Any complaint or disciplinary action taken against a certified educational staff associate providing speech-language pathology services in a school setting; and

(b) Any complaint the superintendent receives regarding a speech-language pathology assistant certified under chapter 18.35 RCW.

(2) The superintendent of public instruction shall make the reports required by this section as soon as practicable, but in no case later than five business days after the complaint or disciplinary action. [2009 c 301 § 13.]

Intent—Implementation—2009 c 301: See notes following RCW 18.35.010.

Speech-language pathology assistants—Certification requirements—2009 c 301: See note following RCW 18.35.040.

28A.210.060 Immunization program—Purpose. In enacting RCW 28A.210.060 through 28A.210.170, it is the judgment of the legislature that it is necessary to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases. [1990 c 33 § 190; 1984 c 40 § 3; 1979 ex.s. c 118 § 1. Formerly RCW 28A.31.100.]

Immunization plan: RCW 43.70.525.

Additional notes found at www.leg.wa.gov

28A.210.070 Immunization program—Definitions. As used in RCW 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.305.130, 28A.195.010 through 28A.195.050, and 28A.410.120.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for

periods of less than twenty-four hours and is licensed pursuant to *chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center. [2006 c 263 § 908; 1990 c 33 § 191; 1985 c 49 § 2; 1984 c 40 § 4; 1979 ex.s. c 118 § 2. Formerly RCW 28A.31.102.]

*Reviser's note: "Child day care centers" are licensed under chapter 43.215 RCW.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.210.080 Immunization program—Attendance of child conditioned upon presentation of alternative proofs—Information regarding meningococcal disease—Information regarding human papillomavirus disease.

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with information about meningococcal disease and its vaccine at the beginning of every school year. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with information about human papillomavirus disease and its vaccine at the beginning of every school year. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians

may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available. [2007 c 276 § 1; 2005 c 404 § 1; 1990 c 33 § 192; 1985 c 49 § 1; 1979 ex.s. c 118 § 3. Formerly RCW 28A.31.104.]

Additional notes found at www.leg.wa.gov

28A.210.090 Immunization program—Exemptions.

(1) Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.210.060 through 28A.210.170 upon the presentation of any one or more of the certifications required by this section, on a form prescribed by the department of health:

(a) A written certification signed by a health care practitioner that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(b) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; or

(c) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

(2)(a) The form presented on or after July 22, 2011, must include a statement to be signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization to the child. The form may be signed by a health care practitioner at any time prior to the enrollment of the child in a school or licensed day care. Photocopies of the signed form or a letter from the health care practitioner referencing the child's name shall be accepted in lieu of the original form.

(b) A health care practitioner who, in good faith, signs the statement provided for in (a) of this subsection is immune from civil liability for providing the signature.

(c) Any parent or legal guardian of the child or any adult in loco parentis to the child who exempts the child due to religious beliefs pursuant to subsection (1)(b) of this section is not required to have the form provided for in (a) of this subsection signed by a health care practitioner if the parent or legal guardian demonstrates membership in a religious body or a church in which the religious beliefs or teachings of the

church preclude a health care practitioner from providing medical treatment to the child.

(3) For purposes of this section, "health care practitioner" means a physician licensed under chapter 18.71 or 18.57 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A or 18.57A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW. [2011 c 299 § 1; 1991 c 3 § 290; 1990 c 33 § 193; 1984 c 40 § 5; 1979 ex.s. c 118 § 4. Formerly RCW 28A.31.106.]

Additional notes found at www.leg.wa.gov

28A.210.100 Immunization program—Source of immunizations—Written records. The immunizations required by RCW 28A.210.060 through 28A.210.170 may be obtained from any private or public source desired: PROVIDED, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health. [1990 c 33 § 194; 1984 c 40 § 7; 1979 ex.s. c 118 § 6. Formerly RCW 28A.31.110.]

Additional notes found at www.leg.wa.gov

28A.210.110 Immunization program—Administrator's duties upon receipt of proof of immunization or certification of exemption. A child's proof of immunization or certification of exemption shall be presented to the chief administrator of the public or private school or day care center or to his or her designee for that purpose. The chief administrator shall:

(1) Retain such records pertaining to each child at the school or day care center for at least the period the child is enrolled in the school or attends such center;

(2) Retain a record at the school or day care center of the name, address, and date of exclusion of each child excluded from school or the center pursuant to RCW 28A.210.120 for not less than three years following the date of a child's exclusion;

(3) File a written annual report with the department of health on the immunization status of students or children attending the day care center at a time and on forms prescribed by the department of health; and

(4) Allow agents of state and local health departments access to the records retained in accordance with this section during business hours for the purposes of inspection and copying. [1991 c 3 § 291; 1990 c 33 § 195; 1979 ex.s. c 118 § 7. Formerly RCW 28A.31.112.]

Additional notes found at www.leg.wa.gov

28A.210.120 Immunization program—Prohibiting child's presence—Notice to parent, guardian, or adult in loco parentis. It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been pro-

vided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies. [2006 c 263 § 909; 1990 c 33 § 196; 1985 c 49 § 3; 1984 c 40 § 8; 1979 ex.s. c 118 § 8. Formerly RCW 28A.31.114.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.210.130 Immunization program—Superintendent of public instruction to provide information. The superintendent of public instruction shall provide for information about the immunization program and requirements under RCW 28A.210.060 through 28A.210.170 to be widely available throughout the state in order to promote full use of the program. [1990 c 33 § 197; 1985 c 49 § 4. Formerly RCW 28A.31.115.]

28A.210.140 Immunization program—State board of health rules, contents. The state board of health shall adopt and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to RCW 28A.210.060 through 28A.210.170. [1990 c 33 § 198; 1984 c 40 § 9; 1979 ex.s. c 118 § 9. Formerly RCW 28A.31.116.]

Additional notes found at www.leg.wa.gov

28A.210.150 Immunization program—Superintendent of public instruction by rule to adopt procedures for verifying records. The superintendent of public instruction by rule shall provide procedures for schools to quickly verify the immunization records of students transferring from one school to another before the immunization records are received. [1985 c 49 § 5. Formerly RCW 28A.31.117.]

28A.210.160 Immunization program—Rules. The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of health, shall each adopt rules pursuant to chapter 34.05 RCW that

establish the procedural and substantive due process requirements governing the exclusion of children from schools pursuant to RCW 28A.210.120. [2006 c 263 § 910; 1990 c 33 § 199; 1979 ex.s. c 118 § 10. Formerly RCW 28A.31.118.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.210.170 Immunization program—Department of social and health services' rules, contents. The department of social and health services shall and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive due process requirements governing the exclusion of children from day care centers pursuant to RCW 28A.210.120. [1990 c 33 § 200; 1979 ex.s. c 118 § 11. Formerly RCW 28A.31.120.]

Additional notes found at www.leg.wa.gov

28A.210.255 Provision of health services in public and private schools—Employee job description. Any employee of a public school district or private school that performs health services, such as catheterization, must have a job description that lists all of the health services that the employee may be required to perform for students. [2003 c 172 § 2.]

28A.210.260 Public and private schools—Administration of medication—Conditions. Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication, topical medication, eye drops, ear drops, or nasal spray, of any nature to students who are in the custody of the school district or school at the time of administration, but are not required to do so by this section, subject to the following conditions:

(1) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer oral medications, topical medications, eye drops, ear drops, or nasal spray to students, the acquisition of parent requests and instructions, and the acquisition of requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication;

(2) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;

(3) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;

(4) The public school district or the private school is in receipt of (a) a written, current and unexpired request from a licensed health professional prescribing within the scope of his or her prescriptive authority for administration of the

medication, as there exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials, and (b) written, current and unexpired instructions from such licensed health professional prescribing within the scope of his or her prescriptive authority regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive workdays;

(5) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to subsection (1) of this section and in substantial compliance with the prescription of a licensed health professional prescribing within the scope of his or her prescriptive authority or the written instructions provided pursuant to subsection (4) of this section. If a school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance must be administered by the school nurse. If no school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance may be administered by a trained school employee or parent-designated adult who is not a school nurse. The board of directors shall allow school personnel, who have received appropriate training and volunteered for such training, to administer a nasal spray that is a legend drug or a controlled substance. After a school employee who is not a school nurse administers a nasal spray that is a legend drug or a controlled substance, the employee shall summon emergency medical assistance as soon as practicable;

(6) The medication is first examined by the employee administering the same to determine in his or her judgment that it appears to be in the original container and to be properly labeled; and

(7) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to delegate to, train, and supervise the designated school district personnel in proper medication procedures;

(8)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in epileptic seizure care selected by the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW must file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter;

(9) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy to ensure a safe, therapeutic learning environment. Training may also be provided by an

epilepsy educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees must show evidence of comparable training. The parent-designated adult must also receive additional training as established in subsection (8)(a) of this section for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents. [2013 c 180 § 1; 2012 c 16 § 1; 2000 c 63 § 1; 1994 sp.s. c 9 § 720; 1982 c 195 § 1. Formerly RCW 28A.31.150.]

Additional notes found at www.leg.wa.gov

28A.210.270 Public and private schools—Administration of medication—Immunity from liability—Discontinuance, procedure. (1) In the event a school employee administers oral medication, topical medication, eye drops, ear drops, or nasal spray to a student pursuant to RCW 28A.210.260 in substantial compliance with the prescription of the student's licensed health professional prescribing within the scope of the professional's prescriptive authority or the written instructions provided pursuant to RCW 28A.210.260(4), and the other conditions set forth in RCW 28A.210.260 have been substantially complied with, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual or marital or governmental or corporate or other capacities as a result of the administration of the medication.

(2) The administration of oral medication, topical medication, eye drops, ear drops, or nasal spray to any student pursuant to RCW 28A.210.260 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their governmental or corporate or individual or marital or other capacities as a result of the discontinuance of such administration: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student. [2013 c 180 § 2; 2012 c 16 § 2; 2000 c 63 § 2; 1990 c 33 § 208; 1982 c 195 § 2. Formerly RCW 28A.31.155.]

Additional notes found at www.leg.wa.gov

28A.210.275 Administration of medications by employees not licensed under chapter 18.79 RCW—Requirements—Immunity from liability. (1) Beginning July 1, 2014, a school district employee not licensed under chapter 18.79 RCW who is asked to administer medications or perform nursing services not previously recognized in law shall at the time he or she is asked to administer the medication or perform the nursing service file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. It is understood that

the letter of intent will expire if the conditions of acceptance are substantially changed. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

(2) In the event a school employee provides the medication or service to a student in substantial compliance with (a) rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in his or her individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, where necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently. [2014 c 204 § 2.]

28A.210.280 Catheterization of public and private school students. (1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve must provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290. The catheterization must be provided in substantial compliance with:

(a) Rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

(2) School district employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to perform clean, intermittent bladder catheterization as a specific part of their job description, may file a written letter of refusal to perform clean, intermittent bladder catheterization of students. This written letter of refusal may not serve as grounds for discharge, nonrenewal, or other action adversely affecting the employee's contract status.

(3) Any public school district or private school that provides clean, intermittent bladder catheterization shall document the provision of training given to employees who perform these services. These records shall be made available

for review at any audit. [2003 c 172 § 1; 1994 sp.s. c 9 § 721; 1988 c 48 § 2. Formerly RCW 28A.31.160.]

Additional notes found at www.leg.wa.gov

28A.210.290 Catheterization of public and private school students—Immunity from liability. (1) In the event a school employee provides for the catheterization of a student pursuant to RCW 18.79.290 and 28A.210.280 in substantial compliance with (a) rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing for the catheterization.

(2) Providing for the catheterization of any student pursuant to RCW 18.79.290 and 28A.210.280 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of the discontinuance: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student: PROVIDED FURTHER, That the public school district otherwise provides for the catheterization of the student to the extent required by federal or state law. [1994 sp.s. c 9 § 722; 1990 c 33 § 209; 1988 c 48 § 3. Formerly RCW 28A.31.165.]

Additional notes found at www.leg.wa.gov

28A.210.300 School physician or school nurse may be employed. The board of directors of any school district of the second class may employ a regularly licensed physician or a licensed public health nurse for the purpose of protecting the health of the children in said district. [1975 c 43 § 20; 1969 ex.s. c 223 § 28A.60.320. Prior: 1937 c 60 § 1; RRS § 4776-4. Formerly RCW 28A.60.320, 28.31.080.]

Additional notes found at www.leg.wa.gov

28A.210.310 Prohibition on use of tobacco products on school property. (1) To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall have a written policy mandating a prohibition on the use of all tobacco products on public school property.

(2) The policy in subsection (1) of this section shall include, but not be limited to, a requirement that students and school personnel be notified of the prohibition, the posting of signs prohibiting the use of tobacco products, sanctions for students and school personnel who violate the policy, and a requirement that school district personnel enforce the prohibition. Enforcement policies adopted in the school board policy shall be in addition to the enforcement provisions in RCW

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70.160.070. [1997 c 9 § 1; 1989 c 233 § 6. Formerly RCW 28A.31.170.]

Additional notes found at www.leg.wa.gov

28A.210.320 Children with life-threatening health conditions—Medication or treatment orders—Rules. (1) The attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child shall be allowed to attend school.

(2) The chief administrator of every public school shall prohibit the further presence at the school for any and all purposes of each child for whom a medication or treatment order has not been provided in accordance with this section if the child has a life-threatening health condition that may require medical services to be performed at the school and shall continue to prohibit the child's presence until such order has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. Before excluding a child, each school shall provide written notice to the parents or legal guardians of each child or to the adults in loco parentis to each child, who is not in compliance with the requirements of this section. The notice shall include, but not be limited to, the following: (a) The requirements established by this section; (b) the fact that the child will be prohibited from further attendance at the school unless this section is complied with; and (c) such procedural due process rights as are established pursuant to this section.

(3) The superintendent of public instruction in consultation with the state board of health shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from public schools under this section. The rules shall include any requirements under applicable federal laws.

(4) As used in this section, "life-threatening condition" means a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(5) As used in this section, "medication or treatment order" means the authority a registered nurse obtains under RCW 18.79.260(2). [2006 c 263 § 911; 2002 c 101 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.210.330 Students with diabetes—Individual health plans—Designation of professional to consult and coordinate with parents and health care provider—Training and supervision of school district personnel. (1) School districts shall provide individual health plans for students with diabetes, subject to the following conditions:

(a) The board of directors of the school district shall adopt policies to be followed for students with diabetes. The policies shall include, but need not be limited to:

(i) The acquisition of parent requests and instructions;

(ii) The acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment at school;

(iii) The provision for storage of medical equipment and medication provided by the parent;

(iv) The provision for students to perform blood glucose tests, administer insulin, treat hypoglycemia and hyperglycemia, and have easy access to necessary supplies and equipment to perform monitoring and treatment functions as specified in the individual health plan. The policies shall include the option for students to carry on their persons the necessary supplies and equipment and the option to perform monitoring and treatment functions anywhere on school grounds including the students' classrooms, and at school-sponsored events;

(v) The establishment of school policy exceptions necessary to accommodate the students' needs to eat whenever and wherever necessary, have easy, unrestricted access to water and bathroom use, have provisions made for parties at school when food is served, eat meals and snacks on time, and other necessary exceptions as described in the individual health plan;

(vi) The assurance that school meals are never withheld because of nonpayment of fees or disciplinary action;

(vii) A description of the students' school day schedules for timing of meals, snacks, blood sugar testing, insulin injections, and related activities;

(viii) The development of individual emergency plans;

(ix) The distribution of the individual health plan to appropriate staff based on the students' needs and staff level of contact with the students;

(x) The possession of legal documents for parent-designated adults to provide care, if needed; and

(xi) The updating of the individual health plan at least annually or more frequently, as needed; and

(b) The board of directors, in the course of developing the policies in (a) of this subsection, shall seek advice from one or more licensed physicians or nurses or diabetes educators who are nationally certified.

(2)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in diabetic care selected by the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with diabetes to ensure a safe, therapeutic learning environment. Training may also be provided by a

diabetes educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees shall show evidence of comparable training. The parent-designated adult must also receive additional training as established in subsection (2)(a) of this section for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents. [2002 c 350 § 2.]

Findings—2002 c 350: "The legislature finds that diabetes imposes significant health risks to students enrolled in the state's public schools and that providing for the medical needs of students with diabetes is crucial to ensure both the safety of students with diabetes and their ability to obtain the education guaranteed to all citizens of the state. The legislature also finds that children with diabetes can and should be provided with a safe learning environment and access to all other nonacademic school-sponsored activities. The legislature further finds that an individual health plan for each child with diabetes should be in place in the student's school and should include provisions for a parental signed release form, medical equipment and storage capacity, and exceptions from school policies, school schedule, meals and eating, disaster preparedness, inservice training for staff, legal documents for parent-designated adults who may provide care, as needed, and personnel guidelines describing who may assume responsibility for activities contained in the student's individual health plan." [2002 c 350 § 1.]

Additional notes found at www.leg.wa.gov

28A.210.340 Students with diabetes—Adoption of policy for inservice training for school staff. The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all school districts providing for the inservice training for school staff on symptoms, treatment, and monitoring of students with diabetes and on the additional observations that may be needed in different situations that may arise during the school day and during school-sponsored events. The policy shall include the standards and skills that must be in place for inservice training of school staff. [2002 c 350 § 3.]

Findings—Effective date—2002 c 350: See notes following RCW 28A.210.330.

28A.210.350 Students with diabetes—Compliance with individual health plan—Immunity. A school district, school district employee, agent, or parent-designated adult who, acting in good faith and in substantial compliance with the student's individual health plan and the instructions of the student's licensed health care professional, provides assistance or services under RCW 28A.210.330 shall not be liable in any criminal action or for civil damages in his or her individual or marital or governmental or corporate or other capacities as a result of the services provided under RCW 28A.210.330 to students with diabetes. [2002 c 350 § 4.]

Findings—Effective date—2002 c 350: See notes following RCW 28A.210.330.

28A.210.360 Model policy on access to nutritious foods and developmentally appropriate exercise—School district policies. (1) Consistent with the essential academic learning requirements for health and fitness, including nutrition, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, the department of health, and the Washington

alliance for health, physical education, recreation and dance, shall convene an advisory committee to develop a model policy regarding access to nutritious foods, opportunities for developmentally appropriate exercise, and accurate information related to these topics. The policy shall address the nutritional content of foods and beverages, including fluoridated bottled water, sold or provided throughout the school day or sold in competition with the federal school breakfast and lunch program and the availability and quality of health, nutrition, and physical education and fitness curriculum. The model policy should include the development of a physical education and fitness curriculum for students. For middle school students, physical education and fitness curriculum means a daily period of physical activity, a minimum of twenty minutes of which is aerobic activity in the student's target heart rate zone, which includes instruction and practice in basic movement and fine motor skills, progressive physical fitness, athletic conditioning, and nutrition and wellness instruction through age-appropriate activities.

(2) The school directors' association shall submit the model policy and recommendations on the related issues, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy on its web site by January 1, 2005.

(3) Each district's board of directors shall establish its own policy by August 1, 2005. [2004 c 138 § 2.]

Findings—2004 c 138: "(1) The legislature finds:

(a) Childhood obesity has reached epidemic levels in Washington and throughout the nation. Nearly one in five Washington adolescents in grades nine through twelve were recently found to be either overweight or at risk of being overweight;

(b) Overweight and obese children are at higher risk for developing severe long-term health problems, including but not limited to Type 2 diabetes, cardiovascular disease, high blood pressure, and certain cancers;

(c) Overweight youth also are often affected by discrimination, psychological stress, and low self-esteem;

(d) Obesity and subsequent diseases are largely preventable through diet and regular physical activity;

(e) A child who has eaten a well-balanced meal and is healthy is more likely to be prepared to learn in the classroom;

(f) Encouraging adolescents to adopt healthy lifelong eating habits can increase their productivity and reduce their risk of dying prematurely;

(g) Frequent eating of carbohydrate-rich foods or drinking sweet liquids throughout the day increases a child's risk for dental decay, the most common chronic childhood disease;

(h) Schools are a logical place to address the issue of obesity in children and adolescents; and

(i) Increased emphasis on physical activity at all grade levels is essential to enhancing the well-being of Washington's youth.

(2) While the United States department of agriculture regulates the nutritional content of meals sold in schools under its school breakfast and lunch program, limited standards are in place to regulate "competitive foods," which may be high in added sugars, sodium, and saturated fat content. However, the United States department of agriculture does call for states and local entities to add restrictions on competitive foods, as necessary." [2004 c 138 § 1.]

28A.210.365 Food choice, physical activity, childhood fitness—Minimum standards—District waiver or exemption policy. It is the goal of Washington state to ensure that:

(1) By 2010, all K-12 districts have school health advisory committees that advise school administration and school board members on policies, environmental changes, and programs needed to support healthy food choice and physical activity and childhood fitness. Districts shall include school

nurses or other school personnel as advisory committee members.

(2) By 2010, only healthy food and beverages provided by schools during school hours or for school-sponsored activities shall be available on school campuses. Minimum standards for available food and beverages, except food served as part of a United States department of agriculture meal program, are:

(a) Not more than thirty-five percent of its total calories shall be from fat. This restriction does not apply to nuts, nut butters, seeds, eggs, fresh or dried fruits, vegetables that have not been deep-fried, legumes, reduced-fat cheese, part-skim cheese, nonfat dairy products, or low-fat dairy products;

(b) Not more than ten percent of its total calories shall be from saturated fat. This restriction does not apply to eggs, reduced-fat cheese, part-skim cheese, nonfat dairy products, or low-fat dairy products;

(c) Not more than thirty-five percent of its total weight or fifteen grams per food item shall be composed of sugar, including naturally occurring and added sugar. This restriction does not apply to the availability of fresh or dried fruits and vegetables that have not been deep-fried; and

(d) The standards for food and beverages in this subsection do not apply to:

(i) Low-fat and nonfat flavored milk with up to thirty grams of sugar per serving;

(ii) Nonfat or low-fat rice or soy beverages; or

(iii) One hundred percent fruit or vegetable juice.

(3) By 2010, all students in grades one through eight should have at least one hundred fifty minutes of quality physical education every week.

(4) By 2010, all student health and fitness instruction shall be conducted by appropriately certified instructors.

(5) Beginning with the 2011-2012 school year, any district waiver or exemption policy from physical education requirements for high school students should be based upon meeting both health and fitness curricula concepts as well as alternative means of engaging in physical activity, but should acknowledge students' interest in pursuing their academic interests. [2007 c 5 § 5.]

28A.210.370 Students with asthma. (1) The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all school districts providing for the in-service training for school staff on symptoms, treatment, and monitoring of students with asthma and on the additional observations that may be needed in different situations that may arise during the school day and during school-sponsored events. The policy shall include the standards and skills that must be in place for in-service training of school staff.

(2) All school districts shall adopt policies regarding asthma rescue procedures for each school within the district.

(3) All school districts must require that each public elementary school and secondary school grant to any student in the school authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if:

(a) A health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

(b) The student has demonstrated to the health care practitioner, or the practitioner's designee, and a professional registered nurse at the school, the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;

(c) The health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

(d) The student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under (c) of this subsection and other documents related to liability.

(4) An authorization granted under subsection (3) of this section must allow the student involved to possess and use his or her medication:

(a) While in school;

(b) While at a school-sponsored activity, such as a sporting event; and

(c) In transit to or from school or school-sponsored activities.

(5) An authorization granted under subsection (3) of this section:

(a) Must be effective only for the same school and school year for which it is granted; and

(b) Must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

(6) School districts must require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(7) School districts must require that information described in subsection (3)(c) and (d) of this section be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(8) Nothing in this section creates a cause of action or in any other way increases or diminishes the liability of any person under any other law. [2005 c 462 § 2.]

Findings—2005 c 462: "The legislature finds that:

(1) Asthma is a dangerous disease that is growing in prevalence in Washington state. An estimated five hundred thousand residents of the state suffer from asthma. Since 1995, asthma has claimed more than five hundred lives, caused more than twenty-five thousand hospitalizations with costs of more than one hundred twelve million dollars, and resulted in seven million five hundred thousand missed school days. School nurses have identified over four thousand children with life-threatening asthma in the state's schools.

(2) While asthma is found among all populations, its prevalence disproportionately affects low-income and minority populations. Untreated asthma affects worker productivity and results in unnecessary absences from work. In many cases, asthma triggers present in substandard housing and poorly ventilated workplaces contribute directly to asthma.

(3) Although research continues into the causes and cures for asthma, national consensus has been reached on treatment guidelines. People with asthma who are being treated in accordance with these guidelines are far more likely to control the disease than those who are not being treated and therefore are less likely to experience debilitating or life-threatening asthma episodes, less likely to be hospitalized, and less likely to need to curtail normal school or work activities. With treatment, most people with asthma are able to live normal, active lives.

(4) Up to one-third of the people with asthma have not had their disease diagnosed. Among those with diagnosed asthma, thirty to fifty percent are not receiving medicines that are needed to control the disease, and approximately eighty percent of diagnosed asthmatics are not getting yearly spirometry measurements that are a key element in monitoring the disease." [2005 c 462 § 1.]

28A.210.375 Student health insurance information—Pilot project—Reports. (1) By August 1, 2008, the superintendent of public instruction shall solicit and select up to six school districts to implement, on a pilot project basis, this section. The selected school districts shall include districts from urban and rural areas, and eastern and western Washington.

(2) Beginning with the 2008-09 school year, as part of a public school's enrollment process, each school participating as a pilot project shall annually inquire whether a student has health insurance. The school shall include in the inquiry a statement explaining that an outreach worker may contact families with uninsured students about options for health care coverage. The inquiry shall make provision for the parent or guardian to authorize the sharing of information for this purpose, consistent with state and federal confidentiality requirements.

(3) The school shall record each student's health insurance status in the district's student information system.

(4) By December 1, 2008, from the district's student information system, the pilot school shall develop a list of students without insurance for whom parent authorization to share information was granted. To the extent such information is available, the list shall include:

(a) Identifiers, including each student's full name and date of birth; and

(b) Parent or guardian contact information, including telephone number, email address, and street address.

(5) By September 1, 2008, the department and superintendent shall develop and make available a model agreement to enable schools to share student information in compliance with state and federal confidentiality requirements.

(6) By January 1, 2009, each participating pilot school and a local outreach organization, where available, shall work to put in place an agreement to share student information in accordance with state and federal confidentiality requirements. Once an agreement is in place, the school shall share the list described in subsection (4) of this section with the outreach organization.

(7) The outreach organization shall use the information on the list to contact families and assist them to enroll students on a medical program, in accordance with chapter 74.09 RCW.

(8) By July 1, 2009, pilot schools shall report to the superintendent of public instruction:

(a) The number of students identified without health insurance under subsection (2) of this section; and

(b) Whether an agreement as described under subsection (6) of this section is in place.

(9) By December 1, 2009, the department and the superintendent shall submit a joint report to the legislature that provides:

(a) Summary information on the number of students identified without insurance;

(b) The number of schools with agreements with outreach organizations and the number without such agreements;

(c) The cost of collecting and reporting data;

(d) The impact of such outreach efforts they can quantify; and

(e) Any recommendations for changes that would improve the efficiency or effectiveness of outreach efforts described in this section.

(10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of social and health services.

(b) "Superintendent" means the superintendent of public instruction.

(c) "Outreach organization" means a nonprofit organization or a local government entity either contracting with the department pursuant to chapter 74.09 RCW, or otherwise qualified to provide outreach, education, and enrollment services to uninsured children. [2008 c 302 § 1.]

28A.210.380 Anaphylaxis—Policy guidelines—Procedures—Reports. (1) The office of the superintendent of public instruction, in consultation with the department of health, shall develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with medical emergencies resulting from it. The policy guidelines shall be developed with input from pediatricians, school nurses, other health care providers, parents of children with life-threatening allergies, school administrators, teachers, and food service directors.

The policy guidelines shall include, but need not be limited to:

(a) A procedure for each school to follow to develop a treatment plan including the responsibilities for [of] school nurses and other appropriate school personnel responsible for responding to a student who may be experiencing anaphylaxis;

(b) The content of a training course for appropriate school personnel for preventing and responding to a student who may be experiencing anaphylaxis;

(c) A procedure for the development of an individualized emergency health care plan for children with food or other allergies that could result in anaphylaxis;

(d) A communication plan for the school to follow to gather and disseminate information on students with food or other allergies who may experience anaphylaxis;

(e) Strategies for reduction of the risk of exposure to anaphylactic causative agents including food and other allergens.

(2) For the purpose of this section "anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock.

(3)(a) By October 15, 2008, the superintendent of public instruction shall report to the select interim legislative task force on comprehensive school health reform created in section 6, chapter 5, Laws of 2007, on the following:

(i) The implementation within school districts of the 2008 guidelines for care of students with life-threatening food allergies developed by the superintendent pursuant to section 501, chapter 522, Laws of 2007, including a review of policies developed by the school districts, the training provided to school personnel, and plans for follow-up monitoring of policy implementation; and

(ii) Recommendations on requirements for effectively implementing the school anaphylactic policy guidelines developed under this section.

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(b) By March 31, 2009, the superintendent of public instruction shall report policy guidelines to the appropriate committees of the legislature and to school districts for the districts to use to develop and adopt their policies.

(4) By September 1, 2009, each school district shall use the guidelines developed under subsection (1) of this section to develop and adopt a school district policy for each school in the district to follow to assist schools to prevent anaphylaxis. [2008 c 173 § 1.]

28A.210.383 Epinephrine autoinjectors (EPI pens)—School supply—Use. (1) School districts and nonpublic schools may maintain at a school in a designated location a supply of epinephrine autoinjectors based on the number of students enrolled in the school.

(2)(a) A licensed health professional with the authority to prescribe epinephrine autoinjectors may prescribe epinephrine autoinjectors in the name of the school district or school to be maintained for use when necessary. Epinephrine prescriptions must be accompanied by a standing order for the administration of school-supplied, undesignated epinephrine autoinjectors for potentially life-threatening allergic reactions.

(b) There are no changes to current prescription or self-administration practices for children with existing epinephrine autoinjector prescriptions or a guided anaphylaxis care plan.

(c) Epinephrine autoinjectors may be obtained from donation sources, but must be accompanied by a prescription.

(3)(a) When a student has a prescription for an epinephrine autoinjector on file, the school nurse or designated trained school personnel may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.380.

(b) When a student does not have an epinephrine autoinjector or prescription for an epinephrine autoinjector on file, the school nurse may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.300.

(c) Epinephrine autoinjectors may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. The school nurse or designated trained school personnel may carry an appropriate supply of school-owned epinephrine autoinjectors on field trips or excursions.

(4)(a) If a student is injured or harmed due to the administration of epinephrine that a licensed health professional with prescribing authority has prescribed and a pharmacist has dispensed to a school under this section, the licensed health professional with prescribing authority and pharmacist may not be held responsible for the injury unless he or she issued the prescription with a conscious disregard for safety.

(b) In the event a school nurse or other school employee administers epinephrine in substantial compliance with a student's prescription that has been prescribed by a licensed health professional within the scope of the professional's prescriptive authority, if applicable, and written policies of the school district or private school, then the school employee,

the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing the epinephrine.

(c) School employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to the use of epinephrine autoinjectors as a specific part of their job description, may file with the school district a written letter of refusal to use epinephrine autoinjectors. This written letter of refusal may not serve as grounds for discharge, nonrenewal of an employment contract, or other action adversely affecting the employee's contract status.

(5) The office of the superintendent of public instruction shall review the anaphylaxis policy guidelines required under RCW 28A.210.380 and make a recommendation to the education committees of the legislature by December 1, 2013, based on student safety, regarding whether to designate other trained school employees to administer epinephrine autoinjectors to students without prescriptions for epinephrine autoinjectors demonstrating the symptoms of anaphylaxis when a school nurse is not in the vicinity. [2014 c 34 § 1; 2013 c 268 § 2.]

Findings—2013 c 268: "(1) The legislature finds that allergies are a serious medical disorder that affect more than one in five persons in the United States and are the sixth leading cause of chronic disease. Roughly one in thirteen children has a food allergy, and the incidence is rising. Up to forty percent of food-allergic children may be at risk for anaphylaxis, a severe and potentially life-threatening reaction. Anaphylaxis may also occur due to an insect sting, drug allergy, or other causes. Twenty-five percent of first-time anaphylactic reactions among children occur in a school setting. Anaphylaxis can occur anywhere on school property, including the classroom, playground, school bus, or on field trips.

(2) Rapid and appropriate administration of the drug epinephrine, also known as adrenaline, to a patient experiencing an anaphylactic reaction may make the difference between life and death. In a school setting, epinephrine is typically administered intramuscularly via an epinephrine autoinjector device. Medical experts agree that the benefits of emergency epinephrine administration far outweigh the risks.

(3) The legislature further finds that, on many days, as much as twenty percent of the nation's combined adult and child population can be found in public and nonpublic schools. Therefore, schools need to be prepared to treat potentially life-threatening anaphylactic reactions in the event a student is experiencing a first-time anaphylactic reaction, a student does not have his or her own epinephrine autoinjector device available, or if a school nurse is not in the vicinity at the time." [2013 c 268 § 1.]

28A.210.385 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 12.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.215 RCW

EARLY CHILDHOOD, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE

Sections

NURSERY SCHOOLS, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE

- 28A.215.010 Authority of school boards.
- 28A.215.020 Allocations of state or federal funds—Rules.
- 28A.215.030 Allocations pending receipt of federal funds.
- 28A.215.040 Establishment and maintenance discretionary.

28A.215.050 Additional authority—Contracts with private and public entities—Charges—Transportation services.

28A.215.060 Community learning center program—Purpose—Grants—Reports.

28A.215.070 Condensed compliance reports—Second-class districts.

Department of commerce: Chapter 43.330 RCW.

NURSERY SCHOOLS, PRESCHOOLS, AND BEFORE-AND-AFTER SCHOOL CARE

28A.215.010 Authority of school boards. The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district. [2006 c 263 § 410; 1995 c 335 § 104; 1969 ex.s. c 223 § 28A.34.010. Prior: 1945 c 247 § 1; 1943 c 220 § 1; Rem. Supp. 1945 § 5109-1. Formerly RCW 28A.34.010, 28.34.010.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.215.020 Allocations of state or federal funds—Rules. Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The superintendent of public instruction shall make necessary rules to carry out the purpose of RCW 28A.215.010. After being notified by the office of the governor that there is an agency or department responsible for early learning, the superintendent shall consult with that agency when establishing relevant rules. [2006 c 263 § 411; 1995 c 335 § 308; 1990 c 33 § 210; 1969 ex.s. c 223 § 28A.34.020. Prior: 1943 c 220 § 2; Rem. Supp. 1943 § 5109-2. Formerly RCW 28A.34.020, 28.34.020, 28.34.030.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.215.030 Allocations pending receipt of federal funds. In the event the legislature appropriates any moneys to carry out the purposes of RCW 28A.215.010 through 28A.215.050, allocations therefrom may be made to school districts for the purpose of underwriting allocations made or requested from federal funds until such federal funds are

available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of RCW 28A.215.010 through 28A.215.050 pending the receipt of reimbursement from funds made available by acts of congress. [1995 c 335 § 309; 1990 c 33 § 211; 1969 ex.s. c 223 § 28A.34.040. Prior: 1943 c 220 § 3; Rem. Supp. 1943 § 5109-3. Formerly RCW 28A.34.040, 28.34.040.]

Additional notes found at www.leg.wa.gov

28A.215.040 Establishment and maintenance discretionary. Every board of directors shall have power to establish, equip and maintain preschools and/or provide before-and-after-school care for children of working parents, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby. [1995 c 335 § 105; 1973 1st ex.s. c 154 § 45; 1969 ex.s. c 223 § 28A.34.050. Prior: 1943 c 220 § 5; Rem. Supp. 1943 § 5109-5. Formerly RCW 28A.34.050, 28.34.050.]

Additional notes found at www.leg.wa.gov

28A.215.050 Additional authority—Contracts with private and public entities—Charges—Transportation services. As a supplement to the authority otherwise granted by RCW 28A.215.010 through 28A.215.050 respecting the care or instruction, or both, of children in general, the board of directors of any school district may only utilize funds outside the state basic education appropriation and the state school transportation appropriation to:

(1) Contract with public and private entities to conduct all or any portion of the management and operation of a child care program at a school district site or elsewhere;

(2) Establish charges based upon costs incurred under this section and provide for the reduction or waiver of charges in individual cases based upon the financial ability of the parents or legal guardians of enrolled children to pay the charges, or upon their provision of other valuable consideration to the school district; and

(3) Transport children enrolled in a child care program to the program and to related sites using district-owned school buses and other motor vehicles, or by contracting for such transportation and related services: PROVIDED, That no child three years of age or younger shall be transported under the provisions of this section unless accompanied by a parent or guardian. [1995 c 335 § 310; 1990 c 33 § 212; 1987 c 487 § 1. Formerly RCW 28A.34.150.]

Additional notes found at www.leg.wa.gov

28A.215.060 Community learning center program—Purpose—Grants—Reports. (1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, professional development, advocacy, and programmatic support to the Washington community learning center programs and after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and pro-

professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009. [2008 c 169 § 1; 2007 c 400 § 5.]

Captions not law—2007 c 400: See note following RCW 28A.150.210.

28A.215.070 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 13.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.220 RCW TRAFFIC SAFETY

Sections

28A.220.010	Legislative declaration.
28A.220.020	Definitions.
28A.220.030	Administration of program—Powers and duties of school officials—Administration of knowledge and driving portions of driver licensing examination.
28A.220.040	Fiscal support—Reimbursement to school districts—Enrollment fees—Deposit.
28A.220.050	Information on proper use of left-hand lane.
28A.220.060	Information on effects of alcohol and drug use.
28A.220.070	Rules.
28A.220.080	Information on motorcycle awareness.
28A.220.085	Information on driving safely among bicyclists and pedestrians.
28A.220.090	Condensed compliance reports—Second-class districts.
28A.220.900	Purpose.

28A.220.010 Legislative declaration. It is the purpose of chapter 76, Laws of 1977 to provide the students of the state with an improved quality traffic safety education program and to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, an understanding of the causes and consequences of traffic accidents, and to provide training in the skills necessary for the safe operation of motor vehicles; to provide financial assistance to the various school districts while permitting them to achieve economies through options in the choice of course content and methods of instructions by adopting in whole or with modifications, a program prepared by the office of the superintendent of public instruction, and keeping to a minimum the amount of estimating, bookkeeping and reporting required of said school districts for financial reimbursement for such traffic safety

education programs. [1977 c 76 § 1. Formerly RCW 28A.08.005, 46.81.005.]

Additional notes found at www.leg.wa.gov

28A.220.020 Definitions. The following words and phrases whenever used in chapter 28A.220 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of two phases, classroom instruction, and laboratory experience. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each phase shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of licensing.

(4) "Realistic level of effort" means the classroom and laboratory student learning experiences considered acceptable to the superintendent of public instruction that must be satisfactorily accomplished by the student in order to successfully complete the traffic safety education course. [1990 c 33 § 218; 1979 c 158 § 195; 1977 c 76 § 2; 1969 ex.s. c 218 § 1; 1963 c 39 § 2. Formerly RCW 28A.08.010, 46.81.010.]

Additional notes found at www.leg.wa.gov

28A.220.030 Administration of program—Powers and duties of school officials—Administration of knowledge and driving portions of driver licensing examination. (1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations govern-

ing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

(5) School districts that offer a traffic safety education program under this chapter may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle as authorized under RCW 46.20.120(7). The superintendent shall work with the department of licensing, in consultation with school districts that offer a traffic safety education program, to develop standards and requirements for administering each portion of the driver licensing examination that are comparable to the standards and requirements for driver training schools under RCW 46.82.450.

(6) Before a school district may provide a portion of the driver licensing examination, the school district must, after consultation with the superintendent, enter into an agreement with the department of licensing that sets forth an accountability and audit process that takes into account the unique nature of school district facilities and school hours and, at a minimum, contains provisions that:

(a) Allow the department of licensing to conduct random examinations, inspections, and audits without prior notice;

(b) Allow the department of licensing to conduct on-site inspections at least annually;

(c) Allow the department of licensing to test, at least annually, a random sample of the drivers approved by the school district for licensure and to cancel any driver's license that may have been issued to any driver selected for testing who refuses to be tested; and

(d) Reserve to the department of licensing the right to take prompt and appropriate action against a school district that fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement. [2011 c 370 § 2; 2000 c 115 § 9; 1979 c 158 §

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196; 1977 c 76 § 3; 1969 ex.s. c 218 § 2; 1963 c 39 § 3. Formerly RCW 28A.08.020, 46.81.020.]

Intent—2011 c 370: "It is the intent of the legislature to utilize the infrastructure and resources of the commercial driver training schools and the school districts' traffic safety education programs by authorizing these entities to provide driver licensing examinations. The legislature intends for the department of licensing to authorize the administration of driver licensing examinations by these entities in order to maintain and reprioritize its staff for the purpose of reducing the wait times at its driver licensing offices.

Further, the legislature recognizes the growing importance of the work performed by department of licensing driver licensing services employees, who play an increasingly vital role in our security by ensuring that applicants are properly issued identification." [2011 c 370 § 1.]

Inclusion of stakeholder groups in communications to facilitate transition of driver licensing examination administration—2011 c 370: See note following RCW 46.82.450.

Finding—2000 c 115: See note following RCW 46.20.075.

Additional notes found at www.leg.wa.gov

28A.220.040 Fiscal support—Reimbursement to school districts—Enrollment fees—Deposit. (1) Each school district shall be reimbursed from funds appropriated for traffic safety education.

(a) The state superintendent shall determine the per-pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of RCW 28A.220.030(4).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course. [2000 c 115 § 10; 1984 c 258 § 331; 1977 c 76 § 4; 1969 ex.s. c 218 § 6; 1967 ex.s. c 147 § 5; 1963 c 39 § 8. Formerly RCW 28A.08.070, 46.81.070.]

Finding—2000 c 115: See note following RCW 46.20.075.

Intent—1984 c 258: See note following RCW 3.34.130.

Traffic safety commission: Chapter 43.59 RCW.

Additional notes found at www.leg.wa.gov

28A.220.050 Information on proper use of left-hand lane. The superintendent of public instruction shall include information on the proper use of the left-hand lane on multi-lane highways in instructional material used in traffic safety education courses. [1986 c 93 § 4. Formerly RCW 28A.08.080.]

Keep right except when passing, etc: RCW 46.61.100.

28A.220.060 Information on effects of alcohol and drug use. The superintendent of public instruction shall include information on the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of

Washington, and current penalties for driving under the influence of drugs or alcohol in instructional material used in traffic safety education courses. [1991 c 217 § 2.]

28A.220.070 Rules. The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing RCW 46.20.075(1)(d). [2000 c 115 § 11.]

Finding—2000 c 115: See note following RCW 46.20.075.

28A.220.080 Information on motorcycle awareness. The superintendent of public instruction shall include information on motorcycle awareness, approved by the director of licensing, in instructional material used in traffic safety education courses, to ensure new operators of motor vehicles have been instructed in the importance of safely sharing the road with motorcyclists. [2007 c 97 § 4; 2004 c 126 § 1.]

28A.220.085 Information on driving safely among bicyclists and pedestrians. The superintendent of public instruction shall require that information on driving safely among bicyclists and pedestrians, approved by the director of the department of licensing, be included in instructional material used in traffic safety education courses, to ensure that new operators of motor vehicles have been instructed in safely sharing the road with bicyclists and pedestrians. [2008 c 125 § 4.]

Findings—Short title—2008 c 125: See notes following RCW 46.82.420.

28A.220.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 14.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.220.900 Purpose. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents, with an emphasis on the consequences, both physical and legal, of the use of drugs or alcohol in relation to operating a motor vehicle. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles. [1991 c 217 § 1; 1969 ex.s. c 218 § 7; 1963 c 39 § 1. Formerly RCW 28A.08.900, 46.81.900.]

Chapter 28A.225 RCW

COMPULSORY SCHOOL ATTENDANCE AND ADMISSION

Sections

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28A.225.015	Attendance mandatory—Six or seven year olds—Unexcused absences—Petition.

28A.225.018	Conferences to identify barriers to child's school attendance.
28A.225.020	School's duties upon child's failure to attend school.
28A.225.023	Youth dependent pursuant to chapter 13.34 RCW—Review of unexpected or excessive absences—Support for youth's school work.
28A.225.025	Community truancy boards.
28A.225.026	Community truancy boards—Memoranda of understanding with juvenile courts—Designation of school district coordinators to address absenteeism and truancy—Community-wide partnerships.
28A.225.0261	Community truancy boards—Effect of diversion from truancy petitions—Evaluation by Washington state institute for public policy—Reports.
28A.225.027	Community truancy boards—Grants for training—Grants for services and treatment.
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28A.225.060	Custody and disposition of child absent from school without excuse.
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28A.225.095	Authority of court commissioners and family law commissioners to hear cases under this chapter.
28A.225.110	Fines applied to support of schools.
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28A.225.250	Cooperative programs among school districts—Rules.
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28A.225.290	Enrollment options information booklet—Posting on web site (<i>as amended by 2009 c 524</i>).
28A.225.290	Enrollment options information (<i>as amended by 2009 c 556</i>).
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28A.225.330	Enrolling students from other districts—Requests for information and permanent records—Withheld transcripts—Immunity from liability—Notification to teachers and security personnel—Rules.

28A.225.005 Information for students and parents.

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the

consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site. [2016 c 205 § 2; 2009 c 556 § 5; 1992 c 205 § 201.]

Additional notes found at www.leg.wa.gov

28A.225.010 Attendance mandatory—Age—Exceptions. (1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220;

(e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and

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28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; or

(f) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed. [2014 c 168 § 3; 1998 c 244 § 14; 1996 c 134 § 1; 1990 c 33 § 219; 1986 c 132 § 1; 1985 c 441 § 1; 1980 c 59 § 1; 1979 ex.s. c 201 § 4; 1973 c 51 § 1; 1972 ex.s. c 10 § 2. Prior: 1971 ex.s. c 215 § 2; 1971 ex.s. c 51 § 1; 1969 ex.s. c 109 § 2; 1969 ex.s. c 223 § 28A.27.010;

prior: 1909 p 364 § 1; RRS § 5072; prior: 1907 c 240 § 7; 1907 c 231 § 1; 1905 c 162 § 1; 1903 c 48 § 1; 1901 c 177 § 11; 1899 c 140 § 1; 1897 c 118 § 71. Formerly RCW 28A.27.010, 28.27.010.]

Private schools: RCW 28A.305.130(5), 28A.195.010 through 28A.195.050.

Work permits for minors required: RCW 49.12.123.

Additional notes found at www.leg.wa.gov

28A.225.015 Attendance mandatory—Six or seven year olds—Unexcused absences—Petition. (1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section. [1999 c 319 § 6.]

28A.225.018 Conferences to identify barriers to child's school attendance. (1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind. [2016 c 205 § 3.]

28A.225.020 School's duties upon child's failure to attend school. (1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take data-informed steps to eliminate or reduce the child's absences. These steps shall include application of the Washington assessment of the risks and needs of students (WARNS) by a school district's designee under RCW 28A.225.026, and where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the par-

ent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. [2016 c 205 § 4; 2009 c 266 § 1; 1999 c 319 § 1; 1996 c 134 § 2; 1995 c 312 § 67; 1992 c 205 § 202; 1986 c 132 § 2; 1979 ex.s. c 201 § 1. Formerly RCW 28A.27.020.]

Additional notes found at www.leg.wa.gov

28A.225.023 Youth dependent pursuant to chapter 13.34 RCW—Review of unexpected or excessive absences—Support for youth's school work. A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth, to include the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy. [2013 c 182 § 9.]

Findings—2013 c 182: See note following RCW 13.34.030.

28A.225.025 Community truancy boards. (1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. All members of a community truancy board must receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assess-

ment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be referred to a HOPE center or crisis residential center.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3). [2016 c 205 § 5; 2009 c 266 § 2; 1999 c 319 § 5; 1996 c 134 § 9; 1995 c 312 § 66.]

Additional notes found at www.leg.wa.gov

28A.225.026 Community truancy boards—Memoranda of understanding with juvenile courts—Designation of school district coordinators to address absenteeism and truancy—Community-wide partnerships. (1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than two hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices,

and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training. School districts with fewer than two hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources. [2016 c 205 § 6.]

28A.225.0261 Community truancy boards—Effect of diversion from truancy petitions—Evaluation by Washington state institute for public policy—Reports. (1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review. [2016 c 205 § 17.]

Reviser's note: 2016 c 205 § 17 directed that this section be added to chapter 43.330 RCW. This section has been codified in chapter 28A.225 RCW, which relates more directly to truancy petitions.

28A.225.027 Community truancy boards—Grants for training—Grants for services and treatment. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices. [2016 c 205 § 20.]

28A.225.030 Petition to juvenile court for violations by a parent or child—School district responsibilities. (1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document signed by the parent and child, pursuant to RCW 28A.225.005.

Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required. [2016 c 205 § 7; 2012 c 157 § 1; 1999 c 319 § 2; 1996 c 134 § 3; 1995 c 312 § 68; 1992 c 205 § 203; 1990 c 33 § 220; 1986 c 132 § 3; 1979 ex.s. c 201 § 2. Formerly RCW 28A.27.022.]

Additional notes found at www.leg.wa.gov

28A.225.031 Alcohol or controlled substances testing—Authority to order. The authority of a court to issue an order for testing to determine whether the child has consumed or used alcohol or controlled substances applies to all persons subject to a petition under RCW 28A.225.030 regardless of whether the petition was filed before July 27, 1997. [1997 c 68 § 3.]

28A.225.035 Petition to juvenile court—Contents—Court action—Referral to community truancy board or other coordinated intervention—Transfer of jurisdiction upon relocation. (1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community truancy board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county. [2016 c 205 § 8; 2012 c 157 § 2; 2009 c 266 § 3; 2001 c 162 § 1; 1999 c 319 § 3; 1997 c 68 § 1. Prior: 1996 c 134 § 4; 1996 c 133 § 31; 1995 c 312 § 69.]

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Additional notes found at www.leg.wa.gov

28A.225.055 Excused absences—Search and rescue activities. The legislature finds that state-recognized search and rescue activities, as defined in chapter 38.52 RCW and the rules interpreting the chapter, are recognized as activities deserving of excuse from school. Therefore, the legislature

strongly encourages that excused absences be granted to students for up to five days each year to participate in search and rescue activities, subject to approval by the student's parent and the principal of the student's school, and provided that the activities do not cause a serious adverse effect upon the student's educational progress. [2002 c 214 § 1.]

28A.225.060 Custody and disposition of child absent from school without excuse. Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district. [1995 c 312 § 73; 1990 c 33 s 223; 1979 ex.s. c 201 s 5; 1977 ex.s. c 291 s 52; 1969 ex.s. c 223 s 28A.27.070. Prior: 1909 c 97 p 366 s 5; RRS s 5076; prior: 1907 c 231 s 5; 1905 c 162 s 5. Formerly RCW 28A.27.070, 28.27.070.]

Additional notes found at www.leg.wa.gov

28A.225.080 Employment permits. Except as otherwise provided in this code, no child under the age of fifteen years shall be employed for any purpose by any person, company or corporation, in this state during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in RCW 28A.225.010, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, company or corporation shall keep such certificate on file so long as such child is employed by him or her. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section. [1990 c 33 § 225; 1969 ex.s. c 223 § 28A.27.090. Prior: 1909 c 97 p 365 § 2; RRS § 5073; prior: 1907 c 231 § 2; 1905 c 162 § 2; 1903 c 48 § 2. Formerly RCW 28A.27.090, 28.27.090.]

28A.225.090 Court orders—Penalties—Parents' defense. (1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private

programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school;

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law; or

(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court

may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015. [2016 c 205 § 9; 2009 c 266 § 4; 2008 c 171 § 1; 2002 c 175 § 29. Prior: 2000 c 162 § 15; 2000 c 162 § 6; 2000 c 61 § 1; 1999 c 319 § 4; 1998 c 296 § 39; 1997 c 68 § 2; prior: 1996 c 134 § 6; 1996 c 133 § 32; 1995 c 312 § 74; 1992 c 205 § 204; 1990 c 33 § 226; 1987 c 202 § 189; 1986 c 132 § 5; 1979 ex.s. c 201 § 6; 1969 ex.s. c 223 § 28A.27.100; prior: 1909 c 97 p 365 § 3; RRS § 5074; prior: 1907 c 231 § 3; 1905 c 162 § 3. Formerly RCW 28A.27.100, 28.27.100.]

Findings—Intent—1998 c 296 §§ 36-39: See note following RCW 7.21.030.

Findings—Intent—Part headings not law—Short title—1998 c 296: See notes following RCW 74.13.025.

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Intent—1987 c 202: See note following RCW 2.04.190.

Additional notes found at www.leg.wa.gov

28A.225.095 Authority of court commissioners and family law commissioners to hear cases under this chapter. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. [1995 c 312 § 71.]

Additional notes found at www.leg.wa.gov

28A.225.110 Fines applied to support of schools. Notwithstanding the provisions of RCW 10.82.070, fifty percent of all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW, and fifty percent shall be paid to the county treasurer who shall deposit such amount to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140. [1995 c 312 § 75; 1990 c 33 § 228; 1987 c 202 § 191; 1969 ex.s. c 199 § 54; 1969 ex.s. c 223 § 28A.27.104. Prior: 1909 c 97 p 368 § 11; RRS § 5082; prior: 1907 c 231 § 12; 1905 c 162 § 11. Formerly RCW 28A.27.104, 28.27.104, 28.27.100, part.]

Intent—1987 c 202: See note following RCW 2.04.190.

Additional notes found at www.leg.wa.gov

28A.225.115 Educational services—Funding for children referred to community truancy board. The superintendent of public instruction, subject to available funding, shall allocate funds to provide educational services for children who have been referred to a community truancy board or to the courts under RCW 28A.225.030. The funds shall be used on behalf of such children for enrollment in skill centers, education centers, alternative programs, and in other public or private educational programs. Decisions regarding the expenditure of the funds shall be made by the community truancy board or the courts, whichever is applicable. The amount of the assistance for each child shall be determined in accordance with the omnibus appropriations act. These funds shall be in excess of any other funds provided through RCW 28A.150.260 as basic education and other state, federal, or local sources. [1996 c 134 § 11.]

28A.225.140 Enforcing officers not personally liable for costs. No officer performing any duty under any of the provisions of RCW 28A.225.010 through 28A.225.140, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by RCW 28A.225.010 through 28A.225.140. [1990 c 33 § 231; 1969 ex.s. c 223 § 28A.27.130. Prior: 1909 c 97 p 368 § 12; RRS § 5083; prior: 1907 c 231 § 13; 1905 c 162 § 12. Formerly RCW 28A.27.130, 28.27.130.]

28A.225.151 Reports. (1) As required under subsection (2) of this section, each school shall document the actions taken under RCW 28A.225.030 and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; and

(e) The number of petitions filed by a school district with the juvenile court.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year. [1996 c 134 § 5; 1995 c 312 § 72.]

Additional notes found at www.leg.wa.gov

28A.225.155 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 15.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.225.160 Qualification for admission to district's schools—Fees for preadmission screening. (1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted

by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

(2) A student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when attending school in the sending state as defined in Article II of RCW 28A.705.010, regardless of age or birthdate requirements. [2009 c 380 § 3; 2006 c 263 § 703; 1999 c 348 § 5; 1986 c 166 § 1; 1979 ex.s. c 250 § 4; 1977 ex.s. c 359 § 14; 1969 ex.s. c 223 § 28A.58.190. Prior: 1909 c 97 p 261 § 1, part; RRS § 4680, part; prior: 1897 c 118 § 64, part; 1890 p 371 § 44, part. Formerly RCW 28A.58.190, 28.58.190 part, 28.01.060.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1999 c 348: See note following RCW 28A.205.010.

Program of basic education, RCW 28A.225.160 as part of: RCW 28A.150.200.

Additional notes found at www.leg.wa.gov

28A.225.170 Admission to schools—Children on United States reservations—Idaho residents with Washington addresses. (1) Any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park, or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the state of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: PROVIDED, That the United States authorities in charge of such reservation or park shall cooperate fully with state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance.

(2) Any child who is of school age and otherwise eligible, residing in a home that is located in Idaho but that has a Washington address for the purposes of the United States postal service, shall be admitted, without payment of tuition, to the nearest Washington school district and shall be considered a resident student for state apportionment and all other purposes. [2003 c 411 § 1; 1969 ex.s. c 223 § 28A.58.210. Prior: 1945 c 141 § 10; 1933 c 28 § 10; 1925 ex.s. c 93 § 1; Rem. Supp. 1945 § 4680-1. Formerly RCW 28A.58.210, 28.58.210, 28.27.140.]

28A.225.200 Education of pupils in another district—Limitation as to state apportionment—Exemption.

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other

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terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, 28A.300.035, and 28A.300.170 shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration or to nonhigh school districts participating in an interdistrict cooperative under RCW 28A.340.080 through 28A.340.090. [2010 c 99 § 6; (2010 c 99 § 5 expired September 1, 2011); 2009 c 548 § 706; 1990 c 33 § 234; 1988 c 268 § 6; 1979 ex.s. c 140 § 1; 1975 1st ex.s. c 275 § 111; 1969 ex.s. c 176 § 141; 1969 ex.s. c 223 § 28A.58.225. Prior: 1965 ex.s. c 154 § 10. Formerly RCW 28A.58.225, 28.24.110.]

Effective date—2010 c 99 § 6: "Section 6 of this act takes effect September 1, 2011." [2010 c 99 § 13.]

Expiration date—2010 c 99 § 5: "Section 5 of this act expires September 1, 2011." [2010 c 99 § 12.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

Effective date—2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

Additional notes found at www.leg.wa.gov

28A.225.210 Admission of district pupils tuition free.

Every school district shall admit on a tuition free basis: (1) All persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this subsection shall be construed as affecting RCW 28A.225.220 or 28A.225.250; and (2) all students who meet the definition of children of military families in transition under Article II of RCW 28A.705.010 who are in the care of a noncustodial parent or other person standing in loco parentis and who lives in another state while the parent is under military orders. [2009 c 380 § 6; 1990 c 33 § 235; 1983 c 3 § 37; 1969 c 130 § 9; 1969 ex.s. c 223 § 28A.58.230. Prior: 1917 c 21 § 9; RRS § 4718. Formerly RCW 28A.58.230, 28.58.230.]

Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise: RCW 28A.540.110.

Education of children with disabilities: RCW 28A.155.050.

28A.225.215 Enrollment of children without legal residences. (1) A school district shall not require proof of residency or any other information regarding an address for any child who is eligible by reason of age for the services of the school district if the child does not have a legal residence.

(2) A school district shall enroll a child without a legal residence under subsection (1) of this section at the request of the child or parent or guardian of the child. [1989 c 118 § 1. Formerly RCW 28A.58.235.]

28A.225.217 Children of military families—Continued enrollment in district schools. (1) A student shall be permitted to remain enrolled in the school in which the student was enrolled while residing with the custodial parent if the student:

(a) Meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010; and

(b) Is placed in the care of a noncustodial parent or guardian when the custodial parent is required to relocate due to military orders.

(2) A nonresident school district shall not be required to provide transportation to and from the school unless otherwise required by state or federal law. [2009 c 380 § 8.]

28A.225.220 Adults, children from other districts, agreements for attending school—Tuition. (1) Any board of directors may make agreements with adults choosing to attend school, and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district or the request of a parent or guardian for his or her child to transfer as a student receiving home-based instruction.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition; or

(d) The purpose of the transfer is for the student to enroll in an online course or online school program offered by an online provider approved under RCW 28A.250.020.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds. [2013 2nd sp.s. c 18 § 510. Prior: 1995 c 335 § 602; 1995 c 52 § 2; 1993 c 336 § 1008; 1990 1st ex.s. c 9 § 201; 1969 c 130 § 10; 1969 ex.s. c 223 § 28A.58.240; prior: 1963 c 47 § 2; prior: 1921 c 44 §

1, part; 1899 c 142 § 8, part; RRS § 4780, part. Formerly RCW 28A.58.240, 28.58.240.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Finding—1990 1st ex.s. c 9: "The legislature finds that academic achievement of Washington students can and should be improved. The legislature further finds that student success depends, in large part, on increased parental involvement in their children's education.

In order to take another step toward improving education in Washington, it is the purpose of this act to enhance the ability of parents to exercise choice in where they prefer their children attend school; inform parents of their options under local policies and state law for the intradistrict and interdistrict enrollment of their children; and provide additional program opportunities for secondary students." [1990 1st ex.s. c 9 § 101.]

Education of children with disabilities: RCW 28A.155.040, 28A.155.050.

Additional notes found at www.leg.wa.gov

28A.225.225 Applications from school employees' children, nonresident students, or students receiving home-based instruction to attend district school—Acceptance and rejection standards—Notification. (1) Except for students who reside out-of-state and students under RCW 28A.225.217, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

(a) At the school to which the employee is assigned;

(b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

(a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants;

(c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling; or

(d) The student has repeatedly failed to comply with requirements for participation in an online school program, such as participating in weekly direct contact with the teacher or monthly progress evaluations.

(3) A nonhigh district that is participating in an innovation academy cooperative may not accept an application from a high school student that conflicts with RCW 28A.340.080.

(4) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admis-

sion to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(c) Accepting of the nonresident student would conflict with RCW 28A.340.080; or

(d) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (4)(d) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (4)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(5) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3). [2013 2nd sp.s. c 18 § 511; 2013 c 192 § 2; 2009 c 380 § 7; 2008 c 192 § 1; 2003 c 36 § 1; 1999 c 198 § 2; 1997 c 265 § 3; 1995 c 52 § 3; 1994 c 293 § 1; 1990 1st ex.s. c 9 § 203.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.230 Appeal from certain decisions to deny student's request to attend nonresident district—Procedure. (1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: PROVIDED, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a nonresident student under RCW 28A.225.225 may be appealed to the superintendent of public instruction or his or her designee. The superintendent

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or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under RCW 28A.225.225. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW. [1990 1st ex.s. c 9 § 204; 1990 c 33 § 236; 1977 c 50 § 1; 1975 1st ex.s. c 66 § 1. Formerly RCW 28A.58.242.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise: RCW 28A.540.110.

Additional notes found at www.leg.wa.gov

28A.225.240 Apportionment credit. If a student under the age of twenty-one years is allowed to enroll in any common school outside the school district within which the student resides or a school district of which the student is considered to be a resident for attendance purposes by operation of law, the student's attendance shall be credited to the nonresident school district of enrollment for state apportionment and all other purposes. [1975 1st ex.s. c 66 § 2. Formerly RCW 28A.58.243.]

Additional notes found at www.leg.wa.gov

28A.225.250 Cooperative programs among school districts—Rules. (1) The state superintendent of public instruction is directed and authorized to develop and adopt rules governing cooperative programs between and among school districts and educational service districts that the superintendent deems necessary to assure:

(a) Correct calculation of state apportionment payments;

(b) Proper budgeting and accounting for interdistrict cooperative program revenues and expenditures;

(c) Reporting of student, personnel, and fiscal data to meet state needs; and

(d) Protection of the right of residents of Washington under twenty-one years of age to a tuition-free program of basic education.

(2) Unless specifically authorized in law, interdistrict cooperative programs shall not be designed to systematically increase state allocation above amounts required if services were provided by the resident school district. [1995 c 335 § 603; 1969 c 130 § 11. Formerly RCW 28A.58.243.]

Education of children with disabilities: RCW 28A.155.040, 28A.155.050.

Additional notes found at www.leg.wa.gov

28A.225.260 Reciprocity exchanges with other states. If the laws of another state permit its school districts to extend similar privileges to pupils resident in this state, the board of directors of any school district contiguous to a school district in such other state may make agreements with the officers of the school district of that state for the attendance of any pupils resident therein upon the payment of tuition.

If a district accepts out-of-state pupils whose resident district is contiguous to a Washington school district, such district shall charge and collect the cost for educating such pupils and shall not include such out-of-state pupils in the

computation of the district's share of state and/or county funds.

The board of directors of any school district which is contiguous to a school district in another state may make agreements for and pay tuition for any children of their district desiring to attend school in the contiguous district of the other state. The tuition to be paid for the attendance of resident pupils in an out-of-state school as provided in this section shall be no greater than the cost of educating such elementary or secondary pupils, as the case may be, in the out-of-state educating district. [1969 ex.s. c 223 § 28A.58.250. Prior: 1963 c 47 § 3; prior: 1921 c 44 § 1, part; 1899 c 142 § 8, part; RRS § 4780, part. Formerly RCW 28A.58.250, 28.58.250.]

Education of children with disabilities: RCW 28A.155.040.

28A.225.270 Intradistrict enrollment options policies. (1) Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.

(2) A district shall permit the children of full-time certificated and classified school employees to enroll at:

(a) The school to which the employee is assigned;

(b) A school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) A school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(3) For the purposes of this section, "full-time employees" means employees who are employed for the full number of hours and days for their job description. [2008 c 192 § 2; 2003 c 36 § 2; 1990 1st ex.s. c 9 § 205.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.280 Transfer students' eligibility for extracurricular activities. Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association. [2006 c 263 § 903; 1990 1st ex.s. c 9 § 206.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.290 Enrollment options information booklet (as amended by 2009 c 450). (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ((28A.175.090;)) 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160;

(b) Information about the running start ((community college or vocational-technical institute)) choice program under RCW 28A.600.300 through ((28A.600.395)) 28A.600.400; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090. [2009 c 450 § 5; 1990 1st ex.s. c 9 § 207.]

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.225.290 Enrollment options information booklet—Posting on web site (as amended by 2009 c 524). (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ((Before the 1991-92 school year;)) The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ((28A.175.090;)) 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160;

(b) Information about the running start((community college or vocational-technical institute choice)) program under RCW 28A.600.300 through ((28A.600.395)) 28A.600.400; ((and))

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535. [2009 c 524 § 3; 1990 1st ex.s. c 9 § 207.]

Intent—2009 c 524: See note following RCW 28B.50.535.

28A.225.290 Enrollment options information (as amended by 2009 c 556). (1) The superintendent of public instruction shall prepare and annually ((distribute an)) provide access to information ((booklet)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.)) School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, *28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160;

(b) Information about **the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ((28A.600.395)) 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090. [2009 c 556 § 6; 1990 1st ex.s. c 9 § 207.]

Reviser's note: *(1) RCW 28A.175.090 expired December 31, 1994.

** (2) The program was named "the running start program" by 2009 c 450 § 7.

(3) RCW 28A.225.290 was amended three times during the 2009 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.300 Enrollment options information to parents. Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. [2009 c 556 § 7; 1990 1st ex.s. c 9 § 208.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.310 Attendance in school district of choice—Impact on existing cooperative arrangements. Any school district board of directors may make arrangements with the board of directors of other districts for children to attend the school district of choice. Nothing under RCW 28A.225.220 and 28A.225.225 is intended to adversely affect agreements between school districts in effect on April 11, 1990. [1990 1st ex.s. c 9 § 209.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.225.330 Enrolling students from other districts—Requests for information and permanent records—Withheld transcripts—Immunity from liability—Notification to teachers and security personnel—Rules. (1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript

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may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(6) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

(7) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days. [2013 c 182 § 10; 2009 c 380 § 2; 2006 c 263 § 805; 1999 c 198 § 3; 1997 c 266 § 4. Prior: 1995 c 324 § 2; 1995 c 311 § 25; 1994 c 304 § 2.]

Findings—2013 c 182: See note following RCW 13.34.030.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Additional notes found at www.leg.wa.gov

Chapter 28A.230 RCW

COMPULSORY COURSEWORK AND ACTIVITIES

Sections

- 28A.230.010 Course content requirements—Access to career and technical course equivalencies—Duties of school district boards of directors—Waivers.
- 28A.230.020 Common school curriculum.
- 28A.230.030 Students taught in English language—Exception.
- 28A.230.040 Physical education in grades one through eight.
- 28A.230.050 Physical education in high schools.
- 28A.230.060 Waiver of course of study in Washington's history and government.
- 28A.230.070 AIDS education in public schools—Limitations—Program adoption—Model curricula—Student's exclusion from participation.
- 28A.230.080 Prevention of child abuse and neglect—Written policy—Participation in and establishment of programs.
- 28A.230.090 High school graduation requirements or equivalencies—Reevaluation of graduation requirements—Review and authorization of proposed changes—Credit for courses taken before attending high school—Postsecondary credit equivalencies.
- 28A.230.093 Social studies course credits—Civics coursework.
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- 28A.230.195 Test or assessment scores—Adjustments to instructional practices—Notification to parents.
- 28A.230.250 Coordination of procedures and content of assessments.
- 28A.230.265 Condensed compliance reports—Second-class districts.

AIDS prevention education: Chapter 70.24 RCW.

28A.230.010 Course content requirements—Access to career and technical course equivalencies—Duties of school district boards of directors—Waivers. (1) School district boards of directors shall identify and offer courses with content that meet or exceed: (a) The basic education skills identified in RCW 28A.150.210; (b) the graduation requirements under RCW 28A.230.090; (c) the courses required to meet the minimum college entrance requirements under RCW 28A.230.130; and (d) the course options for career development under RCW 28A.230.130. Such courses may be applied or theoretical, academic, or vocational.

(2) School district boards of directors must provide high school students with the opportunity to access at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the office of the superintendent of public instruction and the state board of education in RCW 28A.700.070. Students may access such courses at

high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses.

(3) School district boards of directors of school districts with fewer than two thousand students may apply to the state board of education for a waiver from the provisions of subsection (2) of this section. [2014 c 217 § 103; 2003 c 49 § 1; 1990 c 33 § 237; 1984 c 278 § 2. Formerly RCW 28A.05.005.]

Effective date—2014 c 217 §§ 103 and 104: "Sections 103 and 104 of this act take effect September 1, 2015." [2014 c 217 § 208.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Additional notes found at www.leg.wa.gov

28A.230.020 Common school curriculum. All common schools shall give instruction in reading, handwriting, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule of the superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools. [2013 c 23 § 48; 2006 c 263 § 414; 1991 c 116 § 6; 1988 c 206 § 403; 1987 c 232 § 1; 1986 c 149 § 4; 1969 c 71 § 3; 1969 ex.s. c 223 § 28A.05.010. Prior: 1909 p 262 § 2; RRS § 4681; prior: 1897 c 118 § 65; 1895 c 5 § 1; 1890 p 372 § 45; 1886 p 19 § 52. Formerly RCW 28A.05.010, 28.05.010, and 28.05.020.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Child abuse and neglect—Development of primary prevention program: RCW 28A.300.160.

Districts to develop programs and establish programs regarding child abuse and neglect prevention: RCW 28A.230.080.

Additional notes found at www.leg.wa.gov

28A.230.030 Students taught in English language—Exception. All students in the common schools of the state of Washington shall be taught in the English language: PROVIDED, That nothing in this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student. [1969 c 71 § 4. Formerly RCW 28A.05.015.]

28A.230.040 Physical education in grades one through eight. Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule of the superintendent of public instruction: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics. [2006 c 263 § 415; 1984 c 52 § 1; 1969 ex.s. c 223 § 28A.05.030.

Prior: 1919 c 89 § 1; RRS § 4682. Formerly RCW 28A.05.030, 28.05.030.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.230.050 Physical education in high schools. All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule of the superintendent of public instruction: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause. [2006 c 263 § 416; 1985 c 384 § 3; 1984 c 52 § 2; 1969 ex.s. c 223 § 28A.05.040. Prior: 1963 c 235 § 1, part; prior: (i) 1923 c 78 § 1, part; 1919 c 89 § 2, part; RRS § 4683, part. (ii) 1919 c 89 § 5, part; RRS § 4686, part. Formerly RCW 28A.05.040, 28.05.040, part.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.230.060 Waiver of course of study in Washington's history and government. Students in the twelfth grade who have not completed a course of study in Washington's history and state government because of previous residence outside the state may have the requirement in RCW 28A.230.090 waived by their principal. [1991 c 116 § 7; 1969 ex.s. c 57 § 2; 1969 ex.s. c 223 § 28A.05.050. Prior: 1967 c 64 § 1, part; 1963 c 31 § 1, part; 1961 c 47 § 2, part; 1941 c 203 § 1, part; Rem. Supp. 1941 § 4898-3, part. Formerly RCW 28A.05.050, 28.05.050.]

28A.230.070 AIDS education in public schools—Limitations—Program adoption—Model curricula—Student's exclusion from participation. (1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in RCW 70.24.250. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these

materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in RCW 70.24.250 within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

(a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and

(b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease. [1994 c 245 § 7; 1988 c 206 § 402. Formerly RCW 28A.05.055.]

Additional notes found at www.leg.wa.gov

28A.230.080 Prevention of child abuse and neglect—Written policy—Participation in and establishment of programs. (1) Every school district board of directors shall develop a written policy regarding the district's role and responsibility relating to the prevention of child abuse and neglect.

(2) Every school district shall, within the resources available to it: (a) Participate in the primary prevention program established under RCW 28A.300.160; (b) develop and implement its own child abuse and neglect education and prevention program; or (c) continue with an existing local child abuse and neglect education and prevention program. [1990 c 33 § 238; 1987 c 489 § 6. Formerly RCW 28A.58.255.]

Intent—1987 c 489: See note following RCW 28A.300.150.

28A.230.090 High school graduation requirements or equivalencies—Reevaluation of graduation requirements—Review and authorization of proposed changes—Credit for courses taken before attending high school—Postsecondary credit equivalencies. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

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

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

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation.

(d)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(d). The rules must include authorization for a school district to waive up to two credits for individual students based on unusual circumstances and in accordance with written policies that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(d) to an applying school district at the next subsequent meeting of the board after receiving an application.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report

such findings to the legislature in a timely manner as determined by the state board.

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

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

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

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

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

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

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

(6) At the college or university level, five quarter or three semester hours equals one high school credit. [2016 c 162 § 2; 2014 c 217 § 202; 2011 c 203 § 2. Prior: 2009 c 548 § 111; 2009 c 223 § 2; 2006 c 114 § 3; 2005 c 205 § 3; 2004 c 19 § 103; 1997 c 222 § 2; 1993 c 371 § 3; prior: 1992 c 141 § 402; 1992 c 60 § 1; 1990 1st ex.s. c 9 § 301; 1988 c 172 § 1; 1985 c 384 § 2; 1984 c 278 § 6. Formerly RCW 28A.05.060.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Finding—2009 c 223: "The legislature finds that although the United States has long exemplified democratic practice to the rest of the world, we ought not to neglect it at home. Two-thirds of our nation's twelfth graders scored below proficient on the last national civics assessment, and fewer than ten percent could list two ways that a democracy benefits from citizen participation. A healthy democracy depends on the participation of citizens. But participation is learned behavior, and in recent years civic learning has been pushed aside. Preparation for citizenship is as important as preparation for college and a career, and should take its place as a requirement for receiving a high school diploma." [2009 c 223 § 1.]

Finding—Intent—2006 c 114: See note following RCW 28A.230.097.

Intent—Findings—2005 c 205: See note following RCW 28A.320.170.

Intent—1997 c 222: "In 1994, the legislature directed the higher education board and the state board of education to convene a task force to examine and provide recommendations on establishing credit equivalencies. In November 1994, the task force recommended unanimously that the state board of education maintain the definition of five quarter or three semester college credits as equivalent to one high school credit. Therefore, the legislature intends to adopt the recommendations of the task force." [1997 c 222 § 1.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.230.093 Social studies course credits—Civics coursework. (1) If, after July 26, 2009, the state board of education increases the number of course credits in social studies that are required for high school graduation under RCW 28A.230.090, the board shall also require that at least one-half credit of that requirement be coursework in civics.

(2) The content of the civics requirement must include, but not be limited to:

- (a) Federal, state, and local government organization and procedures;
- (b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;
- (c) Current issues addressed at each level of government; and
- (d) Electoral issues, including elections, ballot measures, initiatives, and referenda. [2009 c 223 § 3.]

Finding—2009 c 223: See note following RCW 28A.230.090.

28A.230.095 Essential academic learning requirements and assessments—Verification reports. (1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Health and fitness includes, but is not limited to, mental health and suicide prevention education. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and

health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in the seventh or eighth grade, and the eleventh or twelfth grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section. [2011 c 185 § 5; 2009 c 556 § 8; 2006 c 113 § 2; 2004 c 19 § 203.]

Effective date—2011 c 185 § 5: "Section 5 of this act takes effect July 1, 2012." [2011 c 185 § 6.]

Finding—2011 c 185: See note following RCW 28A.300.2851.

Findings—2006 c 113: "The legislature finds that instruction in social studies, arts, health, and fitness is important to ensure a well-rounded and complete education. In particular, the civic mission of schools is strengthened and enhanced by comprehensive civics education and assessments. The legislature finds that effective and accountable democratic government depends upon an informed and engaged citizenry, and therefore, students should learn their rights and responsibilities as citizens, where those rights and responsibilities come from, and how to exercise them." [2006 c 113 § 1.]

Additional notes found at www.leg.wa.gov

28A.230.097 Career and technical high school course equivalencies. (1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. In order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II. Beginning no later than the 2015-16 school year, a school district board of directors must, at a minimum, grant academic course equivalency in mathematics or science for a high school career and technical course from the list of courses approved by the state board of education under RCW 28A.700.070, but is not limited to the courses on the list. If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the

courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion. [2014 c 217 § 204; 2014 c 217 § 102; 2013 c 241 § 2; 2008 c 170 § 202; 2006 c 114 § 2.]

Reviser's note: This section was amended by 2014 c 217 § 102 and by 2014 c 217 § 204, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Findings—Intent—2013 c 241: "(1) The legislature finds that:

(a) Through such initiatives as grants for high-demand career and technical education programs and participation in the Microsoft IT academy, the state has previously supported K-12 computer science education;

(b) However, even though there were nearly sixty-five thousand student enrollments in high school computer science courses in the 2011-12 school year, more than half of those enrollments were in beginning or exploratory courses. Fewer than twelve hundred students enrolled in AP computer science courses;

(c) National studies of K-12 computer science education indicate that, in part because computer science is not treated as an academic subject, students may not perceive advanced computer science as relevant to their future academic or career success;

(d) Public institutions of higher education have expanded capacity to grant certificates and degrees in computer science and related fields in response to high employer demand and high student demand. Additional expansion and improvement will be dependent on new resources, updated equipment, and the availability of expert faculty;

(e) Information technology job vacancies exist at all levels of training and education and across all industries that are critical to Washington's economy; and

(f) Strategies are needed to support additional opportunities for Washington students to have careers in the innovative, technology-based or technology-enhanced industries located in our state.

(2) Therefore the legislature intends to take additional steps to improve and expand access to computer science education, particularly in advanced courses that could prepare students for careers in the field." [2013 c 241 § 1.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

Finding—Intent—2006 c 114: "(1) The legislature finds that Washington's performance-based education system should seek to provide fundamental academic knowledge and skills for all students, and to provide the opportunity for students to acquire knowledge and skills likely to contribute to their own economic well-being and that of their families and communities.

(2) The legislature recognizes that career and technical options are available for students.

(3) High schools or school districts should take advantage of their opportunity to offer course credits, including credits toward graduation requirements, for knowledge and skills in fundamental academic content areas that students gain in career and technical education courses.

(4) Therefore the legislature intends to create a rigorous and high quality career and technical high school alternative assessment that assures students meet state standards, and also reflects nationally recognized standards for the knowledge and skills needed to pursue employment and careers in technical fields." [2006 c 114 § 1.]

28A.230.100 Rules implementing RCW 28A.230.090—Temporary exemptions and special alterations from requirements—Competency testing. The superintendent of public instruction, in consultation with the student achievement council, the state board for community and technical colleges, and the workforce training and educa-

tion coordinating board, shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the superintendent deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the superintendent shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090, as determined by the high school or school district in accordance with RCW 28A.230.097. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience. [2012 c 229 § 504. Prior: 2006 c 263 § 402; 2006 c 114 § 4; 1991 c 116 § 8; 1990 c 33 § 239; 1985 c 384 § 1. Formerly RCW 28A.05.062.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Finding—Intent—2006 c 114: See note following RCW 28A.230.097.

28A.230.120 High school diplomas—Issuance—Option to receive final transcripts—Notice. (1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States; and

(ii) Left high school before graduation to serve in World War II, the Korean conflict, or the Vietnam era as defined in RCW 41.04.005.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma. [2008 c 185 § 1; 2003 c 234 § 1; 2002 c 35 § 1; 1984 c 178 § 2. Formerly RCW 28A.58.108.]

High school transcripts: RCW 28A.230.125.

Additional notes found at www.leg.wa.gov

28A.230.122 International baccalaureate diplomas.

(1) A student who fulfills the requirements specified in subsection (3) of this section toward completion of an international baccalaureate diploma programme is considered to have satisfied state minimum requirements for graduation from a public high school, except that:

(a) The provisions of RCW 28A.655.061 regarding the certificate of academic achievement or RCW 28A.155.045 regarding the certificate of individual achievement apply to students under this section; and

(b) The provisions of RCW 28A.230.170 regarding study of the United States Constitution and the Washington state Constitution apply to students under this section.

(2) School districts may require students under this section to complete local graduation requirements that are in addition to state minimum requirements before issuing a high school diploma under RCW 28A.230.120. However, school districts are encouraged to waive local requirements as necessary to encourage students to pursue an international baccalaureate diploma.

(3) To receive a high school diploma under this section, a student must complete and pass all required international baccalaureate diploma programme courses as scored at the local level; pass all internal assessments as scored at the local level; successfully complete all required projects and products as scored at the local level; and complete the final examinations administered by the international baccalaureate organization in each of the required subjects under the diploma programme. [2011 c 203 § 1.]

28A.230.125 Development of standardized high school transcripts.

(1) The superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

(3) The standardized high school transcript may include a notation of whether the student has earned the Washington state seal of biliteracy established under RCW 28A.300.575. [2014 c 102 § 3; 2011 1st sp.s. c 11 § 130; 2009 c 556 § 9. Prior: 2006 c 263 § 401; 2006 c 115 § 6; 2004 c 19 § 108; 1984 c 178 § 1. Formerly RCW 28A.305.220, 28A.04.155.]

Findings—Intent—Report—2014 c 102: See notes following RCW 28A.300.575.

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

High school diplomas—Receiving final transcript optional: RCW 28A.230.120.

Additional notes found at www.leg.wa.gov

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28A.230.130 Program to help students meet minimum entrance requirements at baccalaureate-granting institutions or to pursue career or other opportunities—High school course offerings for postsecondary credit.

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills [skill] center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

(3) Within existing resources, all public high schools in the state shall:

(a) Work towards the goal of offering a sufficient number of high school courses that give students the opportunity to earn the equivalent of a year's worth of postsecondary credit towards a certificate, apprenticeship program, technical degree, or associate or baccalaureate degree. These high school courses are those advanced courses that have accompanying proficiency exams or demonstrated competencies that are used to demonstrate postsecondary knowledge and skills; and

(b) Inform students and their families, emphasizing communication to underrepresented groups, about the program offerings and the opportunities to take courses that qualify for postsecondary credit through demonstrated competencies or if the student earns the qualifying score on the proficiency exam. This information shall encourage students to use the twelfth grade as the launch year for an advance start on their career and postsecondary education.

(4) A middle school that receives approval from the office of the superintendent of public instruction to provide a career and technical program in science, technology, engineering, or mathematics directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in science, technology, engineering, or mathematics with an integrated curriculum of academic content and career and technical education, and includes a career and technical education exploratory component shall also qualify for the career and technical education funding. [2011 c 77 § 2; 2009 c 212 § 2; 2007 c 396 § 14; (2007 c 396 § 13 expired September 1, 2009); 2006 c 263 § 407; 2003 c 49 § 2; 1991 c 116 § 9; 1988 c 172 § 2; 1984 c 278 § 16. Formerly RCW 28A.05.070.]

[Title 28A RCW—page 101]

Findings—Intent—2011 c 77: "The legislature finds that approximately thirty-five percent of seniors in Washington high schools take less than a full load of classes during their senior year. The legislature further finds that many high schools provide students opportunities to take advanced courses in career and technical or academic fields that give students a head start when they begin their career or enter a technical training program or a college or university. The legislature also finds that since each individual institution of higher education adopts its own rules for awarding credit for advanced high school work, students can encounter unanticipated barriers to advancing their dreams. Students can also be discouraged from putting in that extra effort in high school if they are not certain whether their extra work will be appropriately credited toward a certificate or degree.

The legislature intends to help students progress from high school to a certificate or degree by increasing opportunities and providing a clear pathway. Twelfth grade will truly be the launch year as high schools increase the opportunities for students to take more advanced classes. In addition, this act provides for community and technical colleges and four-year institutions of higher education to publish a list of high school courses and adopt uniform scores for proficiency exams or competency requirements that will be given credit toward certificate or degree requirements." [2011 c 77 § 1.]

Short title—2011 c 77: "This act may be known and cited as the launch year act." [2011 c 77 § 5.]

Effective date—2009 c 212 § 2: "Section 2 of this act takes effect September 1, 2009." [2009 c 212 § 3.]

Finding—2009 c 212: "The legislature finds that significant efforts are under way to improve mathematics and science instruction in Washington's public schools through development and adoption of new learning standards, identification of aligned curriculum, and expanded opportunities for professional development for teachers. A significant emphasis has also been made on improving career and technical education programs focused on high-demand programs. Middle schools have successfully served one thousand four hundred full-time equivalent students in career and technical programs rich in science, technology, engineering, and mathematics through a grant program. The legislature concludes that opportunities for hands-on and applied learning in these programs should be extended to middle school students on an ongoing, statewide basis so that students are prepared to take advantage of more advanced coursework in high school and postsecondary education." [2009 c 212 § 1.]

Effective date—2007 c 396 § 14: "Section 14 of this act takes effect September 1, 2009." [2007 c 396 § 21.]

Expiration date—2007 c 396 § 13: "Section 13 of this act expires September 1, 2009." [2007 c 396 § 20.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

Effective date—2006 c 263 § 407: "Section 407 of this act takes effect September 1, 2009." [2006 c 263 § 1002.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.230.140 United States flag—Procurement, display, exercises—National anthem. The board of directors of every school district shall cause a United States flag being in good condition to be displayed during school hours upon or near every public school plant, except during inclement weather. They shall cause appropriate flag exercises to be held in each classroom at the beginning of the school day, and in every school at the opening of all school assemblies, at which exercises those pupils so desiring shall recite the following salute to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all". Students not reciting the pledge shall maintain a respectful silence. The salute to the flag or the national anthem shall be rendered immediately preceding interschool events when feasible. [1981 c 130 § 1; 1969 ex.s. c 223 § 28A.02.030. Prior: (i) 1961 c 238 § 1; 1955 c 8 § 1; 1919 c 90 § 4; 1915 c 71 § 1; 1909 c 97 p 286 § 3; 1897 c 118 § 180;

RRS § 4777. Formerly RCW 28.02.030. (ii) 1955 c 8 § 2; 1919 c 90 § 5; RRS § 4778. Formerly RCW 28A.02.030, 28.87.180.]

Display of national and state flags: RCW 1.20.015.

28A.230.150 Temperance and Good Citizenship Day—Aids in programming. On January 16th of each year or the preceding Friday when January 16th falls on a non-school day, there shall be observed within each public school "Temperance and Good Citizenship Day". Annually the state superintendent of public instruction shall duly prepare and publish for circulation among the teachers of the state a program for use on such day embodying topics pertinent thereto and may from year to year designate particular laws for special observance. [1969 ex.s. c 223 § 28A.02.090. Prior: (i) 1923 c 76 § 1; RRS § 4901-1. (ii) 1923 c 76 § 2; RRS § 4901-2. Formerly RCW 28A.02.090, 28.02.090, and 28.02.095.]

28A.230.158 Disability history month—Activities. Annually, during the month of October, each public school shall conduct or promote educational activities that provide instruction, awareness, and understanding of disability history and people with disabilities. The activities may include, but not be limited to, school assemblies or guest speaker presentations. [2008 c 167 § 3.]

Short title—2008 c 167: "This act may be known and cited as the disability history month act." [2008 c 167 § 1.]

Findings—2008 c 167: "The legislature finds that annually recognizing disability history throughout our entire public educational system, from kindergarten through grade twelve and at our colleges and universities, during the month of October will help to increase awareness and understanding of the contributions that people with disabilities in our state, nation, and the world have made to our society. The legislature further finds that recognizing disability history will increase respect and promote acceptance and inclusion of people with disabilities. The legislature further finds that recognizing disability history will inspire students with disabilities to feel a greater sense of pride, reduce harassment and bullying, and help keep students with disabilities in school." [2008 c 167 § 2.]

28A.230.160 Educational activities in observance of Veterans' Day. During the school week preceding the eleventh day of November of each year, there shall be presented in each common school as defined in RCW 28A.150.020 educational activities suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of the activities approximating at least sixty minutes total throughout the week shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each educational service district superintendent, by advice and suggestion, shall aid in the preparation of these activities if such aid be solicited. [1990 c 33 § 241; 1985 c 60 § 1; 1977 ex.s. c 120 § 2; 1975 1st ex.s. c 275 § 45; 1970 ex.s. c 15 § 12. Prior: 1969 ex.s. c 283 § 24; 1969 ex.s. c 176 § 101; 1969 ex.s. c 223 § 28A.02.070; prior: 1955 c 20 § 3; prior: (i) 1939 c 21 § 1; 1921 c 56 § 1; RRS § 4899. (ii) 1921 c 56 § 2; RRS § 4900. (iii) 1921 c 56 § 3; RRS § 4901. Formerly RCW 28A.02.070, 28.02.070.]

Additional notes found at www.leg.wa.gov

28A.230.170 Study of constitutions compulsory—

Rules. The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state. The superintendent of public instruction shall provide by rule for the implementation of this section. The superintendent of public instruction may adopt a rule permitting students who meet the criteria in RCW 28A.230.122 to meet the prerequisite through non-credit-based study. [2011 c 203 § 3; 2006 c 263 § 403; 1985 c 341 § 1; 1969 ex.s. c 223 § 28A.02.080. Prior: (i) 1925 ex.s. c 134 § 1; RRS § 4898-1. (ii) 1925 ex.s. c 134 § 2; RRS § 4898-2. Formerly RCW 28A.02.080, 28.02.080, and 28.02.081.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.230.178 Civil rights education. School districts are encouraged to prepare and conduct a program at least once a year to commemorate the history of civil rights in our nation, including providing an opportunity for students to learn about the personalities and convictions of heroes of the civil rights movement and the importance of the fundamental principle and promise of equality under our nation's Constitution. [2011 c 44 § 2.]

Findings—2011 c 44: "The legislature finds that:

(1) The civil rights movement did not begin or end with the dramatic events of the 1950s and 1960s. Since our nation's founding, ordinary citizens have struggled to fulfill America's promise of equality under the law.

(2) Heroes of the civil rights movement include those who are well known such as Thurgood Marshall, Rosa Parks, Cesar Chavez, and Dr. Martin Luther King, Jr. But the list of heroes also includes those who are perhaps less well known, but each of whom gave something of themselves on behalf of their fellow citizens and in defense of equality and justice.

(3) The significant milestones and fundamental principles of civil rights should be a part of every student's understanding of our nation's history. School districts should not only try to incorporate the history of civil rights into their regular curriculum at all grade levels, but should also take the opportunity to make this history come alive through the personalities and convictions of civil rights heroes." [2011 c 44 § 1.]

28A.230.179 Cardiopulmonary resuscitation instruction. (1) Each school district that operates a high school must offer instruction in cardiopulmonary resuscitation to students as provided in this section. Beginning with the 2013-14 school year, instruction in cardiopulmonary resuscitation must be included in at least one health class necessary for graduation.

(2) Instruction in cardiopulmonary resuscitation under this section must:

(a) Be an instructional program developed by the American heart association or the American red cross or be nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;

(b) Include appropriate use of an automated external defibrillator, which may be taught by video; and

(c) Incorporate hands-on practice in addition to cognitive learning.

(3) School districts may offer the instruction in cardiopulmonary resuscitation directly or arrange for the instruction to be provided by available community-based providers. The instruction is not required to be provided by a certificated teacher. Certificated teachers providing the instruction are

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not required to be certified trainers of cardiopulmonary resuscitation. A student is not required to earn certification in cardiopulmonary resuscitation to successfully complete the instruction for the purposes of this section. [2013 c 181 § 3.]

Findings—Intent—2013 c 181: "The legislature finds that more than three hundred sixty thousand people in the United States experience cardiac arrest outside of a hospital every year, and only ten percent survive because the remainder do not receive timely cardiopulmonary resuscitation. When administered immediately, cardiopulmonary resuscitation doubles or triples survival rates from cardiac arrest. Sudden cardiac arrest can happen to anyone at any time. Many victims appear healthy and have no known heart disease or other risk factors. The legislature finds that schools are the hearts of our community, and preparing students to help with a sudden cardiac arrest emergency could save the life of a child, parent, or teacher. Washington state has a long-standing history of training members of the public in cardiopulmonary resuscitation with community-based training programs. The legislature finds that training students will continue the legacy of providing high quality emergency cardiac care to its citizens. Therefore, the legislature intends to create a generation of lifesavers by putting cardiopulmonary resuscitation skills in the hands of all high school graduates and providing schools with a flexible framework to prepare for an emergency." [2013 c 181 § 1.]

28A.230.180 Access to campus and student information directories by official recruiting representatives—Informing students of educational and career opportunities. If the board of directors of a school district provides access to the campus and the student information directory to persons or groups which make students aware of occupational or educational options, the board shall provide access to official recruiting representatives of the job corps, peace corps, and AmeriCorps, and to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military, which must be equal to and no less than access provided to other postsecondary occupational or educational representatives. As used in this section, "access" includes, but is not limited to, the number of days provided and the type of presentation space. [2013 c 25 § 1; 1980 c 96 § 1. Formerly RCW 28A.58.535.]

28A.230.195 Test or assessment scores—Adjustments to instructional practices—Notification to parents. (1) If students' scores on the test or assessments under RCW 28A.655.070 indicate that students need help in identified areas, the school district shall evaluate its instructional practices and make appropriate adjustments.

(2) Each school district shall notify the parents of each student of their child's performance on the test and assessments conducted under this chapter. [2005 c 217 § 1; 1999 c 373 § 603; 1992 c 141 § 401.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.230.250 Coordination of procedures and content of assessments. The superintendent of public instruction shall coordinate both the procedures and the content of the tests and assessments required by the state to maximize the value of the information provided to students as they progress and to teachers and parents about students' talents, interests, and academic needs or deficiencies so that appropriate programs can be provided to enhance the likelihood of students'

success both in school and beyond. [1999 c 373 § 602; 1990 c 101 § 4.]

Additional notes found at www.leg.wa.gov

28A.230.265 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 16.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.232 RCW ALTERNATIVE LEARNING EXPERIENCE COURSES

Sections

- 28A.232.005 Finding—Intent.
28A.232.010 Alternative learning experience courses—Generally—
Rules—Reports.
28A.232.020 Calculation and allocation of appropriations.

28A.232.005 Finding—Intent. (1) Under Article IX of the Washington state Constitution, all children are entitled to an opportunity to receive a basic education. Although the state must assure that students in public schools have opportunities to participate in the instructional program of basic education, there is no obligation for either the state or school districts to provide that instruction using a particular delivery method or through a particular program.

(2) The legislature finds ample evidence of the need to examine and reconsider policies under which alternative learning that occurs outside the classroom using an individual student learning plan may be considered equivalent to full-time attendance in school, including for funding purposes. Previous legislative studies have raised questions about financial practices and accountability in alternative learning experience courses. Since 2005, there has been significant enrollment growth in alternative learning experience online courses, with evidence of unexpected financial impact when large numbers of nonresident students enroll in courses. Based on this evidence, there is a rational basis on which to conclude that there are different costs associated with providing courses not primarily based on full-time, daily contact between teachers and students and not primarily occurring on-site in a classroom.

(3) For these reasons, the legislature intends to allow for continuing review and revision of the way in which state funding allocations are used to support alternative learning experience courses. [2013 2nd sp.s. c 18 § 501; 2011 1st sp.s. c 34 § 1.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.232.010 Alternative learning experience courses—Generally—Rules—Reports. (1) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Alternative learning experience course" means a course, or for grades kindergarten through eight grade-level coursework, that is a delivery method for the program of basic education and is:

(i) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

(ii) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or under contract as permitted by applicable rules; and

(iii) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's policy and rules adopted by the superintendent of public instruction for alternative learning experiences.

(b) "In-person" means face-to-face instructional contact in a physical classroom environment.

(c) "Instructional contact time" means instructional time with a certificated teacher. Instructional contact time must be for the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the student's written student learning plan. Instructional contact time must be related to an alternative learning experience course identified in the student's written student learning plan. Instructional contact time may occur in a group setting between the teacher and multiple students and may be delivered either in-person or remotely using technology.

(d) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW 28A.250.010.

(e) "Remote course" means an alternative learning experience course that is not an online course where the student has in-person instructional contact time for less than twenty percent of the total weekly time for the course. No minimum in-person instructional contact time is required.

(f) "Site-based course" means an alternative learning experience course where the student has in-person instructional contact time for at least twenty percent of the total weekly time for the course.

(g) "Total weekly time" means the estimated average hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan.

(2) School districts may claim state funding under RCW 28A.232.020, to the extent otherwise allowed by state law including the provisions of RCW 28A.250.060, for students enrolled in remote, site-based, or online alternative learning experience courses. High school courses must meet district or state graduation requirements and be offered for high school credit.

(3) School districts that offer alternative learning experience courses may not provide any compensation, reimbursement, gift, reward, or gratuity to any parents, guardians, or students for participation in the courses. School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in alternative learning experience courses. This prohibition includes, but is not limited to, providing funds to parents, guardians, or students for the purchase of educational materials, supplies, experiences, services, or technological equipment. A district may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience courses if the purchase is consistent with the district's

approved curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's regular instructional program. Items so purchased remain the property of the school district upon program completion. School districts may not purchase or contract for instructional or cocurricular experiences and services that are included in an alternative learning experience written student learning plan, including but not limited to lessons, trips, and other activities, unless substantially similar experiences and services are available to students enrolled in the district's regular instructional program. School districts that purchase or contract for such experiences and services for students enrolled in an alternative learning experience course must submit an annual report to the office of the superintendent of public instruction detailing the costs and purposes of the expenditures. These requirements extend to contracted providers of alternative learning experience courses, and each district shall be responsible for monitoring the compliance of its providers with these requirements. However, nothing in this subsection shall prohibit school districts from contracting with school district employees to provide services or experiences to students, or from contracting with online providers approved by the office of the superintendent of public instruction pursuant to chapter 28A.250 RCW.

(4) Each school district offering or contracting to offer alternative learning experience courses must:

(a) Report annually to the superintendent of public instruction regarding the course types and offerings, and number of students participating in each;

(b) Document the district of residence for each student enrolled in an alternative learning experience course; and

(c) Beginning in the 2013-14 school year and continuing through the 2016-17 school year, pay costs associated with a biennial measure of student outcomes and financial audit of the district's alternative learning experience courses by the office of the state auditor.

(5) A school district offering or contracting to offer an alternative learning experience course to a nonresident student must inform the resident school district if the student drops out of the course or is otherwise no longer enrolled.

(6) School districts must assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students must also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules must address how students who reside outside the geographic service area of the school district are to be assessed.

(7) Beginning with the 2013-14 school year, school districts must designate alternative learning experience courses as such when reporting course information to the office of the superintendent of public instruction under RCW 28A.300.500.

(8)(a) The superintendent of public instruction shall adopt rules necessary to implement this section.

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(b) Rules adopted for weekly direct personal contact requirements and monthly progress evaluation must be flexible and reflect the needs of the student and the student's individual learning plan rather than specifying an amount of time. In addition, the rules must reduce documentation requirements, particularly for students making satisfactory progress, based on the unique aspects of the alternative learning experience course types defined in this section and taking into consideration the technical and system capabilities associated with the different course types.

(c) The rules must establish procedures that address how the counting of students must be coordinated by resident and nonresident districts for state funding so that no student is counted for more than one full-time equivalent in the aggregate. [2013 2nd sp.s. c 18 § 502; 2011 1st sp.s. c 34 § 2. Formerly RCW 28A.150.325.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.232.020 Calculation and allocation of appropriations. The superintendent of public instruction shall separately calculate and allocate moneys appropriated under RCW 28A.150.260 to school districts for each full-time equivalent student enrolled in an alternative learning experience course. The calculation shall be based on the estimated statewide annual average allocation per full-time equivalent student in grades nine through twelve in general education, excluding small high school enhancements, and including applicable rules and provisions of the omnibus appropriations act. [2013 2nd sp.s. c 18 § 503.]

Effective date—2013 2nd sp.s. c 18 § 503: "Section 503 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 30, 2013]." [2013 2nd sp.s. c 18 § 602.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.235 RCW FOOD SERVICES

Sections

28A.235.010	Superintendent of public instruction authorized to receive and disburse federal funds.
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28A.235.090	Revolving fund—Depositories for fund, bond or security for—Manner of payments from fund.
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28A.235.120	Meal programs—Establishment and operation—Personnel—Agreements.
28A.235.130	Milk for children at school expense.
28A.235.140	School breakfast programs.
28A.235.145	School breakfast and lunch programs—Use of state funds.
28A.235.150	School breakfast and lunch programs—Grants to increase participation—Increased state support.
28A.235.155	Federal summer food service program—Administration of funds—Grants.

28A.235.160 Requirements to implement school breakfast, lunch, and summer food service programs—Exemptions.
 28A.235.170 Washington grown fresh fruit and vegetable grant program.
Food donation and distribution—Liability: Chapter 69.80 RCW.

28A.235.010 Superintendent of public instruction authorized to receive and disburse federal funds. The superintendent of public instruction is hereby authorized to receive and disburse federal funds made available by acts of congress for the assistance of private nonprofit organizations in providing food services to children and adults according to the provisions of 20 U.S.C. Sec. 1751 et seq., the national school lunch act as amended, and 20 U.S.C. Sec. 1771, et seq., the child nutrition act of 1966, as amended. [1987 c 193 § 1. Formerly RCW 28A.29.010.]

28A.235.020 Payment of costs—Federal food services revolving fund—Disbursements. All reasonably ascertainable costs of performing the duties assumed and performed under RCW 28A.235.010 through 28A.235.030 and 28A.235.140 by either the superintendent of public instruction or another state or local governmental entity in support of the superintendent of public instruction's duties under RCW 28A.235.010 through 28A.235.030 and 28A.235.140 shall be paid exclusively with federal funds and, if any, private gifts and grants. The federal food services revolving fund is hereby established in the custody of the state treasurer. The office of the superintendent of public instruction shall deposit in the fund federal funds received under RCW 28A.235.010, recoveries of such funds, and gifts or grants made to the revolving fund. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. The superintendent of public instruction is authorized to expend from the federal food services revolving fund such funds as are necessary to implement RCW 28A.235.010 through 28A.235.030 and 28A.235.140. [1990 c 33 § 242; 1987 c 193 § 2. Formerly RCW 28A.29.020.]

28A.235.030 Rules. The superintendent shall have the power to promulgate such rules in accordance with chapter 34.05 RCW as are necessary to implement this chapter. [1987 c 193 § 3. Formerly RCW 28A.29.030.]

28A.235.036 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 17.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.235.040 Acquisition authorized. Notwithstanding any other provision of law or chapter 39.32 RCW, the state superintendent of public instruction is hereby authorized to purchase, or otherwise acquire from the government of the United States or any property or commodity disposal agency thereof, surplus or donated food commodities for the use by any school district for their hot lunch program. [1969 ex.s. c

223 § 28A.30.010. Prior: 1967 ex.s. c 92 § 1. Formerly RCW 28A.30.010, 28.30.010.]

28A.235.050 Contracts for—Other law applicable to. The state superintendent of public instruction is hereby authorized to enter into any contract with the United States of America, or any agency thereof, for the purchase of any surplus or donated food commodities, without regard to the provisions of any other law requiring the advertising, giving notice, inviting or receiving bids, or which may require the delivery of purchases before payment. [1969 ex.s. c 223 § 28A.30.020. Prior: 1967 ex.s. c 92 § 7. Formerly RCW 28A.30.020, 28.30.020.]

28A.235.060 Advancement of costs from revolving fund moneys—Reimbursement by school district to include transaction expense. In purchasing or otherwise acquiring surplus or donated commodities on the requisition of a school district the superintendent may advance the purchase price and other cost of acquisition thereof from the surplus and donated food commodities revolving fund and the superintendent shall in due course bill the proper school district for the amount paid by him or her for the commodities plus a reasonable amount to cover the expenses incurred by the superintendent's office in connection with the transaction. All payments received for surplus or donated commodities from school districts shall be deposited by the superintendent in the surplus and donated food commodities revolving fund. [1990 c 33 § 243; 1969 ex.s. c 223 § 28A.30.030. Prior: 1967 ex.s. c 92 § 4. Formerly RCW 28A.30.030, 28.30.030.]

28A.235.070 Revolving fund created. There is created in the office of the state superintendent of public instruction a revolving fund to be designated the surplus and donated food commodities revolving fund. [1985 c 341 § 10; 1979 ex.s. c 20 § 1; 1969 ex.s. c 223 § 28A.30.040. Prior: 1967 ex.s. c 92 § 2. Formerly RCW 28A.30.040, 28.30.040.]

28A.235.080 Revolving fund—Administration of fund—Use—School district requisition as prerequisite. The surplus and donated food commodities revolving fund shall be administered by the state superintendent of public instruction and be used solely for the purchase or other acquisition, including transportation, storage and other cost, of surplus or donable food commodities from the federal government. The superintendent may purchase or otherwise acquire such commodities only after requisition by a school district requesting such commodities. [1969 ex.s. c 223 § 28A.30.050. Prior: 1967 ex.s. c 92 § 3. Formerly RCW 28A.30.050, 28.30.050.]

28A.235.090 Revolving fund—Depositories for fund, bond or security for—Manner of payments from fund. The surplus and donated food commodities revolving fund shall be deposited by the superintendent in such banks as he or she may select, but any such depository shall furnish a surety bond executed by a surety company or companies authorized to do business in the state of Washington, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each depository bank. Monies shall be paid from the surplus and donated food commod-

ities revolving fund by voucher and check in such form and in such manner as shall be prescribed by the superintendent. [1990 c 33 § 244; 1969 ex.s. c 223 § 28A.30.060. Prior: 1967 ex.s. c 92 § 5. Formerly RCW 28A.30.060, 28.30.060.]

28A.235.100 Rules. The superintendent of public instruction shall have power to adopt rules as may be necessary to effectuate the purposes of this chapter. [1993 c 333 § 5; 1990 c 33 § 245; 1969 ex.s. c 223 § 28A.30.070. Prior: 1967 ex.s. c 92 § 6. Formerly RCW 28A.30.070, 28.30.070.]

28A.235.110 Suspension of laws, rules, inconsistent herewith. Any provision of law, or any resolution, rule or regulation which is inconsistent with the provisions of RCW 28A.235.040 through 28A.235.110 is suspended to the extent such provision is inconsistent herewith. [1990 c 33 § 246; 1969 ex.s. c 223 § 28A.30.080. Prior: 1967 ex.s. c 92 § 8. Formerly RCW 28A.30.080, 28.30.080.]

28A.235.120 Meal programs—Establishment and operation—Personnel—Agreements. The directors of any school district may establish, equip and operate meal programs in school buildings for pupils; certificated and classified employees; volunteers; public agencies, political subdivisions, or associations that serve public entities while using school facilities; other local, state, or federal child nutrition programs; and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of meals, federal aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW 28A.623.020: PROVIDED, FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals at cost as provided in RCW 28A.623.030 to children who are participating in educational or training or care programs or activities conducted by private, nonprofit organizations and entities and to students who are attending private elementary and secondary schools. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement with a private agency for the establishment, management and/or operation of a food service program or any part thereof. [2002 c 36 § 1; 1997 c 13 § 4; 1990 c 33 § 247; 1979 ex.s. c 140 § 3; 1979 c 58 § 1; 1973 c 107 § 2; 1969 ex.s. c 223 § 28A.58.136. Prior: (i) 1947 c 31 § 1; 1943 c 51 § 1; 1939 c 160 § 1; Rem. Supp. 1947 § 4706-1. Formerly RCW 28A.58.136, 28.58.260. (ii) 1943 c 51 § 2; Rem. Supp. 1943 § 4706-2. Formerly RCW 28.58.270.]

Nonprofit meal program for elderly—Purpose: RCW 28A.623.010.

Additional notes found at www.leg.wa.gov

28A.235.130 Milk for children at school expense. The board of directors of any school district may cause to be furnished free of charge, in a suitable receptacle on each and

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every school day to such children in attendance desiring or in need of the same, not less than one-half pint of milk. The cost of supplying such milk shall be paid for in the same manner as other items of expense incurred in the conduct and operation of said school, except that available federal or state funds may be used therefor. [1969 ex.s. c 223 § 28A.31.020. Prior: 1935 c 15 § 1; 1923 c 152 § 1; 1921 c 190 § 1; RRS § 4806. Formerly RCW 28A.31.020, 28.31.020.]

Food services—Use of federal funds: Chapter 28A.235 RCW.

28A.235.140 School breakfast programs. (1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each

such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. Requirements that school districts have school breakfast programs under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution. [1993 c 333 § 1; 1989 c 239 § 2. Formerly RCW 28A.29.040.]

Additional notes found at www.leg.wa.gov

28A.235.145 School breakfast and lunch programs—Use of state funds. State funds received by school districts under this chapter for school breakfast and lunch programs shall be used to support the operating costs of the program, including labor, unless specific appropriations for nonoperating costs are provided. [1993 c 333 § 2.]

28A.235.150 School breakfast and lunch programs—Grants to increase participation—Increased state support. (1) To the extent funds are appropriated, the superintendent of public instruction may award grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs. School districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated, the superintendent of public instruction shall increase the state support for school breakfasts and lunches. [1993 c 333 § 3.]

28A.235.155 Federal summer food service program—Administration of funds—Grants. (1) The superintendent of public instruction shall administer funds for the federal summer food service program.

(2) The superintendent of public instruction may award grants, to the extent funds are appropriated, to eligible organizations to help start new summer food service programs for children or to help expand summer food services for children. [1993 c 333 § 4.]

28A.235.160 Requirements to implement school breakfast, lunch, and summer food service programs—Exemptions. (1) For the purposes of this section:

(a) "Free or reduced-price lunch" means a lunch served by a school district participating in the national school lunch program to a student qualifying for national school lunch program benefits based on family size-income criteria.

(b) "School lunch program" means a meal program meeting the requirements defined by the superintendent of public instruction under subsection (2)(b) of this section.

(c) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(d) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(e) "Summer food service program" means a meal or snack program meeting the requirements defined by the superintendent of public instruction under subsection (4) of this section.

(2) School districts shall implement a school lunch program in each public school in the district in which educational services are provided to children in any of the grades kindergarten through four and in which twenty-five percent or more of the enrolled students qualify for a free or reduced-price lunch. In developing and implementing its school lunch program, each school district may consult with an advisory committee including school staff, community members, and others appointed by the board of directors of the district.

(a) Applications to determine free or reduced-price lunch eligibility shall be distributed and collected for all households of children in schools containing any of the grades kindergarten through four and in which there are no United States department of agriculture child nutrition programs. The applications that are collected must be reviewed to determine eligibility for free or reduced-price lunches. Nothing in this section shall be construed to require completion or submission of the application by a parent or guardian.

(b) Using the most current available school data on free and reduced-price lunch eligibility, the superintendent of public instruction shall adopt a schedule for implementation of school lunch programs at each school required to offer such a program under subsection (2) of this section as follows:

(i) Schools not offering a school lunch program and in which twenty-five percent or more of the enrolled students are eligible for free or reduced-price lunch shall implement a school lunch program not later than the second day of school in the 2005-06 school year and in each school year thereafter.

(ii) The superintendent shall establish minimum standards defining the lunch meals to be served, and such standards must be sufficient to qualify the meals for any available federal reimbursement.

(iii) Nothing in this section shall be interpreted to prevent a school from implementing a school lunch program earlier than the school is required to do so.

(3) To [the] extent funds are appropriated for this purpose, each school district shall implement a school breakfast program in each school where more than forty percent of students eligible to participate in the school lunch program qualify for free or reduced-price meal reimbursement by the school year 2005-06. For the second year before the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify for this requirement. Schools where lunch programs start after the 2003-04 school year, where forty percent of students

qualify for free or reduced-price meals, must begin school breakfast programs the second year following the start of a lunch program.

(4) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which fifty percent or more of the children enrolled in the school qualify for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:

(a) Beginning the summer of 2005 if the school currently offers a school breakfast or lunch program; or

(b) Beginning the summer following the school year during which a school implements a school lunch program under subsection (2)(b) of this section.

(5) Schools not offering a breakfast or lunch program may meet the meal service requirements of subsections (2)(b) and (4) of this section through any of the following:

(a) Preparing the meals on-site;

(b) Receiving the meals from another school that participates in a United States department of agriculture child nutrition program; or

(c) Contracting with a nonschool entity that is a licensed food service establishment under RCW 69.07.010.

(6) Requirements that school districts have a school lunch, breakfast, or summer nutrition program under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the state Constitution.

(7) The requirements in this section shall lapse if the federal reimbursement for any school breakfasts, lunches, or summer food service programs is eliminated.

(8) School districts may be exempted from the requirements of this section by showing good cause why they cannot comply with the office of the superintendent of public instruction to the extent that such exemption is not in conflict with federal or state law. The process and criteria by which school districts are exempted shall be developed by the office of the superintendent of public instruction in consultation with representatives of school directors, school food service, community-based organizations and the Washington state PTA. [2005 c 287 § 1; 2004 c 54 § 2.]

Findings—2005 c 287; 2004 c 54: "The legislature recognizes that hunger and food insecurity are serious problems in the state. Since the United States department of agriculture began to collect data on hunger and food insecurity in 1995, Washington has been ranked each year within the top ten states with the highest levels of hunger. A significant number of these households classified as hungry are families with children.

The legislature recognizes the correlation between adequate nutrition and a child's development and school performance. This problem can be greatly diminished through improved access to federal nutrition programs.

The legislature also recognizes that improved access to federal nutrition and assistance programs, such as the federal food stamp program and child nutrition programs, can be a critical factor in enabling recipients to gain the ability to support themselves and their families. This is an important step

towards self-sufficiency and decreased long-term reliance on governmental assistance and will serve to strengthen families in this state." [2005 c 287 § 2; 2004 c 54 § 1.]

Additional notes found at www.leg.wa.gov

28A.235.170 Washington grown fresh fruit and vegetable grant program. (1) The Washington grown fresh fruit and vegetable grant program is created in the office of the superintendent of public instruction. The purpose of the program is to facilitate consumption of Washington grown nutritious snacks in order to improve student health and expand the market for locally grown fresh produce.

(2) For purposes of this section, "fresh fruit and vegetables" includes perishable produce that is unprocessed, minimally processed, frozen, dried, or otherwise prepared, stored, and handled to maintain its fresh nature while providing convenience to the user. Producing minimally processed food involves cleaning, washing, cutting, or portioning.

(3) The program shall increase the number of school children with access to Washington grown fresh fruits and vegetables and shall be modeled after the United States department of agriculture fresh fruit and vegetable program, as described in 42 U.S.C. Sec. 1769(g). Schools receiving funds under the federal program are not eligible for grants under the Washington grown fresh fruit and vegetable grant program.

(4)(a) To the extent that state funds are appropriated specifically for this purpose, the office of the superintendent of public instruction shall solicit applications, conduct a competitive process, and make one or two-year grants to a mix of urban and rural schools to enable eligible schools to provide free Washington grown fresh fruits and vegetables throughout the school day.

(b) When evaluating applications and selecting grantees, the superintendent of public instruction shall consider and prioritize the following factors:

(i) The applicant's plan for ensuring the use of Washington grown fruits and vegetables within the program;

(ii) The applicant's plan for incorporating nutrition, agricultural stewardship education, and environmental education into the snack program;

(iii) The applicant's plan for establishing partnerships with state, local, and private entities to further the program's objectives, such as helping the school acquire, handle, store, and distribute Washington grown fresh fruits and vegetables.

(5)(a) The office of the superintendent of public instruction shall give funding priority to applicant schools with any of grades kindergarten through eight that: Participate in the national school lunch program and have fifty percent or more of their students eligible for free or reduced-price meals under the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq.

(b) If any funds remain after all eligible priority applicant schools have been awarded grants, the office of the superintendent of public instruction may award grants to applicant schools having less than fifty percent of the students eligible for free or reduced-price meals.

(6) The office of the superintendent of public instruction may adopt rules to carry out the grant program.

(7) With assistance from the Washington department of agriculture, the office of the superintendent of public instruc-

tion shall develop and track specific, quantifiable outcome measures of the grant program such as the number of students served by the program, the dollar value of purchases of Washington grown fruits and vegetables resulting from the program, and development of state, local, and private partnerships that extend beyond the cafeteria.

(8) As used in this section, "Washington grown" has the definition in RCW 15.64.060. [2008 c 215 § 3.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

Chapter 28A.245 RCW

SKILL CENTERS

Sections

28A.245.005	Findings.
28A.245.010	Skill centers—Purpose—Operation.
28A.245.020	Funding—Equivalency and apportionment.
28A.245.030	Revised guidelines for skill centers—Satellite and branch campus programs—Capital plan—Studies—Master plan—Rules.
28A.245.040	Expanded access—Targeted populations—Evaluation.
28A.245.050	Skill centers of excellence—Running start for career and technical education grant program—Career and technical programs of study.
28A.245.060	Director of skill centers.
28A.245.070	High school diplomas—Agreements with cooperating school districts—High school completion programs.
28A.245.080	Contracts with community or technical colleges—Courses leading to industry certificates or credentials for high school graduates.
28A.245.090	Contracts with community colleges—Enrollment lid—Fees.

28A.245.005 Findings. The legislature finds that student access to programs offered at skill centers can help prepare them for careers, apprenticeships, and postsecondary education. The legislature further finds that current limits on how school districts and skill centers report full-time equivalent students and the time students are served provide a disincentive for school districts to send their students to skill centers. The legislature further finds that there are barriers to providing access to students in rural and remote areas but that there are opportunities to do so with satellite and branch campus programs, distance and online learning programs, and collaboration with higher education, business, and labor. The legislature further finds that skill centers provide opportunities for dropout prevention and retrieval programs by offering programs that accommodate students' work schedules and provide credit retrieval opportunities. The legislature further finds that implementing the recommendations from the study by the workforce training and education coordinating board will enhance skill center programs and student access to those programs. [2007 c 463 § 1.]

28A.245.010 Skill centers—Purpose—Operation. A skill center is a regional career and technical education partnership established to provide access to comprehensive industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships, and postsecondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with a cooperative agreement. [2007 c 463 § 2.]

28A.245.020 Funding—Equivalency and apportionment. Beginning in the 2007-08 school year and thereafter, students attending skill centers shall be funded for all classes at the skill center and the sending districts, up to one and six-tenths full-time equivalents or as determined in the omnibus appropriations act. The office of the superintendent of public instruction shall develop procedures to ensure that the school district and the skill center report no student for more than one and six-tenths full-time equivalent students combining both their high school enrollment and skill center enrollment. Additionally, the office of the superintendent of public instruction shall develop procedures for determining the appropriate share of the full-time equivalent enrollment count between the resident high school and skill center. [2007 c 463 § 3.]

28A.245.030 Revised guidelines for skill centers—Satellite and branch campus programs—Capital plan—Studies—Master plan—Rules. (1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation. The superintendent of public instruction shall adopt rules that set as a goal a ten percent minimum local project contribution threshold for major skill center projects, unless there is a compelling rationale not to do so, including but not limited to local economic conditions, as determined by the superintendent of public instruction. This applies to the acquisition or major capital costs of skill center projects as outlined in the ten-year capital plan.

(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving non-cooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network. [2008 c 179 § 302; 2007 c 463 § 4.]

Effective date—2008 c 179: See RCW 28A.527.902.

28A.245.040 Expanded access—Targeted populations—Evaluation. Subject to available funding, skill centers shall provide access to late afternoon and evening sessions and summer school programs, to rural and high-density area students aligned with regionally identified high-demand occupations. When possible, the programs shall be specifically targeted for credit retrieval, dropout prevention and intervention for at-risk students, and retrieval of dropouts. Skill centers that receive funding for these activities must participate in an evaluation that is designed to quantify results and identify best practices, collaborate with local community partners in providing a comprehensive program, and provide matching funds. [2007 c 463 § 5.]

28A.245.050 Skill centers of excellence—Running start for career and technical education grant program—Career and technical programs of study. (1) The superintendent of public instruction shall establish and support skill centers of excellence in key economic sectors of regional significance. The superintendent shall broker the development of skill centers of excellence and identify their roles in developing curriculum and methodologies for reporting skill center course equivalencies for purposes of high school graduation.

(2) Once the skill centers of excellence are established, the superintendent of public instruction shall develop and seek funding for a running start for career and technical education grant program to develop and implement career and technical programs of study targeted to regionally determined high-demand occupations. Grant recipients should be partnerships of skill centers of excellence, community college centers of excellence, tech-prep programs, industry advisory committees, area workforce development councils, and skill panels in the related industry. Grant recipients should be expected to develop and assist in the replication of model career and technical education programs of study. The career and technical education programs of study developed should be consistent with the expectations in the applicable federal law. [2007 c 463 § 6.]

28A.245.060 Director of skill centers. To the extent funds are available, the superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the director of skill centers. [2009 c 578 § 7; 2007 c 463 § 7.]

28A.245.070 High school diplomas—Agreements with cooperating school districts—High school completion programs. Skill centers may enter into agreements with one or more cooperating school districts to grant a high school diploma on behalf of the district so that students who are juniors and seniors have an opportunity to attend the skill center on a full-time basis without coenrollment at a district high school. To avoid competition with other high schools in

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the cooperating district, high school completion programs operated by skill centers shall be designed as dropout prevention and retrieval programs for at-risk and credit-deficient students or for fifth-year seniors. A skill center may use grant awards from the building bridges program under RCW 28A.175.025 to develop high school completion programs as provided in this section. [2008 c 170 § 203.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

28A.245.080 Contracts with community or technical colleges—Courses leading to industry certificates or credentials for high school graduates. (1) Subject to the provisions of this section and RCW 28B.50.532, a skill center may enter into an agreement with the community or technical college in which district the skill center is located to provide career and technical education courses necessary to complete an industry certificate or credential for students who have received a high school diploma.

(2) To qualify for enrollment under this section, a student must have been enrolled in the skill center before receiving the high school diploma and must remain continuously enrolled in the skill center. A student may enroll only in those courses necessary to complete the industry certificate or credential associated with the student's career and technical program.

(3) Students enrolled in a skill center under this section shall be considered community and technical college students for purposes of enrollment reporting, tuition, and financial aid. The skill center shall maintain enrollment data for students enrolled under this section separately from data on secondary school enrollment. [2008 c 170 § 304.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

28A.245.090 Contracts with community colleges—Enrollment lid—Fees. The community colleges are encouraged to contract with skill centers to use the skill center facilities. The community colleges shall not be required to count the enrollments under these agreements toward the community college enrollment lid. Skill centers may charge fees to adult students under RCW 28A.225.220. [1993 c 380 § 3. Formerly RCW 28C.22.020.]

Chapter 28A.250 RCW ONLINE LEARNING

Sections

28A.250.005	Findings—Intent.
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28A.250.020	Multidistrict online providers—Approval criteria—Advisory committee.
28A.250.030	Office of online learning—Duties.
28A.250.040	Duties of the superintendent of public instruction.
28A.250.048	Condensed compliance reports—Second-class districts.
28A.250.050	Student access to online courses and online learning programs—Policies and procedures—Course credit—Dissemination of information—Development of local or regional online learning programs.
28A.250.060	Availability of state funding for students enrolled in online courses or programs.
28A.250.070	Rights of students to attend nonresident school district for the purposes of enrolling in online courses or online school programs—Standard release form.
28A.250.080	Administration of statewide student assessment—Waiver of scheduled dates.

28A.250.005 Findings—Intent. (1) The legislature finds that online learning provides tremendous opportunities for students to access curriculum, courses, and a unique learning environment that might not otherwise be available. The legislature supports and encourages online learning opportunities.

(2) However, the legislature also finds that there is a need to assure quality in online learning, both for the programs and the administration of those programs. The legislature is the steward of public funds that support students enrolled in online learning and must ensure an appropriate accountability system at the state level.

(3) Therefore, the legislature intends to take a first step in improving oversight and quality assurance of online learning programs, and intends to examine possible additional steps that may need to be taken to improve financial accountability.

(4) The first step in improving quality assurance is to:

(a) Provide objective information to students, parents, and educators regarding available online learning opportunities, including program and course content, how to register for programs and courses, teacher qualifications, student-to-teacher ratios, prior course completion rates, and other evaluative information;

(b) Create an approval process for online providers;

(c) Enhance statewide equity of student access to high quality online learning opportunities; and

(d) Require school district boards of directors to develop policies and procedures for student access to online learning opportunities. [2011 1st sp.s. c 34 § 4; 2009 c 542 § 1.]

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

28A.250.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course or grade-level coursework where:

(i) More than half of the course content is delivered electronically using the internet or other computer-based methods;

(ii) More than half of the teaching is conducted from a remote location through an online course learning management system or other online or electronic tools;

(iii) A certificated teacher has the primary responsibility for the student's instructional interaction. Instructional interaction between the teacher and the student includes, but is not limited to, direct instruction, review of assignments, assessment, testing, progress monitoring, and educational facilitation; and

(iv) Students have access to the teacher synchronously, asynchronously, or both.

(b) "Online school program" means a school program that offers a sequential set of online courses or grade-level coursework that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students.

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses or programs must comply with RCW 28A.232.010 and associated rules adopted by the superintendent of public instruction to qualify for state basic education funding.

(3) "Online provider" means any provider of an online course or program, including multidistrict online providers, all school district online learning programs, and all regional online learning programs. [2013 2nd sp.s. c 18 § 504; 2011 1st sp.s. c 34 § 5; 2009 c 542 § 2.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

28A.250.020 Multidistrict online providers—Approval criteria—Advisory committee. (1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online provider; and an appeals process. The criteria and processes for multidistrict online providers shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation, or are candidates for accreditation, through the Northwest accreditation commission or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction. In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When

reviewing online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding whether credit meets the school district's graduation requirements shall remain the responsibility of the school districts.

(3) Initial approval of online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. The first round of decisions regarding approval of online providers that are not multidistrict online providers shall be made by April 1, 2013. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year terms, and may be reappointed. The superintendent shall select the chair of the committee. [2013 2nd sp.s. c 18 § 505; 2011 1st sp.s. c 34 § 6; 2009 c 542 § 3.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

28A.250.030 Office of online learning—Duties. The superintendent of public instruction shall create an office of online learning. In the initial establishment of the office, the superintendent shall hire staff who have been employed by the digital learning commons to the extent such hiring is in accordance with state law and to the extent funds are available. The office shall:

(1) Develop and maintain a web site that provides objective information for students, parents, and educators regarding online learning opportunities offered by online providers that have been approved in accordance with RCW 28A.250.020. The web site shall include information regard-

ing the online course provider's overall instructional program, specific information regarding the content of individual online courses and online school programs, a direct link to each online course provider's web site, how to register for online learning programs and courses, teacher qualifications, student-to-teacher ratios, course completion rates, and other evaluative and comparative information. The web site shall also provide information regarding the process and criteria for approving online providers. To the greatest extent possible, the superintendent shall use the framework of the course offering component of the web site developed by the digital learning commons;

(2) Develop model agreements with approved online providers that address standard contract terms and conditions that may apply to contracts between a school district and the approved provider. The purpose of the agreements is to provide a template to assist individual school districts, at the discretion of the district, in contracting with online providers to offer the online provider's courses and programs to students in the district. The agreements may address billing, fees, responsibilities of online course providers and school districts, and other issues; and

(3) In collaboration with the educational service districts:

(a) Provide technical assistance and support to school district personnel through the educational technology centers in the development and implementation of online learning programs in their districts; and

(b) To the extent funds are available, provide online learning tools for students, teachers, administrators, and other educators. [2011 1st sp.s. c 34 § 7; 2009 c 542 § 4.]

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

28A.250.040 Duties of the superintendent of public instruction. The superintendent of public instruction shall:

(1) Develop model policies and procedures, in consultation with the Washington state school directors' association, that may be used by school district boards of directors in the development of the school district policies and procedures required in RCW 28A.250.050. The model policies and procedures shall be disseminated to school districts by February 1, 2010;

(2) By December 1, 2009, modify the standards for school districts to report course information to the office of the superintendent of public instruction under RCW 28A.300.500 to designate if the course was an online course. The reporting standards shall be required beginning with the 2010-11 school year; and

(3) Beginning January 15, 2011, and annually thereafter, submit a report regarding online learning to the state board of education, the governor, and the legislature. The report shall cover the previous school year and include but not be limited to student demographics, course enrollment data, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. [2009 c 542 § 5.]

28A.250.048 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class

districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 18.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.250.050 Student access to online courses and online learning programs—Policies and procedures—Course credit—Dissemination of information—Development of local or regional online learning programs. (1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts must award credit and grades for online high school courses successfully completed by a student that meet the school district's graduation requirements and are provided by an approved online provider.

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

(4) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under RCW 28A.250.020. [2013 2nd sp.s. c 18 § 506; 2011 1st sp.s. c 34 § 11; 2009 c 542 § 6.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

28A.250.060 Availability of state funding for students enrolled in online courses or programs. (1) Beginning with the 2011-12 school year, school districts may claim state funding under RCW 28A.232.020, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under RCW 28A.250.020 by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Beginning with the 2013-14 school year, school districts may claim state funding under RCW 28A.232.020, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are offered by an online provider approved under RCW 28A.250.020 by the superintendent of public instruction.

(3) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements. [2013 2nd sp.s. c 18 § 507; 2011 1st sp.s. c 34 § 8; 2009 c 542 § 7.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Finding—Intent—2011 1st sp.s. c 34: See note following RCW 28A.232.010.

28A.250.070 Rights of students to attend nonresident school district for the purposes of enrolling in online courses or online school programs—Standard release form. Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in online courses or online school programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an online course or online school program. [2013 2nd sp.s. c 18 § 508; 2009 c 542 § 8.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.250.080 Administration of statewide student assessment—Waiver of scheduled dates. An online school program may request a waiver from the office of the superintendent of public instruction to administer one or more sections of the statewide student assessment for grades three through eight for some or all students enrolled in the program on alternate days or on an alternate schedule, as long as the administration is within the testing period established by the office. The office may deny a request for a waiver if the online school program's proposal does not maintain adequate test security or would reduce the reliability of the assessment results by providing an inequitable advantage for some students. [2013 2nd sp.s. c 18 § 509.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.300 RCW

SUPERINTENDENT OF PUBLIC INSTRUCTION

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Occupational forecast—Agency consultation: RCW 50.38.030.
State investment board, appointment of member by superintendent: RCW 43.33A.020.

28A.300.010 Election—Term of office. A superintendent of public instruction shall be elected by the qualified electors of the state, on the first Tuesday after the first Monday in November of the year in which state officers are elected, and shall hold his or her office for the term of four years, and until his or her successor is elected and qualified. [1990 c 33 § 250; 1969 ex.s. c 223 § 28A.03.010. Prior: 1909 c 97 p 231 § 1; RRS § 4521; prior: 1897 c 118 § 20; 1891 c 127 § 1; 1890 p 348 § 3; Code 1881 § 3154; 1873 p 419 § 1; 1861 p 55 § 1. Formerly RCW 28A.03.010, 28.03.010, 43.11.010.]

28A.300.020 Assistant superintendents, deputy superintendent, assistants—Terms for exempt personnel. The superintendent of public instruction may appoint assistant superintendents of public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. However, the superintendent shall employ without undue

delay the executive director of the state board of education and other state board of education office assistants and clerical help, appointed by the state board under RCW 28A.305.130, whose positions are allotted and funded in accordance with moneys appropriated exclusively for the operation of the state board of education. The rate of compensation and termination of any such executive director, state board office assistants, and clerical help shall be subject to the prior consent of the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent or at the pleasure of the superintendent and the state board of education as provided in this section. Expenditures by the superintendent of public instruction for direct and indirect support of the state board of education are valid operational expenditures by and in behalf of the office of the superintendent of public instruction. [2005 c 497 § 403; 1996 c 25 § 2; 1969 ex.s. c 223 § 28A.03.020. Prior: 1967 c 158 § 3; 1909 c 97 p 234 § 4; RRS § 4524; prior: 1905 c 56 § 1; 1903 c 104 § 10; 1897 c 118 § 23; 1890 p 351 § 5. Formerly RCW 28A.03.020, 28.03.020, 43.11.020.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.300.030 Assistance of educational service district boards and superintendents—Scope. The superintendent of public instruction, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the superintendent of public instruction by law or by the Constitution of the state of Washington, upon such terms and conditions as the superintendent of public instruction shall establish. Such authority to assist the superintendent of public instruction shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information. [1975 1st ex.s. c 275 § 46; 1971 ex.s. c 282 § 29. Formerly RCW 28A.03.028.]

Additional notes found at www.leg.wa.gov

28A.300.035 Assistance of certificated or classified employee—Reimbursement for substitute. If the superintendent of public instruction or the state board of education, in carrying out their powers and duties under Title 28A RCW, request the service of any certificated or classified employee of a school district upon any committee formed for the purpose of furthering education within the state, or within any school district therein, and such service would result in a need for a school district to employ a substitute for such certificated or classified employee during such service, payment for such a substitute may be made by the superintendent of public instruction from funds appropriated by the legislature for the current use of the common schools and such payments shall be construed as amounts needed for state support to the common schools under RCW 28A.150.380. If such substitute is paid by the superintendent of public instruction, no deduction shall be made from the salary of the certificated or classified employee. In no event shall a school district deduct from the salary of a certificated or classified employee serving on such committee more than the amount paid the substi-

tute employed by the district. [1994 c 113 § 1; 1990 c 33 § 147; 1973 1st ex.s. c 3 § 1. Formerly RCW 28A.160.220, 28A.41.180.]

28A.300.039 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 19.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.300.040 Powers and duties. In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

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

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

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

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

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine;

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

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

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

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of

the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

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

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

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

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

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

(16) To perform such other duties as may be required by law. [2011 1st sp.s. c 43 § 302; 2009 c 556 § 10; 2006 c 263 § 104; 2005 c 360 § 6; 1999 c 348 § 6; 1992 c 198 § 6; 1991 c 116 § 2; 1990 c 33 § 251; 1982 c 160 § 2; 1981 c 249 § 1; 1977 c 75 § 17; 1975 1st ex.s. c 275 § 47; 1971 ex.s. c 100 § 1; 1969 ex.s. c 176 § 102; 1969 ex.s. c 223 § 28A.03.030. Prior: 1967 c 158 § 4; 1909 c 97 p 231 § 3; RRS § 4523; prior: 1907 c 240 § 1; 1903 c 104 § 9; 1901 c 177 § 5; 1901 c 41 § 1; 1899 c 142 § 4; 1897 c 118 § 22; 1891 c 127 §§ 1, 2; 1890 pp 348-351 §§ 3, 4; Code 1881 §§ 3155-3160; 1873 p 419 §§ 2-6; 1861 p 55 §§ 2, 3, 4. Formerly RCW 28A.03.030, 28.03.030, 43.11.030.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Intent—2005 c 360: See note following RCW 36.70A.070.

Intent—1999 c 348: See note following RCW 28A.205.010.

Additional notes found at www.leg.wa.gov

28A.300.0401 School district fiscal notes. (1) The office of the superintendent of public instruction shall, where it is practicable to do so within available resources, prepare school district fiscal notes on proposed legislation that increases or decreases, or tends to increase or decrease, school district revenues or expenditures in a manner that uniquely affects school districts. Proposed legislation that uniquely affects school districts includes, but is not limited to, legislation that affects school districts' responsibilities as providers of educational services under this title, as employers under chapter 41.59 RCW, or as excess levy taxing authorities under RCW 84.52.053 and 84.52.0531, but excludes proposed legislation that affects school districts

only in the same manner that it affects other units of local government.

(2) Where practicable, the school district fiscal note shall show the fiscal impact of the proposed legislation on each school district. Where it is not practicable to do so, the school district fiscal note shall show the effect of the legislation on a range of representative school districts. The fiscal note must set forth any assumptions that were used in selecting the representative districts, along with any other assumptions made about the fiscal impact.

(3) School district fiscal notes prepared under this section are subject to coordination by the office of financial management under RCW 43.88A.020 and are otherwise subject to the requirements and procedures of chapter 43.88A RCW. [2011 c 140 § 3.]

28A.300.041 Statewide student assessment system—Redesign—Reports to the legislature. (1) The legislature finds that a statewide student assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system, including students, parents, teachers, schools, school districts, and the state. The legislature intends to redesign the current statewide system, in accordance with the recommendations of the Washington assessment of student learning legislative work group, to:

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

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

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

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

(a) Be aligned to state standards in areas that are being assessed;

(b) Measure student growth and competency at multiple points throughout the year in a manner that allows instructors to monitor student progress and have the necessary trend data with which to improve instruction;

(c) Provide rapid feedback;

(d) Link student growth with instructional elements in order to gauge the effectiveness of educators and curricula;

(e) Provide tests that are appropriate to the skill level of the student;

(f) Support instruction for students of all abilities, including highly capable students and students with learning disabilities;

(g) Be culturally, linguistically, and cognitively relevant, appropriate, and understandable to each student taking the assessment;

(h) Inform parents and draw parents into greater participation of the student's study plan;

(i) Provide a way to analyze the assessment results relative to characteristics of the student such as, but not limited

to, English language learners, gender, ethnicity, poverty, age, and disabilities;

(j) Strive to be computer-based and adaptive; and

(k) Engage students in their learning.

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

(a) Be aligned to state standards in areas that are being assessed;

(b) Maintain and increase academic rigor;

(c) Measure student learning growth over years; and

(d) Strengthen curriculum.

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

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

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

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

(8) Beginning December 1, 2009, and annually thereafter, the superintendent and state board shall jointly report to the legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments. [2009 c 310 § 1.]

28A.300.042 Collection and submittal of student-level data—Student data-related reports—Disaggregation of data by subgroups—Modification of statewide student data systems. (1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and sub-ethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

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

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
 - (i) Bullying;
 - (ii) Tobacco;
 - (iii) Alcohol;
 - (iv) Illicit drug;
 - (v) Fighting without major injury;
 - (vi) Violence without major injury;
 - (vii) Violence with major injury;
 - (viii) Possession of a weapon; and
 - (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;
- (h) Intervention applied, including:
 - (i) Short-term suspension;
 - (ii) Long-term suspension;
 - (iii) Emergency expulsion;
 - (iv) Expulsion;
 - (v) Interim alternative education settings;
 - (vi) No intervention applied; and
 - (vii) Other intervention applied that is not described in this subsection (4)(h);
- (i) Number of days a student is suspended or expelled, to be counted in half or full days; and
- (j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

- (a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

- (c) Behavior infraction code; and
- (d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office. [2016 c 72 § 501; 2013 2nd sp.s. c 18 § 307; 2009 c 468 § 4.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.300.045 Pupil tests and records—Rules. The superintendent of public instruction shall adopt rules relating to pupil tests and records. [2006 c 263 § 704.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.300.046 "Student absence from school"—Rules—Collection of attendance and discipline data. (1)(a) The superintendent of public instruction shall adopt rules establishing a standard definition of student absence from school. In adopting the definition, the superintendent shall review current practices in Washington school districts, definitions used in other states, and any national standards or definitions used by the national center for education statistics or other national groups. The superintendent shall also consult with the building bridges work group established under RCW 28A.175.075.

(b) Using the definition of student absence adopted under this section, the superintendent shall establish an indicator for measuring student attendance in high schools for purposes of the PASS program under RCW 28A.175.130.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of: (i) Student attendance data using the definitions of student absence adopted under this section; and (ii) student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

- (i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and
- (ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under

RCW 28A.175.130 beginning in the 2012-13 school year. [2013 2nd sp.s. c 18 § 306; 2011 c 288 § 10.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.300.050 Assistance to professional educator standards board for activities involving professional educator excellence. The superintendent of public instruction shall provide technical assistance to the professional educator standards board in the conduct of the activities described in RCW 28A.410.040 and 28A.410.050. [2006 c 263 § 819; 1990 c 33 § 252; 1987 c 525 § 227. Formerly RCW 28A.03.375.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Short title—1987 c 525 §§ 202-233: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.300.060 Studies and adoption of classifications for school district budgets—Publication. The superintendent of public instruction and the state auditor jointly, and in cooperation with the senate and house committees on education, shall conduct appropriate studies and adopt classifications or revised classifications under RCW 28A.505.100, defining what expenditures shall be charged to each budget class including administration. The studies and classifications shall be published in the form of a manual or revised manual, suitable for use by the governing bodies of school districts, by the superintendent of public instruction, and by the legislature. [1991 c 116 § 3; 1990 c 33 § 253; 1975-'76 2nd ex.s. c 118 § 23; 1975 1st ex.s. c 5 § 1. Formerly RCW 28A.03.350.]

Additional notes found at www.leg.wa.gov

28A.300.065 Classification and numbering system of school districts. (1) The superintendent of public instruction is responsible for the classification and numbering system of school districts.

(2) Any school district in the state that has a student enrollment in its public schools of two thousand pupils or more, as shown by evidence acceptable to the educational service district superintendent and the superintendent of public instruction, is a school district of the first class. Any other school district is a school district of the second class.

(3) Whenever the educational service district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, the educational service district superintendent shall make an order in conformity with his or her findings and alter the records of his or her office accordingly. Thereafter, the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which the district then belongs.

(4) Notwithstanding any other provision of chapter 43, Laws of 1975, the educational service district superintendent, with the concurrence of the superintendent of public instruction, may delay approval of a change in classification of any school district for a period not exceeding three years when, in fact, the student enrollment of the district within any such

time period does not exceed ten percent, either in a decrease or increase thereof. [1999 c 315 § 202.]

28A.300.070 Receipt of federal funds for school purposes—Superintendent of public instruction to administer. The state of Washington and/or any school district is hereby authorized to receive federal funds made or hereafter made available by acts of congress for the assistance of school districts in providing physical facilities and/or maintenance and operation of schools, or for any other educational purpose, according to provisions of such acts, and the state superintendent of public instruction shall represent the state in the receipt and administration of such funds. [1969 ex.s. c 223 § 28A.02.100. Prior: 1943 c 220 § 4; Rem. Supp. 1943 § 5109-4. Formerly RCW 28A.02.100, 28.02.100.]

28A.300.080 Vocational agriculture education—Intent. The legislature recognizes that agriculture is the most basic and singularly important industry in the state, that agriculture is of central importance to the welfare and economic stability of the state, and that the maintenance of this vital industry requires a continued source of trained and qualified individuals who qualify for employment in agriculture and agribusiness. The legislature declares that it is within the best interests of the people and state of Washington that a comprehensive vocational education program in agriculture be maintained in the state's secondary school system. [1983 1st ex.s. c 34 § 1. Formerly RCW 28A.03.415.]

28A.300.090 Vocational agriculture education—Service area established—Duties. (1) A vocational agriculture education service area within the office of the superintendent of public instruction shall be established. Adequate staffing of individuals trained or experienced in the field of vocational agriculture shall be provided for the vocational agriculture education service area for coordination of the state program and to provide assistance to local school districts for the coordination of the activities of student agricultural organizations and associations.

(2) The vocational agriculture education service area shall:

(a) Assess needs in vocational agriculture education, assist local school districts in establishing vocational agriculture programs, review local school district applications for approval of vocational agriculture programs, evaluate existing programs, plan research and studies for the improvement of curriculum materials for specialty areas of vocational agriculture. Standards and criteria developed under this subsection shall satisfy the mandates of federally-assisted vocational education;

(b) Develop in-service programs for teachers and administrators of vocational agriculture, review application for vocational agriculture teacher certification, and assist in teacher recruitment and placement in vocational agriculture programs;

(c) Serve as a liaison with the Future Farmers of America, representatives of business, industry, and appropriate public agencies, and institutions of higher education in order to disseminate information, promote improvement of vocational agriculture programs, and assist in the development of

adult and continuing education programs in vocational agriculture; and

(d) Establish an advisory task force committee of agriculturists, who represent the diverse areas of the agricultural industry in Washington, which shall make annual recommendations including, but not limited to, the development of curriculum, staffing, strategies for the purpose of establishing a source of trained and qualified individuals in agriculture, and strategies for articulating the state program in vocational agriculture education, including youth leadership throughout the state school system. [1983 1st ex.s. c 34 § 2. Formerly RCW 28A.03.417.]

28A.300.100 Vocational agriculture education—Superintendent to adopt rules. The superintendent of public instruction, pursuant to chapter 34.05 RCW, shall adopt such rules as are necessary to carry out the provisions of RCW 28A.300.090. [1990 c 33 § 254; 1983 1st ex.s. c 34 § 3. Formerly RCW 28A.03.419.]

28A.300.105 Office of Native education—Duties—Report. (1) To the extent funds are available, an Indian education division, to be known as the office of Native education, is created within the office of the superintendent of public instruction. The superintendent shall appoint an individual to be responsible for the office of Native education.

(2) To the extent state funds are available, with additional support of federal and local funds where authorized by law, the office of Native education shall:

(a) Provide assistance to school districts in meeting the educational needs of American Indian and Alaska Native students;

(b) Facilitate the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty pursuant to RCW 28A.320.170;

(c) Provide assistance to districts in the acquisition of funding to develop curricula and instructional materials in conjunction with native language practitioners and tribal elders;

(d) Coordinate technical assistance for public schools that serve American Indian and Alaska Native students;

(e) Seek funds to develop, in conjunction with the Washington state native American education advisory committee, and implement the following support services for the purposes of both increasing the number of American Indian and Alaska Native teachers and principals and providing continued professional development for educational assistants, teachers, and principals serving American Indian and Alaska Native students:

- (i) Recruitment and retention;
- (ii) Academic transition programs;
- (iii) Academic financial support;
- (iv) Teacher preparation;
- (v) Teacher induction; and
- (vi) Professional development;

(f) Facilitate the inclusion of native language programs in school districts' curricula;

(g) Work with all relevant agencies and committees to highlight the need for accurate, useful data that is appropriate

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ately disaggregated to provide a more accurate picture regarding American Indian and Alaska Native students; and

(h) Report to the governor, the legislature, and the governor's office of Indian affairs on an annual basis, beginning in December 2012, regarding the state of Indian education and the implementation of all state laws regarding Indian education, specifically noting system successes and accomplishments, deficiencies, and needs. [2011 c 270 § 2.]

Findings—2011 c 270: "The legislature finds:

(1) Leadership, technical assistance, and advocacy is important to promoting the academic success of all students, particularly including American Indian and Alaska Native students;

(2) American Indian and Alaska Native students make up two and one-half percent of the total student population in the state and twenty-five percent or more of the student population in fifty-seven schools across the state;

(3) The annual dropout rate for American Indian and Alaska Native students has hovered around ten or eleven percent over the past three school years and, while the on-time graduation rate for these students has improved between the 2006-07 and 2008-09 school years, it is still only fifty-two and seven-tenths percent; and

(4) Despite the passage of House Bill No. 1495 in 2005, with its goal of educating citizens of the state about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations, and the contribution of American Indians and Alaska Natives to the state, that goal has yet to be achieved in many schools." [2011 c 270 § 1.]

28A.300.106 Native education public-private partnership account. The Native education public-private partnership account is created in the custody of the state treasurer. The purpose of the account is to support the activities of the office of Native education within the office of the superintendent of public instruction under RCW 28A.300.105. Receipts from any appropriations made by the legislature for the purposes of RCW 28A.300.105, federal funds, gifts or grants from the private sector or foundations, and other sources must be deposited into the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2011 c 270 § 3.]

Findings—2011 c 270: See note following RCW 28A.300.105.

28A.300.115 Holocaust instruction—Preparation and availability of instructional materials. (1) Every public high school is encouraged to include in its curriculum instruction on the events of the period in modern world history known as the Holocaust, during which six million Jews and millions of non-Jews were exterminated. The instruction may also include other examples from both ancient and modern history where subcultures or large human populations have been eradicated by the acts of humankind. The studying of this material is a reaffirmation of the commitment of free peoples never again to permit such occurrences.

(2) The superintendent of public instruction may prepare and make available to all school districts instructional materials for use as guidelines for instruction under this section. [1992 c 24 § 1.]

28A.300.118 College credit program information—Notification to schools and parents. (1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact informa-

tion of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities. [2000 c 126 § 1.]

28A.300.119 Online learning programs for college credit—Information. (1) The office of the superintendent of public instruction shall compile information about online learning programs for high school students to earn college credit and place the information on its web site. Examples of information to be compiled and placed on the web site include links to purveyors of online learning programs, comparisons among various types of programs regarding costs or awarding of credit, advantages and disadvantages of online learning programs, and other general assistance and guidance for students, teachers, and counselors in selecting and considering online learning programs. The office shall use the expertise of the digital learning commons and WashingtonOnline to provide assistance and suggest resources.

(2) High schools shall ensure that teachers and counselors have information about online learning programs for high school students to earn college credit and are able to assist parents and students in accessing the information. High schools shall ensure that parents and students have opportunities to learn about online learning programs under this section.

(3) For the purposes of this section, online learning programs for high school students to earn college credit include such programs as the running start program under RCW 28A.600.300 through 28A.600.400, advanced placement courses authorized by the college board, the digital learning commons, University of Washington extension, WashingtonOnline, and other programs and providers that meet qualifications under current laws and rules to offer courses that high schools may accept for credit toward graduation requirements or that offer courses generally accepted for credit by public institutions of higher education in Washington. [2008 c 95 § 2.]

Finding—2008 c 95: "The legislature finds that student interest and participation in online learning continues to grow. At the same time, the legislature, business community, and public are encouraging additional programs for high school students to earn college credits. Fortunately for students attending schools in rural areas, the two trends can be combined to provide learning opportunities that are both rigorous and accessible, and in some

cases available free to the student. In 2006-07, more than four thousand five hundred students were able to take an online college course through the running start program, which the community and technical college system makes accessible statewide through its WashingtonOnline consortium. A more concerted effort is needed to make schools and students aware of these opportunities." [2008 c 95 § 1.]

28A.300.120 Administrative hearing—Contract to conduct authorized—Final decision. Whenever a statute or rule provides for a formal administrative hearing before the superintendent of public instruction under chapter 34.05 RCW, the superintendent of public instruction may contract with the office of administrative hearings to conduct the hearing under chapter 34.12 RCW and may delegate to a designee of the superintendent of public instruction the authority to render the final decision. [1985 c 225 § 1. Formerly RCW 28A.03.500.]

28A.300.130 Center for the improvement of student learning—Educational improvement and research—Clearinghouse for information regarding educational improvement and parental involvement programs—Web site development and maintenance—Reports to the legislature. (1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall establish the center for the improvement of student learning. The center shall work in conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, subject to the availability of amounts appropriated for this specific purpose, and in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors

about the waivers available and the broadened school board powers under RCW 28A.320.015;

(e) Provide training and consultation services, including conducting regional summer institutes;

(f) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, email, phone, and postal mail; and

(h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system. [2016 c 72 § 804; 2009 c 578 § 6; 2008 c 165 § 1; 2006 c 116 § 2; 1999 c 388 § 401; 1996 c 273 § 5; 1993 c 336 § 501; 1986 c 180 § 1. Formerly RCW 28A.03.510.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Findings—Intent—2006 c 116: "The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community involvement in education and increased knowledge of and input regarding the delivery of public education. The legislature further finds that increased community involvement with, knowledge of, and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman [ombuds] to increase parent, guardian, and community involvement in public education and to serve as a resource for parents and students and as an advocate for students in the public education system." [2006 c 116 § 1.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

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Findings—1993 c 336: See note following RCW 28A.150.210.

Definitions: RCW 28A.655.010.

Additional notes found at www.leg.wa.gov

28A.300.131 Parental involvement—Measures to evaluate level—Models and practices—Recognition.

There is a sizeable body of research positively supporting the involvement of parents taking an engaged and active role in their child's education. Therefore, the legislature intends to provide state recognition by the center for the improvement of student learning within the office of the superintendent of public instruction for schools that increase the level of direct parental involvement with their child's education. By September 1, 2010, the center for the improvement of student learning shall determine measures that can be used to evaluate the level of parental involvement in a school. The center for the improvement of student learning shall collaborate with school district family and community outreach programs and educational service districts to identify and highlight successful models and practices of parent involvement. [2010 c 235 § 704.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.300.135 Center for the improvement of student learning account.

(1) The center for the improvement of student learning account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from gifts, grants, or endowments for the center for the improvement of student learning. Moneys in the account may be spent only for activities of the center. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center for the improvement of student learning and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments. [1993 c 336 § 502.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.300.136 Educational opportunity gap oversight and accountability committee—Policy and strategy recommendations.

(1) An educational opportunity gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The educational opportunity gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombuds;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction;

(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(7) The chair or cochairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) The superintendent of public instruction, the state board of education, and the professional educator standards board shall work collaboratively with the educational opportunity gap oversight and accountability committee to close

the achievement gap. [2016 c 162 § 3; 2013 c 23 § 49; 2011 1st sp.s. c 21 § 33; 2010 c 235 § 901; 2009 c 468 § 2.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Intent—2009 c 468: "(1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) The legislature further finds that access to comprehensive and consistent data that is disaggregated in the smallest units allowable by law is important in closing the achievement gap. Policymakers and educators need as much information as possible not only about students' academic progress, but also about other factors across multiple disciplines that affect student performance.

(3) A consistent and powerful theme throughout the achievement gap studies was the need for cultural competency in instruction, curriculum, assessment, and professional development. Cultural competency forms a foundation for efforts to address the achievement gap, and more work is needed to embed it into the public school system.

(4) Therefore, following the priority recommendations from the achievement gap studies, the legislature intends to:

(a) Provide resources to support parent and community involvement and outreach efforts by public schools, including such items as additional notices and communication to parents, translations, translators, parent and community meetings, and school events within the community. The legislature encourages school districts to consult with the office of the education ombudsman [ombuds] in developing plans for parent and community involvement and outreach;

(b) Require that teachers demonstrate cultural competency in the classroom and with students at each level of state teacher certification, and provide additional opportunities for professional development in cultural competency for current teachers;

(c) Create local alternative routes to teacher certification for paraeducators and individuals in the communities surrounding schools and school districts that are struggling to address the achievement gap;

(d) Reexamine the study recommendations regarding data and accountability and identify ways for the education data system to address these needs; and

(e) Sustain efforts to close the achievement gap over the long term by creating a high profile achievement gap oversight and accountability committee that will provide ongoing advice to education agencies and report annually to the legislature and the governor." [2009 c 468 § 1.]

28A.300.1361 Closing the achievement gap—Enhancing data collection and data system capacity—Securing federal funds. The superintendent of public instruction shall take all actions necessary to secure federal funds to support enhancing data collection and data system capacity in order to monitor progress in closing the achievement gap and to support other innovations and model programs that align education reform and address disproportionality in the public school system. [2009 c 468 § 7.]

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.300.137 Strategies to address the achievement gap—Improvement of education performance measures—Annual report. Beginning in January 2010, the *achievement gap oversight and accountability committee

shall report annually to the superintendent of public instruction, the state board of education, the professional educator standards board, the governor, and the education committees of the legislature on the strategies to address the achievement gap and on the progress in improvement of education performance measures for African-American, Hispanic, American Indian/Alaskan Native, Asian, and Pacific Islander/Hawaiian Native students. [2009 c 468 § 3; 2008 c 298 § 3.]

***Reviser's note:** The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

Findings—Intent—2008 c 298: "(1) The legislature finds that of all the challenges confronting the African-American community, perhaps none is more critical to the future than the education of African-American children. The data regarding inequities, disproportionality, and gaps in achievement is alarming no matter which indicators are used:

(a) The gap in reading test scores between African-American and white students on the tenth grade Washington assessment of student learning is twenty percentage points, with only two-thirds of African-American students able to meet the upcoming graduation standard in reading on the first attempt compared to eighty-five percent of white students. African-American students are lagging behind other student groups in reading improvement.

(b) African-American students continue to score lowest among student groups in high school mathematics, with only twenty-three percent able to meet state standard on the first attempt, a thirty-three percentage point lag behind white students who have a fifty-six percent met-standard rate.

(c) One-fourth of African-American students who enter ninth grade will have dropped out of school by the time their peers graduate in twelfth grade. This measure does not account for the children who, facing significant educational challenges and barriers, have already grown disparaged before the end of middle or junior high school.

(2) The legislature further finds that although there are multiple initiatives broadly intended to improve student achievement, including a small number of initiatives to address the achievement gap for disadvantaged students generally, there are only a select few efforts targeted to the challenges of African-American students or designed specifically to engage parents and leaders in the African-American community. The efficacy of general supplemental programs in helping African-American students is unknown. A thoughtful, comprehensive, and inclusive strategy for African-American students has not been created.

(3) Therefore, the legislature intends to commission and then implement a clear, concise, and intentional plan of action, with specific strategies and performance benchmarks, to ensure that African-American students meet or exceed all academic standards and are prepared for a quality life and responsible citizenship in the twenty-first century." [2008 c 298 § 1.]

28A.300.139 Washington integrated student supports protocol. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be inte-

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grated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists. [2016 c 72 § 801.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.300.145 Educational materials regarding sex offenses, sex offenders, and victims of sexual assault (as amended by 2013 c 10). The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, the Washington state school directors' association, the association of Washington school principals, the center for children and youth justice, youthcare, the committee for children, the department of early learning, the department of social and health services, the office of crime victims advocacy, other relevant organizations, and the office of the superintendent of public instruction, shall ((develop)) by June 1, 2014, update existing educational materials ((to be)) made available throughout the state to inform parents and other interested community members about:

(1) The laws related to sex offenses, including registration, community notification((+)), and the classification of sex offenders based on an assessment of the risk of reoffending;

(2) How to recognize behaviors characteristic of sex offenses and sex offenders;

(3) How to prevent victimization, particularly that of young children;

(4) How to take advantage of community resources for victims of sexual assault; ((and))

(5) How to prevent children from being recruited into sex trafficking;
and

(6) Other information as deemed appropriate. [2013 c 10 § 3; 2006 c 135 § 2.]

Finding—2013 c 10: See note following RCW 28A.410.035.

28A.300.145 Educational materials regarding sex offenses, sex offenders, and victims of sexual assault (as amended by 2013 c 85). (1) The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction, shall develop educational materials to be made available throughout the state to inform parents, students, school districts, and other interested community members about:

((+)) (a) The laws related to sex offenses, including the legal elements of sexual [sex] offenses under chapter 9A.44 RCW where a minor is a victim, the consequences upon conviction, and sex offender registration, community notification((+)), and the classification of sex offenders based on an assessment of the risk of reoffending;

((2)) (b) How to recognize behaviors characteristic of sex offenses and sex offenders;

((3)) (c) How to prevent victimization, particularly that of young children;

((4)) (d) How to take advantage of community resources for victims of sexual assault; and

((5)) (e) Other information as deemed appropriate.

(2) By September 1, 2014, and biennially thereafter, the Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction, shall review and update the educational materials developed under subsection (1) of this section to assure that they remain current and accurate, and are age-appropriate for a variety of ages.

(3) Every public school that offers sexual health education must assure that sexual health education complies with existing requirements in the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the superintendent of public instruction. Specifically, sexual health education must attempt to achieve the objective "take responsibility for and understand the consequences of their own behavior" and the objective "avoid exploitive or manipulative relationships." To do this, sexual health education programs should include age-appropriate information about the legal elements of sexual [sex] offenses under chapter 9A.44 RCW where a minor is a victim and the consequences upon conviction, as well as the other information required to be included in informational materials prepared pursuant to subsection (1) of this section. Public schools that offer sexual health education are encouraged to incorporate the materials developed under subsection (1) of this section into the curriculum. [2013 c 85 § 1; 2006 c 135 § 2.]

Reviser's note: RCW 28A.300.145 was amended twice during the 2013 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

28A.300.147 Students required to register as sex or kidnapping offenders—Sample policy—Educational materials. The superintendent of public instruction shall publish on its web site, with a link to the safety center web page:

(1) A revised and updated sample policy for schools to follow regarding students required to register as sex or kidnapping offenders; and

(2) Educational materials developed pursuant to RCW 28A.300.145. [2015 c 261 § 13; 2011 c 338 § 6.]

28A.300.150 Information on child abuse and neglect prevention curriculum—Rules. The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and *community,

trade, and economic development shall share relevant information. [2006 c 263 § 705; 1994 c 245 § 8; 1987 c 489 § 2. Formerly RCW 28A.03.512.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—1987 c 489: "It is the intent of the legislature to make child abuse and neglect primary prevention education and training available to children, including preschool age children, parents, school employees, and licensed day care providers." [1987 c 489 § 1.]

28A.300.160 Development of coordinated primary prevention program for child abuse and neglect—Office as lead agency. (1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the *department of community, trade, and economic development, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

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

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

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

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

(iii) Appropriate to the geographic area served; and

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

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

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

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

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

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

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

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

(4) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program. [1995 c 399 § 21; 1987 c 489 § 3. Formerly RCW 28A.03.514.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Intent—1987 c 489: See note following RCW 28A.300.150.

28A.300.164 Energy information program. The office of the superintendent of public instruction shall develop an energy information program for use in local school districts. The program shall utilize existing curriculum which may include curriculum as developed by districts or the state relating to the requirement under RCW 28A.230.020 that schools provide instruction in science with special reference to the environment, and shall include but not be limited to the following elements:

- (1) The fundamental role energy plays in the national and regional economy;
- (2) Descriptions and explanations of the various sources of energy which are used both regionally and nationally;
- (3) Descriptions and explanations of the ways to use various energy sources more efficiently; and
- (4) Advantages and disadvantages to the various sources of present and future supplies of energy.

Under this section the office of superintendent of public instruction shall emphasize providing teacher training, promoting the use of local energy experts in the classroom, and dissemination of energy education curriculum. [1990 c 301 § 2.]

Findings—1990 c 301: "The legislature finds that the state is facing an impending energy supply crisis. The legislature further finds that keeping the importance of energy in the minds of state residents is essential as a means to help avert a future energy supply crisis and that citizens need to be aware of the importance and trade-offs associated with energy efficiency, the implications of wasteful uses of energy, and the need for long-term stable supplies of energy. One efficient and effective method of informing the state's citizens on energy issues is to begin in the school system, where information may guide energy use decisions for decades into the future." [1990 c 301 § 1.]

28A.300.165 National guard high school career training and national guard youth challenge program—Rules. (1) In addition to any other powers and duties as provided by law, the superintendent of public instruction, in consultation with the military department, shall adopt rules governing and authorizing the acceptance of national guard high school career training and the national guard youth challenge program in lieu of either required high school credits or elective high school credits.

(2) With the exception of students enrolled in the national guard youth challenge program, students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

(3) The superintendent shall adopt rules to ensure that students who successfully complete the national guard youth challenge program are granted an appropriate number of high school credits, based on the students' levels of academic proficiency as measured by the program. [2006 c 263 § 406;

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2002 c 291 § 3; 1975 1st ex.s. c 262 § 1. Formerly RCW 28A.305.170, 28A.04.133.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.300.170 State general fund—Estimates for state support to public schools, from. At such time as the governor shall determine under the provisions of chapter 43.88 RCW, the superintendent of public instruction shall submit such detailed estimates and other information to the governor and in such form as the governor shall determine of the total estimated amount required for appropriation from the state general fund for state support to public schools during the ensuing biennium. [1980 c 6 § 2; 1969 ex.s. c 223 § 28A.41.040. Prior: 1945 c 141 § 11; Rem. Supp. 1945 § 4940-9. Formerly RCW 28A.41.040, 28.41.040.]

Additional notes found at www.leg.wa.gov

28A.300.172 Prototypical funding allocation model—Determination of educational system's capacity to accommodate increased resources—Identification of limitations—Reports. (1) As part of the estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170, the superintendent of public instruction shall biennially make determinations on the educational system's capacity to accommodate increased resources in relation to the elements in the prototypical funding allocation model. In areas where there are specific and significant capacity limitations to providing enhancements to a recommended element, the superintendent of public instruction shall identify those limitations and make recommendations on how to address the issue.

(2) The legislature shall:

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

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

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

(4) The office of the superintendent of public instruction shall report to the legislature on a biennial basis beginning December 1, 2010. [2009 c 548 § 113.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.300.173 Prototypical funding model—District allocation of state resources—Public access on internet-based portal. The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building. [2010 c 236 § 12.]

28A.300.175 Recovery of payments to recipients of state money—Basis—Resolution of audit findings—Rules. The superintendent of public instruction shall withhold or recover state payments to school districts, educational service districts, and other recipients of state money based on findings of the Washington state auditor. When an audit questions enrollment, staffing, or other data reported to the state and used in state apportionment calculations, the superintendent of public instruction may require submission of revised data, or as an alternative may adjust data based on estimates, and shall revise apportionment calculations and payments accordingly. The superintendent of public instruction shall adopt rules setting forth policies and procedures for the resolution of monetary and nonmonetary audit findings involving state money. [1997 c 167 § 1.]

28A.300.185 Family preservation education program. The office of the superintendent of public instruction shall develop a family preservation education program model curriculum that is available to each of the school district boards of directors. The model curriculum shall be posted on the superintendent of public instruction's web site. The model curriculum shall include, but is not limited to, instruction on developing conflict management skills, communication skills, domestic violence and dating violence, financial responsibility, and parenting responsibility. [2005 c 491 § 3.]

Finding—2005 c 491: "The legislature finds that effective relationship skills are used in parenting, the workplace, schools, neighborhoods, and other relationships. The state has a compelling interest in encouraging its citizens in developing the parenting and communication skills vital for successful and fulfilling family relationships." [2005 c 491 § 1.]

28A.300.190 Coordination of video telecommunications programming in schools. The office of the superintendent of public instruction shall provide statewide coordination of video telecommunications programming for the common schools. [1990 c 208 § 8.]

28A.300.220 Cooperation with workforce training and education coordinating board. The superintendent shall cooperate with the workforce training and education coordinating board in the conduct of the board's responsibilities under RCW 28C.18.060 and shall provide information and data in a format that is accessible to the board. [1991 c 238 § 78.]

28A.300.230 Findings—Integration of vocational and academic education. The legislature finds that the needs of the workforce and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's workforce to be competitive in the world market, employees need competencies in both vocational/technical skills and in core essential competencies such as English, math, science/technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education. [1991 c 238 § 140.]

28A.300.235 Development of model curriculum integrating vocational and academic education. The superintendent of public instruction shall with the advice of the workforce training and education coordinating board develop model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science/technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts. [1991 c 238 § 141.]

28A.300.240 International student exchange. (1) The superintendent of public instruction shall annually make available to school districts and approved private schools, from data supplied by the secretary of state, the names of international student exchange visitor placement organizations registered under chapter 19.166 RCW to place students in public schools in the state and a summary of the information the organizations have filed with the secretary of state under chapter 19.166 RCW.

(2) The superintendent shall provide general information and assistance to school districts regarding international student exchange visitors, including, to the extent feasible with available resources, information on the type of visa required for enrollment, how to promote positive educational experiences for visiting exchange students, and how to integrate exchange students into the school environment to benefit the education of both the exchange students and students in the state. [1991 c 128 § 11.]

Additional notes found at www.leg.wa.gov

28A.300.250 Participation in federal nutrition programs—Superintendent's duties. The superintendent of public instruction shall aggressively solicit eligible schools, child and adult day care centers, and other organizations to participate in the nutrition programs authorized by the United States department of agriculture. [1991 c 366 § 402.]

Finding—1991 c 366: "Hunger and malnutrition threaten the future of a whole generation of children in Washington. Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school. The resultant diminished future capacity of and opportunities for these children will affect this state's economic and social future. Thus, the legislature finds that the state has an interest in helping families provide nutritious meals to children.

The legislature also finds that the state has an interest in helping hungry and malnourished adults obtain necessary nourishment. Adequate nourishment is necessary for physical health, and physical health is the foundation of self-sufficiency. Adequate nourishment is especially critical in the case of pregnant and lactating women, both to ensure that all mothers and babies are as healthy as possible and to minimize the costs associated with the care of low-birthweight babies." [1991 c 366 § 1.]

Finding—1991 c 366: "The legislature finds that the school breakfast and lunch programs, the summer feeding program, and the child and adult day care feeding programs authorized by the United States department of agriculture are effective in addressing unmet nutritional needs. However, some communities in the state do not participate in these programs. The result is hunger, malnutrition, and inadequate nutrition education for otherwise eligible persons living in nonparticipating communities." [1991 c 366 § 401.]

Additional notes found at www.leg.wa.gov

28A.300.270 Violence prevention training. The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state. [1994 sp.s. c 7 § 602.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.300.273 Annual school safety summits. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.

(a) The majority and minority leaders of the senate shall appoint two members from each of the relevant caucuses of the senate.

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

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(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction and the school safety advisory committee.

(5) Legislative members of the summit are reimbursed for travel expenses in accordance with RCW 44.04.120. Non-legislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. [2016 c 240 § 3.]

Intent—2016 c 240: "The legislature recognizes that public schools are required to have safe school plans and procedures in place. The legislature acknowledges that there are costs associated with these plans and procedures. The legislature intends to review the funding of school safety and security programs and work toward a statewide plan for funding cost-effective methods for school safety that meet the needs of local school districts." [2016 c 240 § 1.]

School safety and security—Evaluation—2016 c 240: "(1) The Washington state institute for public policy shall complete an evaluation of how Washington and other states have addressed the funding of school safety and security programs and submit a report to the appropriate committees of the legislature, the governor, and the office of the superintendent of public instruction by December 1, 2017.

(2) This section expires August 1, 2018." [2016 c 240 § 2.]

Findings—2016 c 240: See note following RCW 28A.310.505.

28A.300.275 Alternative school start-up grants—School safety grants—Report to legislative committees. The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation contained in section 501(2)(1), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes;

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter. [1999 sp.s. c 12 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.280 Conflict resolution program. The superintendent of public instruction and the office of the attorney general, in cooperation with the Washington state bar association and statewide dispute resolution organizations, shall develop a volunteer-based conflict resolution and mediation program for use in community groups such as neighborhood organizations and the public schools. The program shall use

lawyers or certified mediators to train students who in turn become trainers and mediators for their peers in conflict resolution. [2015 c 126 § 1; 1994 sp.s. c 7 § 611.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.300.285 Harassment, intimidation, and bullying prevention policies and procedures—Model policy and procedure—Training materials—Posting on web site—Rules—Advisory committee. (1) By August 1, 2011, each school district shall adopt or amend if necessary a policy and procedure that at a minimum incorporates the revised model policy and procedure provided under subsection (4) of this section that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the superintendent of public instruction. Each school district shall designate one person in the district as the primary contact regarding the antiharassment, intimidation, or bullying policy. The primary contact shall receive copies of all formal and informal complaints, have responsibility for assuring the implementation of the policy and procedure, and serve as the primary contact on the policy and procedures between the school district, the office of the education ombuds, and the office of the superintendent of public instruction.

(2) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- (a) Physically harms a student or damages the student's property; or
- (b) Has the effect of substantially interfering with a student's education; or
- (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy and procedure should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4)(a) By August 1, 2010, the superintendent of public instruction, in consultation with representatives of parents, school personnel, the office of the education ombuds, the Washington state school directors' association, and other interested parties, shall provide to the education committees of the legislature a revised and updated model harassment, intimidation, and bullying prevention policy and procedure. The superintendent of public instruction shall publish on its

web site, with a link to the safety center web page, the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials on the components that shall be included in any district policy and procedure. The superintendent shall adopt rules regarding school districts' communication of the policy and procedure to parents, students, employees, and volunteers.

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available.

(c) Each school district shall by August 15, 2011, provide to the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials to be posted on the school safety center web site, and shall also provide the superintendent with a link to the school district's web site for further information. The district's primary contact for bullying and harassment issues shall annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(5) The Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors' association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means including, but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors' association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. [2013 c 23 § 50; 2010 c 239 § 2; 2007 c 407 § 1; 2002 c 207 § 2.]

Finding—Intent—2010 c 239: "The legislature finds that despite a recognized law prohibiting harassment, intimidation, and bullying of students in public schools and despite widespread adoption of antiharassment policies by school districts, harassment of students continues and has not declined since the law was enacted. Furthermore, students and parents continue to seek assistance against harassment, and schools need to disseminate more widely their antiharassment policies and procedures. The legislature intends to expand the tools, information, and strategies that can be used to combat harassment, intimidation, and bullying of students, and increase awareness of the need for respectful learning communities in all public schools." [2010 c 239 § 1.]

Findings—2002 c 207: "The legislature declares that a safe and civil environment in school is necessary for students to learn and achieve high

academic standards. The legislature finds that harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Furthermore, the legislature finds that students learn by example. The legislature commends school administrators, faculty, staff, and volunteers for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying." [2002 c 207 § 1.]

28A.300.2851 School bullying and harassment—Work group. (1) The office of the superintendent of public instruction and the office of the education ombuds shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.

(2) The work group shall:

(a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data;

(b) Examine possible procedures for anonymous reporting of incidents of bullying and harassment;

(c) Identify curriculum and best practices for school districts to improve school climate, create respectful learning environments, and train staff and students in de-escalation and intervention techniques;

(d) Identify curriculum and best practices for incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment;

(e) Recommend best practices for informing parents about the harassment, intimidation, and bullying prevention policy and procedure under RCW 28A.300.285 and involving parents in improving school climate;

(f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel;

(g) Recommend educator preparation and certification requirements in harassment, intimidation, and bullying prevention and de-escalation and intervention techniques for teachers, educational staff associates, and school administrators;

(h) Examine and recommend policies for discipline of students and staff who harass, intimidate, or bully; and

(i) In collaboration with the state board for community and technical colleges, examine and recommend policies to protect K-12 students attending community and technical colleges from harassment, intimidation, and bullying.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

(4) The work group shall submit a biennial progress and status report to the governor and the education committees of the legislature, beginning December 1, 2011, with additional reports by December 1, 2013, and December 1, 2015.

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(5) The work group is terminated effective January 1, 2016. [2013 c 23 § 51; 2011 c 185 § 2.]

Finding—2011 c 185: "The legislature finds that having updated school district policies and procedures is a step in the right direction for preventing bullying, intimidation, and harassment, but more steps are needed. A work group could help to maintain focus and attention on antibullying and anti-harassment, as well as monitor progress. In addition, students' knowledge and understanding of two key correlates of bullying and harassment, depression and youth suicide, could be enhanced through instruction and assessments that address mental health and suicide prevention." [2011 c 185 § 1.]

28A.300.288 Youth suicide prevention activities. (1) The office of the superintendent of public instruction shall work with state agency and community partners to assist schools in implementing youth suicide prevention activities, which may include the following:

(a) Training for school employees, parents, community members, and students in recognizing and responding to the signs of suicide;

(b) Partnering with local coalitions of community members interested in preventing youth suicide; and

(c) Responding to communities determined to be in crisis after a suicide or attempted suicide to prevent further instances of suicide.

(2) The office of the superintendent of public instruction, working with state and community partners, shall prioritize funding appropriated for subsection (1) of this section to communities identified as the highest risk. [2014 c 103 § 2; 2011 c 185 § 3.]

Finding—2014 c 103: "The legislature finds that according to the department of health, suicide is the second leading cause of death for Washington youth between the ages of ten and twenty-four. Suicide rates among Washington's youth remain higher than the national average. An increasing body of research shows an association between adverse childhood experiences such as trauma, violence, or abuse, and decreased student learning and achievement. Underserved youth populations in Washington who are not receiving access to state services continue to remain at risk for suicide." [2014 c 103 § 1.]

Finding—2011 c 185: See note following RCW 28A.300.2851.

28A.300.290 Effective reading programs—Identification. (1) The center for the improvement of student learning, or its designee, shall develop and implement a process for identifying programs that have been proven to be effective based upon valid research in teaching elementary students to read. Additional programs shall be reviewed after the initial identification of effective programs.

(2) In identifying effective reading programs, the center for the improvement of student learning, or its designee, shall consult primary education teachers, statewide reading organizations, institutions of higher education, the *commission on student learning, parents, legislators, and other appropriate individuals and organizations.

(3) In identifying effective reading programs, the following criteria shall be used:

(a) Whether the program will help the student meet the state-level and classroom-based assessments for reading;

(b) Whether the program has achieved documented results for students on valid and reliable assessments;

(c) Whether the results of the program have been replicated at different locations over a period of time;

(d) Whether the requirements and specifications for implementing the program are clear so that potential users

can clearly determine the requirements of the program and how to implement it;

(e) Whether, when considering the cost of implementing the program, the program is cost-effective relative to other similar types of programs;

(f) Whether the program addresses differing student populations; and

(g) Other appropriate criteria and considerations.

(4) The initial identification of effective reading programs shall be completed and a list of the identified programs prepared by December 31, 1996. [1996 c 273 § 1.]

***Reviser's note:** The commission on student learning expired June 30, 1999, and its powers, duties, and functions were transferred to the academic achievement and accountability commission effective July 1, 1999, pursuant to 1999 c 388 § 502. The enabling statute, RCW 28A.630.885, was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607 and subsequently repealed by 2004 c 19 § 206.

Additional notes found at www.leg.wa.gov

28A.300.295 Identified programs—Grants for in-service training and instructional materials. The superintendent of public instruction shall establish a grant program to provide incentives for teachers, schools, and school districts to use the identified programs on the approved list in grades kindergarten through four. Schools, school districts, and educational service districts may apply for grants. Funds for the grants shall be used for in-service training and instructional materials. Grants shall be awarded and funds distributed not later than June 30, 1997, for programs in the 1996-97 and 1997-98 school years. Priority shall be given to grant applications involving schools and school districts with the lowest mean percentile scores on the statewide third grade test required under *RCW 28A.230.190 among grant applicants. [1999 c 78 § 2; 1996 c 273 § 2.]

***Reviser's note:** RCW 28A.230.190 was repealed by 2005 c 217 § 3.

Additional notes found at www.leg.wa.gov

28A.300.300 Effective reading programs—Information—Development and implementation of strategies. (1) After effective programs have been identified in accordance with RCW 28A.300.290, the center for the improvement of student learning, or its designee, shall provide information and take other appropriate steps to inform elementary school teachers, principals, curriculum directors, superintendents, school board members, college and university reading instruction faculty, and others of its findings.

(2) The center, in cooperation with statewide organizations interested in improving literacy, also shall develop and implement strategies to improve reading instruction in the state, with a special emphasis on the instruction of reading in the primary grades using the effective reading programs that have been identified in accordance with RCW 28A.300.290. The strategies may include, but should not be limited to, expanding and improving reading instruction of elementary school teachers in teacher preparation programs, expanded in-service training in reading instruction, the training of para-professionals and volunteers in reading instruction, improving classroom-based assessment of reading, and increasing statewide and regional technical assistance in reading instruction. [1998 c 245 § 11; 1996 c 273 § 4.]

Additional notes found at www.leg.wa.gov

28A.300.310 Second grade reading assessment—Selection of reading passages—Costs. (1) The superintendent of public instruction shall identify a collection of reading passages and assessment procedures that can be used to measure second grade oral reading accuracy and fluency skills. The purpose of the second grade reading assessment is to provide information to parents, teachers, and school administrators on the level of acquisition of oral reading accuracy and fluency skills of each student at the beginning of second grade. The assessment procedures and each of the reading passages in the collection must:

(a) Provide a reliable and valid measure of a student's oral reading accuracy and fluency skills;

(b) Be able to be individually administered;

(c) Have been approved by a panel of nationally recognized professionals in the area of beginning reading, whose work has been published in peer-reviewed education research journals, and professionals in the area of measurement and assessment; and

(d) Assess student skills in recognition of letter sounds, phonemic awareness, word recognition, and reading connected text. Text used for the test of fluency must be ordered in relation to difficulty.

(2) The superintendent of public instruction shall select reading passages for use by schools and school districts participating in pilot projects under RCW 28A.300.320 during the 1997-98 school year. The final collection must be selected by June 30, 1998. The superintendent of public instruction may add reading passages to the initial list if the passages are comparable in format to the initial passages approved by the expert panel in subsection (1) of this section.

(3) The superintendent of public instruction shall develop a per-pupil cost for the assessments in the collection that details the costs for administering the assessments, booklets, scoring, and training required to reliably administer the test. To the extent funds are appropriated, the superintendent of public instruction shall pay for the cost of administering and scoring the assessments, booklets or other assessment material, and training required to administer the test. [1999 c 373 § 101; 1997 c 262 § 2.]

Findings—1997 c 262: "The legislature acknowledges the definition of reading as "Reading is the process of constructing meaning from written text. It is the complex skill requiring the coordination of a number of interrelated sources of information." Marilyn Adams, *Becoming a Nation of Readers* 7. The legislature also acknowledges the role that reading accuracy and fluency plays in the comprehension of text. The legislature finds that one way to determine if a child's inability to read is problematic is to compare the child's reading fluency and accuracy skills with that of other children. To accomplish this objective, the legislature finds that assessments that test students' reading fluency and accuracy skills must be scientifically valid and reliable. The legislature further finds that early identification of students with potential reading difficulties can provide valuable information to parents, teachers, and school administrators. The legislature finds that assessment of second grade students' reading fluency and accuracy skills can assist teachers in planning and implementing a reading curriculum that addresses students' deficiencies in reading." [1997 c 262 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.320 Second grade reading assessment—Pilot projects—Assessment selection—Assessment results. (1) The superintendent of public instruction shall create a pilot project to identify which second grade reading assessments selected under RCW 28A.300.310 will be

included in the final collection of assessments that must be available by June 30, 1998.

(2) Schools and school districts may voluntarily participate in the second grade reading test pilot projects in the 1997-98 school year. Schools and school districts voluntarily participating in the pilot project test are not required to have the results available by the fall parent-teacher conference.

(3)(a) Starting in the 1998-99 school year, school districts must select an assessment from the collection adopted by the superintendent of public instruction. Selection must be at the entire school district level.

(b) The second grade reading assessment selected by the school district must be administered annually in the fall beginning with the 1998-99 school year. Students who score substantially below grade level when assessed in the fall shall be assessed at least one more time during the second grade. Assessment performance deemed to be "substantially below grade level" is to be determined for each passage in the collection by the superintendent of public instruction.

(c) If a student, while taking the assessment, reaches a point at which the student's performance will be considered "substantially below grade level" regardless of the student's performance on the remainder of the assessment, the assessment may be discontinued.

(d) Each school must have the assessment results available by the fall parent-teacher conference. Schools must notify parents about the second grade reading assessment during the conferences, inform the parents of their students' performance on the assessment, identify actions the school intends to take to improve the child's reading skills, and provide parents with strategies to help the parents improve their child's score. [1999 c 373 § 102; 1998 c 319 § 201; 1997 c 262 § 3.]

Intent—1997 c 262: See note following RCW 28A.300.310.

Additional notes found at www.leg.wa.gov

28A.300.330 Primary grade reading grant program.

(1) The superintendent of public instruction shall establish a primary grade reading grant program. The purpose of the grant program is to enhance teachers' skills in using teaching methods that have proven results gathered through quantitative research and to assist students in beginning reading.

(2) Schools and school districts may apply for primary grade reading grants. To qualify for a grant, the grant proposal shall provide that the grantee must:

(a) Document that the instructional model the grantee intends to implement, including teaching methods and instructional materials, is based on results validated by quantitative methods;

(b) Agree to work with the independent contractor identified under subsection (3) of this section to determine the effectiveness of the instructional model selected and the effectiveness of the staff development provided to implement the selected model; and

(c) Provide evidence of a significant number of students who are not achieving at grade level.

To the extent funds are appropriated, the superintendent of public instruction shall make initial grants available by September 1, 1997, for schools and school districts voluntarily participating in pilot projects under RCW 28A.300.320. Subject to available funding, additional appli-

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cations may be submitted to the superintendent of public instruction by September 1, 1998, and by September 1st in subsequent years. Grants will be awarded for two years.

(3) The superintendent of public instruction shall contract with an independent contractor who has experience in program evaluation and quantitative methods to evaluate the impact of the grant activities on students' reading skills and the effectiveness of the staff development provided to teachers to implement the instructional model selected by the grantee. Five percent of the funds awarded for grants shall be set aside for the purpose of the grant evaluation conducted by the independent contractor.

(4) The superintendent of public instruction shall submit biennially to the legislature and the governor a report on the primary grade reading grant program. The first report must be submitted not later than December 1, 1999, and each succeeding report must be submitted not later than December 1st of each odd-numbered year. Reports must include information on how the schools and school districts used the grant money, the instructional models used, how they were implemented, and the findings of the independent contractor.

(5) The superintendent of public instruction shall disseminate information to the school districts five years after the beginning of the grant program regarding the results of the effectiveness of the instructional models and implementation strategies.

(6) Funding under this section shall not become part of the state's basic program of education obligation as set forth under Article IX of the state Constitution. [1997 c 262 § 4.]

Intent—1997 c 262: See note following RCW 28A.300.310.

28A.300.340 Primary grade reading grant program—Timelines—Rules. (1) The superintendent of public instruction may use up to one percent of the appropriated funds for administration of the primary grade reading grant program established in chapter 262, Laws of 1997.

(2) The superintendent of public instruction shall adopt timelines and rules as necessary under chapter 34.05 RCW to administer the primary reading grant program in RCW 28A.300.310.

(3) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution. [1997 c 262 § 7.]

Intent—1997 c 262: See note following RCW 28A.300.310.

28A.300.360 Grants for programs and services—Truant, at-risk, and expelled students. The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period. [1999 c 319 § 7.]

28A.300.370 World War II oral history project. (1) The World War II oral history project is established for the purpose of providing oral history presentations, documentation, and other materials to assist the office of the superinten-

dent of public instruction and educators in the development of a curriculum for use in kindergarten through twelfth grade.

(2) To the extent funds are appropriated or donated, the project shall be administered by the office of the superintendent of public instruction. The office shall convene an advisory committee to assist in the design and implementation of the project. The committee shall be composed of members of the World War II memorial educational foundation, the department of veterans affairs, the secretary of state's office, and legislators involved with and interested in the development of the oral history project. The committee may select its own chair and may expand its membership to include the services of other individuals, agencies, or organizations on the basis of need. The office shall provide staffing and administrative support to the advisory committee.

(3) The project will preserve for the education of Washington's school children the memories and history of our state's citizens who served their state and country as members of the armed forces or through national or community contributions during World War II. The project is intended to preserve these memories and history through audiotapes, videotapes, films, stories, printed transcripts, digitally, and through other appropriate methods.

(4) Any funding provided to the program through the omnibus appropriations act for the 2005-2007 biennium shall be used to record the memories of women who meet the requirements of subsection (3) of this section.

(5) As part of the project, the office of the superintendent of public instruction shall identify the requirements regarding instructional guides to help educators use the preserved material in age and grade appropriate ways.

(6) In its administration of the project, the office may carry out its responsibilities through contracts with filming and taping specialists, mini-grants to schools, contracts with the World War II memorial educational foundation, and through other means recommended by the foundation.

(7) By December 1, 2000, and every second year thereafter in which the project has received funding, the office shall report on the results of the project to the governor and the house of representatives and senate committees on education. The December 2000 report shall include, but need not be limited to, identification of the project's implementation strategies and resource requirements, and any curriculum standards developed through the project. [2005 c 75 § 2; 2000 c 112 § 2.]

Findings—2005 c 75: "The legislature finds that the women of the greatest generation made essential contributions, in many different ways, to our nation's success in World War II. During the war, more than four hundred fifty thousand women served their country in the armed forces of the United States. Another group of women provided nursing and support services to the troops. These women were joined by more than two million women back home who, like Rosie the Riveter, worked in industries that supported service men and women abroad. Other women held the nation together by raising families, educating children, and taking care of the ill and elderly. These women held our families, businesses, and communities together, living with rationed goods and services so that the service men and women fighting in the war would have the materials they needed to be successful. The legislature finds that women in all these roles made sacrifices necessary for the success of our nation's defense and contributions essential to the well-being of the people back home. The legislature further finds that to have a clearer reflection of women's sacrifices on behalf of freedom and democracy, it is necessary to include in the World War II oral history project the memories of women who contributed to the war effort through either mil-

itary service or other important contributions to our nation, state, or communities." [2005 c 75 § 1.]

Findings—Intent—2000 c 112: "The legislature finds that more than two hundred fifty thousand of Washington's citizens served their country in the armed forces of the United States during World War II. The legislature also finds that almost six thousand of those citizens sacrificed their lives to secure our nation's and the world's peace and freedom. The legislature finds that the hardships and sacrifices endured by the families and communities of these service men and women were critical to the eventual success of our nation's defense. The legislature also finds the memories of these stalwart patriots must be preserved to remind future generations of the price the members of the greatest generation paid to preserve our democratic way of life. The legislature further finds that to have a clearer reflection of these sacrifices on behalf of freedom and democracy, it is necessary to include the memories of all women and men of our armed forces, their family members, and others involved in the war effort so that these memories mirror our nation's rich ethnic diversity. In addition, the legislature recognizes the existence and contributions of the World War II memorial educational foundation. Members of the foundation include World War II veterans, and advisors from the office of veterans affairs, the superintendent of public instruction, and the secretary of state. The legislature intends to honor the veterans who served in World War II and their supportive families by preserving their memories so Washington's school children will never forget the significant human costs of war and the efforts of their ancestors to preserve and protect our country and the world from tyranny. The legislature further intends that members of the World War II memorial educational foundation have a strong advisory role in the preservation of those memories and the creation of instructional materials on the war." [2000 c 112 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.380 Career and technical student organizations—Support services. (1) To the extent funds are available, the superintendent of public instruction shall maintain support for statewide coordination for career and technical student organizations by providing program staff support that is available to assist in meeting the needs of career and technical student organizations and their members and students. The superintendent may provide additional support to the organizations through contracting with independent coordinators.

(2) Career and technical student organizations eligible for technical assistance and other support services under this section are organizations recognized as career and technical student organizations by:

(a) The United States department of education; or

(b) The superintendent of public instruction, if such recognition is recommended by the Washington association for career and technical education.

(3) Career and technical student organizations eligible for technical assistance and other support services under this section include, but are not limited to: The national FFA organization; family, career, and community leaders of America; skillsUSA; distributive education clubs of America; future business leaders of America; and the technology student association. [2011 1st sp.s. c 27 § 4; 2010 1st sp.s. c 37 § 913; 2000 c 84 § 2.]

Effective date—2011 1st sp.s. c 27 §§ 4 and 5: "Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [June 7, 2011]." [2011 1st sp.s. c 27 § 9.]

Effective date—2010 1st sp.s. c 37: See note following RCW 13.06.050.

Findings—2000 c 84: "(1) The legislature finds that career and technical student organizations:

(a) Prepare students for career experiences beyond high school;

(b) Help students develop personal, leadership, technical, and occupational skills;

(c) Are an integral component of vocational technical instruction programs; and

(d) Directly help students achieve state learning goals, especially goals three and four with respect to critical thinking, problem solving, and decision-making skills.

(2) The legislature finds that career and technical student organizations are best situated to fulfill their important purpose if they are in existence pursuant to statute and receive ongoing assistance and support from the office of superintendent of public instruction." [2000 c 84 § 1.]

28A.300.390 Kip Tokuda memorial Washington civil liberties public education program—Findings. The legislature finds that:

(1) In order to adequately prepare our youth for their meaningful participation in our democratic institutions and processes, there must be strong educational resources aimed at teaching students and the public about the fragile nature of our constitutional rights.

(2) The federal commission on wartime relocation and internment of civilians was established by congress in 1980 to review the facts and circumstances surrounding executive order 9066, issued on February 19, 1942, and the impact of the executive order on American citizens and permanent residents, and to recommend appropriate remedies.

The commission of [on] wartime relocation and internment of civilians issued a report of its findings in 1983 with the reports "Personal Justice Denied" and "Personal Justice Denied-Part II, Recommendations." The reports were based on information gathered through twenty days of hearings in cities across the country, particularly the west coast. Testimony was heard from more than seven hundred fifty witnesses, including evacuees, former government officials, public figures, interested citizens, historians, and other professionals who have studied the internment of Japanese-Americans during World War II.

(3) The lessons to be learned from the internment of Japanese-Americans during World War II are embodied in "Personal Justice Denied-Part II, Recommendations" which found that executive order 9066 was not justified by military necessity, and the decisions that followed from it were not founded upon military considerations. These decisions included the exclusion and detention of American citizens and resident aliens of Japanese descent. The broad historical causes that shaped these decisions were race prejudice, war hysteria, and a failure of political leadership. Widespread ignorance about Americans of Japanese descent contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed, and detained by the United States during World War II.

(4) A grave injustice was done to both citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. These actions were carried out without adequate security reasons and without any documented acts of espionage or sabotage, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensa-

tion has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the United States congress apologized on behalf of the nation in the federal civil liberties act of 1988. [2000 c 210 § 1.]

28A.300.395 Kip Tokuda memorial Washington civil liberties public education program—Intent. The legislature intends to develop a grant program to fund public educational activities and development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood. [2000 c 210 § 2.]

28A.300.400 Kip Tokuda memorial Washington civil liberties public education program—Definition. As used in RCW 28A.300.390 through 28A.300.415, "program" means the *Washington civil liberties public education program, unless the context clearly requires otherwise. [2000 c 210 § 3.]

**Reviser's note:* The "Washington civil liberties public education program" was renamed the "Kip Tokuda memorial Washington civil liberties public education program" pursuant to 2014 c 46 § 1.

28A.300.405 Kip Tokuda memorial Washington civil liberties public education program—Created—Purpose. Consistent with the legislative findings in RCW 28A.300.390, the legislature shall establish the Kip Tokuda memorial Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

(1) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

(2) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties. [2014 c 46 § 1; 2000 c 210 § 4.]

28A.300.410 Kip Tokuda memorial Washington civil liberties public education program—Grants—Acceptance of gifts, grants, or endowments. (1) The superintendent of public instruction shall allocate grants under the program established in RCW 28A.300.390 through 28A.300.415 from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting

the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) through [and] (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms. [2000 c 210 § 5.]

28A.300.415 Kip Tokuda memorial Washington civil liberties public education program—Short title. RCW 28A.300.390 through 28A.300.415 shall be known as the Washington civil liberties public education act. [2000 c 210 § 7.]

28A.300.420 Student court programs. The office of the superintendent of public instruction shall encourage school districts to implement, expand, or use student court programs for students who commit violations of school rules and policies. Program operations of student courts may be funded by government and private grants. Student court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating student court programs developed by nationally recognized student court projects;

(2) Target violations of school rules by students enrolled in public or private school; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including the school, school personnel, their classmates, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills. [2002 c 237 § 17.]

28A.300.430 Collaboration with children's system of care demonstration sites. It is the expectation of the legislature that local school districts shall collaborate with each children's system of care demonstration site established under RCW 74.55.010. [2002 c 309 § 6.]

28A.300.440 Natural science, wildlife, and environmental education grant program. (1) The natural science, wildlife, and environmental education grant program is hereby created, subject to the availability of funds. The program is created to promote proven and innovative natural science, wildlife, and environmental education programs that are fully aligned with the state's essential academic learning requirements, and includes but is not limited to instruction about renewable resources, responsible use of resources, and conservation.

(2) The superintendent of public instruction shall establish and publish funding criteria for environmental, natural science, wildlife, forestry, and agricultural education grants. The office of the superintendent of public instruction shall involve a cross-section of stakeholder groups to develop socially, economically, and environmentally balanced funding criteria. These criteria shall be based on compliance with the essential academic learning requirements and use methods that encourage critical thinking. The criteria must also include environmental, natural science, wildlife, forestry, and agricultural education programs with one or more of the following features:

(a) Interdisciplinary approaches to environmental, natural science, wildlife, forestry, and agricultural issues;

(b) Programs that target underserved, disadvantaged, and multicultural populations;

(c) Programs that reach out to schools across the state that would otherwise not have access to specialized environmental, natural science, wildlife, forestry, and agricultural education programs;

(d) Proven programs offered by innovative community partnerships designed to improve student learning and strengthen local communities.

(3) Eligible uses of grants include, but are not limited to:

(a) Continuing in-service and preservice training for educators with materials specifically developed to enable educators to teach essential academic learning requirements in a compelling and effective manner;

(b) Proven, innovative programs that align the basic subject areas of the common school curriculum in chapter 28A.230 RCW with the essential academic learning requirements; the basic subject areas should be integrated by using environmental education, natural science, wildlife, forestry, agricultural, and natural environment curricula to meet the needs of various learning styles; and

(c) Support and equipment needed for the implementation of the programs in this section.

(4) Grants may only be disbursed to nonprofit organizations exempt from income tax under section 501(c) of the federal internal revenue code that can provide matching funds or in-kind services.

(5) Grants may not be used for any partisan or political activities. [2012 c 198 § 5; 2003 c 22 § 3.]

Effective date—2012 c 198: See note following RCW 70.94.6532.

(2016 Ed.)

Intent—2003 c 22: "(1) Effective, natural science, wildlife, and environmental education programs provide the foundation for the development of literate children and adults, setting the stage for lifelong learning. Furthermore, integrating the basic subject areas of the common school curriculum in chapter 28A.230 RCW through natural science, wildlife, and environmental education offers many opportunities for achieving excellence in our schools. Well-designed programs, aligned with the state's essential academic learning requirements, contribute to the state's educational reform goals.

(2) Washington is fortunate to have institutions and programs that currently provide quality natural science, wildlife, and environmental education and teacher training that is already aligned with the state's essential academic learning requirements.

(3) The legislature intends to further the development of natural science, wildlife, and environmental education by establishing a competitive grant program, funded through state moneys to the extent those moneys are appropriated, or made available through other sources, for proven natural science, wildlife, and environmental education programs that are fully aligned with the state's essential academic learning requirements." [2003 c 22 § 1.]

28A.300.450 Financial education public-private partnership—Established. (1) A financial education public-private partnership is established, composed of the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed for a two-year term of service by the speaker of the house of representatives, and one member from each caucus of the senate appointed for a two-year term of service by the president of the senate;

(b) Four representatives from the private for-profit and nonprofit financial services sector, including at least one representative from the jumpstart coalition, to be appointed for a staggered two-year term of service by the governor;

(c) Four teachers to be appointed for a staggered two-year term of service by the superintendent of public instruction, with one each representing the elementary, middle, secondary, and postsecondary education sectors;

(d) A representative from the department of financial institutions to be appointed for a two-year term of service by the director;

(e) Two representatives from the office of the superintendent of public instruction, with one involved in curriculum development and one involved in teacher professional development, to be appointed for a staggered two-year term of service by the superintendent; and

(f) The state treasurer or the state treasurer's designee.

(2) The chair of the partnership shall be selected by the members of the partnership from among the legislative members.

(3) One-half of the members appointed under subsection (1)(b), (c), and (e) of this section shall be appointed for a one-year term beginning August 1, 2011, and a two-year term thereafter.

(4) To the extent funds are appropriated or are available for this purpose, the partnership may hire a staff person who shall reside in the office of the superintendent of public instruction for administrative purposes. Additional technical and logistical support may be provided by the office of the superintendent of public instruction, the department of financial institutions, the organizations composing the partnership, and other participants in the financial education public-private partnership.

(5) The initial members of the partnership shall be appointed by August 1, 2011.

(6) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

(7) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents. Teachers appointed as members by the superintendent of public instruction may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 from funds available in the Washington financial education public-private partnership account. If the attendance of a teacher member at an official meeting of the partnership results in a need for a school district to employ a substitute, payment for the substitute may be made by the superintendent of public instruction from funds available in the Washington financial education public-private partnership account. A school district must release a teacher member to attend an official meeting of the partnership if the partnership pays the district for a substitute or pays the travel expenses of the teacher member.

(8) This section shall be implemented to the extent funds are available. [2015 c 211 § 1; 2011 c 262 § 1; 2009 c 443 § 1; 2004 c 247 § 2.]

Findings—Intent—2004 c 247: "The legislature recognizes that the average high school student lacks a basic knowledge of personal finance. In addition, the legislature recognizes the damaging effects of not properly preparing youth for the financial challenges of modern life, including bankruptcy, poor retirement planning, unmanageable debt, and a lower standard of living for Washington families.

The legislature finds that the purpose of the state's system of public education is to help students acquire the skills and knowledge they will need to be productive and responsible 21st century citizens. The legislature further finds that responsible citizenship includes an ability to make wise financial decisions. The legislature further finds that financial literacy could easily be included in lessons, courses, and projects that demonstrate each student's understanding of the state's four learning goals, including goal four: Understanding the importance of work and how performance, effort, and decisions directly affect future opportunities.

The legislature intends to assist school districts in their efforts to ensure that students are financially literate through identifying critical financial literacy skills and knowledge, providing information on instructional materials, and creating a public-private partnership to help provide instructional tools and professional development to school districts that wish to increase the financial literacy of their students." [2004 c 247 § 1.]

28A.300.460 Financial education public-private partnership responsibilities—Annual report. (1) The task of the financial education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial education shall include the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under RCW 28A.300.462, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs, online instructional materials

and resources, and school-wide programs that include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Work with the office of the superintendent of public instruction to integrate financial education skills and content knowledge into the state learning standards;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; and

(h) Provide an annual report beginning December 1, 2009, as provided in RCW 28A.300.464, to the governor, the superintendent of public instruction, and the committees of the legislature with oversight over K-12 education and higher education.

(3) The partnership may seek federal and private funds to support the school districts in providing access to the materials listed pursuant to RCW 28A.300.468(1), as well as related professional development opportunities for certificated staff. [2015 c 211 § 2; 2009 c 443 § 2; 2007 c 459 § 2; 2004 c 247 § 5.]

Effective date—2007 c 459: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2007]." [2007 c 459 § 5.]

Findings—Intent—2004 c 247: See note following RCW 28A.300.450.

28A.300.462 Financial education public-private partnership—Jumpstart coalition national standards—Financial education learning standards—Technical assistance and grants for demonstration projects—Report.

(1) School districts are encouraged to voluntarily adopt the jumpstart coalition national standards in K-12 personal finance education and provide students with an opportunity to master the standards.

(2) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction and the financial education public-private partnership shall provide technical assistance and grants to support demonstration projects for district-wide adoption and implementation of the financial education learning standards under this section.

(3) School districts may apply on a competitive basis to participate as a demonstration project. The office and the partnership shall select up to four school districts as demonstration projects, with two districts located in eastern Washington and two districts located in western Washington, if possible.

(4) Selected districts must:

(a) Adopt the jumpstart coalition national standards in K-12 personal finance education as the essential academic learning requirements for financial education and provide students with an opportunity to master the standards;

(b) Make a commitment to integrate financial education into instruction at all grade levels and in all schools in the district;

(c) Establish local partnerships within the community to promote financial education in the schools; and

(d) Conduct pre and posttesting of students' financial literacy.

(5) The office of the superintendent of public instruction, with the advice of the financial education public-private partnership, shall provide assistance to the demonstration projects regarding curriculum, professional development, and innovative instructional programs to implement the financial education standards.

(6) The selected districts must report findings and results of the demonstration project to the office of the superintendent of public instruction and appropriate committees of the legislature annually. [2011 c 262 § 2; 2009 c 443 § 3.]

28A.300.464 Financial education public-private partnership—Contents of report. The annual report from the financial education public-private partnership, provided funds are available, shall include:

(1) Results from the jumpstart survey of personal financial literacy;

(2) Progress toward statewide adoption of financial education standards by school districts;

(3) Professional development activities related to equipping teachers with the knowledge and skills to teach financial education;

(4) Activities related to financial education curriculum development; and

(5) Any recommendations for policies or other activities to support financial education instruction in public schools. [2009 c 443 § 4.]

28A.300.465 Financial education public-private partnership account. The Washington financial education public-private partnership account is hereby created in the custody of the state treasurer. The purpose of the account is to support the financial education public-private partnership, and to provide financial education opportunities for students and financial education professional development opportunities for the teachers providing those educational opportunities. Revenues to the account may include gifts from the private sector, federal funds, and any appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account, and only at the direction of the partnership. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2009 c 443 § 5; 2004 c 247 § 6.]

Findings—Intent—2004 c 247: See note following RCW 28A.300.450.

(2016 Ed.)

28A.300.468 Financial education standards—Availability of materials. (1) After consulting with the financial education public-private partnership, the office of the superintendent of public instruction shall make available to all school districts a list of materials that align with the financial education standards integrated into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(2) School districts shall provide all students in grades nine through twelve the opportunity to access the financial education standards, whether through a regularly scheduled class period; before or after school; during lunch periods; at library and study time; at home; via online learning opportunities; through career and technical education course equivalencies; or other opportunities. School districts shall publicize the availability of financial education opportunities to students and their families. School districts are encouraged to grant credit toward high school graduation to students who successfully complete financial education courses. [2015 c 211 § 4.]

28A.300.469 State financial education learning standards. Standards in K-12 personal finance education developed by a national coalition for personal financial literacy that includes partners from business, finance, government, academia, education, and state affiliates are adopted as the state financial education learning standards. [2015 c 211 § 5.]

28A.300.471 Medical emergency response and automated external defibrillator program. (1) An automated external defibrillator is often a critical component in the chain of survival for a cardiac arrest victim.

(2) The office of the superintendent of public instruction, in consultation with school districts and stakeholder groups, shall develop guidance for a medical emergency response and automated external defibrillator program for high schools.

(3) The medical emergency response and automated external defibrillator program must comply with current evidence-based guidance from the American heart association or other national science organization.

(4) The office of the superintendent of public instruction, in consultation with the department of health, shall assist districts in carrying out a program under this section, including providing guidelines and advice for seeking grants for the purchase of automated external defibrillators or seeking donations of automated external defibrillators. The superintendent may coordinate with local health districts or other organizations in seeking grants and donations for this purpose. [2013 c 181 § 2.]

Findings—Intent—2013 c 181: See note following RCW 28A.230.179.

28A.300.475 Medically accurate sexual health education—Curricula—Participation excused—Parental review. (1) By September 1, 2008, every public school that offers sexual health education must assure that sexual health education is medically and scientifically accurate, age-appropriate, appropriate for students regardless of gender, race, disability status, or sexual orientation, and includes information about abstinence and other methods of preventing unin-

[Title 28A RCW—page 139]

tended pregnancy and sexually transmitted diseases. All sexual health information, instruction, and materials must be medically and scientifically accurate. Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention. A school may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within the comprehensive sexual health program as long as all speakers, curriculum, and materials used are in compliance with this section. Sexual health education must be consistent with the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the office of the superintendent of public instruction.

(2) As used in chapter 265, Laws of 2007, "medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-review journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention.

(3) The superintendent of public instruction and the department of health shall make the January 2005 guidelines for sexual health information and disease prevention available to school districts, teachers, and guest speakers on their web sites. Within available resources, the superintendent of public instruction and the department of health shall make any related information, model policies, curricula, or other resources available as well.

(4) The superintendent of public instruction, in consultation with the department of health, shall develop a list of sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention. This list shall be intended to serve as a resource for schools, teachers, or any other organization or community group, and shall be updated no less frequently than annually and made available on the web sites of the superintendent of public instruction and the department of health.

(5) Public schools that offer sexual health education are encouraged to review their sexual health curricula and choose a curriculum from the list developed under subsection (4) of this section. Any public school that offers sexual health education may identify, choose, or develop any other curriculum, if the curriculum chosen or developed complies with the requirements of this section.

(6) Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school his or her child attends, or the principal's designee. In addition, any parent or legal guardian may review the sexual health education curriculum offered in his or her child's school by filing a written request with the school district board of directors, the principal of the school his or her child attends, or the principal's designee.

(7) The office of the superintendent of public instruction shall, through its Washington state school health profiles survey or other existing reporting mechanism, ask public schools to identify any curricula used to provide sexual

health education, and shall report the results of this inquiry to the legislature on a biennial basis, beginning with the 2008-09 school year.

(8) The requirement to report harassment, intimidation, or bullying under RCW 28A.600.480(2) applies to this section. [2007 c 265 § 2.]

Finding—Intent—2007 c 265: "(1) The legislature finds that young people should have the knowledge and skills necessary to build healthy relationships, and to protect themselves from unintended pregnancy and sexually transmitted diseases, including HIV infection. The primary responsibility for sexual health education is with parents and guardians. However, this responsibility also extends to schools and other community groups. It is in the public's best interest to ensure that young people are equipped with medically and scientifically accurate, age-appropriate information that will help them avoid unintended pregnancies, remain free of sexually transmitted diseases, and make informed, responsible decisions throughout their lives.

(2) The legislature intends to support and advance the standards established in the January 2005 guidelines for sexual health information and disease prevention developed by the office of the superintendent of public instruction and the department of health. These guidelines are a fundamental tool to help school districts, teachers, guest speakers, health and counseling providers, community groups, parents, and guardians choose, develop, and evaluate sexual health curricula to better meet the health and safety needs of adolescents and young adults in their communities." [2007 c 265 § 1.]

Short title—2007 c 265: "This act may be known and cited as the healthy youth act." [2007 c 265 § 3.]

28A.300.480 Civic education travel grant program.

(1) The civic education travel grant program is created to provide travel grants to students participating in statewide, regional, national, or international civic education competitions or events.

(2) The superintendent of public instruction shall allocate grants under the program established in this section from private donations or with amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(3) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(4) The superintendent of public instruction shall select grant recipients from student applicants that meet all of the following criteria:

(a) Students must be residents of the state of Washington;

(b) Students must use the grants to fund travel to civic education-based competitions or events;

(c) Students must be participants in the civic education competition or event; and

(d) Students must be under the age of twenty-one and not yet have received their high school diploma.

(5) Students are encouraged to seek matching funds, in-kind contributions, or other sources of support to supplement their travel expenses.

(6) Applicants must include in the grant application the following:

(a) A brief description of the civic education competition or event;

(b) A brief description of what the applicant expects to learn from the competition or event;

(c) The total travel costs and how much the applicant is requesting from the program; and

(d) The total amount of matching funds the applicant has already secured or expects to secure.

(7) The superintendent of public instruction may adopt other criteria as appropriate for the review of grant proposals. In reviewing student applications for funding, scoring shall be based on an evaluation of all application materials that may be requested of applicants. The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill the program's goal. Final grant awards may be for the full amount of the grant request or for a portion of the grant request.

(8) The office of the superintendent of public instruction may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms. [2007 c 291 § 3.]

Finding—Effective date—2007 c 291: See notes following RCW 28A.300.801.

28A.300.490 Task force on gangs in schools—Reports. (1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the superintendent of public instruction school safety center, the school safety center advisory committee, and the Washington association of sheriffs and police chiefs.

(2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature. [2007 c 406 § 2.]

28A.300.500 Longitudinal student data system. (1) The office of the superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement.

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

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

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

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

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

(4) Nothing in this section precludes the office of the superintendent of public instruction from collecting and distributing aggregate data about students or student-level data without personally identifiable information. [2007 c 401 § 2.]

Findings—2007 c 401: "The legislature finds that:

(1) Reliable data on student progress, characteristics of students and schools, and teacher qualifications and mobility is critical for accountability to the state and to the public;

(2) Educational data should be made available as widely as possible while appropriately protecting the privacy of individuals as provided by law;

(3) Having a single, comprehensive, and technically compatible student and school-level data system will streamline data collection for school districts, reduce inefficiencies caused by the lack of connectivity, and minimize or eliminate multiple data entry; and

(4) Schools and districts should be supported in their management of educational data and should have access to user-friendly programs and reports that can be readily used by classroom teachers and building principals to improve instruction." [2007 c 401 § 1.]

28A.300.505 School data systems—Standards—Reporting format. (1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

(a) Date validation;

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

(c) Decimal and integer validation; and

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

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data that must include:

(a) Data on student demographics that is disaggregated as required by RCW 28A.300.042; and

(b) Starting no later than the 2016-17 school year, data on students from military families. The K-12 data governance group established in RCW 28A.300.507 must develop best practice guidelines for the collection and regular updating of this data on students from military families. Collection and updating of this data must use the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(i) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(ii) Further disaggregation of countries of origin for Asian students;

(iii) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(iv) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(3) For the purposes of this section, "students from military families" means the following categories of students, with data to be collected and submitted separately for each category:

(a) Students with a parent or guardian who is a member of the active duty United States armed forces; and

(b) Students with a parent or guardian who is a member of the reserves of the United States armed forces or a member of the Washington national guard. [2016 c 72 § 503; 2015 c 210 § 2; 2007 c 401 § 5.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Findings—2015 c 210: "(1) The legislature finds that, nationally, nearly two million students are from military families, where one or more parent or guardian serves in the United States armed forces, reserves, or national guard. There are approximately one hundred thirty-six thousand military families in Washington state.

(2) The legislature further finds that a United States government accountability office study in 2011 identified that it is not possible to monitor educational outcomes for students from military families due to the lack of a student identifier in state educational data systems. Such an identifier is needed to allow educators and policymakers to monitor critical elements of education success, including academic progress and proficiency, special and advanced program participation, mobility and dropout rates, and patterns over time across states and school districts. Reliable information about student performance will assist educators in more effectively transitioning students to a new school and enable school districts to discover and implement best practices." [2015 c 210 § 1.]

Findings—2007 c 401: See note following RCW 28A.300.500.

28A.300.507 K-12 data governance group—Duties—

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

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

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

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

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

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be trans-

formed into canonical form and where existing software can be used to meet the needs requirement document;

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

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

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

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Percentage of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data;

(j) Average length of service of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data; and

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

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

(7) All reports and data referenced in this section and RCW 43.41.400 and 28A.655.210 shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated. [2016 c 72 § 601; 2009 c 548 § 203.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.300.510 After-school mathematics support program—Reports. (1) The after-school mathematics support program is created to study the effects of intentional, skilled mathematics support included as part of an existing after-school activity program.

(2) The office of the superintendent of public instruction shall provide grants to selected community-based, nonprofit organizations that provide after-school programs and include support for students to learn mathematics.

(3) Grant applicants must demonstrate the capacity to provide assistance in mathematics learning in the following ways:

(a) Identifying the mathematics content and instructional skill of the staff or volunteers assisting students;

(b) Identifying proposed learning strategies to be used, which could include computer-based instructional and skill practice programs and tutoring by adults or other students;

(c) Articulating the plan for connection with school mathematics teachers to coordinate student assistance; and

(d) Articulating the plan for assessing student and program success.

(4) Priority will be given to applicants that propose programs to serve middle school and junior high school students.

(5) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program continuation, program modification, and issues related to program sustainability and possible program expansion. An interim report is due November 1, 2008. The final report is due December 1, 2009. [2007 c 396 § 3.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.300.520 Policies to support children of incarcerated parents. (1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) To the extent funds are available, the superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee. [2009 c 578 § 9; 2007 c 384 § 5.]

Intent—Finding—2007 c 384: See note following RCW 72.09.495.

28A.300.525 Students in children's administration out-of-home care—Report on educational experiences. The education data center shall include in its reporting as part

of the P-20 education data project the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care. [2012 c 163 § 11; 2008 c 297 § 2; (2009 c 556 § 11 expired July 1, 2011).]

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

Short title—2012 c 163: See RCW 28B.117.902.

Expiration date—2009 c 556 §§ 11, 13, and 15: "Sections 11, 13, and 15 of this act expire July 1, 2011." [2009 c 556 § 21.]

28A.300.530 Individuals with dyslexia—Identification and instruction—Handbook—Reports. (1) Within available resources, the office of the superintendent of public instruction, in consultation with the school districts that participated in the Lorraine Wojahn dyslexia pilot program, and with an international nonprofit organization dedicated to supporting efforts to provide appropriate identification of and instruction for individuals with dyslexia, shall:

(a) Develop an educator training program to enhance the reading, writing, and spelling skills of students with dyslexia. The training program must provide research-based, multisensory literacy intervention professional development in the areas of dyslexia and intervention implementation. The program shall be posted on the web site of the office of the superintendent of public instruction. The training program may be regionally delivered through the educational service districts. The educational service districts may seek assistance from the international nonprofit organization to deliver the training; and

(b) Develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook shall be modeled after other state dyslexia handbooks, and shall include guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook shall provide school districts, and parents and guardians with information regarding the state's relevant statutes and their relation to federal special education laws. The handbook shall be posted on the web site of the office of the superintendent of public instruction.

(2) Beginning September 1, 2009, and annually thereafter, each educational service district shall report to the office of the superintendent of public instruction the number of individuals who participate in the training developed and offered by the educational service district. The office of the superintendent of public instruction shall report that information to the legislative education committees. [2009 c 546 § 2.]

Finding—Intent—2009 c 546: "Dyslexia is a language-based learning disability that affects individuals throughout their lives. Washington state has a long-standing tradition of working to serve its students with dyslexia. Since 2005, the legislature has provided funding for five pilot projects to implement research-based, multisensory literacy intervention for students with dyslexia. Participating schools were required to have a three-tiered reading structure in place, provide professional development training to teachers, assess students, and collect and maintain data on student progress.

The legislature finds that the students receiving intervention support through the dyslexia pilot projects have made substantial and steady aca-

ademic gains. The legislature intends to sustain this work and expand the implementation to a level of statewide support for students with dyslexia by developing and providing information and training, including a handbook to continue to improve the skills of our students with dyslexia." [2009 c 546 § 1.]

28A.300.540 Homeless students—Uniform process to track expenditures for transporting—Rules—Information to be posted on web site—Reports—Video on identifying homeless students—Best practices. (1) For the purposes of this section, "unaccompanied homeless student" means a student who is not in the physical custody of a parent or guardian and is homeless as defined in RCW 43.330.702(2).

(2) By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall post on the superintendent's web site total expenditures related to the transportation of homeless students.

(3)(a) By January 10, 2015, and every odd-numbered year thereafter, the office of the superintendent of public instruction shall report to the governor and the legislature the following data for homeless students:

(i) The number of identified homeless students enrolled in public schools;

(ii) The number of identified unaccompanied homeless students enrolled in public schools, which number shall be included for each district and the state under "student demographics" on the Washington state report card web site;

(iii) The number of identified homeless students of color;

(iv) The number of students participating in the learning assistance program under chapter 28A.165 RCW, the highly capable program under chapter 28A.185 RCW, and the running start program under chapter 28A.600 RCW; and

(v) The academic performance and educational outcomes of homeless students and unaccompanied homeless students, including but not limited to the following performance and educational outcomes:

(A) Student scores on the statewide administered academic assessments;

(B) English language proficiency;

(C) Dropout rates;

(D) Four-year adjusted cohort graduation rate;

(E) Five-year adjusted cohort graduation rate;

(F) Absenteeism rates;

(G) Truancy rates, if available; and

(H) Suspension and expulsion data.

(b) The data reported under this subsection (3) must include state and district-level information and must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and gender.

(4) By July 1, 2014, the office of the superintendent of public instruction in collaboration with experts from commu-

nity organizations on homelessness and homeless education policy, shall develop or acquire a short video that provides information on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is critical to student success. The video must be posted on the superintendent of public instruction's web site.

(5) By July 1, 2014, the office of the superintendent of public instruction shall adopt and distribute to each school district, best practices for choosing and training school district-designated homeless student liaisons. [2016 c 157 § 4; 2015 c 69 § 28; 2014 c 212 § 2; 2009 c 515 § 12.]

Finding—Intent—2016 c 157: "(1) The legislature finds that schools are places of academic as well as personal enrichment and that schools provide safety, stability, support, and relationships necessary to help students succeed. These resources are vitally necessary for tens of thousands of students in Washington with no permanent home who often struggle in school because they are worried about where their families are staying night after night.

(2) The legislature also recognizes the population of homeless students disproportionately includes students of color.

(3) The intent of the legislature is to start a competitive grant system for high-need school districts and to supplement federal McKinney-Vento Act dollars to ensure homeless students continue attending the same schools, maintain housing stability, and improve academic achievement." [2016 c 157 § 1.]

Short title—2016 c 157: "This act may be known and cited as the homeless student stability and opportunity gap act." [2016 c 157 § 8.]

Short title—2015 c 69: See RCW 43.330.911.

Findings—Intent—2014 c 212: "The legislature finds that since the 2005-06 school year, the number of homeless students identified in the K-12 public school system has been increasing. The legislature further finds that there are additional homeless students who are not identified by schools. The legislature intends to improve educational outcomes for homeless children by strengthening the ability of school districts to identify homeless students, establishing data reporting requirements, and distributing best practices and information regarding services and support for homeless students." [2014 c 212 § 1.]

28A.300.542 Homeless students—Grant process to identify students and district capacity for support—Award criteria—Districts' responsibilities. (1) Subject to the availability of amounts appropriated for this specific purpose the office of the superintendent of public instruction shall create a competitive grant process to evaluate and award state-funded grants to school districts to increase identification of homeless students and the capacity of the districts to provide support, which may include education liaisons, for homeless students. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for the superintendent of public instruction and school districts. School districts may access both federal and state funding to identify and support homeless students.

(2) Award criteria for the state grants must be based on the demonstrated need of the school district and may consider the number or overall percentage, or both, of homeless children and youths enrolled in preschool, elementary, and secondary schools in the school district, and the ability of the local school district to meet these needs. Award criteria for these must also be based on the quality of the applications submitted. Preference must be given to districts that demonstrate a commitment to serving the needs of unaccompanied youth.

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(3) Districts receiving grants must measure during the academic year how often each student physically moves, what services families or unaccompanied youth could access, and whether or not a family or unaccompanied youth received stable housing by the end of the school year.

(4) Homeless students are defined as students without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless education assistance act (P.L. 100-77; 101 Stat. 482).

(5) School districts may not use funds allocated under this section to supplant existing federal, state, or local resources for homeless student supports, which may include education liaisons. [2016 c 157 § 2.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

28A.300.545 Condensed compliance report form—Audit of districts submitting condensed compliance report forms. (1) The superintendent of public instruction shall develop a condensed compliance report form for second-class districts by August 1, 2011. The report form shall allow districts the option of indicating one of the following for each funded program:

(a) The district has complied or received a state board of education-approved waiver;

(b) The district has not complied, accompanied by an explanation or the steps taken to comply; or

(c) The district has received a grant for less than half of a full-time equivalent instructional staff.

(2) The office of the superintendent of public instruction may conduct random audits of second-class districts that submit a condensed compliance report under RCW 28A.330.250. The purpose of the audit is to determine whether documentation exists to support a school district superintendent's condensed compliance report. [2011 c 45 § 2.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.300.550 Innovation schools—Identification—Web site—Publicity. (1) The legislature finds that innovation schools accomplish the following objectives:

(a) Provide students and parents with a diverse array of educational options;

(b) Promote active and meaningful parent and community involvement and partnership with local schools;

(c) Serve as laboratories for educational experimentation and innovation;

(d) Respond and adapt to different styles, approaches, and objectives of learning;

(e) Hold students and educators to high expectations and standards; and

(f) Encourage and facilitate bold, creative, and innovative educational ideas.

(2) The office of the superintendent of public instruction shall develop basic criteria and a streamlined review process for identifying Washington innovation schools. Any public school, including those with institution of higher education partners, may be nominated by a community, organization, school district, institution of higher education, or through self-nomination to be designated as a Washington innovation

school. If the office of the superintendent of public instruction finds that the school meets the criteria, the school shall receive a designation as a Washington innovation school. Within available funds, the office shall develop a logo, certificate, and other recognition strategies to encourage and highlight the accomplishments of innovation schools.

(3) The office of the superintendent of public instruction shall:

(a) Create a page on the office web site to highlight examples of Washington innovation schools, including those with institution of higher education partners, that includes links to research literature and national best practices, as well as summary information and links to the web sites of Washington innovation schools. The office is encouraged to offer an educational administrator intern the opportunity to create the web page as a project toward completion of his or her administrator certificate; and

(b) Publicize the Washington innovation school designation and encourage schools, communities, institutions of higher education, and school districts to access the web site and create additional models of innovation. [2011 c 202 § 2.]

Finding—Intent—2011 c 202: "(1) The legislature finds that Washington has a long history of providing legal, financial, and political support for a wide range of innovative programs and initiatives and that these can and do operate successfully in public schools through the currently authorized governance structure of locally elected boards of directors of school districts.

(2) Examples of innovation schools can be found all across the state including, but not limited to:

(a) The Vancouver school of arts and academics that offers students beginning in sixth grade the opportunity to immerse themselves in the full range of the arts, including dance, music, theater, literary arts, visual arts, and moving image arts, as well as all levels of core academic courses;

(b) Thornton Creek elementary school in Seattle, an award-winning parent-initiated learning option based on the expeditionary learning outward bound model;

(c) The technology access foundation academy, a unique public-private partnership with the Federal Way school district that offers a rigorous and relevant curriculum through project-based learning, full integration of technology, and a small learning community intended to provide middle and high school students the opportunity for success in school and college;

(d) Talbot Hill elementary school in Renton, where students participate in a microsociety program that includes selecting a government, conducting business and encouraging entrepreneurialism, and providing community services such as banking, newspaper, post office, and courts;

(e) The Tacoma school of the arts, where sophomores through seniors form a cohesive, full-time learning community to study the full range of humanities, mathematics, science, and language as well as build a broad foundation in all forms of the arts, culminating with an in-depth senior arts project that showcases each student's talent and interest;

(f) The SPRINT program at Shaw middle school in Spokane, an alternative learning community for students in seventh and eighth grade proposed and created by a group of parents who wish to be very actively involved in their students' education;

(g) Puesta del sol elementary school in Bellevue, offering a diverse multicultural program and Spanish language immersion beginning in kindergarten;

(h) The Washington national guard youth challenge program operated in collaboration with the Bremerton school district that offers high-risk youth a rigorous and structured residential program that builds students' academic, social, and emotional skills, and physical fitness while providing up to one year of high school credits toward graduation;

(i) The Lincoln center program at Lincoln high school in Tacoma, an extended day program that has virtually eliminated the academic achievement gap and significantly boosted attendance and test scores for racially diverse, low-income, and highly mobile students;

(j) Delta high school, a science, technology, engineering, and math-focused school option for students in the Tri-Cities operating in cooperation with three school districts, the regional skill center, local colleges and universities, and the business community; and

(k) Aviation high school in the Highline school district, offering a project-based curriculum and learning environment centered on an aviation and aeronautics theme with strong business and community support.

(3) Therefore, the legislature intends to encourage additional innovation schools by disseminating information about current models and recognizing the effort and commitment that goes into their creation and operation." [2011 c 202 § 1.]

28A.300.555 Finding—Grants to improve readiness to learn. (1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the superintendent of public instruction shall award grants to community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn. [2011 1st sp.s. c 32 § 11; 1993 c 336 § 901. Formerly RCW 70.190.040.]

Transition plan—Report to the legislature—2011 1st sp.s. c 32: See note following RCW 70.305.005.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.300.560 Data on college credit through dual credit courses—Posting on web site. In addition to data on student enrollment in dual credit courses, the office of the superintendent of public instruction shall collect and post on the Washington state report card web site the rates at which students earn college credit through a dual credit course, using the following criteria:

(1) Students who achieve a score of three or higher on an AP examination;

(2) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(3) Students who successfully complete a Cambridge advanced international certificate of education examination;

(4) Students who successfully complete a course through the college in the high school program under RCW 28A.600.290 and are awarded credit by the partnering institution of higher education; and

(5) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a tech prep course; and

(6) Students who successfully complete a course through the running start program under RCW 28A.600.300 and are awarded credit by the institution of higher education. [2013 c 184 § 4.]

Findings—2013 c 184: See note following RCW 28A.320.195.

28A.300.565 Grants to implement emergency response systems. Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction shall allocate grants to school districts on a competitive basis for the purpose of implementing emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. [2013 c 233 § 4.]

28A.300.570 Support of reading and early literacy.

In support of reading and early literacy, the office of the superintendent of public instruction is responsible for:

(1) Continuing to work collaboratively with state and regional partners such as the department of early learning and the educational service districts to establish early literacy benchmarks and standards and to implement the Washington state comprehensive literacy plan;

(2) Disseminating research and information to school districts about evidence-based programs and practices in reading readiness skills, early literacy, and reading instruction;

(3) Providing statewide models to support school districts that are implementing response to intervention initiatives, positive behavior intervention support systems, or other similar comprehensive models of data-based identification and early intervention; and

(4) Within available funds and in partnership with the educational service districts, providing technical assistance and professional development opportunities for school districts. [2013 2nd sp.s. c 18 § 101.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.300.575 Washington state seal of biliteracy. (1)

The Washington state seal of biliteracy is established to recognize public high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more world languages in addition to English. School districts are encouraged to award the seal of biliteracy to graduating high school students who meet the criteria established by the office of the superintendent of public instruction under this section. Participating school districts shall place a notation on a student's high school diploma and high school transcript indicating that the student has earned the seal.

(2) The office of the superintendent of public instruction shall adopt rules establishing criteria for award of the Washington state seal of biliteracy. The criteria must require a student to demonstrate proficiency in English by meeting state high school graduation requirements in English, including through state assessments and credits, and proficiency in one or more world languages other than English. The criteria must permit a student to demonstrate proficiency in another world language through multiple methods including nationally or internationally recognized language proficiency tests and competency-based world language credits awarded under the model policy adopted by the Washington state school directors' association.

(3) For the purposes of this section, a world language other than English must include American sign language and Native American languages. [2014 c 102 § 2.]

Findings—Intent—2014 c 102: "(1) The legislature finds that:

(a) The study of world languages in elementary and secondary schools should be encouraged because it contributes to students' cognitive development and to the national economy and security;

(b) Proficiency in multiple languages enables Washington to participate more effectively in the current global political, social, and economic context;

(c) The benefits to employers of having employees who are fluent in more than one language are clear: Increased access to expanding markets, better service of customers' needs, and expanded trading opportunities with other countries; and

(d) Protecting the state's rich heritage of multiple cultures and languages, as well as building trust and understanding across the multiple cul-

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tures and languages of diverse communities, requires multilingual communication skills.

(2) Therefore, the legislature's intent is to promote and recognize linguistic proficiency and cultural literacy in one or more world languages in addition to English through the establishment of a Washington state seal of biliteracy." [2014 c 102 § 1.]

Report—2014 c 102: "By December 1, 2017, the office of the superintendent of public instruction shall submit a report to the education committees of the legislature that compares the number of students awarded the Washington state seal of biliteracy in the previous two school years and the languages spoken by those students, to the number of students enrolled or previously enrolled in the transitional bilingual instruction program and the languages spoken by those students. The office of the superintendent of public instruction shall also report the methods used by students to demonstrate proficiency for the Washington state seal of biliteracy, and describe how the office of the superintendent of public instruction plans to increase the number of possible methods for students to demonstrate proficiency, particularly in world languages that are not widely spoken." [2014 c 102 § 4.]

28A.300.580 Phone interpretation services—Posting vendor information on web site. (1) The office of the superintendent of public instruction and the office of the education ombuds shall post information on the agency's web site regarding the phone interpretation vendors on contract with the state of Washington, including contact information.

(2) School districts are encouraged to use the phone interpretation services addressed in subsection (1) of this section to communicate with student's parents, legal guardians, and family members who have limited English proficiency. [2014 c 150 § 4.]

28A.300.585 Computer science learning standards. Beginning in the 2015-16 school year, the office of the superintendent of public instruction shall adopt computer science learning standards developed by a nationally recognized computer science education organization. [2015 1st sp.s. c 3 § 1.]

Reviser's note: 2015 1st sp.s. c 3 § 1 directed that this section be added to chapter 28A.230 RCW. This section has been codified in chapter 28A.300 RCW, which relates more directly to the office of the superintendent of public instruction.

28A.300.590 Educational outcomes—Program of education for dependent youth—Responsibilities of department of social and health services, superintendent of public instruction, and nongovernmental entity—Reports. (1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment between youth served by the education coordination program described in this section and those who would have otherwise been eligible for the program, but were not served by the program.

(2) To the extent funds are appropriated for this purpose, the department of social and health services must contract with the office of the superintendent of public instruction, which in turn must contract with at least one nongovernmental entity to administer a program of education coordination for youth, kindergarten through twelfth grade, who are dependent pursuant to chapter 13.34 RCW. The office of the superintendent of public instruction shall, in consultation with the department of social and health services, comply with all requirements necessary to maximize federal reimbursement for the program of education coordination for youth. The contract between the office of the superintendent of public instruction and the nongovernmental entity must be

outcome driven with a stated goal of reducing educational barriers to youth success. The selected nongovernmental entity or entities must engage in a public-private partnership with the office of the superintendent of public instruction and are responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) The nongovernmental entity or entities selected by the office of the superintendent of public instruction must have demonstrated success in working with foster care youth and assisting foster care youth in receiving appropriate educational services, including enrollment, accessing school-based services, reducing out-of-school discipline interventions, and attaining high school graduation.

(4) The selected nongovernmental entity or entities must provide services to support individual youth upon a referral by a social worker with the department of social and health services, school staff, or a nongovernmental agency. The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation and in-service training. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(5) The selected nongovernmental entity or entities must report outcomes semiannually to the office of the superintendent of public instruction and the department of social and health services beginning December 1, 2016. [2016 c 71 § 3.]

Intent—2016 c 71: "The Washington state legislature has long acknowledged that youth impacted by the foster care system experience among the worst high school graduation and postsecondary completion outcomes compared to any other population of youth. Over the last decade, legislative leadership has sparked innovation and development of an array of services to improve educational outcomes. The legislature intends to powerfully leverage that past experience to establish a set of comprehensive strategies that are evidence-based, more coordinated, intensive, and intentional in order to proactively support youth to complete high school and successfully implement their own plans for their future.

The goals of this effort are threefold:

- (1) To make Washington number one in the nation for foster care graduation rates;
- (2) To make Washington number one in the nation for foster care enrollment in postsecondary education; and
- (3) To make Washington number one in the nation for foster care postsecondary completion." [2016 c 71 § 1.]

28A.300.592 Educational outcomes—Onsite individualized education services for dependent students—Public-private partnership—Reports. (1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment and completion between youth served by the programs described in this section, and those who would have otherwise been eligible for the programs, but were not served by the programs.

(2) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction must contract with at least one nongovernmental entity to improve the educational outcomes of students at two sites by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs. The selected nongovernmental entity must engage in a public-private partnership with the office of the superintendent of

public instruction and is responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) One of the sites described in subsection (2) of this section shall be the site previously selected by the department of social and health services pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013 2nd sp. sess. to the extent private funds are available. The previously selected site will expand to include the entire county in which it is currently located, subject to the availability of private funds. The second site established under this section must be implemented after July 1, 2016. The office of the superintendent of public instruction and the nongovernmental entity or entities at the original site shall consult with the department of social and health services and then collaboratively select the second site. This site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(4) The purpose of the programs at both sites is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(5) The entity or entities at these sites must facilitate the educational progress, high school completion, and postsecondary plan initiation of eligible youth. The contract with the entity or entities must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013-14 school year, and this baseline remains applicable through the 2018-19 school year. Any new site must establish its baseline at the end of the first year of service provision, and this baseline must remain applicable for the next five school year periods.

(6) Services provided by the nongovernmental entity or entities must include:

- (a) Advocacy for foster youth to eliminate barriers to educational access and success;
- (b) Consultation with schools and the department of social and health services' case workers to develop educational plans for and with participating youth;
- (c) Monitoring education progress and providing interventions to improve attendance, behavior, and course performance of participating youth;
- (d) Facilitating age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;
- (e) Facilitating the participation of youth with school and local resources that may assist in educational access and success; and
- (f) Coordinating youth, caregivers, schools, and social workers to advocate to support youth progress in the educational system.

(7) The contracted nongovernmental entity or entities must report site outcomes to the office of the superintendent of public instruction and the department of social and health services semiannually.

(8) The department of social and health services children's administration must proactively refer all eligible students thirteen years of age or older, within the site areas, to the contractor for educational services. Youth eligible for referral are dependent pursuant to chapter 13.34 RCW, are age thirteen through twenty-one years of age, are not currently served by services under RCW 28B.77.250, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to college promise program.

(9) The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must be provided access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100. [2016 c 71 § 4.]

Intent—2016 c 71: See note following RCW 28A.300.590.

28A.300.600 Professional learning—Defined—Scope. (1) The term "professional learning" means a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. Professional learning fosters collective responsibility for improved student performance and must comprise learning that is aligned with student learning needs, educator development needs, and school district, or state improvement goals. Professional learning shall have as its primary focus the improvement of teachers' and school leaders' effectiveness in assisting all students to meet the state learning standards.

(2) Professional learning is an ongoing process that is measurable by multiple indicators and includes learning experiences that support the acquisition and transfer of learning, knowledge, and skills into the classroom and daily practice.

(3) Professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(4) Professional learning should include the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members, who commit to working together on an ongoing basis to accomplish common goals and who are engaged in a continuous cycle of professional improvement that is focused on:

(a) Identifying student and educator learning needs using multiple sources of data;

(b) Defining a clear set of educator learning goals based on the rigorous analysis of these multiple data sources and the collective and personalized learning needs of teachers and administrators;

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(c) Continuously assessing the effectiveness of the professional learning in achieving identified learning goals, improving teaching, and assisting all students in meeting state academic learning standards through reflection, observation, and sustained support;

(d) Using formative and summative measures to assess the effectiveness of professional learning in achieving educator learning goals;

(e) Realizing the three primary purposes for professional learning: (i) Individual improvement aligned with individual goals; (ii) school and team improvement aligned with school and team improvement [goals]; and (iii) program implementation aligned with state, district, and school improvement goals and initiatives.

(5) Professional learning should be facilitated by well-prepared school and district leaders who incorporate knowledge, skills, and dispositions for leading professional learning of adults and meet the standards described in RCW 28A.300.602. These facilitators may include but are not limited to: Curriculum specialists, central office administrators, principals, coaches, mentors, master teachers, and other teacher leaders.

(6) Principals should assist staff with alignment of professional learning tied to curriculum, instruction, and state and local learning goals and assessments.

(7) Professional learning may be supported by external expert assistance or additional activities that will be held to the same definition and standards as internally supported professional learning, and that:

(a) Address defined student and educator learning goals;

(b) Include, but are not limited to, courses, workshops, institutes, networks, studio residencies, virtual learning modules, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service districts, technical assistance providers, networks of content specialists, and other education organizations and associations; and

(c) Advance ongoing school-based professional learning that occurs throughout the year with opportunities for regular practice and feedback while developing new skills. [2016 c 77 § 2.]

Findings—Intent—2016 c 77: "(1) The legislature finds that effective professional learning enables educators to acquire and apply the knowledge, skills, practices, and dispositions needed to help students learn and achieve at higher levels.

(2) The legislature further finds that a clear definition of professional learning provides a foundational vision that sets the course for how state, regional, and local education leaders support educator professional learning in order to advance student learning. A shared, statewide definition is a piece of critical infrastructure to guide policy and investments in the content, structure, and provision of the types of professional learning opportunities that are associated with increased student performance. A definition of professional learning is also an accountability measure to assure that professional learning will have the highest possible return on investment in terms of increased student performance.

(3) Therefore, the legislature intends to adopt a statewide definition of effective professional learning. Each public school and school district should establish targeted, sustained, relevant professional learning opportunities that meet the definition and are aligned to state and district goals." [2016 c 77 § 1.]

28A.300.602 Professional learning—Standards. Standards for professional learning provide guidance on the preparation and delivery of high quality professional learning

to those responsible for planning, facilitating, and sponsoring professional learning.

(1) Content standards. High quality professional learning:

(a) Includes clear goals and objectives relevant to desired student outcomes; and

(b) Aligns with state, district, school, and educator goals or priorities.

(2) Process standards. High quality professional learning:

(a) Is designed and based upon the analysis of data relevant to the identified goals, objectives, and audience;

(b) Is assessed to determine that it is meeting the targeted goals and objectives;

(c) Promotes collaboration among educators to encourage sharing of ideas and working together to achieve the identified goals and objectives;

(d) Advances an educator's ability to apply acquired knowledge and skills from the professional learning to specific content; and

(e) Models good pedagogical practice and applies knowledge of adult learning theory to engage educators.

(3) Context standards. High quality professional learning:

(a) Makes use of relevant resources to ensure the identified goals and objectives are met;

(b) Is facilitated by a professional knowledgeable about the identified objectives; and

(c) Is designed in such a way that sessions connect and build upon each other to provide a coherent and useful learning experience for educators. [2016 c 77 § 3.]

Findings—Intent—2016 c 77: See note following RCW 28A.300.600.

28A.300.604 Professional learning—Definitions. The definitions in this section apply throughout RCW 28A.300.600 and 28A.300.602 unless the context clearly requires otherwise.

(1) "Differentiated" means that professional learning experiences are designed to meet the needs of individual educators based on multiple sources of data such as professional growth plans, observations, and student growth data.

(2) "Job-embedded" means a sustained series of activities such as workshops and coaching occurring throughout the year that is delivered within the context of an educator's instructional assignments, including both subject and grade level, to support the educator's acquisition and application of the knowledge and skills.

(3) "Student outcomes" refers to two broad categories of student measures: Academic measures and nonacademic measures. Academic measures refer to student learning, growth, and achievement. Nonacademic measures are indicators such as health, behavioral, or socioemotional factors that support student learning.

(4) "Sustained" means ongoing professional learning supported throughout the school year occurring several times within and across school years. [2016 c 77 § 4.]

Findings—Intent—2016 c 77: See note following RCW 28A.300.600.

28A.300.608 Statewide initiative to increase the number of qualified applicants for teaching positions—Report. (Expires July 1, 2020.) (1) Subject to the availabil-

ity of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with school districts, educational service districts, and other state agencies, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the office of the superintendent of public instruction, in partnership with the employment security department, shall:

(a) Develop and implement a teacher recruitment campaign that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(b) Incorporate certificated positions into the employment security department's existing web-based depository for job applications that allows for access by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(c) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(d) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

(2) By December 1, 2019, the office of the superintendent of public instruction shall assess the efficiency and effectiveness of the centralized web-based depository for job applications required under subsection (1)(b) of this section, and shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that recommends whether the requirement for the application depository be continued, modified, or terminated. In performing the assessment required in this subsection (2), the office must solicit and consider feedback from small school districts.

(3) This section expires July 1, 2020. [2016 c 233 § 1.]

28A.300.615 Substitute teachers—Hiring and compensation reporting. (1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction:

(a) The number of substitute teachers hired per school year;

(b) The number of substitute teachers hired under *RCW 28A.410.252 per school year;

(c) The full daily compensation rate per substitute teacher; and

(d) The reason for hiring the substitute teacher.

(2) By January 1st of each year, the office of the superintendent of public instruction must post on its web site the information identified in subsection (1) of this section. [2016 c 233 § 8.]

***Reviser's note:** The reference to RCW 28A.410.252 appears to be erroneous. Reference to RCW 41.32.068 was apparently intended.

28A.300.620 Mentor training program goals—Professional development curricula. (1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals, and shall post the goals on its web site.

(2) The office of the superintendent of public instruction is encouraged to develop professional development curricula aligned with the mentor training program goals required under this section. The purpose of this [these] curricula is to standardize mentorship training statewide in order to develop high quality mentors. [2016 c 233 § 12.]

28A.300.800 Education of school-age children in short-term foster care—Working group—Recommendations to legislature. (1) Within existing resources, the department of social and health services, in cooperation with the office of the superintendent of public instruction, shall convene a working group to prepare a plan for the legislature which addresses educational stability and continuity for school-age children who enter into short-term foster care. The working group shall be comprised of representatives from:

- (a) The children's administration of the department of social and health services;
- (b) The special education, transportation, and apportionment divisions of the office of the superintendent of public instruction;
- (c) The Washington state institute for public policy;
- (d) School districts;
- (e) Organizations that regularly advocate for foster children;
- (f) Foster parents; and
- (g) Other individuals with related expertise as deemed appropriate by the working group.

(2)(a) The working group shall develop a plan for assuring that the best interests of the child are a primary consideration in the school placement of a child in short-term foster care. The plan must:

- (i) Determine the current status of school placement for children placed in short-term foster care;
- (ii) Identify options and possible funding sources from existing resources which could be made available to assure that children placed in short-term foster care are able to remain in the school where they were enrolled prior to placement;
- (iii) Submit recommendations to the legislature by November 1, 2002, to assure the best interest of the child receives primary consideration in school placement decisions.

(b) The plan shall be developed within existing resources. [2002 c 326 § 1.]

Additional notes found at www.leg.wa.gov

28A.300.8001 Plan for cross-system collaboration to promote educational stability and improve educational

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outcomes for foster children—Reports. By December 1, 2012, and on an annual basis through December 1, 2015, the superintendent of public instruction, in consultation with the department of social and health services and the office of the administrator for the courts, shall submit a report to the governor and the appropriate committees of the legislature regarding the content and implementation status of the state's plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children pursuant to the requirements of the federal fostering connections to success and increasing adoptions act, P.L. 110-351. The annual report must include, but is not limited to, information regarding:

(1) A description of the process used to determine students' best interest in continued enrollment at the school the student was in at the time of initial placement or change of placement;

(2) The number of days, following initial placement or change of placement, to resume school at the school the student was in at the time of initial placement or change of placement or complete new school enrollment and attend at a new school;

(3) The number of days from request to delivery of school records from the sending school to the receiving school; and

(4) Documentation of a plan and use of federal Title IV-E dollars to support transportation for educational continuity as envisioned in the federal fostering connections to success and increasing adoptions act, P.L. 110-351. [2012 c 163 § 10.]

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

Short title—2012 c 163: See RCW 28B.117.902.

28A.300.801 Legislative youth advisory council. (1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. Beginning May 7, 2009, the

office of the lieutenant governor shall notify all applicants of the final selections using existing staff and resources.

(b) Within existing staff and resources, the office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) If the council has sufficient funds from any source, then the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) If the council has sufficient funds from any source, then in carrying out its duties under this section, the council may meet at least three times but not more than six times per year. The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.

(7) If the council has sufficient funds from any source, then members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) If sufficient funds are available from any source, beginning with May 7, 2009, the office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, the office of the superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruc-

tion or the legislature or any agency of the legislature. [2009 c 410 § 1; 2007 c 291 § 2; 2005 c 355 § 1.]

Effective date—2009 c 410: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 2009]." [2009 c 410 § 2.]

Finding—2007 c 291: "The legislature finds that the legislative youth advisory council provides a unique opportunity for middle and high school students to be actively involved in government. Councilmembers not only learn about, but exercise, the core values and democratic principles of our state and nation, along with the rights and responsibilities of citizenship and democratic civic involvement. As such, they are engaged in authentic practice of the essential academic learning requirements in civics. In the short time since its creation, the legislative youth advisory council has studied, debated, and begun to formulate positions and recommendations on such important topics as education reform, school finance, public school learning environments, health and fitness education, and standardized testing. The legislature continues to stress the importance of civics education and support the type of civic involvement by students exemplified by the legislative youth advisory council." [2007 c 291 § 1.]

Effective date—2007 c 291: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 2, 2007]." [2007 c 291 § 4.]

28A.300.802 Advisory groups—Travel—Compensation. In addition to any board, commission, council, committee, or other similar group established by statute or executive order, the superintendent of public instruction may appoint advisory groups on subject matters within the superintendent's responsibilities or as may be required by any federal legislation as a condition to the receipt of federal funds by the federal department. The advisory groups shall be constituted as required by federal law or as the superintendent may determine.

Members of advisory groups under the authority of the superintendent may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Except as provided in this section, members of advisory groups under the authority of the superintendent are volunteering their services and are not eligible for compensation. A person is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group if the person (1) occupies a position, normally regarded as full-time in nature, as a certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside the period in which school days as defined by *RCW 28A.150.030 are conducted. The superintendent may reimburse local school districts for substitute certificated employees to enable members to meet or perform duties on school days. A person is eligible to receive compensation from federal funds in an amount to be determined by personal service contract for groups required by federal law. [2011 1st sp.s. c 21 § 53.]

***Reviser's note:** RCW 28A.150.030 expired September 1, 2011. See RCW 28A.150.203.

28A.300.803 Openly licensed courseware—Identifying and developing library—Reports—Open educational resources account. (Expires June 30, 2018.) (1)(a) Subject to availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall take the

lead in identifying and developing a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, registered by a nonprofit or for-profit organization with domain expertise in open courseware, that allows others to use, distribute, and create derivative works based upon the digital material, while still allowing the authors or creators to retain the copyright and to receive credit for their efforts.

(b) During the course of identification and development of a library of openly licensed courseware, the superintendent:

(i) May contract with third parties for all or part of the development;

(ii) May adopt or adapt existing high quality openly licensed K-12 courseware aligned with the common core state standards;

(iii) May consider multiple sources of openly licensed courseware;

(iv) Must use best efforts to seek additional outside funding by actively partnering with private organizations;

(v) Must work collaboratively with other states that have adopted the common core state standards and collectively share results; and

(vi) Must include input from classroom practitioners, including teacher-librarians as defined by RCW 28A.320.240, in the results reported under subsection (2)(d) of this section.

(2) The superintendent of public instruction must also:

(a) Advertise to school districts the availability of openly licensed courseware, with an emphasis on the fact that the courseware is available at no cost to the districts;

(b) Identify an open courseware repository to which openly licensed courseware identified and developed under this section may be submitted, in which openly licensed courseware may be housed, and from which openly licensed courseware may be easily accessed, all at no cost to school districts;

(c) Provide professional development programs that offer support, guidance, and instruction regarding the creation, use, and continuous improvement of open courseware; and

(d) Report to the governor and the education committees of the legislature on a biennial basis, beginning December 1, 2013, and ending December 1, 2017, regarding identification and development of a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, use by school districts of openly licensed courseware, and professional development programs provided.

(3) School districts may, but are not required to, use any of the openly licensed courseware.

(4) As used in this section, "courseware" includes the course syllabus, scope and sequence, instructional materials, modules, textbooks, including the teacher's edition, student guides, supplemental materials, formative and summative assessment supports, research articles, research data, laboratory activities, simulations, videos, open-ended inquiry activities, and any other educationally useful materials.

(5) The open educational resources account is created in the custody of the state treasurer. All receipts from funds collected under this section must be deposited into the account.

(2016 Ed.)

Expenditures from the account may be used only for the development of openly licensed courseware as described in this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(6) This section expires June 30, 2018. [2012 c 178 § 2.]

Finding—2012 c 178: "The legislature finds the state's recent adoption of common core K-12 standards provides an opportunity to develop a library of high-quality, openly licensed K-12 courseware that is aligned with these standards. By developing this library of openly licensed courseware and making it available to school districts free of charge, the state and school districts will be able to provide students with curricula and texts while substantially reducing the expenses that districts would otherwise incur in purchasing these materials. In addition, this library of openly licensed courseware will provide districts and students with a broader selection of materials, and materials that are more up-to-date." [2012 c 178 § 1.]

28A.300.805 K-3 class size reduction construction grant pilot program—Classroom counting method and funding formula—Prioritizing grant applications—Recommendations—Annual reports.

(1) The legislature recognizes that the provisions of the K-3 class size reduction construction grant pilot program will need modifications to (a) ensure that the grant program will meet the program's objectives for all school districts needing additional classrooms, and (b) identify changes to the school construction assistance program to improve appropriate coordination between the two grant programs.

(2) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction shall develop (a) an improved method for calculating needed classrooms, and (b) an improved funding formula for calculating grant awards to meet the objectives of this section and RCW 28A.525.058. The classroom counting method and funding formula must be informed by data collected in state studies and surveys or through inventory and condition assessments conducted by the Washington State University extension energy office. The improved classroom counting method and improved funding formula, and any other requirements of this section, must be reported to the office of financial management and the appropriate committees of the legislature by December 1, 2015.

(3)(a) The improved classroom counting method must:

(i) Demonstrate a lack of sufficient classroom space district-wide to meet K-3 class size ratios as funded pursuant to average class size objectives for the 2017-18 school year enumerated in RCW 28A.150.260 in effect as of October 31, 2014, and to provide all-day kindergarten as funded pursuant to RCW 28A.150.315. The determination that there is a lack of sufficient space must be based on data collected in a state study and survey conducted within the preceding six years from the date of grant application or data collected through an inventory and condition assessment validated by the Washington State University extension energy office within the preceding six years from the date of grant application;

(ii) For school districts with student headcount enrollments more than forty-eight thousand, the improved classroom counting method must demonstrate a lack of sufficient classroom space within subdistrict areas in order to account

for rapid growth in certain areas of a district that should be met with classroom capacity in those certain areas to avoid prolonged bussing of elementary students.

(b) The improved classroom counting method must be designed to ensure that additional classrooms will achieve average class size objectives for the 2017-18 school year enumerated in RCW 28A.150.260 in effect as of October 31, 2014, and all-day kindergarten as funded pursuant to RCW 28A.150.315.

(4)(a) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction must also recommend a process for prioritizing grant applications. The prioritization process must produce one prioritized list of grant recipients that includes all of the projects requested by school districts, and report the list, including preliminary estimates of necessary added classrooms, to the office of financial management and the appropriate committees of the legislature.

(b) The prioritized list must consider the following priorities:

(i) Applicants with high student to teacher ratios in kindergarten through third grades;

(ii) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program;

(iii) Applicants that have not raised capital funds through levies or bonds in the prior ten-year period;

(iv) Other criteria that relate to the objectives of the grant program.

(5) The improved funding formula must consider options for enhanced state funding for school districts that have not raised capital funds through levies or bonds in the prior ten-year period.

(6) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the office of the superintendent of public instruction must recommend statutory and rule changes to ensure appropriate coordination between the K-3 class size reduction construction grant program and the school construction assistance program. The recommendation must include ways to ensure that new square footage funded through this grant program does not impair a school district's eligibility for modernization or replacement grants through the school construction assistance program eligibility under RCW 28A.525.166.

(7) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction must recommend the content and method for reporting annually on the grants awarded during each fiscal year. The report must include, at least, the grant amounts and the status of all awarded grants by school district. The annual report must also include data documenting actual class size reductions and all-day kindergarten achieved in school districts that have received grants provided under this section. Beginning in 2016, the report must be submitted to the office of financial management and the appropriate committees of the legislature by October 1st for the preceding fiscal year and made available to the public on a web site maintained by the superintendent of public instruction.

(8) In consultation with stakeholders, the office of financial management, and the appropriate committees of the legislature, the superintendent of public instruction must recommend statutory and rule changes for awarding grants for construction, modernization, or replacement of school facilities with an expected useful life of less than thirty years. [2015 3rd sp.s. c 41 § 301.]

Findings—Intent—Effective date—2015 3rd sp.s. c 41: See notes following RCW 28A.525.058.

28A.300.807 Task force—Review of federal 2007 race and ethnicity reporting guidelines—Development of state guidelines. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene a task force to review the United States department of education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state. The task force must include representatives from the educational opportunity gap oversight and accountability committee, the ethnic commissions, the governor's office of Indian affairs, and a diverse group of parents. The guidance must clarify for students and families why information about race and ethnicity is collected and how students and families can help school administrators properly identify them. The guidance must also describe the best practices for school administrators to use when identifying the race and ethnicity of students and families. The task force must use the United States census and the American community survey in the development of the guidance. [2016 c 72 § 502.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Chapter 28A.305 RCW STATE BOARD OF EDUCATION

Sections

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Statewide student assessment system—Redesign—Reports to the legislature: RCW 28A.300.041.

28A.305.011 Board membership—Terms—Compensation. (1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. [2006 c 263 § 105; 2005 c 497 § 101.]

(2016 Ed.)

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—2005 c 497: "The legislature intends to reconstitute the state board of education and to refocus its purpose; to abolish the academic achievement and accountability commission; to assign policy and rule-making authority for educator preparation and certification to the professional educator standards board and to clearly define its purpose; and to align the missions of the state board of education and the professional educator standards board to create a collaborative and effective governance system that can accelerate progress towards achieving the goals in RCW 28A.150.210." [2005 c 497 § 1.]

Additional notes found at www.leg.wa.gov

28A.305.021 Election of board members—Restrictions. The election of state board of education members by school directors and private school board members shall be conducted by the office of the superintendent of public instruction for the members of the state board who begin serving on January 1, 2006, and thereafter.

(1) The superintendent shall adopt rules for the conduct of elections, which shall include, but need not be limited to: The definition of the eastern Washington and western Washington geographic regions of the state for the purpose of determining board member positions; the weighting of votes cast by the number of students in the school director's school district or board member's private school; election and dispute resolution procedures; the process for filling vacancies; and election timelines. The election timeline shall include calling for elections no later than the twenty-fifth of August, and notification of the election results no later than the fifteenth of December.

(2) State board member positions one and two shall be filled by residents of the eastern Washington region and positions three, four, and five shall be filled by residents of the western Washington region.

(3) A school director shall be eligible to vote only for a candidate for each position in the geographic region within which the school director resides.

(4) Initial terms of the individuals elected by the school directors shall be for terms of two to four years in length as follows: Two members, one from eastern Washington and one from western Washington, shall be elected to two-year terms; two members, one from eastern Washington and one from western Washington, shall be elected to four-year terms; and one member from western Washington shall be elected to a three-year term. The term of the private school member shall be two years. All terms shall expire on the second Monday of January of the applicable year.

(5) No person employed in any public or private school, college, university, or other educational institution or any educational service district superintendent's office or in the office of the superintendent of public instruction is eligible for membership on the state board of education. No member of a board of directors of a local school district or private school may continue to serve in that capacity after having been elected to the state board. [2005 c 497 § 102.]

Intent—Part headings not law—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.305.035 Joint report to the legislature. (1) By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall

submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

(2) The state board of education shall include the chairs and ranking minority members of the legislative education committees in board communications so that the legislature can be kept apprised of the discussions and proposed actions of the board. [2006 c 263 § 103; 2005 c 497 § 103.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.305.045 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 20.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.305.130 Powers and duties—Purpose. The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

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

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

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

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically under-achieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high

school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b)(i) Identify the scores students must achieve in order to meet the standard on the statewide student assessment and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose.

(ii) By the end of the 2014-15 school year, establish the scores students must achieve to meet the standard and earn a certificate of academic achievement on the tenth grade English language arts assessment and the end-of-course mathematics assessments developed in accordance with RCW 28A.655.070 to be used as the state transitions to high school assessments developed with a multistate consortium.

(iii) By the end of the 2014-15 school year, establish the scores students must achieve to meet the standard and earn a certificate of academic achievement on the high school English language arts assessment and the comprehensive mathematics assessment developed with a multistate consortium in accordance with RCW 28A.655.070. To determine the appropriate score, the state board shall review the transition experience of Washington students to the consortium-developed assessments, examine the student scores used in other states that are administering the consortium-developed assessments, and review the scores in other states that require passage of an eleventh grade assessment as a high school graduation requirement. The scores established by the state board of education for the purposes of earning a certificate of academic achievement and graduation from high school may be different from the scores used for the purpose of determining a student's career and college readiness.

(iv) The legislature shall be advised of the initial performance standards for the high school statewide student assessment. Any changes recommended by the board in the performance standards for the high school assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards. The board must provide an explanation of and rationale for all initial performance standards and any changes, for all grade levels of the statewide student assessment. If the board changes the performance standards for any grade level or subject, the superintendent of public instruc-

tion must recalculate the results from the previous ten years of administering that assessment regarding students below, meeting, and beyond the state standard, to the extent that this data is available, and post a comparison of the original and recalculated results on the superintendent's web site;

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

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

(5) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve. However, no private school may be approved that operates a kindergarten program only and no private school shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

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

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

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction. [2013 2nd sp.s. c 22 § 7; 2011 1st sp.s. c 6 § 1; 2009 c 548 § 502; 2008 c 27 § 1; 2006 c 263 § 102; 2005 c 497 § 104; 2002 c 205 § 3; 1997 c 13 § 5; 1996 c 83 § 1; 1995 c 369 § 9; 1991 c 116 § 11; 1990 c 33 § 266. Prior: 1987 c 464 § 1; 1987 c 39 § 1; prior: 1986 c 266 § 86; 1986 c 149 § 3; 1984 c 40 § 2; 1979 ex.s. c 173 § 1; 1975-'76 2nd ex.s. c 92 § 1; 1975 1st ex.s. c 275 § 50; 1974 ex.s. c 92 § 1; 1971 ex.s. c 215 § 1; 1971 c 48 § 2; 1969 ex.s. c 223 § 28A.04.120; prior: 1963 c 32 § 1; 1961 c 47 § 1; prior: (i) 1933 c 80 § 1; 1915 c 161 § 1; 1909 c 97 p 236 § 5; 1907 c 240 § 3; 1903 c 104 § 12; 1897 c 118 § 27; 1895 c 150 § 1; 1890 p 352 § 8; Code 1881 § 3165; RRS § 4529. (ii) 1919 c 89 § 3; RRS § 4684. (iii) 1909 c 97 p 238 § 6; 1897 c 118 § 29; RRS § 4530. Formerly RCW 28A.04.120, 28.04.120, 28.58.280, 28.58.281, 28.58.282, 43.63.140.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

(2016 Ed.)

Effective date—2011 1st sp.s. c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 31, 2011]." [2011 1st sp.s. c 6 § 2.]

Intent—Finding—2009 c 548: "(1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability.

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

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress." [2009 c 548 § 501.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—2005 c 497: See notes following RCW 28A.305.011.

Findings—Severability—Effective dates—2002 c 205 §§ 2, 3, and 4: See notes following RCW 28A.320.125.

Child abuse and neglect—Development of primary prevention program: RCW 28A.300.160.

Districts to develop programs and establish programs regarding child abuse and neglect prevention: RCW 28A.225.200.

Professional certification not required of superintendents or deputy or assistant superintendents: RCW 28A.410.120.

Use of force on children—Policy—Actions presumed unreasonable: RCW 9A.16.100.

Additional notes found at www.leg.wa.gov

28A.305.135 Rule making—School district fiscal impact statement required—Exceptions. (1) The state board of education must provide a school district fiscal impact statement prepared by the office of the superintendent of public instruction with the published notice of a rule-making hearing required under RCW 34.05.320 on rules proposed by the board. At the rule-making hearing, the board must also hear a presentation from the office of the superintendent of public instruction and take public testimony on the fiscal impact statement. A copy of the fiscal impact statement must be forwarded to the education committees of the legislature.

(2) The office of the superintendent of public instruction must solicit fiscal impact estimates from a representative sample of school districts across the state when preparing a fiscal impact statement.

(3) This section does not apply to the following rules:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, or rules of other Washington state agencies;

(c) Rules that adopt, amend, or repeal a procedure or practice related only to the operation of the state board of education and not to any external parties;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; or

(e) Rules the content of which is explicitly and specifically dictated by statute. [2012 c 210 § 1.]

28A.305.140 Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized. (Effective until June 30, 2019.) (1) The state board of education may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220 on the basis that such waiver or waivers are necessary to:

(a) Implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program;

(b) Implement an innovation school or innovation zone designated under RCW 28A.630.081; or

(c) Implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104.

(2) The state board shall adopt criteria to evaluate the need for the waiver or waivers. [2012 c 53 § 8; 2011 c 260 § 8; 1990 c 33 § 267; (1992 c 141 § 302 expired September 1, 2000); 1985 c 349 § 6. Formerly RCW 28A.04.127.]

Findings—Intent—Expiration date—2012 c 53: See RCW 28A.630.101 and 28A.630.109.

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

Expiration date—2011 c 260: See RCW 28A.630.089.

Additional notes found at www.leg.wa.gov

28A.305.140 Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized. (Effective June 30, 2019.) The state board of education may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220 on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

The state board shall adopt criteria to evaluate the need for the waiver or waivers. [1990 c 33 § 267; (1992 c 141 § 302 expired September 1, 2000); 1985 c 349 § 6. Formerly RCW 28A.04.127.]

Additional notes found at www.leg.wa.gov

28A.305.141 Waiver from one hundred eighty-day school year requirement—Criteria. (1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers

from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer minimum instructional hours may not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests under this section. A waiver may be effective for up to three years and may be renewed for subsequent periods of three or fewer years. After each school year in which a waiver has been granted under this section, the state board of education must analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district must discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made.

(4) The state board of education may grant waivers authorized under this section to five or fewer school districts. Of the five waivers that may be granted, two must be reserved for districts with student populations of less than one hundred fifty students, and three must be reserved for districts with student populations of between one hundred fifty-one and five hundred students. [2016 c 99 § 1; 2014 c 171 § 1; 2009 c 543 § 2.]

Finding—2009 c 543: "The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day-to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four-day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential value of operating on a flexible calendar, so long as adequate safeguards are put in place to prevent any negative impact on student learning." [2009 c 543 § 1.]

28A.305.142 Waiver from career and technical course equivalency requirement. The state board of education may grant a waiver from the provisions of RCW 28A.230.010(2) based on an application from a board of directors of a school district with fewer than two thousand students. [2014 c 217 § 104.]

Effective date—2014 c 217 §§ 103 and 104: See note following RCW 28A.230.010.

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

28A.305.190 Eligibility to take test to earn a high school equivalency certificate. The state board of education shall adopt rules governing the eligibility of a child sixteen years of age and under nineteen years of age to take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 if the child provides a substantial and warranted reason for leaving the regular high school education program, if the child was home-schooled, or if the child is an eligible student enrolled in a dropout reengagement program under RCW 28A.175.100 through 28A.175.110. [2013 c 39 § 8; 2010 c 20 § 6; 1993 c 218 § 1; 1991 c 116 § 5; 1973 c 51 § 2. Formerly RCW 28A.04.135.]

Intent—2010 c 20: See note following RCW 28A.175.100.

Waiver of fees or residency requirements at community or technical colleges for students completing a high school education: RCW 28B.15.520.

Additional notes found at www.leg.wa.gov

28A.305.215 Essential academic learning requirements and grade level expectations—Revised standards and curricula for mathematics and science—Duties of the state board of education and the superintendent of public instruction—Revised graduation requirements. (1) The activities in this section revise and strengthen the state learning standards that implement the *goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under **RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4).

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under (c) of this subsection and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under (c) of this subsection are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By June 30, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary and middle school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science.

(d) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under **RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall

be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by ***RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and report the results of the survey to the education committees of the legislature by November 15, 2008. [2009 c 310 § 5. Prior: 2008 c 274 § 2; 2008 c 172 § 2; 2007 c 396 § 1.]

Reviser's note: *(1) Reference to "goals" was deleted by 2009 c 548 § 101.

***(2) RCW 28A.305.219 expired June 30, 2012.

****(3) RCW 28A.305.130 was amended by 2009 c 548 § 502, deleting subsection (4)(e).

Effective date—2009 c 310 § 5: "Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 30, 2009]." [2009 c 310 § 6.]

Intent—2008 c 172: "The legislature intends that the revised mathematics standards by the office of the superintendent of public instruction will set higher expectations for Washington's students by fortifying content and increasing rigor; provide greater clarity, specificity, and measurability about what is expected of students in each grade; supply more explicit guidance to educators about what to teach and when; enhance the relevance of mathematics to students' lives; and ultimately result in more Washington students having the opportunity to be successful in mathematics. Additionally, the revised mathematics standards should restructure the standards to make clear the importance of all aspects of mathematics: Mathematics content including the standard algorithms, conceptual understanding of the content, and the application of mathematical processes within the content." [2008 c 172 § 1.]

Effective date—2008 c 172: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 26, 2008]." [2008 c 172 § 3.]

Effective date—2007 c 396 §§ 1 and 2: "Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 9, 2007]." [2007 c 396 § 22.]

Captions not law—2007 c 396: "Captions used in this act are not any part of the law." [2007 c 396 § 19.]

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.305.900 Transfer of powers and duties—State board of education. (1) The state board of education as constituted prior to January 1, 2006, is hereby abolished and its powers, duties, and functions are hereby transferred to the

state board of education as specified in chapter 497, Laws of 2005. All references to the director or the state board of education as constituted prior to January 1, 2006, in the Revised Code of Washington shall be construed to mean the director or the state board of education as specified in chapter 497, Laws of 2005.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board of education as constituted prior to January 1, 2006, shall be delivered to the custody of the state board of education as specified in chapter 497, Laws of 2005. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board of education as constituted prior to January 1, 2006, shall be made available to the state board of education as specified in chapter 497, Laws of 2005. All funds, credits, or other assets held by the state board of education as constituted prior to January 1, 2006, shall be assigned to the state board of education as specified in chapter 497, Laws of 2005.

(b) Any appropriations made to the state board of education as constituted prior to January 1, 2006, shall, on January 1, 2006, be transferred and credited to the state board of education as specified in chapter 497, Laws of 2005.

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

(3) All employees of the state board of education as constituted prior to January 1, 2006, are transferred to the jurisdiction of the state board of education as specified in chapter 497, Laws of 2005. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board of education as specified in chapter 497, Laws of 2005 to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state board of education as constituted prior to January 1, 2006, shall be continued and acted upon by the state board of education as specified in chapter 497, Laws of 2005. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education as specified in chapter 497, Laws of 2005.

(5) The transfer of the powers, duties, functions, and personnel of the state board of education as constituted prior to January 1, 2006, shall not affect the validity of any act performed before January 1, 2006.

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

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the

agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law. [2005 c 497 § 301.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.305.901 Transfer of powers and duties—Academic achievement and accountability commission. (1) The academic achievement and accountability commission is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education. All references to the director or the academic achievement and accountability commission in the Revised Code of Washington shall be construed to mean the director or the state board of education.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the academic achievement and accountability commission shall be delivered to the custody of the state board of education. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the academic achievement and accountability commission shall be made available to the state board of education. All funds, credits, or other assets held by the academic achievement and accountability commission shall be assigned to the state board of education.

(b) Any appropriations made to the academic achievement and accountability commission shall, on July 1, 2005, be transferred and credited to the state board of education.

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

(3) All rules and all pending business before the academic achievement and accountability commission shall be continued and acted upon by the state board of education. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education.

(4) The transfer of the powers, duties, and functions of the academic achievement and accountability commission shall not affect the validity of any act performed before July 1, 2005.

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

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law. [2005 c 497 § 302.]

Additional notes found at www.leg.wa.gov

28A.305.902 Transfer of duties—Review and recommendation—2006 c 263. The legislature encourages the members of the new state board of education to review the transfer of duties from the state board to other entities made in chapter 263, Laws of 2006 and if any of the duties that were transferred away from the state board are necessary for the board to accomplish the purpose set out in chapter 263, Laws of 2006 then the state board shall come back to the legislature to request those necessary duties to be returned to the state board of education. The state board of education is encouraged to make such a request by January 15, 2007. [2006 c 263 § 101.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Chapter 28A.310 RCW EDUCATIONAL SERVICE DISTRICTS

Sections

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28A.310.495	Condensed compliance reports—Second-class districts.
28A.310.500	Youth suicide screening and referral—Response to emotional or behavioral distress in students—Training for educators and staff—Suicide prevention training.
28A.310.501	Civil liability—2013 c 197.
28A.310.505	Regional school safety and security programs.

Chapter not to apply to certain materials printed in educational service district: RCW 82.04.600.

Interlocal cooperation act: Chapter 39.34 RCW.

Redistricting by local governments and municipal corporations—Census information for—Plan, prepared when, criteria for, hearing on, request for review of, certification, remand—Sanctions when review request frivolous: RCW 29A.76.010.

Regional educational technology support centers—Advisory councils: See RCW 28A.650.020.

28A.310.010 Purpose. It shall be the intent and purpose of this chapter to establish educational service districts as regional agencies which are intended to:

- (1) Provide cooperative and informational services to local school districts;
- (2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and
- (3) Provide services to school districts and to the Washington state center for childhood deafness and hearing loss and the school for the blind to assure equal educational opportunities. [2009 c 381 § 25; 1988 c 65 § 1; 1977 ex.s. c 283 § 1; 1975 1st ex.s. c 275 § 1; 1971 ex.s. c 282 § 1; 1969 ex.s. c 176 § 1. Formerly RCW 28A.21.010, 28.19.500.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Additional notes found at www.leg.wa.gov

28A.310.020 Changes in number of, boundaries—Initiating, hearings, considerations—Superintendent's duties. The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities

ities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect after June 30, 1995, without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes. [1994 sp.s. c 6 § 513; 1993 sp.s. c 24 § 522; 1990 c 33 § 270; 1977 ex.s. c 283 § 2; 1971 ex.s. c 282 § 2; 1969 ex.s. c 176 § 2. Formerly RCW 28A.21.020, 28.19.505.]

Additional notes found at www.leg.wa.gov

28A.310.030 ESD board—Membership—Board member district boundaries. Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the superintendent of public instruction pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the superintendent of public instruction a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the superintendent of public instruction following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes

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prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the office of the superintendent of public instruction, which, after a public hearing, shall decide such questions. [2006 c 263 § 603; 1990 c 33 § 271; 1977 ex.s. c 283 § 14; 1975 1st ex.s. c 275 § 3; 1974 ex.s. c 75 § 1; 1971 ex.s. c 282 § 3; 1969 ex.s. c 176 § 3. Formerly RCW 28A.21.030, 28.19.510.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

City, town, and district general elections—Exceptions—Special elections: RCW 29A.04.330.

Additional notes found at www.leg.wa.gov

28A.310.040 ESD board—Members—Terms. The term of office for each board member shall be four years and until a successor is duly elected and qualified. For the first election or an election following reorganization, board-member district positions numbered one, three, five, and seven in each educational service district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years. [1975 1st ex.s. c 275 § 5; 1974 ex.s. c 75 § 4. Formerly RCW 28A.21.0303.]

Additional notes found at www.leg.wa.gov

28A.310.050 ESD board—Members—Nine member boards. Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the superintendent of public instruction, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years. [2006 c 263 § 604; 1977 ex.s. c 283 § 19; 1975 1st ex.s. c 275 § 6; 1974 ex.s. c 75 § 5. Formerly RCW 28A.21.0304.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.060 ESD board—Members—Terms—Vacancies. The term of every educational service district board member shall begin on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the superintendent of public instruction shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the superintendent of public instruction and has qualified. [2006 c 263 § 605; 1977 ex.s. c 283 § 20; 1975 1st ex.s. c 275 § 7; 1974 ex.s. c 75 § 6. Formerly RCW 28A.21.0305.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.070 ESD board—Members—Restriction on other service. No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an educational service district board at the same time. [1975 1st ex.s. c 275 § 8; 1974 ex.s. c 75 § 7. Formerly RCW 28A.21.0306.]

Additional notes found at www.leg.wa.gov

28A.310.080 ESD board—Members—Elections, calling and notice. Not later than the twenty-fifth day of August of every odd-numbered year, the superintendent of public instruction shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions and rules established by the superintendent of public instruction for the conduct of the election. [2007 c 460 § 1; 2006 c 263 § 602; 1977 ex.s. c 283 § 15. Formerly RCW 28A.21.031.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.090 ESD board—Members—Elections—Declarations of candidacy. Candidates for membership on an educational service district board shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September. [2006 c 263 § 606; 1977 ex.s. c 283 § 16. Formerly RCW 28A.21.032.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.100 ESD board—Members—Elections—Certification. Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the superintendent shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be

conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the superintendent of public instruction shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board. [2006 c 263 § 607; 1980 c 179 § 7; 1977 ex.s. c 283 § 17. Formerly RCW 28A.21.033.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.110 ESD board—Members—Elections, contest of. Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to chapter 29A.68 RCW. [2005 c 497 § 404; 1990 c 33 § 272; 1977 ex.s. c 283 § 18. Formerly RCW 28A.21.034.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.310.120 ESD board—Return to seven member board. Any educational service district board which elects under RCW 28A.310.050 to increase the size of the educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven educational service board members. In such case, at the next election a new board consisting of seven educational service board members shall be elected in accordance with the provisions of this chapter. [1990 c 33 § 273; 1977 ex.s. c 283 § 21; 1975 1st ex.s. c 275 § 9; 1974 ex.s. c 75 § 8; 1971 ex.s. c 282 § 4. Formerly RCW 28A.21.035.]

Additional notes found at www.leg.wa.gov

28A.310.130 ESD board—Vacation of board member position because of failure to attend meetings. Absence of any educational service district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the educational service district board to declare by resolution that such board member position is vacated. [1975 1st ex.s. c 275 § 10; 1971 ex.s. c 282 § 5. Formerly RCW 28A.21.037.]

Additional notes found at www.leg.wa.gov

28A.310.140 School district to be entirely within single educational service district. Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the superintendent of public instruction shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section. [2006 c 263 § 608; 1990 c 33 § 274; 1975 1st ex.s. c 275 § 11; 1971 ex.s. c 282 § 6; 1969 ex.s. c 176 § 4. Formerly RCW 28A.21.040, 28.19.515.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.150 ESD board—Members—Qualifications, oath, bond—Organization—Quorum. Every candidate for membership on an educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum. [2006 c 263 § 609; 1990 c 33 § 275; 1977 ex.s. c 283 § 22; 1975 1st ex.s. c 275 § 12; 1971 ex.s. c 282 § 7; 1969 ex.s. c 176 § 5. Formerly RCW 28A.21.050, 28.19.520.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.160 ESD board—Reimbursement of members for expenses. The actual expenses of educational service board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid; all such claims shall be approved by the educational service district board and paid from the budget of the educational service district. [1977 ex.s. c 283 § 3; 1975-'76 2nd ex.s. c 34 § 68; 1975 1st ex.s. c 275 § 13; 1971 ex.s. c 282 § 8; 1969 ex.s. c 176 § 6. Formerly RCW 28A.21.060, 28.19.525.]

Additional notes found at www.leg.wa.gov

28A.310.170 ESD superintendent—Appointment, procedure—Term, salary, discharge—ESD superintendent review committee. (1) Every educational service district board shall employ and set the salary of an educational service district superintendent who shall be employed by a written contract for a term to be fixed by the board, but not to exceed three years, and who may be discharged for sufficient cause.

(2016 Ed.)

(2) There is hereby established within each educational service district an educational service district superintendent review committee. Such review committee shall be composed of a subcommittee of the board, two school district superintendents from within the educational service district selected by the educational service district board, and a representative of the state superintendent of public instruction selected by the state superintendent of public instruction.

(3) Prior to the employment by the educational service district board of a new educational service district superintendent, the review committee shall screen all applicants against the established qualifications for the position and recommend to the board a list of three or more candidates. The educational service district board shall either select the new superintendent from the list of three or more candidates, ask the review committee to add additional names to the list, or reject the entire list and ask the review committee to submit three or more additional candidates for consideration. The educational service district board shall repeat this process until a superintendent is selected. [2001 c 182 § 1; 1985 c 341 § 7; 1977 ex.s. c 283 § 4. Formerly RCW 28A.21.071.]

Additional notes found at www.leg.wa.gov

28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.320.080(3): PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under RCW 28A.155.010 through 28A.155.100, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and

superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED FURTHER, That the educational service district board of directors may contract with the Washington state center for childhood deafness and hearing loss and the school for the blind to provide transportation services or other services necessary for the regional delivery of educational services for children who are deaf or hearing impaired. [2009 c 381 § 26; 1990 c 33 § 276; 1988 c 65 § 2; 1987 c 508 § 3; 1982 c 46 § 1; 1979 ex.s. c 66 § 1; 1975 1st ex.s. c 275 § 16; 1971 ex.s. c 282 § 11. Formerly RCW 28A.21.086.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Additional notes found at www.leg.wa.gov

28A.310.190 ESD board—Teachers' institutes, directors' meetings—Cooperation with state supervisor—Certification of data. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.415.010 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for children with disabilities as provided in RCW 28A.155.010 through 28A.155.100.

(3) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.545 RCW.

(4) Perform such other duties as may be prescribed by law or rule of the state board of education and/or the superintendent of public instruction as provided in RCW 28A.300.030 and *28A.305.210. [1995 c 77 § 20; 1990 c 33 § 277; 1983 c 56 § 2; 1981 c 103 § 2; 1975 1st ex.s. c 275 § 17; 1971 ex.s. c 282 § 12. Formerly RCW 28A.21.088.]

*Reviser's note: RCW 28A.305.210 expired July 1, 2007.

Additional notes found at www.leg.wa.gov

28A.310.200 ESD board—Powers and duties—Rules. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter;

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board;

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230;

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding;

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district;

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and

personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender;

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district;

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

(9) Enter into contracts, including contracts with common and educational service districts and the Washington state center for childhood deafness and hearing loss and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts. [2009 c 381 § 27; 2006 c 263 § 610; 2001 c 143 § 1; 1993 c 298 § 1. Prior: 1990 c 159 § 1; 1990 c 33 § 278; 1988 c 65 § 3; 1983 c 56 § 3; 1975 1st ex.s. c 275 § 18; 1971 ex.s. c 282 § 13; 1971 c 53 § 1; 1969 ex.s. c 176 § 9. Formerly RCW 28A.21.090, 28.19.540.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.202 ESD board—Partnership with behavioral health organization to operate a wraparound model site. Educational service district boards may partner with behavioral health organizations to respond to a request for proposal for operation of a wraparound model site under chapter 359, Laws of 2007 and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model. [2014 c 225 § 60; 2007 c 359 § 9.]

Effective date—2014 c 225: See note following RCW 71.24.016.

Captions not law—2007 c 359: See note following RCW 71.36.005.

28A.310.210 ESD board—Payment of member expenses—Payment of dues into statewide association of board members, restrictions. In addition to other powers and duties prescribed by law every educational service district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at statewide meetings of educational service district board members.

(2) Pay dues from educational service district funds in an amount not to exceed one hundred dollars per board member per year for membership in a statewide association of educational service district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the educational service district boards within the state: PROVIDED FURTHER, That such association if formed shall not employ any staff but shall contract either with the Washington state school directors' association or with the superintendent of public instruction for staff and informational services. [1975 1st ex.s. c 275 § 19; 1971 ex.s. c 282 § 14. Formerly RCW 28A.21.092.]

Additional notes found at www.leg.wa.gov

28A.310.220 ESD board—Delegation of powers and duties to superintendent. Each educational service district board, by written order filed in the headquarters office, may delegate to the educational service district superintendent any of the powers and duties vested in or imposed upon the board by law or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the educational service district superintendent in the name of the board. [1975 1st ex.s. c 275 § 20; 1974 ex.s. c 75 § 9; 1971 ex.s. c 282 § 15. Formerly RCW 28A.21.095.]

Additional notes found at www.leg.wa.gov

28A.310.230 Assistant superintendents and other personnel—Appointment, salaries, duties. The educational service district superintendent may appoint with the consent of the educational service district board assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of the office at such salaries as may be determined by the educational service district board and shall pay such salaries out of the budget of the district. In the absence of the educational service district superintendent a designated assistant superintendent shall perform the duties of the office. The educational service district superintendent shall have the authority to appoint on an acting basis an assistant superintendent to perform any of the duties of the office. [1975 1st ex.s. c 275 § 21; 1974 ex.s. c 75 § 10; 1971 ex.s. c 282 § 16; 1969 ex.s. c 176 § 10. Formerly RCW 28A.21.100, 28.19.545.]

Job sharing: RCW 28A.405.070.

Additional notes found at www.leg.wa.gov

28A.310.240 Employee leave policy required. (1) Every educational service district board shall adopt written policies granting leaves to persons under contracts of employment with the district in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for ill-

ness, injury, bereavement, and emergencies for both certificated and classified employees, with such compensation as the board prescribes. The board shall adopt written policies granting annual leave with compensation for illness, injury, and emergencies as follows:

(a) For persons under contract with the district for a full fiscal year, at least ten days;

(b) For persons under contract with the district as part-time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per fiscal year. Provisions of any contract in force on July 23, 1989, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation the person would have received had the person not taken the leave provided in this section;

(e) Leave provided in this section not taken shall accumulate from fiscal year to fiscal year up to a maximum of one hundred eighty days for the purposes of RCW 28A.310.490, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one fiscal year. Such accumulated time may be taken at any time during the fiscal year, or up to twelve days per year may be used for the purpose of payments for unused sick leave; and

(f) Accumulated leave under this section shall be transferred to educational service districts, school districts, the office of the superintendent of public instruction, the state school for the blind, the *school for the deaf, institutions of higher education, and community and technical colleges, and from any such district, school, or office to another such district, school, office, institution of higher education, or community or technical college. An intervening customary summer break in employment or the performance of employment duties shall not preclude such a transfer.

(2) Leave accumulated by a person in a district prior to leaving the district may, under rules of the board, be granted to the person when the person returns to the employment of the district.

(3) Leave for illness or injury accumulated before July 23, 1989, under the administrative practices of an educational service district, and such leave transferred before July 23, 1989, to or from an educational service district, school district, or the office of the superintendent of public instruction under the administrative practices of the district or office, is declared valid and shall be added to such leave for illness or injury accumulated after July 23, 1989. [2009 c 47 § 1; 2008 c 174 § 1; 1997 c 13 § 6; 1990 c 33 § 279; 1989 c 208 § 1. Formerly RCW 28A.21.102.]

***Reviser's note:** References to the "state school for the deaf" must be construed as references to the "Washington state center for childhood deafness and hearing loss," pursuant to 2009 c 381 § 11.

28A.310.250 Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice. No certificated employee of an educational service district shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before May 15th preceding the commencement of such term of that determination or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district. [2016 c 85 § 5; 2009 c 57 § 4; 1996 c 201 § 4; 1990 c 33 § 280; 1977 ex.s. c 283 § 7; 1975 1st ex.s. c 275 § 22; 1974 ex.s. c 75 § 11; 1971 c 48 § 6; 1969 ex.s. c 34 § 19. Formerly RCW 28A.21.105.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Effective date—2009 c 57: See note following RCW 28A.405.210.

Additional notes found at www.leg.wa.gov

28A.310.260 Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal. Every educational service district superintendent or board determining that there is probable cause or causes for a certificated employee or superintendent, hereinafter referred to as employee, of that educational service district to be discharged or otherwise adversely affected in his or her contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. The board and the educational service district superintendent, respectively, shall have the duties of the boards of directors and superintendents of school districts in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district. [1990 c 33 § 281; 1977 ex.s. c 283 § 8; 1975 1st ex.s. c 275 § 23; 1974 ex.s. c 75 § 12; 1971 c 48 § 7; 1969 ex.s. c 34 § 20. Formerly RCW 28A.21.106.]

Additional notes found at www.leg.wa.gov

28A.310.270 ESD superintendent's powers and duties—Chief executive officer. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

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

(2) Visit the schools in the educational service district, counsel with directors and staff, and assist in every possible way to advance the educational interest in the educational service district. [1975 1st ex.s. c 275 § 24; 1974 ex.s. c 75 § 13; 1972 ex.s. c 3 § 1; 1971 ex.s. c 282 § 17; 1969 ex.s. c 176 § 11. Formerly RCW 28A.21.110, 28.19.550.]

Additional notes found at www.leg.wa.gov

28A.310.280 ESD superintendent's powers and duties—Records and reports. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Perform such recordkeeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.

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

(3) Preserve carefully all reports of school officers and teachers and deliver to the successor of the office all records, books, documents, and papers belonging to the office either personally or through a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where the office is located. [1975 1st ex.s. c 275 § 25; 1974 ex.s. c 75 § 14. Formerly RCW 28A.21.111.]

***Reviser's note:** RCW 28A.21.120 was recodified as RCW 28A.310.310 pursuant to 1990 c 33 § 4.

Additional notes found at www.leg.wa.gov

28A.310.290 ESD superintendent's powers and duties—Oaths and affirmations. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Administer oaths and affirmations to school directors, teachers, and other persons on official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(2) Require the oath of office of all school district officers be filed as provided in *RCW 28A.315.500 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file. [1990 c 33 § 282; 1975 1st ex.s. c 275 § 26; 1974 ex.s. c 75 § 15. Formerly RCW 28A.21.112.]

***Reviser's note:** RCW 28A.315.500 was recodified as RCW 28A.343.360 pursuant to 1999 c 315 § 804.

Additional notes found at www.leg.wa.gov

28A.310.300 ESD superintendent's powers and duties—Generally. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

- (1) Assist the school districts in preparation of their budgets as provided in chapter 28A.505 RCW.
- (2) Enforce the provisions of the compulsory attendance law as provided in RCW 28A.225.010 through 28A.225.140, 28A.200.010, and 28A.200.020.
- (3) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.540 RCW.
- (4) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.315 RCW.
- (5) Perform the limited duties as provided in chapter 28A.193 RCW.
- (6) Perform all other duties prescribed by law and the educational service district board. [1998 c 244 § 13; 1990 c 33 § 283; 1975 1st ex.s. c 275 § 27; 1974 ex.s. c 75 § 16. Formerly RCW 28A.21.113.]

Additional notes found at www.leg.wa.gov

28A.310.310 Headquarters office—Official records—Transfers of records. The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW 28A.310.020, the superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district. [2006 c 263 § 611; 1990 c 33 § 284; 1985 c 341 § 8; 1975 1st ex.s. c 275 § 28; 1974 ex.s. c 75 § 17; 1971 ex.s. c 282 § 18; 1969 ex.s. c 176 § 12. Formerly RCW 28A.21.120, 28.19.555.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.310.320 ESD superintendents, employees—Travel expenses and subsistence—Advance payment. For all actual and necessary travel in the performance of official duties and while in attendance upon meetings and conferences, each educational service district superintendent and employee shall be reimbursed for their travel expenses in the amounts provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. All claims shall be approved by the educational service district board and paid from the funds budgeted by the district. Each educational service dis-

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trict superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210. [1975-'76 2nd ex.s. c 34 § 69; 1975 1st ex.s. c 275 § 29; 1971 ex.s. c 282 § 19; 1969 ex.s. c 176 § 13. Formerly RCW 28A.21.130, 28.19.560.]

Additional notes found at www.leg.wa.gov

28A.310.330 Budgeting procedures for districts. The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for educational service districts modeled after the statutory procedures for school districts as provided in chapter 28A.505 RCW and in accordance with RCW 28A.310.340, 28A.310.350, and 28A.310.360. [1990 c 33 § 285; 1977 ex.s. c 283 § 12; 1975 1st ex.s. c 275 § 30; 1971 ex.s. c 282 § 20. Formerly RCW 28A.21.135.]

Additional notes found at www.leg.wa.gov

28A.310.340 Identification of core services for budget purposes—Generally. It is the intent of the legislature that a basic core of uniform services be provided by educational service districts and be identified in statute so that biennial budget requests for educational service districts may be based upon measurable goals and needs. Educational service districts as noted in RCW 28A.310.010, are intended primarily to:

- (1) Provide cooperative and informational services to local districts and to perform functions for those districts when such functions are more effectively or economically administered from the regional level;
- (2) Assist the state educational agencies, office of superintendent of public instruction and the state board of education in the legal performance of their duties; and
- (3) Assist in providing pupils with equal educational opportunities.

The purpose of RCW 28A.310.350 and 28A.310.360 is to further identify those core services in order to prepare educational service district budgets for the 1979-81 biennium, and those bienniums beyond. [1990 c 33 § 286; 1977 ex.s. c 283 § 9. Formerly RCW 28A.21.136.]

Additional notes found at www.leg.wa.gov

28A.310.350 Identification of core services for budget purposes—Specific services listed. The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

- (1) Educational service district administration and facilities such as office space, maintenance and utilities;
- (2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;
- (3) Personnel services such as certification/registration services;
- (4) Learning resource services such as audiovisual aids;
- (5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment;

(6) Professional development services identified by statute or the omnibus appropriations act; and

(7) Special needs of local education agencies. [2007 c 402 § 8; 1977 ex.s. c 283 § 10. Formerly RCW 28A.21.137.]

Captions not law—2007 c 402: See note following RCW 28A.415.340.
Additional notes found at www.leg.wa.gov

28A.310.360 Identification of core services for budget purposes—Formula utilized for ESD's biennial budget request. The superintendent of public instruction, pursuant to RCW 28A.310.330 shall prepare the biennial budget request for the operation of educational service districts based upon a formula using the following factors:

(1) The core service cost itemized in RCW 28A.310.350 which shall receive primary weighting for formula purposes;

(2) A weighting factor constituting a geographical factor which shall be used to weight the larger sized educational service districts for formula purposes; and

(3) A weighting factor which shall be based on the number and size of local school districts within each educational service district for formula purposes.

The sum of subsection (1) of this section, together with the weighting factors of subsections (2) and (3) of this section for each educational service district, shall reflect the variables among the educational service districts and when combined, a total budget for all educational service districts shall be the result. [1990 c 33 § 287; 1977 ex.s. c 283 § 11. Formerly RCW 28A.21.138.]

Additional notes found at www.leg.wa.gov

28A.310.370 District budget—State funds, allocation of—District general expense fund—Created, deposits, expenditures. The superintendent of public instruction shall examine and revise the biennial budget request of each educational service district and shall fix the amount to be requested in state funds for the educational service district system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each educational service district and shall allocate quarterly the state's portion from funds appropriated for that purpose to the county treasurer of the headquarters county of the educational service district for deposit to the credit of the educational service district general expense fund.

In each educational service district, there shall be an educational service district general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this chapter and other funds of the educational service district, and such moneys shall be expended according to the method used by first or second-class school districts, whichever is deemed most feasible by the educational service district board. No vouchers for warrants other than moneys being distributed to the school districts shall be approved for expenditures not budgeted by the educational service district board. [1983 c 56 § 4; 1975 1st ex.s. c 275 § 31; 1971 ex.s. c 282 § 22; 1969 ex.s. c 176 § 14. Formerly RCW 28A.21.140, 28.19.565.]

Additional notes found at www.leg.wa.gov

28A.310.390 District budget request—Procedure for approval. The biennial budget request of each educational service district shall be approved by the respective educational service district board and then forwarded to the superintendent of public instruction for revision and approval as provided in RCW 28A.310.370. [1990 c 33 § 288; 1975 1st ex.s. c 275 § 33; 1971 ex.s. c 282 § 21; 1969 ex.s. c 176 § 17. Formerly RCW 28A.21.170, 28.19.580.]

Additional notes found at www.leg.wa.gov

28A.310.400 Legal services. The superintendent of public instruction shall be responsible for the provision of legal services to all educational service districts: PROVIDED, That any educational service district board may contract with any county for the legal services of its prosecuting attorney. [1975 1st ex.s. c 275 § 35; 1974 ex.s. c 75 § 23. Formerly RCW 28A.21.195.]

Additional notes found at www.leg.wa.gov

28A.310.410 Ex officio treasurer of district. The county treasurer of the county in which the headquarters office of the educational service district is located shall serve as the ex officio treasurer of the district. The treasurer shall keep all funds and moneys of the district separate and apart from all other funds and moneys in the treasurer's custody and shall disburse such moneys only upon proper order of the educational service district board or superintendent. [1990 c 33 § 289; 1975 1st ex.s. c 275 § 36; 1969 ex.s. c 176 § 21. Formerly RCW 28A.21.200, 28.19.595.]

Additional notes found at www.leg.wa.gov

28A.310.420 County or intermediate district superintendent and board employees to terminate or transfer employment—Benefits retained. As of July 1, 1969, employees of the various offices of county or intermediate district superintendent and county or intermediate district board shall terminate their employment therein, or such employees, at their election, may transfer their employment to the new intermediate school district in which their respective county is located. If such employment is so transferred, each employee shall retain the same leave benefits and other benefits that he or she had in his or her previous position. If the intermediate school district has a different system of computing leave benefits and other benefits, then the employee shall be granted the same leave and other benefits as a person will receive who would have had similar occupational status and total years of service with the new intermediate school district. [1990 c 33 § 290; 1969 ex.s. c 176 § 22. Formerly RCW 28A.21.210, 28.19.600.]

Additional notes found at www.leg.wa.gov

28A.310.430 Local school district superintendents to advise board and superintendent. The superintendents of all local school districts within an educational service district shall serve in an advisory capacity to the educational service district board and superintendent in matters pertaining to budgets, programs, policy, and staff. [1975 1st ex.s. c 275 § 37; 1971 ex.s. c 282 § 28; 1969 ex.s. c 176 § 23. Formerly RCW 28A.21.220, 28.19.605.]

Additional notes found at www.leg.wa.gov

28A.310.440 ESD as self-insurer—Authority. The board of directors of any educational service district is authorized to enter into agreements with the board of directors of any local school district and/or other educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW. [1982 c 191 § 9. Formerly RCW 28A.21.255.]

Educational service districts as self-insurers: RCW 51.14.150 and 51.14.160.

Additional notes found at www.leg.wa.gov

28A.310.460 Contracts to lease building space and portable buildings and lease or have maintained security systems, computers and other equipment. The board of any educational service district may enter into contracts for their respective districts for periods not exceeding twenty years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.310.330 and 28A.505.140. [1990 c 33 § 291; 1987 c 508 § 2; 1977 ex.s. c 210 § 2. Formerly RCW 28A.21.310.]

Additional notes found at www.leg.wa.gov

28A.310.470 Delegation to ESD of SPI program, project or service—Contract. The superintendent of public instruction may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the superintendent of public instruction: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended. [1977 ex.s. c 283 § 5. Formerly RCW 28A.21.350.]

Additional notes found at www.leg.wa.gov

28A.310.480 Delegation to ESD of state board of education program, project or service—Contract. The state board of education may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the state board of education: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended. [1977 ex.s. c 283 § 6. Formerly RCW 28A.21.355.]

Additional notes found at www.leg.wa.gov

28A.310.490 ESD employee attendance incentive program—Remuneration or benefit plan for unused sick leave. Every educational service district board of directors shall establish an attendance incentive program for all certificated and classified employees in the following manner.

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(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) At the time of separation from educational service district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury.

(3) In lieu of remuneration for unused leave for illness or injury as provided for in subsections (1) and (2) of this section, an educational service district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right. [1997 c 13 § 7; 1991 c 92 § 1; 1989 c 69 § 1; 1985 c 341 § 9; 1980 c 182 § 6. Formerly RCW 28A.21.360.]

Additional notes found at www.leg.wa.gov

28A.310.495 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 21.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.310.500 Youth suicide screening and referral—Response to emotional or behavioral distress in students—Training for educators and staff—Suicide prevention training. (1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening

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and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational ser-

vice district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention. [2016 c 96 § 5; 2013 c 197 § 6.]

Findings—Intent—Children's mental health work group—Inventory—School mental health service models—2016 c 96: See notes following RCW 74.09.495.

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

28A.310.501 Civil liability—2013 c 197. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district. [2013 c 197 § 10.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

28A.310.505 Regional school safety and security programs. (1) Subject to the availability of amounts appropriated for this specific purpose, educational service districts may implement a regional school safety and security program modeled after the educational service district that has developed a regional school safety and security center.

(2) The programs should include the following components:

(a) Establishment of a network of school safety coordinators for the educational service districts, which shall focus on prevention planning, intervention, mitigation, crisis response, and community recovery regarding emergency incidents in schools;

(b) Collaboration with the educational service district that developed the model for a regional school safety and security center to adopt its model for a regional school safety and security center;

(c) Creation of technology-based systems that enable more efficient and effective communication between schools and emergency response entities, including local law enforcement, local fire department, and state and federal responders;

(d) Provision of technology support to improve communication and data management between schools and emergency response entities;

(e) Ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors;

(f) Development of a professional development to train school personnel as first responders until the arrival of emergency responders; and

(g) Building collaborative relationships between other educational service districts, the office of the superintendent of public instruction, and the school safety advisory committee. [2016 c 240 § 6.]

Findings—2016 c 240: "The legislature finds that school personnel are often the first responders when there is a violent threat or natural or man-made disaster at a school. The legislature further finds there is a need to develop training for school personnel to intervene and provide assistance during these emergency incidents. The legislature recognizes an educational service district has developed a model for a regional school safety and security center, which can provide this type of training." [2016 c 240 § 5.]

Intent—2016 c 240: See note following RCW 28A.300.273.

**Chapter 28A.315 RCW
ORGANIZATION AND REORGANIZATION OF
SCHOOL DISTRICTS**

Sections

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- 28A.315.311 Validation of proceedings to effect dissolution, annexation, consolidation, or transfer of territory between districts.
- 28A.315.315 Appeal.
- 28A.315.325 Condensed compliance reports—Second-class districts.
- 28A.315.902 Rule-making authority—2012 c 186.

Redistricting by local governments and municipal corporations—Census information for—Plan, prepared when, criteria for, hearing on, request for review of, certification, remand—Sanctions when review request frivolous: RCW 29A.76.010.

School district boundary changes—Excess levies: RCW 84.09.037.

28A.315.005 Governance structure. (1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative

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roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington. [2016 c 241 § 132. Prior: 2013 c 2 § 302 (Initiative Measure No. 1240, approved November 6, 2012); 1999 c 315 § 1.]

Application of chapter 241, Laws of 2016—Effective date—2016 c 241: See RCW 28A.710.900 and 28A.710.901.

Findings—2013 c 2 (Initiative Measure No. 1240): See RCW 28A.710.005.

28A.315.015 Purpose—Policy. (1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the superintendent of public instruction.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW. [2006 c 263 § 504; 1999 c 315 § 101.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.025 Definitions. As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

(3) "Financial oversight committee" means a committee convened pursuant to RCW 28A.315.221.

(4) "Financially insolvent district" means a school district that:

(a) Has been on binding conditions pursuant to RCW 28A.505.110 for two consecutive years and is unable to prepare a satisfactory financial plan; or

(b) Is reasonably foreseeable and likely to have a deficit general fund balance within three years and is unable to prepare a satisfactory financial plan.

(5) "Regional committee" means the regional committee on school district organization created by this chapter.

(6) "Satisfactory financial plan" means a plan approved by the superintendent of public instruction and the educational service district where a school district is located demonstrating the school district will have an adequate fund balance at the end of the plan period relying on:

(a) Currently available revenue streams provided by federal, state, or local resources; or

(b) Other revenue streams determined reasonably reliable by the educational service district where the school district is located.

(7) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors. [2012 c 186 § 1; 2006 c 263 § 505; 1990 c 33 § 293; 1985 c 385 § 1; 1983 c 3 § 33; 1975 1st ex.s. c 275 § 78; 1971 c 48 § 25; 1969 ex.s. c 223 § 28A.57.020. Prior: 1955 c 395 § 1; 1947 c 266 § 2; Rem. Supp. 1947 § 4693-21. Formerly RCW 28A.315.020, 28A.57.020, 28.57.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2012 c 186: "This act takes effect September 1, 2012." [2012 c 186 § 26.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.315.035 Organization of school districts. A school district shall be organized in form and manner as hereinafter in this chapter provided, and shall be known as (insert here the name of the district) School District No., county, state of Washington: PROVIDED, That all school districts now existing as shown by the records of the educational service district superintendent are hereby recognized as legally organized districts: PROVIDED FURTHER, That all school districts existing on April 25, 1969 as shown by the records of the county or intermediate district superintendents are hereby recognized as legally organized districts. [1975 1st ex.s. c 275 § 88; 1969 ex.s. c 176 § 124; 1969 ex.s. c 223 § 28A.57.130. Prior: 1947 c 266 § 3; Rem. Supp. 1947

§ 4693-22. Formerly RCW 28A.315.220, 28A.57.130, 28.57.130.]

Additional notes found at www.leg.wa.gov

28A.315.045 Reorganization. (1) A new school district may be formed comprising contiguous territory lying in either a single county or in two or more counties. The new district may comprise:

(a) Two or more whole school districts;

(b) Parts of two or more school districts; and/or

(c) Territory that is not a part of any school district if such territory is contiguous to the district to which it is transferred.

(2) The boundaries of existing school districts may be altered:

(a) By the transfer of territory from one district to another district;

(b) By the consolidation of one or more school districts with one or more school districts; or

(c) By the dissolution and annexation to a district of a part or all of one or more other districts or of territory that is not a part of any school district: PROVIDED, That such territory shall be contiguous to the district to which it is transferred or annexed.

(3) Territory may be transferred or annexed to or consolidated with an existing school district without regard to county boundaries. [1999 c 315 § 201.]

28A.315.055 Conflicting or incorrectly described school district boundaries. In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the superintendent of public instruction for approval or revision. Upon receipt of notification of action by the superintendent of public instruction, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected. [2006 c 263 § 506; 1999 c 315 § 203.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.065 District boundary changes—Filing with county auditor. Any district boundary changes shall be filed for recording with the county auditor by the educational service district superintendent within thirty days after the changes have been approved in accordance with this chapter. The superintendent shall submit both legal descriptions and maps. District boundary changes shall be effective the date specified in the educational service district superintendent's order. [2012 c 186 § 2; 1999 c 315 § 204.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.075 Effect of 1999 c 315—Existing provisions not affected. (1) Any proposed change in school district organization initiated before July 25, 1999, shall be considered under the laws and rules in effect before July 25, 1999. Chapter 315, Laws of 1999 applies to any proposed

change in school district organization initiated on or after July 25, 1999.

(2) For purposes of this section, "initiated" means the filing of a petition, the motion of a school board, or the report of an educational service district. This section does not preclude the filing of a new petition on or after July 25, 1999, where the same or a similar proposal was filed before July 25, 1999. [1999 c 315 § 205.]

28A.315.085 Personnel and supplies—Reimbursement. (1) The superintendent of public instruction shall furnish to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes. [2008 c 159 § 3; 2006 c 263 § 507; 2005 c 497 § 405; 1999 c 315 § 206.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.315.095 Regional committees—Powers and duties. The powers and duties of each regional committee are to:

(1) Hear and approve or disapprove proposals for changes in the organization and extent of school districts in the educational service districts when a hearing on a proposal has been requested under RCW 28A.315.199;

(2) Make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts;

(3) Make an equitable adjustment of the bonded indebtedness outstanding against any of the old and new districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected, subject to the requirements in RCW 28A.315.265;

(4) Provide that territory transferred from a school district by a change in the organization and extent of school districts, other than changes required pursuant to RCW 28A.315.225, shall either remain subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district;

(5) Provide that territory transferred to a school district by a change in the organization and extent of school districts, other than changes required pursuant to RCW 28A.315.225, shall either be made subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district;

(6)(a) Provide that a school district that is annexing or receiving territory from a financially insolvent school district

pursuant to RCW 28A.315.225 may submit to the voters of the entire school district, including the territory to be annexed or transferred, a proposition for a replacement or supplemental levy pursuant to RCW 84.52.053(2)(b);

(b) Provide that, if an election under (a) of this subsection has not occurred or has failed, territory transferred from a financially insolvent school district to another school district or districts pursuant to RCW 28A.315.225 must be relieved of any one or more excess tax levies that are authorized for the financially insolvent school district under RCW 84.52.053 before the effective date of the transfer of territory from the financially insolvent school district;

(c) Provide that, if an election under (a) of this subsection has not occurred or has failed, territory transferred from a financially insolvent school district to another school district or districts pursuant to RCW 28A.315.225 must be made subject to any one or more excess tax levies that are authorized for the receiving school district or districts under RCW 84.52.053 before the effective date of the transfer of territory to the receiving school district or districts;

(7) Establish the date by which a committee-approved transfer of territory shall take effect;

(8) Hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.315.225 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby; and

(9) Prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities. [2012 c 186 § 3; 1999 c 315 § 301.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.105 Regional committees—Appointment and terms of members—New regional committees. (1) There is hereby created in each educational service district a committee which shall be known as the regional committee on school district organization, which committee shall be composed of not less than seven nor more than nine registered voters of the educational service district, the number to correspond with the number of board member districts established for the governance of the educational service district in which the regional committee is located.

(2) Members of each regional committee shall be appointed to serve a four-year term by the educational service district board of the district in which the regional committee is located. One member of the regional committee shall be appointed from each such educational service district board member district. Appointed members of regional committees must be registered voters and reside in the educational service district board member district from which they are appointed. Members of regional committees who were elected before June 12, 2008, may serve the remainder of their four-year terms. Vacancies occurring for any reason, including at the end of the term of any member of a regional committee who was elected before June 12, 2008, shall be filled by appointment by the educational service district board of directors as provided in this section.

(3) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW, a new regional committee shall be appointed for each affected educational service district at the expiration of the terms of the majority of the members of the regional committee. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been appointed.

(4) No appointed member of a regional committee may continue to serve on the committee if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee. [2008 c 159 § 4; 1985 c 385 § 2; 1969 ex.s. c 223 § 28A.57.030. Prior: 1947 c 266 § 11, part; Rem. Supp. 1947 § 4693-30, part; prior: 1941 c 248 § 3, part; Rem. Supp. 1941 § 4709-3, part. Formerly RCW 28A.315.040, 28A.57.030, 28.57.030, part.]

Additional notes found at www.leg.wa.gov

28A.315.115 Regional committees—Membership limitation. Persons possessing the status of any of the following positions shall not be eligible to be a member of a regional committee: The superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, officers appointed by any such governing board, and employees of a school district, an educational service district, the office of the superintendent of public instruction, a private school, or a private school district. [1985 c 385 § 3; 1975 1st ex.s. c 275 § 79; 1969 ex.s. c 176 § 115; 1969 ex.s. c 223 § 28A.57.031. Prior: 1947 c 226 § 11, part; Rem. Supp. 1947 § 4693-30, part; prior: 1941 c 248 § 3, part; Rem. Supp. 1941 § 4709-3, part. Formerly RCW 28A.315.050, 28A.57.031, 28.57.030, part.]

Additional notes found at www.leg.wa.gov

28A.315.155 Regional committees—Members' expenses reimbursed. Members of each regional committee

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shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. [1985 c 385 § 7; 1969 ex.s. c 176 § 118; 1969 ex.s. c 223 § 28A.57.035. Prior: 1947 c 266 § 11, part; Rem. Supp. 1947 § 4693-30, part; prior: 1941 c 248 § 3, part; Rem. Supp. 1941 § 4709-3, part. Formerly RCW 28A.315.090, 28A.57.035, 28.57.030, part.]

Additional notes found at www.leg.wa.gov

28A.315.165 Regional committees—Organization, meetings, quorum. Each regional committee shall organize by electing from its membership a chair and a vice chair. The educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chair or of a majority of the members thereof. A majority of the committee shall constitute a quorum. [1990 c 33 § 297; 1985 c 385 § 8; 1975 1st ex.s. c 275 § 82; 1969 ex.s. c 176 § 119; 1969 ex.s. c 223 § 28A.57.040. Prior: 1947 c 266 § 12; Rem. Supp. 1947 § 4693-31; prior: 1941 c 248 § 4; Rem. Supp. 1941 § 4709-4. Formerly RCW 28A.315.100, 28A.57.040, 28.57.040.]

Additional notes found at www.leg.wa.gov

28A.315.175 Superintendent of public instruction—Powers and duties. The superintendent of public instruction shall:

(1) Aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts; and

(2) Carry out powers and duties of the superintendent of public instruction relating to the organization and reorganization of school districts. [2006 c 263 § 501; 1999 c 315 § 302.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.185 Annual training. To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request. [2006 c 263 § 509; 1999 c 315 § 303.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.195 Transfer of territory by petition—Requirements—Rules. (1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory and providing documentation that, before

signing the petition, the board of directors took the following actions:

(i) Communicated the proposed transfer to the board of directors of the affected district or districts and provided an opportunity for the board of the affected district or districts to respond; and

(ii) Communicated the proposed transfer to the registered voters residing in the territory proposed to be transferred, provided notice of a public hearing regarding the proposal, and provided the voters an opportunity to comment on the proposal at the public hearing.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) A petition to transfer territory must be processed in accordance with RCW 28A.315.199 and 28A.315.205. [2012 c 186 § 4; 2008 c 159 § 1; 2006 c 263 § 502; 2003 c 413 § 2; 1999 c 315 § 401.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.199 Transfer of territory or dissolution of financially insolvent school district by petition—Notification to affected districts—Mediation—Request for hearing—Notification to regional committee—Costs. (1) Upon receipt of a petition to transfer territory pursuant to RCW 28A.315.195 or to dissolve a financially insolvent school district pursuant to RCW 28A.315.225, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory or dissolution, must enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory or to agree on the annexation of a financially insolvent district;

(d) Districts negotiating an agreement regarding annexation of a dissolving financially insolvent district may not agree to not dissolve a financially insolvent district;

(e) The agreement between at least one contiguous district and a financially insolvent district regarding the annex-

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ation of the dissolving district and the distribution of assets and liabilities is subject to approval by the financial oversight committee;

(f) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(g) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(2) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, or cannot agree how to annex a financially insolvent district, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(3) If the affected school districts cannot come to agreement about the proposed transfer of territory, or cannot agree how to annex a financially insolvent district, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, any affected district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(4) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside must file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(5) Upon receipt of a notice under subsection (3) or (4) of this section, the educational service district superintendent must notify the chair of the regional committee in writing within ten days.

(6) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose. [2012 c 186 § 5.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.205 Transfer of territory or dissolution by petition—Regional committee responsibilities—Rules—Appeals. (1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory or dissolution petition at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.199 (3) or (4).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory or the dissolution and annexation of a financially insolvent district. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the superintendent of public instruction under chapter 34.05 RCW.

(4) The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the state-wide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, the impact of the growth management act and current or proposed urban growth areas, city boundaries, and master planned communities;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, the administrative law judge shall refer the matter back to the regional committee with an explanation of his or her findings. The regional committee shall rehear the proposal.

(iii) If the administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(iv) The administrative law judge shall expedite review and issuance of a decision on an appeal of a decision approv-

ing the dissolution and annexation of a financially insolvent district.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570. Judicial review of a regional committee decision approving dissolution and annexation of a financially insolvent district must be expedited. [2012 c 186 § 6; 2008 c 159 § 2; 2006 c 263 § 503; 2003 c 413 § 1; 1999 c 315 § 402.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.315.215 Transfer of territory or annexation of financially insolvent district by agreement or order—Approval—Order—Previously approved and imposed excess tax levies. (1) Upon receipt by the educational service district superintendent of a written agreement by two or more school districts to the transfer of territory between the affected districts, or an agreement approved by the financial oversight committee regarding the annexation of a financially insolvent district, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts, with the effective date of such alterations to the boundaries. For school districts that are dissolved and annexed pursuant to RCW 28A.315.225, the order shall provide that any excess tax levy approved, including previously approved and imposed excess levies by the school district annexing or receiving the transferred territory from the financially insolvent school district and replacement and supplemental levies voted upon by voters of the entire newly established territory before the effective date of the dissolution by the school district receiving the transferred territory from the dissolved school district shall, in the cases of previously approved and imposed excess levies of the annexing or receiving school district, be imposed on the newly annexed, or dissolved territory, and in the case of replacement or supplemental levies, the entire newly established territory, pursuant to RCW 84.09.030. The superintendent shall file his or her action with each county auditor, each county treasurer, each county assessor, the office of the secretary of state, the office of the superintendent of public instruction, and the superintendents of all school districts affected by the action.

(2)(a) Upon receipt by the educational service district superintendent of a written decision by the regional committee approving the transfer of territory between two or more school districts, or the dissolution and annexation of a financially insolvent school district, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts, with the effective date of such alterations to the boundaries. The effective date of boundary alterations shall be no later than sixty days prior to the first day candidates may file for office for the next succeeding general or special election.

(b) The order may not be implemented before the period of appeal authorized under RCW 28A.315.205(5)(a)(i) has ended.

(c) The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts.

(d) For school districts that are dissolved and annexed pursuant to RCW 28A.315.225, the order must provide that any excess tax levy approved, including previously approved and imposed excess levies by the school district annexing or receiving the transferred territory from the financially insolvent school district and replacement and supplemental levies voted upon by voters of the entire newly established territory before the effective date of the dissolution by the school district receiving the transferred territory from the dissolved school district shall, in the cases of previously approved and imposed excess levies of the annexing or receiving school district, be imposed on the newly annexed, or dissolved territory, and in the case of replacement or supplemental levies, the entire newly established territory, pursuant to RCW 84.09.030.

(e) The superintendent shall file his or her action with each county auditor, the office of the secretary of state, the office of the superintendent of public instruction, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action. [2012 c 186 § 7; 1999 c 315 § 403.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.221 Financial oversight committee—Membership—Review of financially insolvent districts—Enhanced financial monitoring—Rules. (1) The superintendent of public instruction shall convene a financial oversight committee:

(a) At the request of the board of directors of a financially insolvent district;

(b) When the superintendent of public instruction determines a district is financially insolvent, after first consulting with the educational service district where the district is located and notifying the district the committee will be convened; or

(c) When a district has been on binding conditions pursuant to RCW 28A.505.110 for two consecutive years and does not have a satisfactory financial plan.

(2) The financial oversight committee comprises two representatives from the office of the superintendent of public instruction, one representative from an educational service district where a financially insolvent school district is not located, and one nonvoting representative from the educational service district where the financially insolvent school district is located.

(3) The financial oversight committee shall review the financial condition of a financially insolvent school district. In conducting its review, the committee shall hold a public hearing in the financially insolvent school district or educational service district in order to receive public comment on any proposed financial plans. If the financial oversight committee feels that dissolution of the financially insolvent school district is a valid option, it shall receive input at the public hearing on options for dissolving said school district.

(4) After holding a public hearing as provided in subsection (3) of this section, the financial oversight committee must make a recommendation to the superintendent of public instruction to either dissolve a financially insolvent school

district or to place a district under enhanced financial monitoring to reduce the risk of dissolution due to insolvency. The superintendent of public instruction must implement financial oversight committee recommendations via enhanced financial oversight, which will be monitored by the educational service district.

(5) Enhanced financial oversight may include, but is not limited to, the following types of actions, which the superintendent of public instruction is expressly authorized to implement and enforce:

(a) Appointment of a special administrator to oversee and carry out financial conditions imposed on the district as recommended by the financial oversight committee;

(b) Review, approval, and limitations on a school district's authority to enter into contracts;

(c) Review, approval, and limitations on hiring and personnel actions; and

(d) Liquidation or disposition of fixed assets and contractual liabilities by any reasonable and documented method provided the liquidation or disposition of fixed assets and contractual liabilities is reasonably necessary before filing a dissolution petition.

(6) Any new, amended, or renewed contract entered into by a school district that is subject to enhanced financial monitoring that has not been approved by the educational service district or special administrator, or that is inconsistent with conditions imposed on the district pursuant to this section, is null and void.

(7) Any action taken by a school district subject to enhanced financial monitoring that is likely to affect the district's finances is null and void if the action was not approved by the educational service district or special administrator or if the action is inconsistent with conditions imposed on the district pursuant to this section.

(8) The superintendent of public instruction shall adopt rules to carry out the provisions in this section, which may include, but are not limited to, identifying the responsibilities and authority of the financial oversight committee, the educational service district, the special administrator, and the school district and the implementation of enhanced financial oversight. [2012 c 186 § 8.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.225 Dissolution and annexation of certain districts—Dissolution of financially insolvent districts—Annexation of nondistrict property. (1) In case any school district has an average enrollment of fewer than five kindergarten through eighth grade pupils during the preceding three consecutive school years or has not made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the educational service district superintendent shall report that fact to the regional committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts. For the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15th of that year. School districts operating an extended school year program, most commonly

implemented as a 45-15 plan, shall be deemed to be making a reasonable effort. In the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees that district shall not be subject to this section.

(2) A financially insolvent school district may be dissolved and annexed to one or more contiguous districts, in accordance with an agreement between the insolvent district and at least one other contiguous district, that has been approved by the financial oversight committee, or in accordance with the decision of the regional committee. A financially insolvent district may file bankruptcy only if it is recommended by the financial oversight committee.

(3)(a) A petition to dissolve a financially insolvent school district may be filed with the educational service district superintendent by the superintendent of public instruction if, before signing and filing the petition, the financial oversight committee was convened and recommended that the district be dissolved.

(b) A petition for dissolution under this subsection (3) must include the name of the financially insolvent district, the legal boundaries of the district, the names of contiguous school districts, the basis for concluding the district is financially insolvent, a map with legal description of the proposed annexation of the financially insolvent school district to one or more contiguous school districts, and any proposed equitable adjustments of assets and liabilities for the affected districts. The proposed annexation and equitable adjustment of assets and liabilities must be based on the factors in RCW 28A.315.015(2), 28A.315.205(4), and 28A.315.245.

(c) The superintendent of public instruction, at the recommendation of the financial oversight committee, may take the following actions upon filing a petition to dissolve a financially insolvent school district: Authorize liquidation or disposition of fixed assets and contractual liabilities by any reasonable and documented method.

(d) A petition to dissolve a financially insolvent school district shall be processed in accordance with RCW 28A.315.199 and 28A.315.205.

(4) The superintendent of public instruction may request an appropriation to address matters associated with the dissolution of a financially insolvent school district.

(5) The superintendent of public instruction may adopt rules governing actions that may be taken to prevent a school district from being dissolved and to assist in the orderly and timely dissolution and annexation of school districts that are unable to avoid financial insolvency.

(6) In case any territory is not a part of any school district, the educational service district superintendent shall present to the regional committee a proposal for the annexation of the territory to some contiguous district or districts. [2015 c 82 § 1; 2012 c 186 § 9; 1999 c 315 § 501.]

Effective date—2015 c 82: "This act takes effect September 1, 2015." [2015 c 82 § 2.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.229 Employment contracts and collective bargaining agreements in dissolved financially insolvent districts. (1) As of the effective date of dissolution of a financially insolvent district, all existing employment con-

tracts and collective bargaining agreements of the financially insolvent district shall be extinguished.

(2) School districts that annex or receive territory from a financially insolvent district have full authority to constitute their workforces, and have no duty to bargain with, or observe the former wages and working conditions of, any former employees of a financially insolvent district who may be hired; rather, any employees hired from a financially insolvent district become part of the appropriate bargaining units, if any, of the annexing or receiving district, and their wages and working conditions are defined by the terms of the annexing or receiving district's bargaining agreements or other policies or conditions of employment.

(3) Certificated employees of a district that is dissolved due to financial insolvency have no continuing contract or appeal rights under RCW 28A.405.210 through 28A.405.380 or other law, nor do certificated or classified employees of a district dissolved due to financial insolvency have any resort to grievance or arbitration under a collective bargaining agreement, and any inconsistent provision of any individual contract or collective bargaining agreement is null and void. Sufficient cause for nonrenewal or discharge of such certificated and classified personnel is deemed to exist by sole virtue of the employer district's dissolution for financial insolvency. Notice of nonrenewal or discharge under such circumstances may be given by the educational service district superintendent without regard to date. Any appeal must be addressed to the educational service district board on an expedited basis according to rules established by the superintendent of public instruction, and must be confined to the issue of whether the employer district is dissolved for reasons of financial insolvency. There is no judicial review for the educational service district board's decisions in these matters. [2012 c 186 § 10.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.235 Consolidation—Petition. (1) A proposed change in school district organization by consolidation of territory from two or more school districts to form a new school district may be initiated by:

(a) A written petition presented to the educational service district superintendent signed by ten or more registered voters residing:

(i) In each whole district and in each part of a district proposed to be included in any single new district; or

(ii) In the territory of a proposed new district that comprises a part of only one or more districts and approved by the boards of directors of the affected school districts;

(b) A written petition presented to the educational service district superintendent signed by ten percent or more of the registered voters residing in such affected areas or area without the approval of the boards of directors of the affected school districts.

(2) The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof shall be considered during a school fiscal year.

(3) The educational service district superintendent may not complete any consolidation of territory under this section

unless he or she has first called and held a special election of the voters of the affected districts to afford those voters an opportunity to approve or reject the proposed consolidation. A simple majority shall determine approval or rejection.

(4) If a proposed change in school district organization by consolidation of territory has been approved under this section, the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action. [1999 c 315 § 601.]

28A.315.245 Adjustment of assets and liabilities. In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:

(1) The number of school-age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization;

(2) The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization;

(3) The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred;

(4) The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization;

(5) Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization;

(6) The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization;

(7) The consideration of all other sources of funding; and

(8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities. [1999 c 315 § 701.]

28A.315.255 Adjustment of indebtedness. (1) The fact of the issuance of bonds by a school district, heretofore or hereafter, does not prevent changes in the organization and extent of school districts, regardless of whether or not such bonds or any part thereof are outstanding at the time of change.

(2) In case of any change:

(a) The bonded indebtedness outstanding against any school district involved in or affected by such change shall be adjusted equitably among the old school districts and the new district or districts, if any, involved or affected; and

(b) The property and other assets and the liabilities other than bonded indebtedness of any school district involved in or affected by any such change shall also be adjusted in the manner and to the effect provided for in this section, except if

all the territory of an old school district is included in a single new district or is annexed to a single existing district, in which event the title to the property and other assets and the liabilities other than bonded indebtedness of the old district vests in and becomes the assets and liabilities of the new district or of the existing district, as applicable. [1999 c 315 § 702.]

28A.315.265 Adjustment of bonded indebtedness—Order—Special elections. If adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries of the school districts under this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district:

(a) That such bonded indebtedness is assumed by the school district to which it is transferred;

(b) That thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred;

(c) That, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized before the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and

(d) That taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, the taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred, as the same become due and payable.

(2) In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of transferred bonded indebtedness at any time outstanding:

(a) Shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which the bonded indebtedness was transferred; and

(b) Shall be deemed to be bonded indebtedness solely of the transferee school district that assumed the indebtedness.

(3) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district:

(a) That the existing bonded indebtedness of each school district, the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized before the date its boundaries were altered is the obligation of the school district in its reduced or enlarged form, as the case may be; and

(b) That taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

(4) If a change in school district organization approved by the regional committee concerns a proposal to form a new school district or if a change in school district organization includes a proposal for adjustment of voted general obligation bonded indebtedness, a special election of the voters

residing within the territory of the proposed new district, or of the school district involved in a proposal for adjustment of bonded indebtedness as the case may be, shall be held for the purpose of affording those voters an opportunity to approve or reject such proposals as concern or affect them.

(5) In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever seems expedient to the educational service district superintendent. When the regional committee has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor, the special election shall be called and conducted, and the returns canvassed as in regular school district elections. [2012 c 186 § 11; 1999 c 315 § 703.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.275 Notice of elections. Notice of special elections as provided for in RCW 28A.315.265 shall be given by the county auditor as provided in RCW 29A.52.355. The notice of election shall state the purpose for which the election has been called and contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness on which to be voted. [2015 c 53 § 6; 1999 c 315 § 704.]

28A.315.285 Special election—Determination—Order—Certification. (1) If a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately. Any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon.

(2) If a special election is held to vote on a proposal for adjustment of bonded indebtedness, the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated. Any such proposition shall be considered approved if three-fifths or more of all votes cast thereon are in the affirmative and forty percent of the voters who voted at the last preceding general election cast a ballot.

(3) In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall:

(a) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order such other terms of adjustment, if there are any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state council; and

(b) Certify his or her action to the county and school district officials specified in RCW 28A.315.215. The educational service district superintendent may designate, with the approval of the superintendent of public instruction, a name and number different from that of any component thereof, but must designate the new district by name and number different from any other district in existence in the county.

(4) The educational service district superintendent shall fix as the effective date of any order or orders he or she is required to make by this chapter, the date specified in the order of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries under RCW 84.09.030, by the regional committee.

(5) Upon receipt of certification under this section, the superintendent of each school district that is included in the new district shall deliver to the superintendent of the new school district those books, papers, documents, records, and other materials pertaining to the territory transferred. [2012 c 186 § 12; 1999 c 315 § 705.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.295 Rejection of proposal. If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the matter is terminated. [1999 c 315 § 706.]

28A.315.305 School district organizational changes—Corporate existence—Payment of bonded indebtedness—Levy authority—Levy requirements for dissolved or annexed financially insolvent school districts.

(1) Each school district involved in or affected by any change made in the organization and extent of school districts under this chapter retains its corporate existence insofar as is necessary for the purpose, until the bonded indebtedness outstanding against it on and after the effective date of the change has been paid in full. This section may not be construed to prevent, after the effective date of the change, such adjustments of bonded indebtedness as are provided for in this chapter.

(2) The county legislative authority shall provide, by appropriate levies on the taxable property of each school district, for the payment of the bonded indebtedness outstanding against it after any of the changes or adjustments under this chapter have been effected.

(3) In case any such changes or adjustments involve a joint school district, the tax levy for the payment of any bonded indebtedness outstanding against the joint district, after the changes or adjustments are effected, shall be made and the proceeds thereof shall be transmitted, credited, and paid out in conformity with the provisions of law applicable to the payment of the bonded indebtedness of joint school districts.

(4) In case any such changes or adjustments involve the dissolution or annexation of a financially insolvent school district pursuant to RCW 28A.315.225:

(a) The board of directors of a receiving or annexing school district, or the educational service district superintendent as identified in RCW 84.52.020 must certify a tax levy by November 30th in each calendar year that there is outstanding voted bonded indebtedness to pay the principal of and interest on such outstanding voted bonded indebtedness for the following calendar year;

(b) The county treasurer in the county in which the financially insolvent school district is located must collect the levy, the proceeds of which must be deposited into a debt service fund established and overseen by the annexing school

district as determined by the financial oversight committee or regional committee to pay the principal of and interest on the dissolved district's outstanding bonded indebtedness as it becomes due;

(c) For outstanding voted bonded indebtedness of the financially insolvent school district, the board of directors of the receiving or annexing school district may determine that all or any portion of the voted bonded indebtedness be refunded pursuant to chapter 39.53 RCW, in which case the board of directors of the annexing or receiving district shall act as the governing body of the financially insolvent school district and is expressly empowered to take all action it deems necessary to accomplish such refunding; and

(d) Any balance in the debt service fund of the financially insolvent school district remaining after all such voted bonded indebtedness is paid must be transferred to the general fund of the receiving or annexing school district. [2012 c 186 § 13; 1999 c 315 § 707.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.308 School district organization changes—Adjustment of school district assets and liabilities—School districts in two or more educational service districts. The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in more than one educational service district is involved shall be performed by the regional committee and by the superintendent of the educational service district in which is located the part of the proposed or enlarged school district having the largest number of common school pupils residing therein. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the superintendent of public instruction. [2008 c 159 § 6; 2006 c 263 § 612; 1985 c 385 § 25; 1975 1st ex.s. c 275 § 95; 1973 c 47 § 2; 1969 ex.s. c 176 § 131; 1969 ex.s. c 223 § 28A.57.240. Prior: 1947 c 266 § 26; Rem. Supp. 1947 § 4693-45. Formerly RCW 28A.323.020, 28A.315.360, 28A.57.240, 28.57.240.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.315.311 Validation of proceedings to effect dissolution, annexation, consolidation, or transfer of territory between districts. All proceedings that have been taken by any school district, educational service district governing body, or commission, or any officers thereof, for the purpose of effecting a dissolution, annexation, consolidation, or transfer of territory from one or more school districts to one or more other school districts, including but not limited to reorganizing boundaries and making an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies, are hereby validated, ratified, approved, and confirmed, notwithstanding any lack of power, other than constitutional, of the school district, educational service district, or the governing body or

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commission or officers thereof to effect such changes in organization of school districts. [2012 c 186 § 14.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

28A.315.315 Appeal. (1) An appeal may be taken, as provided for in RCW 28A.645.010, to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other assets and of liabilities provided for in this chapter. Judicial appeal must be expedited. If the court finds the terms of the adjustment in question not equitable, the court shall make an adjustment that is equitable.

(2) In the case of any financially insolvent school district that is required to transfer territory pursuant to RCW 28A.315.225, no lawsuit may be maintained challenging the imposition of excess tax levies on the territory transferred or annexed pursuant to an order of the superintendent of the educational service district under RCW 28A.315.215 unless that lawsuit is served and filed no later than thirty days after the date of the order. [2012 c 186 § 15; 1990 c 33 § 305; 1983 c 3 § 34; 1969 ex.s. c 223 § 28A.57.120. Prior: 1947 c 266 § 40; Rem. Supp. 1947 § 4693-59. Formerly RCW 28A.315.210, 28A.57.120, 28.57.120.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Boundary change, copy of decision to county assessor: RCW 28A.645.040.

28A.315.325 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 22.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.315.902 Rule-making authority—2012 c 186. The superintendent of public instruction may adopt rules to implement chapter 186, Laws of 2012. [2012 c 186 § 25.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Chapter 28A.320 RCW

PROVISIONS APPLICABLE TO ALL DISTRICTS

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DISTRICT POWERS AND DUTIES

28A.320.010 Corporate powers. A school district shall constitute a body corporate and shall possess all the usual powers of a public corporation, and in that name and style may sue and be sued and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized therefor by law. [1969 ex.s. c 223 § 28A.58.010. Prior: (i) 1909 c 97 p 287 § 7, part; RRS § 4782, part; prior: 1897 c 118 § 44, part; 1891 c 127 § 11, part; 1890 p 366 § 30, part. Formerly RCW 28.58.040, part. (ii) 1947 c 266 § 6, part; Rem. Supp. 1947 § 4693-25, part; prior: 1909 c 97 p 265 § 2, part. Formerly RCW 28A.58.010, 28.57.135, 28.58.010.]

28A.320.015 School boards of directors—Powers—Notice of adoption of policy. (1) The board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(i) Promote the education and daily physical activity of kindergarten through twelfth grade students in the public schools; or

(ii) Promote the effective, efficient, or safe management and operation of the school district;

(b) Such powers as are expressly authorized by law; and

(c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors. [2005 c 360 § 7; 1992 c 141 § 301.]

Findings—Intent—2005 c 360: See note following RCW 36.70A.070.

Findings—Part headings—Severability—1992 c 141: See note following RCW 28A.410.040.

28A.320.019 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 23.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.320.020 Liability for debts and judgments.

Every school district shall be liable for any debts legally due, and for judgments against the district, and such district shall pay any such judgment or liability out of the proper school funds to the credit of the district. [1969 ex.s. c 223 § 28A.58.020. Prior: 1909 c 97 p 287 § 4; RRS § 4779; prior: 1897 c 118 § 41; 1890 p 365 § 27. Formerly RCW 28A.58.020, 28.58.020.]

28A.320.025 School district name change. (1) The board of directors may change the name of the school district if:

(a) Either ten percent of the registered voters of the district file a petition requesting that the name of the school district be changed and submit the proposed new name with the request to the board or the board passes a motion to hold a hearing to change the school district name;

(b) After receiving the petition or adopting the motion, the board holds a hearing within one month after the petition was submitted to the board. The board shall publish notice of the hearing and the proposed new name once a week for three consecutive weeks in a newspaper of general circulation within the school district. At the hearing, other names may be proposed and considered by the board without additional notice requirements; and

(c) A majority of the board votes to adopt the new name.

(2) If the board adopts the new name, the new name shall be recorded in the school district office and with the educational service district superintendent, the superintendent of public instruction, the state board of education, and the secretary of state. [1999 c 101 § 1.]

28A.320.030 Gifts, conveyances, etc., for scholarship and student aid purposes, receipt and administration.

The board of directors of any school district may accept, receive and administer for scholarship and student aid purposes such gifts, grants, conveyances, devises and bequests of personal or real property, in trust or otherwise, for the use or benefit of the school district or its students; and sell, lease, rent or exchange and invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof, if any, for the foregoing purposes; and enter into contracts and adopt regulations deemed necessary by the board to provide for the receipt and expenditure of the foregoing. [1974 ex.s. c 8 § 1. Formerly RCW 28A.58.030.]

28A.320.035 Contracting out—Board's powers and duties—Goods and services.

(1) The board of directors of a school district may contract with other school districts, educational service districts, public or private organizations, agencies, schools, or individuals to implement the board's powers and duties. The board of directors of a school district may contract for goods and services, including but not limited to contracts for goods and services as specifically authorized in statute or rule, as well as other educational, instructional, and specialized services. When a school district board of directors contracts for educational, instructional, or spe-

cialized services, the purpose of the contract must be to improve student learning or achievement.

(2) A contract under subsection (1) of this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal Constitution. [1997 c 267 § 1.]

28A.320.040 Bylaws for board and school government.

Every board of directors shall have power to make such bylaws for their own government, and the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this title, or rules and regulations of the superintendent of public instruction or the state board of education. [1969 ex.s. c 223 § 28A.58.110. Prior: 1909 c 97 p 287 § 6; RRS § 4781; prior: 1897 c 118 § 43; 1890 p 366 § 29. Formerly RCW 28A.58.110, 28.58.110.]

28A.320.050 Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses.

The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid. The board of directors may pay the actual and necessary expenses for travel, lodging and meals a superintendent candidate incurs when he or she attends an employment interview in the school district. The school directors, school superintendents, other school representatives or superintendent candidates may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210. [1977 c 73 § 1; 1969 ex.s. c 26 § 2; 1969 ex.s. c 223 § 28A.58.310. Prior: 1961 c 268 § 15; prior: 1919 c 90 § 6, part; 1909 c 97 p 287 § 8, part; RRS § 4783, part. Formerly RCW 28A.58.310, 28.58.310.]

28A.320.055 Employee collective bargaining agreements—Publication on school web site.

Each school district, charter school, and state-tribal compact school must publish on its web site a copy of its public school employee collective bargaining agreements by September 1, 2014, and thereafter must update the web site within thirty days of approval, renewal, or amendment of any such agreement. [2014 c 211 § 2.]

Intent—2014 c 211: "It is the legislature's intent to improve the transparency of certain public school data and expenditure information that may currently be available as a public record but is not easily accessible to the general public. For example, there is not a consistent policy for providing easy access to information about either public school employee collective bargaining agreements or associated student body program funds." [2014 c 211 § 1.]

28A.320.060 Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless. Any school district board of directors and educational service district board are

authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or educational service district from any action, claim or proceeding instituted against him or her arising out of the performance or failure of performance of duties for or employment with such institution and to hold him or her harmless from any expenses connected with the defense, settlement or monetary judgments from such actions. [1990 c 33 § 330; 1975 1st ex.s. c 275 § 116; 1972 ex.s. c 142 § 2. Formerly RCW 28A.58.630.]

28A.320.070 School district as self-insurer—Authority. Any school district board of directors is authorized to enter into agreements with the board of directors of other school districts and/or educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW. [1982 c 191 § 10. Formerly RCW 28A.58.410.]

School districts as self-insurers: RCW 51.14.150 and 51.14.160.

Additional notes found at www.leg.wa.gov

28A.320.080 Commencement exercises—Lip reading instruction—Joint purchasing, including issuing interest bearing warrants and agreements with private schools—Budgets. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children disabled by defective hearing, make arrangements for free instruction in lip reading to adults disabled by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.310.180(3), or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus

maintenance services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.505 RCW. [1995 c 77 § 21; 1990 c 33 § 331; 1986 c 77 § 1; 1983 c 125 § 1; 1981 c 308 § 1; 1979 ex.s. c 66 § 2; 1971 c 26 § 1; 1969 c 53 § 2; 1969 ex.s. c 223 § 28A.58.107. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; 1901 c 41 § 3, part; 1897 c 118 § 40, part; 1890 p 364 § 26, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28A.58.107, 28.58.100(7), (13) and (14).]

Additional notes found at www.leg.wa.gov

28A.320.090 Preparing and distributing information on district's instructional program, operation and maintenance—Limitation. The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election. [1969 ex.s. c 283 § 11. Formerly RCW 28A.58.610, 28.58.610.]

Additional notes found at www.leg.wa.gov

28A.320.092 Unsolicited information about learning programs—Prohibition on providing to persons who file a declaration of intent to cause a child to receive home-based instruction—Exceptions. School districts are prohibited from advertising, marketing, and otherwise providing unsolicited information about learning programs offered by the school district, including but not limited to digital learning programs, part-time enrollment opportunities, and other alternative learning programs, to students and their parents who have filed a declaration of intent to cause a child to receive home-based instruction under RCW 28A.200.010. School districts may respond to requests for information that are initiated by a parent. This section does not apply to general mailings or newsletters sent by the school district to all households in the district. [2009 c 190 § 1.]

28A.320.100 Actions against officers, employees or agents of school districts and educational service districts—Defense, costs, fees—Payment of obligation. Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or educational service district arising out of the performance or failure of performance of duties for, or employment with any such district, the board of directors of the school district or educational service district board, as the case may be, may grant a request by such person that the

prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an educational service district, from any appropriation made for the support of the educational service district, to which said person is attached: PROVIDED, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his or her employment with or duties for the district. [1990 c 33 § 332; 1975 1st ex.s. c 275 § 115; 1972 ex.s. c 142 § 1. Formerly RCW 28A.58.620.]

28A.320.110 Information and research services. For the purpose of obtaining information on school organization, administration, operation, finance and instruction, school districts and educational service districts may contract for or purchase information and research services from public universities, colleges and other public bodies, or from private individuals or agencies. For the same purpose, school districts and educational service district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations. [1975 1st ex.s. c 275 § 112; 1971 ex.s. c 93 § 4; 1969 ex.s. c 176 § 142; 1969 ex.s. c 223 § 28A.58.530. Prior: 1963 c 30 § 1. Formerly RCW 28A.58.530, 28.58.530.]

Additional notes found at www.leg.wa.gov

28A.320.120 Cooperation with technical colleges—Jurisdiction over property—Administrative charges—Discrimination against employees of technical colleges prohibited—Dispute resolution. As of May 17, 1991, school districts shall not remove facilities, equipment, or property from the jurisdiction or use of the technical colleges. This shall include direct and indirect funds other than those indirect charges provided for in the 1990-91 appropriations act. School districts shall not increase direct or indirect charges for central district administrative support for technical college programs above the percentage rate charged in the 1990-91 school year. This provision on administrative charges for technical college programs shall apply to any state and federal grants, tuition, and other revenues generated by technical college programs. School districts and the superintendent of public instruction shall cooperate fully with the technical colleges and the state board for community and technical colleges with regard to the implementation of chapter 238, Laws of 1991. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter 238, Laws of 1991. Any dispute related to issues contained in this section shall be resolved under *RCW 28B.50.302. [1991 c 238 § 142.]

*Reviser's note: RCW 28B.50.302 was decodified pursuant to 2015 c 55 § 119.

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28A.320.125 Safe school plans—Requirements—Duties of school districts, schools, and educational service districts—Reports—Drills—Rules. (1) The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance. The legislature further finds that schools are in a position to serve the community in the event of an emergency resulting from natural disasters or man-made disasters.

(2) Schools and school districts shall consider the guidance provided by the superintendent of public instruction, including the comprehensive school safety checklist and the model comprehensive safe school plans that include prevention, intervention, all hazard/crisis response, and postcrisis recovery, when developing their own individual comprehensive safe school plans. Each school district shall adopt, no later than September 1, 2008, and implement a safe school plan consistent with the school mapping information system pursuant to RCW 36.28A.060. The plan shall:

- (a) Include required school safety policies and procedures;
 - (b) Address emergency mitigation, preparedness, response, and recovery;
 - (c) Include provisions for assisting and communicating with students and staff, including those with special needs or disabilities;
 - (d) Use the training guidance provided by the Washington emergency management division of the state military department in collaboration with the Washington state office of the superintendent of public instruction school safety center and the school safety center advisory committee;
 - (e) Require the building principal to be certified on the incident command system;
 - (f) Take into account the manner in which the school facilities may be used as a community asset in the event of a community-wide emergency; and
 - (g) Set guidelines for requesting city or county law enforcement agencies, local fire departments, emergency service providers, and county emergency management agencies to meet with school districts and participate in safety-related drills.
- (3) To the extent funds are available, school districts shall annually:
- (a) Review and update safe school plans in collaboration with local emergency response agencies;
 - (b) Conduct an inventory of all hazardous materials;
 - (c) Update information on the school mapping information system to reflect current staffing and updated plans, including:
 - (i) Identifying all staff members who are trained on the national incident management system, trained on the incident command system, or are certified on the incident command system; and
 - (ii) Identifying school transportation procedures for evacuation, to include bus staging areas, evacuation routes, communication systems, parent-student reunification sites, and secondary transportation agreements consistent with the school mapping information system; and

(d) Provide information to all staff on the use of emergency supplies and notification and alert procedures.

(4) To the extent funds are available, school districts shall annually record and report on the information and activities required in subsection (3) of this section to the Washington association of sheriffs and police chiefs.

(5) School districts are encouraged to work with local emergency management agencies and other emergency responders to conduct one tabletop exercise, one functional exercise, and two full-scale exercises within a four-year period.

(6) Schools shall conduct no less than one safety-related drill each month that school is in session. Schools shall complete no less than one drill using the school mapping information system, three drills for lockdowns, one drill for shelter-in-place, three drills for fire evacuation in accordance with the state fire code, and one other safety-related drill to be determined by the school. Schools should consider drills for earthquakes, tsunamis, or other high-risk local events. Schools shall document the date and time of such drills. This subsection is intended to satisfy all federal requirements for comprehensive school emergency drills and evacuations.

(7) Educational service districts are encouraged to apply for federal emergency response and crisis management grants with the assistance of the superintendent of public instruction and the Washington emergency management division of the state military department.

(8) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for evacuations, lockdowns, or other components of a comprehensive safe school plan. [2013 c 14 § 1; 2009 c 578 § 10; 2007 c 406 § 1; 2002 c 205 § 2.]

Findings—2002 c 205: "Following the tragic events of September 11, 2001, the government's primary role in protecting the health, safety, and well-being of its citizens has been underscored. The legislature recognizes that there is a need to focus on the development and implementation of comprehensive safe school plans for each public school. The legislature recognizes that comprehensive safe school plans for each public school are an integral part of rebuilding public confidence. In developing these plans, the legislature finds that a coordinated effort is essential to ensure the most effective response to any type of emergency. Further, the legislature recognizes that comprehensive safe school plans for each public school are of paramount importance and will help to assure students, parents, guardians, school employees, and school administrators that our schools provide the safest possible learning environment." [2002 c 205 § 1.]

Additional notes found at www.leg.wa.gov

28A.320.126 Emergency response system. School districts must work collaboratively with local law enforcement agencies and school security personnel to develop an emergency response system using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. School districts are encouraged to use the model policies developed by the school safety [center] advisory committee of the office of the superintendent of public instruction as a resource. Each school district must submit a progress report on its implementation of an emergency response system as required under this section to the office of the superintendent of public instruction by December 1, 2014. [2013 c 233 § 1.]

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28A.320.127 Plan for recognition, screening, and response to emotional or behavioral distress in students, including possible sexual abuse. (1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

(a) Identification of training opportunities in recognition, screening, and referral that may be available for staff;

(b) How to use the expertise of district staff who have been trained in recognition, screening, and referral;

(c) How staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;

(d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region;

(e) Protocols and procedures for communication with parents and guardians, including the notification requirements under RCW 28A.320.160;

(f) How staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others;

(g) How the district will provide support to students and staff after an incident of violence, youth suicide, or allegations of sexual abuse;

(h) How staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and

(i) How the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125. [2016 c 48 § 1; 2013 c 197 § 4.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.320.1271 Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students. The office of the superintendent of public instruction and the school safety [center] advisory committee shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan

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must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127. [2013 c 197 § 5.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.320.128 Notice and disclosure policies—Threats of violence—Student conduct—Immunity for good faith notice—Penalty. (1) By September 1, 2003, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm";

(b) Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and

(c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student.

(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021. [2002 c 206 § 1.]

28A.320.130 Weapons incidents—Reporting. Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9A.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor. [1993 c 347 § 2.]

28A.320.135 Telecommunication devices—Limits on possession—Policies. School district boards of directors may adopt policies that limit the possession of (1) paging

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telecommunication devices by students that emit audible signals, vibrate, display a message, or otherwise summons or delivers a communication to the possessor, and (2) portable or cellular telephones. [1997 c 266 § 10.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.320.140 Schools with special standards—Dress codes. (1) School district boards of directors may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are required to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district.

(2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are regularly counseled and encouraged to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district. School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district.

(3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.

(4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.

(5) School district boards of directors may adopt dress and grooming code policies which prohibit students from wearing gang-related apparel. If a dress and grooming code policy contains this provision, the school board must also establish policies to notify students and parents of what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel.

(6) School district boards of directors may not adopt a dress and grooming code policy which precludes students who participate in nationally recognized youth organizations from wearing organization uniforms on days that the organization has a scheduled activity or prohibit students from wearing clothing in observance of their religion. [1997 c 266 § 14; 1994 sp.s. c 7 § 612.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.320.142 Unaccompanied youth—Building point of contact—Duty of district homeless student liaison. Each school district that has identified more than ten unaccompanied youth must establish a building point of contact in each middle school and high school. These points of contact must be appointed by the principal of the designated school

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and are responsible for identifying homeless and unaccompanied youth and connecting them with the school district's homeless student liaison. The school district homeless student liaison is responsible for training building points of contact. [2016 c 157 § 5.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

28A.320.145 Homeless students—Support. (1) On an annual basis, each school district must strongly encourage:

(a) All school staff to annually review the video posted on the office of the superintendent of public instruction's web site on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is critical to student success to ensure that homeless students are appropriately identified and supported; and

(b) Every district-designated homeless student liaison to attend trainings provided by the state to ensure that homeless children and youth are identified and served.

(2) Each school district shall include in existing materials that are shared with students at the beginning of the school year or at enrollment, information about services and support for homeless students, including the provisions of RCW 28A.320.147. School districts may use the brochure posted on the web site of the office of the superintendent of public instruction as a resource. Schools are also strongly encouraged to use a variety of communications each year to notify students and families about services and support available to them if they experience homelessness, including but not limited to:

(a) Distributing and collecting an annual housing intake survey;

(b) Providing parent brochures directly to students and families;

(c) Announcing the information at school-wide assemblies; or

(d) Posting information on the district's web site or linking to the office of the superintendent of public instruction's web site. [2016 c 157 § 6; 2014 c 212 § 3.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

Findings—Intent—2014 c 212: See note following RCW 28A.300.540.

28A.320.147 "Homeless child or youth"—Informed consent for health care for patient under the age of majority—Exemption from liability. (1) As allowed by RCW 7.70.065(2), a school nurse, school counselor, or homeless student liaison is authorized to provide informed consent for health care for a patient under the age of majority when:

(a) Consent is necessary for nonemergency outpatient primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations, and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(b) The patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless edu-

cation assistance improvements act of 2001, P.L. 107-110, January 8, 2002, (115 Stat. 2005); and

(c) The patient is not under the supervision or control of a parent, custodian, or legal guardian.

(2) A person consenting to care under this section and the person's employing school are not liable for any care or payment for any care rendered pursuant to this section.

(3) A person consenting to care under this section must provide written notice of his or her exemption from liability under this section to the person providing care. [2016 c 157 § 7.]

Finding—Intent—Short title—2016 c 157: See notes following RCW 28A.300.540.

28A.320.155 Criminal history record information—School volunteers. If a volunteer alerts a school district that the volunteer has undergone a criminal records check in accordance with applicable state law, including RCW 10.97.050, 28A.400.303, 28A.410.010, or 43.43.830 through 43.43.845, within the two years before the time the volunteer is volunteering in the school, then the school may request that the volunteer furnish the school with a copy of the criminal history record information or sign a release to the business, school, organization, criminal justice agency, or juvenile justice or care agency, or other state agency that originally obtained the criminal history record information to permit the record information to be shared with the school. Once the school requests the information from the business, school, organization, or agency the information shall be furnished to the school. Any business, school, organization, agency, or its employee or official that shares the criminal history record information with the requesting school in accordance with this section is immune from criminal and civil liability for dissemination of the information.

If the criminal history record information is shared, the school must require the volunteer to sign a disclosure statement indicating that there has been no conviction since the completion date of the most recent criminal background inquiry. [1999 c 21 § 1.]

28A.320.160 Alleged sexual misconduct by school employee—Parental notification—Information on public records act. School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis. [2005 c 274 § 244; 2004 c 29 § 3.]

Findings—2004 c 29: See note following RCW 28A.400.301.

Additional notes found at www.leg.wa.gov

28A.320.165 Notice of pesticide use. Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian. [2009 c 556 § 12; 2001 c 333 § 4.]

Additional notes found at www.leg.wa.gov

28A.320.170 Curricula—Tribal history and culture.

(1)(a) Beginning July 24, 2015, when a school district board of directors reviews or adopts its social studies curriculum, it shall incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, so that students learn about the unique heritage and experience of their closest neighbors.

(b) School districts shall meet the requirements of this section by using curriculum developed and made available free of charge by the office of the superintendent of public instruction and may modify that curriculum in order to incorporate elements that have a regionally specific focus or to incorporate the curriculum into existing curricular materials.

(2) As they conduct regularly scheduled reviews and revisions of their social studies and history curricula, school districts shall collaborate with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, to incorporate expanded and improved curricular materials about Indian tribes, and to create programs of classroom and community cultural exchanges.

(3) School districts shall collaborate with the office of the superintendent of public instruction on curricular areas regarding tribal government and history that are statewide in nature, such as the concept of tribal sovereignty and the history of federal policy towards federally recognized Indian tribes. The program of Indian education within the office of the superintendent of public instruction shall help local school districts identify federally recognized Indian tribes whose reservations are in whole or in part within the boundaries of the district and/or those that are nearest to the school district. [2015 c 198 § 2; 2005 c 205 § 4.]

Findings—Intent—2015 c 198: "The legislature recognizes the need to reaffirm the state's commitment to educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington. The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature finds that more widespread use of the Since Time Immemorial curriculum developed by the office of the superintendent of public instruction and available free of charge to schools would contribute greatly towards helping improve school's history curriculum and improve the experiences Indian students have in our schools. Accordingly, the legislature finds that merely encouraging education regarding Washington's tribal history, culture, and government is not sufficient, and hereby declares its intent that such education be mandatory in Washington's common schools." [2015 c 198 § 1.]

Intent—Findings—2005 c 205: "It is the intent of the legislature to promote the full success of the centennial accord, which was signed by state and tribal government leaders in 1989. As those leaders declared in the subsequent millennial accord in 1999, this will require "educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington." The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature further finds that the lack of accurate and complete curricula may contribute to the persistent achievement gap between Indian and other students. The legislature finds there is a need to establish collaborative government-to-government relationships between elected school boards and tribal councils to create local and/or regional curricula about tribal history and culture, and to pro-

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mote dialogue and cultural exchanges that can help tribal leaders and school leaders implement strategies to close the achievement gap." [2005 c 205 § 1.]

28A.320.175 School data—Collection and submission to the office of the superintendent of public instruction.

(1) No later than the beginning of the 2008-09 school year and thereafter, each school district shall collect and electronically submit to the office of the superintendent of public instruction, in a format and according to a schedule prescribed by the office, the following data for each class or course offered in each school:

(a) The certification number or other unique identifier associated with the teacher's certificate for each teacher assigned to teach the class or course, including reassignments that may occur during the school year; and

(b) The statewide student identifier for each student enrolled in or being provided services through the class or course.

(2) No later than the beginning of the 2014-15 school year, the data under subsection (1) of this section must also include dates of teacher assignments and reassignments. [2014 c 161 § 1; 2007 c 401 § 4.]

Findings—2007 c 401: See note following RCW 28A.300.500.

28A.320.180 Mathematics college readiness test—

Costs. (1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under *RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test. [2007 c 396 § 11; (2009 c 556 § 13 expired July 1, 2011).]

***Reviser's note:** RCW 28B.10.679 was amended by 2015 c 55 § 206, removing the mathematics college readiness test.

Expiration date—2009 c 556 §§ 11, 13, and 15: See note following RCW 28A.300.525.

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.320.185 School gardens or farms.

(1) School districts may operate school gardens or farms, as appropriate, for the purpose of growing fruits and vegetables to be used for educational purposes and, where appropriate, to be offered to students through the district nutrition services meal and snack programs. All such foods used in the district's meal and snack programs shall meet appropriate safety standards.

(2) If a school operates a school garden or farm, students representing various student organizations, including but not limited to vocational programs such as the FFA and 4-H, shall be given the opportunity to be involved in the operation of a school garden or farm.

(3) When school gardens or farms are used to educate students about agricultural practices, students shall be afforded the opportunity to learn about both organic and conventional growing methods. [2008 c 215 § 7.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

28A.320.190 Extended learning opportunities program. (1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

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

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

- (a) Individual or small group instruction;
- (b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;
- (c) Attendance in a public high school or public alternative school classes or at a skill center;
- (d) Inclusion in remediation programs, including summer school;
- (e) Language development instruction for English language learners;
- (f) Online curriculum and instructional support, including programs for credit retrieval and Washington assessment of student learning preparatory classes; and
- (g) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills. [2009 c 578 § 2; 2008 c 321 § 3.]

***Reviser's note:** RCW 28A.150.220 was amended by 2009 c 548 § 104, changing subsection (3) to subsection (5).

Findings—2008 c 321: See note following RCW 28A.655.061.

28A.320.191 Program of early learning under RCW 43.215.141. For the program of early learning established in *RCW 43.215.141, school districts:

(1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

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(2) May contract with the department of early learning to deliver services under the program. [2010 c 231 § 5.]

***Reviser's note:** RCW 43.215.141 was recodified as RCW 43.215.455 pursuant to 2013 2nd sp.s. c 16 § 5.

28A.320.192 On-time grade level progression and graduation of students who are dependent youth. In order to facilitate the on-time grade level progression and graduation of students who are dependent pursuant to chapter 13.34 RCW, school districts must incorporate the following procedures:

(1) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

(2) School districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, or the portable assisted study sequence units designed for migrant high school students.

(3) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district. [2012 c 163 § 7.]

Findings—Effective date—2012 c 163: See notes following RCW 28B.117.010.

Short title—2012 c 163: See RCW 28B.117.902.

28A.320.193 Community service—Policy—Incentive. By September 1, 2013, each school district shall adopt a policy that is supportive of community service and provides an incentive, such as recognition or credit, for students who participate in community service. [2013 c 176 § 2.]

Finding—2013 c 176: "The legislature finds that volunteering connects students to their communities and provides an opportunity for students to practice and apply their academic and social skills in preparation for entering the workforce. Community service can better prepare and inspire students to continue their education beyond high school. Community service is also associated with increased civic awareness and participation by students." [2013 c 176 § 1.]

28A.320.195 Academic acceleration for high school students—Adoption of policy. (1) Each school district board of directors is encouraged to adopt an academic acceleration policy for high school students as provided under this section.

(2) Under an academic acceleration policy:

(a) The district automatically enrolls any student who meets the state standard on the high school statewide student assessment in the next most rigorous level of advanced courses offered by the high school. Students who successfully complete such an advanced course are then enrolled in the next most rigorous level of advanced course, with the objective that students will eventually be automatically

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enrolled in courses that offer the opportunity to earn dual credit for high school and college.

(b) The subject matter of the advanced courses in which the student is automatically enrolled depends on the content area or areas of the statewide student assessment where the student has met the state standard. Students who meet the state standard on both end-of-course mathematics assessments are considered to have met the state standard for high school mathematics. Students who meet the state standard in both reading and writing are eligible for enrollment in advanced courses in English, social studies, humanities, and other related subjects.

(c) The district must notify students and parents or guardians regarding the academic acceleration policy and the advanced courses available to students.

(d) The district must provide a parent or guardian with an opportunity to opt out of the academic acceleration policy and enroll a student in an alternative course. [2013 c 184 § 2.]

Findings—2013 c 184: "(1) The legislature finds that progress is being made in making dual high school and college credit courses available for students:

(a) Overall dual credit program enrollments increased by almost four percent between 2009 and 2012;

(b) The number of dual credit programs offered by Washington high schools increased by almost fifteen percent between the 2009-10 school year and the 2011-12 school year; and

(c) Dual credit program participation rates for low-income students increased more than fourteen percent between the 2009-10 school year and the 2011-12 school year.

(2) However, the legislature further finds that more can be done to promote academic acceleration for all students and eliminate barriers, real or perceived, that may prevent students from enrolling in rigorous advanced courses, including dual credit courses." [2013 c 184 § 1.]

28A.320.196 Academic acceleration incentive program—Dual credit courses—Allocation of funds—Reports. (1) Subject to funds appropriated specifically for this purpose, the academic acceleration incentive program is established as provided in this section. The intent of the legislature is that the funds awarded under the program be used to support teacher training, curriculum, technology, examination fees, textbook fees, and other costs associated with offering dual credit courses to high school students, including transportation for running start students to and from the institution of higher education as defined in RCW 28A.600.300.

(2) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section on a competitive basis to provide one-time grants for high schools to expand the availability of dual credit courses. To be eligible for a grant, a school district must have adopted an academic acceleration policy as provided under RCW 28A.320.195. In making grant awards, the office of the superintendent of public instruction must give priority to grants for high schools with a high proportion of low-income students and high schools seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity.

(3) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section to school districts as an incentive award for each student who earned dual high school and college credit, as described under subsection (4) of this section, for courses

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offered by the district's high schools during the previous school year. School districts must distribute the award to the high schools that generated the funds. The award amount for low-income students eligible to participate in the federal free and reduced-price meals program who earn dual credits must be set at one hundred twenty-five percent of the base award for other students. A student who earns more than one dual credit in the same school year counts only once for the purposes of the incentive award.

(4) For the purposes of this section, the following students are considered to have earned dual high school and college credit in a course offered by a high school:

(a) Students who achieve a score of three or higher on an AP examination;

(b) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(c) Students who successfully complete a Cambridge advanced international certificate of education examination;

(d) Students who successfully complete a course through the college in the high school program under RCW 28A.600.290 and are awarded credit by the partnering institution of higher education; and

(e) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a tech prep course.

(5) If a high school provides access to online courses for students to earn dual high school and college credit at no cost to the student, such a course is considered to be offered by the high school.

(6) The office of the superintendent of public instruction shall report to the education policy committees and the fiscal committees of the legislature, by January 1st of each year, information about the demographics of the students earning dual credits in the schools receiving grants under this section for the prior school year. Demographic data shall be disaggregated pursuant to RCW 28A.300.042. [2015 c 202 § 2; 2013 c 184 § 3.]

Findings—Intent—2015 c 202: "The legislature finds that Washington has been a front-runner in dual credit innovation through the establishment of the running start and college in the high school programs, and has continued to expand student choices in dual credit programs.

In Washington, a range of dual credit or dual enrollment programs are available to students. Dual credit programs, such as running start, college in the high school, tech prep (course completion options), and AP and international baccalaureate and Cambridge (standardized exam options) offer academically prepared students the opportunity to earn college credits while still in high school. Students who participate in these programs achieve improved high school graduation rates and are more likely to continue on to college and complete a degree. In addition, dual credit and dual enrollment programs support students' individual college and career pathways.

The legislature further finds that through the development and implementation of the 2013 roadmap the student achievement council has identified key barriers that limit access to dual credit programs, particularly for low-income students. Removing these barriers is a critical step toward achieving the state educational attainment goals outlined in the roadmap.

The legislature recognizes that the decision to enroll in a dual credit program should be made by the student and the student's parents or guardians, in consultation with counselors or academic advisors, and based on the academic, cultural, and developmental needs and college and career goals of the student. The decision to choose one dual credit option over another should not be based on the difference in the costs of one option over another.

In the college in the high school program, credit is awarded based on successful course completion and ability to pay tuition and fees. Under the current college in the high school system, some students may successfully complete the course but do not receive credit because they are unable to

pay. Students in the running start program face a different but equally challenging situation. Students in the running start program do not receive funding for books and transportation costs. These financial barriers decrease opportunities for lower income students to benefit from dual credit programs.

Therefore, the legislature intends to increase opportunities for academically prepared high school students to earn up to two years of college credit through dual credit programs, and to reduce disparities in access to, and completion of, these programs. This act provides a new funding model to support tuition in the college in the high school program, and provides flexibility in the academic acceleration incentive program to assist students with transportation and book expenses associated with the running start program. It is the intent of the legislature, once this new funding model is enacted and operational, to establish a distinction between the college in the high school program as a program occurring in high schools and the running start program as a program occurring on a college campus.

The legislature finds that dual credit opportunities are a valuable means of supporting students on their way to successful completion of college and career pathways. The legislature seeks additional recommendations to mitigate financial and other barriers for students enrolled in the running start program, and dual credit programs based on standardized exams." [2015 c 202 § 1.]

Contingency—2013 c 184 § 3: "If specific funding for purposes of section 3 of this act, referencing section 3 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus operating appropriations act, section 3 of this act is null and void." [2013 c 184 § 5.] The omnibus appropriations act provided funding for "this act" by bill and chapter but not section number. See section 513(21), chapter 4, Laws of 2013 2nd sp. sess.

Findings—2013 c 184: See note following RCW 28A.320.195.

28A.320.202 Comprehensive system of instruction and services in reading and early literacy. School districts are responsible for providing a comprehensive system of instruction and services in reading and early literacy to kindergarten through fourth grade students that is based on the degree of student need for additional support. Reading and early literacy systems provided by school districts must include:

(1) Annual use of screening assessments and other tools to identify at-risk readers in kindergarten through fourth grade, such as the Washington kindergarten inventory of developing skills, the Washington state early learning and development guidelines for birth through third grade, the second grade reading assessment under RCW 28A.300.310, and locally used assessments and other tools; and

(2) Research-based family involvement and engagement strategies, including strategies to help families and guardians assist in improving students' reading and early literacy skills at home. [2013 2nd sp.s. c 18 § 102.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.320.203 Reading skills—Report cards. (1) Each school district shall require that report cards for students in kindergarten through fourth grade include information regarding how the student is progressing on acquiring reading skills and whether the student is at grade level in reading.

(2) If a student is not reading at or above grade level, the teacher, with the support of other school personnel as appropriate, must explain to the parent or guardian which interventions and strategies will be used to help improve the student's reading skills and must provide strategies for parents or guardians to assist with improving the student's reading skills at home.

(3) Each school shall report to the school district the number of students in grades kindergarten through four who are reading below grade level and the interventions that are being provided to improve the reading skills of the students, with the information disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall submit a statewide report annually to the education committees of the legislature and the educational opportunity gap oversight and accountability committee. [2013 2nd sp.s. c 18 § 104.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.320.208 Notice to parents and guardians of student assessments, graduation requirements, and additional district graduation requirements. (1) At the beginning of each school year, school districts must notify parents and guardians of enrolled students from eighth through twelfth grade about each student assessment required by the state, the minimum state-level graduation requirements, and any additional school district graduation requirements. The information may be provided when the student is enrolled, contained in the student or parent handbook, or posted on the school district's web site. The notification must include the following:

- (a) When each assessment will be administered;
- (b) Which assessments will be required for graduation and what options students have to meet graduation requirements if they do not pass a given assessment;
- (c) Whether the results of the assessment will be used for program placement or grade-level advancement;
- (d) When the assessment results will be released to parents or guardians and whether there will be an opportunity for parents and teachers to discuss strategic adjustments; and
- (e) Whether the assessment is required by the school district, state, federal government, or more than one of these entities.

(2) The office of the superintendent of public instruction shall provide information to the school districts to enable the districts to provide the information to the parents and guardians in accordance with subsection (1) of this section. [2013 2nd sp.s. c 22 § 8.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

28A.320.211 Discipline policies, procedures, and rules—Dissemination of information—Use of disaggregated data—Review. (1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures. [2016 c 72 § 102.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.320.230 Instructional materials—Instructional materials committee. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may include parents at the school board's discretion: PROVIDED, That parent members shall make up less than one-half of the total membership of the committee;

(d) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase. [1989 c 371 § 1; 1979 ex.s. c 134 § 2; 1975 1st ex.s. c 275 § 109; 1971 c 48 § 29; 1969 ex.s. c 223 § 28A.58.103. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955

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c 68 § 2, part. Formerly RCW 28A.58.103, 28.58.100 (8) and (9).]

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

Surplus texts and other educational aids, notice of availability—Student priority as to texts: RCW 28A.335.180.

Additional notes found at www.leg.wa.gov

28A.320.240 School library information and technology programs—Resources and materials—Teacher-librarians. (1) The purpose of this section is to identify quality criteria for school library information and technology programs that support the student learning goals under RCW 28A.150.210, the essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide resources and materials for the operation of school library information and technology programs as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule of the superintendent of public instruction.

(3) "Teacher-librarian" means a certificated teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School library information and technology program" means a school-based program that is staffed by a certificated teacher-librarian and provides a broad, flexible array of services, resources, and instruction that support student mastery of the essential academic learning requirements and state standards in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school library information and technology program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing high school and beyond plans required for graduation.

(6) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction, including but not limited to instructing other certificated staff about using and integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; and

(e) Create a culture of reading in the school community by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students.

[2015 c 27 § 1; 2014 c 217 § 205; 2006 c 263 § 914; 1969 ex.s. c 223 § 28A.58.104. Prior: (i) 1909 c 97 p 299 § 7; RRS § 4817. Formerly RCW 28.63.040. (ii) 1909 c 97 p 302 § 7; RRS § 4829. Formerly RCW 28A.58.104, 28.63.042.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.320.242 Teacher hiring data—Reports. By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers hired in the previous school year and the district projects will be hired in the following school year, disaggregated by content area. [2016 c 233 § 13.]

Reviser's note: 2016 c 233 § 13 directed that this section be added to chapter 28A.330 RCW, but codification in chapter 28A.320 RCW appears to be more appropriate.

DEPOSIT, INVESTMENT, AND USE OF PROCEEDS

28A.320.300 Investment of funds, including funds received by ESD—Authority—Procedure. Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.320.310 and 28A.320.320 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.320.310, 28A.320.320, 36.29.020, 36.29.022, or 36.29.024 as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.310.220. [1999 c 18 § 1; 1990 c 33 § 335; 1982 c 191 § 5; 1975 c 47 § 1. Formerly RCW 28A.58.430.]

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.320.310 Investment of building funds—Restrictions. The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the capital projects fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all, or any part, of such funds pursuant to RCW 35.39.030, 36.29.020, 36.29.022, 36.29.024, 39.59.020, *39.59.030, and 43.84.080: PROVIDED, That nothing herein authorized, or the type and character of the securities thus specified, shall have in itself the effect of

delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the capital projects fund of the district in the county treasurer's office. [1999 c 18 § 2; 1990 c 33 § 336; 1985 c 7 § 95; 1971 c 8 § 4. Prior: 1945 c 29 § 1. Formerly RCW 28A.58.435.]

***Reviser's note:** RCW 39.59.030 was repealed by 2016 c 152 § 12.

School funds enumerated—Deposits—Uses: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.320.320 Investment of funds of district—Service fee. The county treasurer, or the trustee, guardian, or any other custodian of any school fund, when authorized to do so by the board of directors of any school district, shall invest or reinvest any school funds of such district in investment securities pursuant to RCW 36.29.020 and 36.29.022. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district which such board may lawfully designate: PROVIDED, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional supplies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when the interest or earnings becomes available to the school district or an amount as determined pursuant to RCW 36.29.022 and 36.29.024. [1999 c 18 § 3; 1983 c 66 § 1; 1969 ex.s. c 223 § 28A.58.440. Prior: 1965 c 111 § 1; 1961 c 123 § 1. Formerly RCW 28A.58.440, 28.58.440.]

Investment of idle building funds—1945 act: 1945 c 29 § 1.

School funds enumerated—Deposits—Uses: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.320.330 School funds enumerated—Deposits—Uses. School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid on bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district

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shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW. [2009 c 460 § 1. Prior: 2007 c 503 § 2; 2007 c 129 § 2; 2002 c 275 § 2; 1990 c 33 § 337; 1983 c 59 § 13; 1982 c 191 § 6; 1981 c 250 § 2. Formerly RCW 28A.58.441.]

Intent—2007 c 129: "The legislature recognizes that technology has become an integral part of the facilities and educational delivery systems in our schools. In order to prepare our state's students to participate fully in our state's economy, school districts are making substantial capital investments in their technology systems, facilities, and projects. Districts are implementing, applying, and modernizing their technology systems. Software companies are shifting from selling software as a one-time package to a license or an extended contractual relationship requiring a subscription and ongoing payments. School districts must be empowered to respond to the changing business models in the software industry and be given flexibility and authority to use capital projects funds to pay for licenses or online application fees. It is the intent of the legislature that these investments be deemed major capital purpose and are also permitted uses of the district's two to six-year levies authorized by RCW 84.52.053." [2007 c 129 § 1.]

Additional notes found at www.leg.wa.gov

ELECTORS—QUALIFICATIONS, VOTING PLACE, AND SPECIAL MEETINGS

28A.320.400 Elections—Qualifications of electors—Voting place. Qualifications of electors at all school elections shall be the same as at a general state or county election. Except as otherwise provided by law, only those electors residing within the district shall be entitled to vote, and an elector may vote only at the polling place designated by the proper election official. [1969 ex.s. c 223 § 28A.58.520. Prior: 1941 c 12 § 1; Rem. Supp. 1941 § 5025-1. Formerly RCW 28A.58.520, 28.58.520.]

28A.320.410 Elections—Elections to be conducted according to Title 29A RCW. All school district elections,

regular or special, shall be conducted according to the election laws of the state as contained in Title 29A RCW, and in the event of a conflict as to the application of the laws of this title or Title 29A RCW, the latter shall prevail. [2015 c 53 § 7; 1969 ex.s. c 223 § 28A.58.521. Prior: 1965 c 123 § 8. Formerly RCW 28A.58.521, 28.58.521.]

28A.320.420 Special meetings of voters—Authorized—Purpose. Any board of directors at its discretion may, and, upon a petition of a majority of the legal voters of their district, shall call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that such school shall be maintained in the district during the year; to determine whether or not the district shall purchase any schoolhouse site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more schoolhouses or school facilities; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library. [1982 c 158 § 4; 1969 ex.s. c 223 § 28A.58.370. Prior: 1909 c 97 p 349 § 1; RRS § 5028; prior: 1901 c 177 § 18; 1897 c 118 § 156. Formerly RCW 28A.58.370, 28.58.370.]

Additional notes found at www.leg.wa.gov

28A.320.430 Special meetings of voters—Place, notice, procedure, record. All such special meetings shall be held at such schoolhouse or place as the board of directors may determine. The voting shall be by ballot, the ballots to be of white paper of uniform size and quality. At least ten days' notice of such special meeting shall be given by the school district superintendent, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such meeting than such as is specified in the notice. The school district superintendent shall be the secretary of the meeting, and the chair of the board of directors or, in his or her absence, the senior director present, shall be chair of the meeting: PROVIDED, That in the absence of one or all of said officials, the qualified electors present may elect a chair or secretary, or both chair and secretary, of said meeting as occasion may require, from among their number. The secretary of the meeting shall make a record of the proceedings of the meeting, and when the secretary of such meeting has been elected by the qualified voters present, he or she shall within ten days thereafter, file the record of the proceedings, duly certified, with the superintendent of the district, and said records shall become a part of the records of the district, and be preserved as other records. [2011 c 336 § 708; 1990 c 33 § 338; 1969 ex.s. c 223 § 28A.58.380. Prior: 1909 c 97 p 350 § 2; RRS § 5029; prior: 1897 c 118 § 157. Formerly RCW 28A.58.380, 28.58.380, 28.58.390, part.]

28A.320.440 Special meetings of voters—Directors to follow electors' decision. It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any such meeting. [1969 ex.s. c 223 § 28A.58.390. Prior: 1909 c 97 p 350 § 3; RRS § 5030; prior: 1897 c 118 § 158. Formerly RCW 28A.58.390, 28.58.390.]

[Title 28A RCW—page 198]

SUMMER SCHOOL, NIGHT SCHOOL, EXTRACURRICULAR ACTIVITIES, AND ATHLETICS

28A.320.500 Summer and/or other student vacation period programs—Authorized—Tuition and fees. Every school district board of directors is authorized to establish and operate summer and/or other student vacation period programs and to assess such tuition and special fees as it deems necessary to offset the maintenance and operation costs of such programs in whole or part. A summer and/or other student vacation period program may consist of such courses and activities as the school district board shall determine to be appropriate: PROVIDED, That such courses and activities shall not conflict with the provisions of RCW 28A.305.130. Attendance shall be voluntary. [1990 c 33 § 339; 1974 ex.s. c 161 § 1. Formerly RCW 28A.58.080.]

28A.320.510 Night schools, summer schools, meetings, use of facilities for. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Authorize school facilities to be used for night schools and establish and maintain the same whenever deemed advisable;

(2) Authorize school facilities to be used for summer schools or for meetings, whether public, literary, scientific, religious, political, mechanical, agricultural or whatever, upon approval of the board under such rules or regulations as the board of directors may adopt, which rules or regulations may require a reasonable rental for the use of such facilities. [1969 ex.s. c 223 § 28A.58.105. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.105, 28.58.100 (10) and (12).]

28A.320.520 School credit for participation in youth court. Local school boards may provide for school credit for participation as a member of a youth court as defined in RCW 3.72.005 or 13.40.020 or a student court pursuant to RCW 28A.300.420. [2002 c 237 § 18.]

Chapter 28A.323 RCW

JOINT SCHOOL DISTRICTS—SCHOOL DISTRICTS IN TWO OR MORE EDUCATIONAL SERVICE DISTRICTS

Sections

28A.323.010	Joint school districts—Defined—Designation.
28A.323.040	Joint school districts—Designation of county to which joint school district belongs.
28A.323.050	Joint school districts—Elections for director.
28A.323.060	Joint school districts—Directors—Vacancies.
28A.323.070	Joint school districts—Powers and duties.
28A.323.080	Joint school districts—Assessed valuation—Certification.
28A.323.090	Joint school districts—Levy of tax.
28A.323.100	Joint school districts—Levy of tax—Remittance to district treasurer.
28A.323.110	Condensed compliance reports—Second-class districts.

28A.323.010 Joint school districts—Defined—Designation. Any school district composed of territory lying in more than one county shall be known as a joint school district, and shall be designated by number in accordance with

rules and regulations promulgated under *RCW 28A.305.150. [1990 c 33 § 309; 1973 c 47 § 1; 1969 ex.s. c 223 § 28A.57.230. Prior: 1947 c 266 § 25; Rem. Supp. 1947 § 4693-44; prior: 1909 c 97 p 264 § 6; RRS § 4699; prior: 1897 c 118 § 13. Formerly RCW 28A.315.350, 28A.57.230, 28.57.230.]

*Reviser's note: RCW 28A.305.150 was repealed by 1999 c 315 § 801. Later enactment, see RCW 28A.300.065.

Additional notes found at www.leg.wa.gov

28A.323.040 Joint school districts—Designation of county to which joint school district belongs. For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the superintendent of public instruction. Prior to making such designation, the superintendent of public instruction shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the superintendent shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts. [2006 c 263 § 613; 1973 c 47 § 3; 1969 ex.s. c 223 § 28A.57.250. Prior: 1947 c 266 § 27; Rem. Supp. 1947 § 4693-46. Formerly RCW 28A.315.380, 28A.57.250, 28.57.250.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.323.050 Joint school districts—Elections for director. The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.323.040.

At each general election, or upon approval of a request for a special election as provided for in RCW 29A.04.330, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district. [2015 c 53 § 8; 1990 c 33 § 311; 1983 c 56 § 6; 1975 1st ex.s. c 275 § 97; 1973 c 47 § 4; 1969 ex.s. c 176 § 133; 1969 ex.s. c 223 § 28A.57.255. Prior: 1961 c 130 § 23. Formerly RCW 28A.315.390, 28A.57.255, 28.57.255.]

(2016 Ed.)

Additional notes found at www.leg.wa.gov

28A.323.060 Joint school districts—Directors—Vacancies. A vacancy in the office of director of a joint district shall be filled in the manner provided by *RCW 28A.315.530 for filling vacancies, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election. [1990 c 33 § 312; 1973 c 47 § 5; 1971 c 53 § 3; 1969 ex.s. c 176 § 134; 1969 ex.s. c 223 § 28A.57.260. Prior: 1947 c 266 § 28; Rem. Supp. 1947 § 4693-47. Formerly RCW 28A.315.400, 28A.57.260, 28.57.260.]

*Reviser's note: RCW 28A.315.530 was recodified as RCW 28A.343.370 pursuant to 1999 c 315 § 804.

Additional notes found at www.leg.wa.gov

28A.323.070 Joint school districts—Powers and duties. A joint school district and the officers thereof shall possess all the powers and be subject to all of the duties vested in or imposed upon other school districts of the same class and upon the officers thereof, except as otherwise provided by law. Whenever the laws relating to school districts shall provide for any action by a county officer, such action, if required to be performed in behalf of a joint school district, shall be performed by the proper officer of the county to which the joint district belongs, except as otherwise provided by law. [1969 ex.s. c 223 § 28A.57.270. Prior: 1947 c 266 § 29; Rem. Supp. 1947 § 4693-48. Formerly RCW 28A.315.410, 28A.57.270, 28.57.270.]

28A.323.080 Joint school districts—Assessed valuation—Certification. It shall be the duty of the assessor of each county, a part of which is included within a joint school district, to certify annually to the auditor of the assessor's county and to the auditor of the county to which the joint district belongs, for the board of county commissioners thereof, the aggregate assessed valuation of all taxable property in the assessor's county situated in such joint school district, as the same appears from the last assessment roll of the assessor's county. [1990 c 33 § 313; 1969 ex.s. c 223 § 28A.57.280. Prior: 1947 c 266 § 30; Rem. Supp. 1947 § 4693-49; prior: 1927 c 286 § 1; 1925 ex.s. c 77 § 8; RRS § 4753-8. Formerly RCW 28A.315.420, 28A.57.280, 28.57.280.]

28A.323.090 Joint school districts—Levy of tax. The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. [1983 c 56 § 7; 1975 1st ex.s. c 275 § 98; 1969 ex.s. c 176 § 135; 1969 ex.s. c 223 § 28A.57.290. Prior: 1947 c 266 § 31; Rem. Supp. 1947 § 4693-50; prior: (i) 1925 ex.s. c 77 § 10; RRS § 4753-10. (ii) 1927 c 286 § 2; RRS § 4753-11. Formerly RCW 28A.315.430, 28A.57.290, 28.57.290.]

Additional notes found at www.leg.wa.gov

28A.323.100 Joint school districts—Levy of tax—Remittance to district treasurer. Upon receipt of the aforesaid certificate, it shall be the duty of the county legislative

authority of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded monthly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district. [1994 c 301 § 3; 1975 1st ex.s. c 275 § 99; 1969 ex.s. c 176 § 136; 1969 ex.s. c 223 § 28A.57.300. Prior: 1947 c 266 § 32; Rem. Supp. 1947 § 4693-51. Formerly RCW 28A.315.440, 28A.57.300, 28.57.300.]

Additional notes found at www.leg.wa.gov

28A.323.110 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 24.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.325 RCW ASSOCIATED STUDENT BODIES

Sections

28A.325.010	Fees for optional noncredit extracurricular events—Disposition.
28A.325.020	Associated student bodies—Powers and responsibilities affecting.
28A.325.030	Associated student body program fund—Fund-raising activities—Nonassociated student body program fund moneys.
28A.325.040	Condensed compliance reports—Second-class districts.
28A.325.050	Associated student body program fund—Publication of information on school district web site.

28A.325.010 Fees for optional noncredit extracurricular events—Disposition. The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of

optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the activities and programs of associated student bodies. [1977 ex.s. c 170 § 1; 1975 1st ex.s. c 284 § 1. Formerly RCW 28A.58.113.]

Additional notes found at www.leg.wa.gov

28A.325.020 Associated student bodies—Powers and responsibilities affecting. As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction: PROVIDED, That the board of directors of a school district may act or delegate the authority to an employee of the district to act as the associated student body for any school plant facility within the district containing no grade higher than the sixth grade.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state. [1984 c 98 § 1; 1975 1st ex.s. c 284 § 3; 1973 c 52 § 1. Formerly RCW 28A.58.115.]

Additional notes found at www.leg.wa.gov

28A.325.030 Associated student body program fund—Fund-raising activities—Nonassociated student body program fund moneys. (1)(a) There is hereby created a fund on deposit with each county treasurer for each school district of the county having an associated student body as defined in RCW 28A.325.020. Such fund shall be known as the associated student body program fund. Rules adopted by the superintendent of public instruction under RCW 28A.325.020 shall require separate accounting for each associated student body's transactions in the school district's associated student body program fund.

(b) All moneys generated through the programs and activities of any associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.320.320 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in *chapter 28A.350 RCW: PROVIDED, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of obligations, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

(c) The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body represent-

ing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

(2) Subject to applicable school board policies, student groups may conduct fund-raising activities, including but not limited to soliciting donations, in their private capacities for the purpose of generating nonassociated student body fund moneys. The school board policy shall include provisions to ensure appropriate accountability for these funds. Nonassociated student body program fund moneys generated and received by students for private purposes to use for scholarship, student exchange, and/or charitable purposes shall be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes as the student group conducting the fund-raising activity shall determine: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its direct costs in providing the service or otherwise be compensated for its cost for such service. Non-associated student body program fund moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution. Notice shall be given identifying the intended use of the proceeds. The notice shall also state that the proceeds are nonassociated student body funds to be held in trust by the school district exclusively for the intended purpose. "Charitable purpose" under this section does not include any activity related to assisting a campaign for election of a person to an office or for the promotion or opposition to a ballot proposition. [2000 c 157 § 2; 1990 c 33 § 340; 1984 c 98 § 2; 1982 c 231 § 1; 1977 ex.s. c 160 § 1; 1975 1st ex.s. c 284 § 2. Formerly RCW 28A.58.120.]

*Reviser's note: Chapter 28A.350 RCW was repealed in its entirety by 2009 c 337 § 15.

Findings—Intent—2000 c 157: "The legislature finds that current law permits associated student bodies to conduct fund-raising activities, including but not limited to soliciting donations, to raise money for school sports programs and school clubs. However, students also want to conduct fund-raising activities for charitable causes, such as to fund scholarships and student exchange programs, assist families whose homes have been destroyed, to fund community projects, and to rebuild the Statue of Liberty.

The legislature further finds that current law is not clear how student groups may raise funds for charitable purposes, whether proceeds from any fund-raising activities can be used for charitable purposes or only donations may be used for charitable purposes, and whether recipients must be "poor or infirm." This has resulted in considerable confusion on the part of students regarding what type of fund-raising is permissible when funds are raised for charitable purposes by student groups.

It is the intent of the legislature to allow students to broaden the types of fund-raisers that they may conduct for charitable purposes in their private nonassociated student body capacities, and ensure that these funds will be separate from student body funds to avoid constitutional issues pertaining to the gifting of public funds." [2000 c 157 § 1.]

Establishment of associated student body fund: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.325.040 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 25.]

(2016 Ed.)

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.325.050 Associated student body program fund—Publication of information on school district web site. (1) Each school district that has an associated student body program fund must publish the following information about the fund on its web site:

- (a) The fund balance at the beginning of the school year;
- (b) Summary data about expenditures and revenues occurring over the course of the school year; and
- (c) The fund balance at the end of the school year.

(2) The information under this section must be published for each associated student body of the district and each account within the associated student body program fund.

(3) If the school district web site contains separate web sites for schools in the district, the information under this section must be published on the web site of the applicable school of the associated student body.

(4) No later than August 31, 2014, school districts must publish the information under this section on their web sites for the 2012-13 and 2013-14 school years. School districts must add updated annual information to their web sites by each August 31st, except that school districts are only required to maintain the information on the web site from the previous five years. [2014 c 211 § 3.]

Intent—2014 c 211: See note following RCW 28A.320.055.

Chapter 28A.330 RCW

PROVISIONS APPLICABLE TO SCHOOL DISTRICTS

Sections

PROVISIONS APPLICABLE ONLY TO FIRST-CLASS DISTRICTS

- 28A.330.010 Board president, vice president or president pro tempore—Secretary.
- 28A.330.020 Certain board elections, manner and vote required—Selection of personnel, manner.
- 28A.330.030 Duties of president.
- 28A.330.040 Duties of vice president.
- 28A.330.050 Duties of superintendent as secretary of the board.
- 28A.330.060 Superintendent's bond and oath.
- 28A.330.070 Office of board—Records available for public inspection.
- 28A.330.080 Payment of claims—Signing of warrants.
- 28A.330.090 Auditing committee and expenditures.
- 28A.330.100 Additional powers of board.
- 28A.330.110 Insurance reserve—Funds.

PROVISIONS APPLICABLE ONLY TO SECOND-CLASS DISTRICTS

- 28A.330.200 Organization of board—Assumption of superintendent's duties by board member, when.
- 28A.330.210 Notice to ESD superintendent of change of chairman or superintendent.
- 28A.330.220 Attorney may be employed.
- 28A.330.230 Drawing and issuance of warrants.
- 28A.330.240 Employment contracts.
- 28A.330.250 Condensed compliance reports.
- 28A.330.251 Condensed compliance reports—Second-class districts.

Missing children, participation by local school districts in providing information: RCW 13.60.030.

PROVISIONS APPLICABLE ONLY TO FIRST-CLASS DISTRICTS

28A.330.010 Board president, vice president or president pro tempore—Secretary. At the first meeting of the members of the board they shall elect a president and vice president from among their number who shall serve for a term of one year or until their successors are elected. In the event of the temporary absence or disability of both the president and vice president, the board of directors may elect a president pro tempore who shall discharge all the duties of president during such temporary absence or disability.

The superintendent of such school district shall act as secretary to the board in accordance with the provisions of RCW 28A.400.030. [1990 c 33 § 341; 1969 ex.s. c 223 § 28A.59.030. Prior: 1953 c 111 § 6; prior: 1909 c 97 p 290 § 3, part; RRS § 4792, part. Formerly RCW 28A.59.030, 28.62.030.]

28A.330.020 Certain board elections, manner and vote required—Selection of personnel, manner. The election of the officers of the board of directors or to fill any vacancy as provided in *RCW 28A.315.530, and the selection of the school district superintendent shall be by oral call of the roll of all the members, and no person shall be declared elected or selected unless he or she receives a majority vote of all the members of the board. Selection of other certificated and classified personnel shall be made in such manner as the board shall determine. [1997 c 13 § 8; 1990 c 33 § 342; 1969 ex.s. c 223 § 28A.59.040. Prior: 1909 c 97 p 290 § 4; RRS § 4793. Formerly RCW 28A.59.040, 28.62.040.]

*Reviser's note: RCW 28A.315.530 was recodified as RCW 28A.343.370 pursuant to 1999 c 315 § 804.

28A.330.030 Duties of president. It shall be the duty of the president to preside at all meetings of the board, and to perform such other duties as the board may prescribe. [1969 ex.s. c 223 § 28A.59.050. Prior: 1909 c 97 p 290 § 5; RRS § 4794. Formerly RCW 28A.59.050, 28.62.050.]

28A.330.040 Duties of vice president. It shall be the duty of the vice president to perform all the duties of president in case of the president's absence or disability. [1990 c 33 § 343; 1969 ex.s. c 223 § 28A.59.060. Prior: 1909 c 97 p 291 § 6; RRS § 4795. Formerly RCW 28A.59.060, 28.62.060.]

28A.330.050 Duties of superintendent as secretary of the board. In addition to the duties as prescribed in RCW 28A.400.030, the school district superintendent, as secretary of the board, may be authorized by the board to act as business manager, purchasing agent, and/or superintendent of buildings and janitors, and charged with the special care of school buildings and other property of the district, and he or she shall perform other duties as the board may direct. [1990 c 33 § 344; 1969 ex.s. c 223 § 28A.59.070. Prior: 1919 c 90 § 8; 1909 c 97 p 291 § 7; RRS § 4796. Formerly RCW 28A.59.070, 28.62.070.]

28A.330.060 Superintendent's bond and oath. Before entering upon the discharge of the superintendent's duties, the

superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he or she will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of the office, a copy of which oath or affirmation shall be filed with the educational service district superintendent. [1990 c 33 § 345; 1975 1st ex.s. c 275 § 117; 1971 c 48 § 33; 1969 ex.s. c 223 § 28A.59.080. Prior: 1909 c 97 p 291 § 8; RRS § 4797. Formerly RCW 28A.59.080, 28.62.080.]

Additional notes found at www.leg.wa.gov

28A.330.070 Office of board—Records available for public inspection. The board of directors shall maintain an office where all records, vouchers and other important papers belonging to the board may be preserved. Such records, vouchers, and other important papers at all reasonable times shall be available for public inspection. The regular meetings shall be held within the district boundaries. [1989 c 232 § 1; 1969 ex.s. c 223 § 28A.59.100. Prior: 1909 c 97 p 291 § 10; RRS § 4799; prior: 1897 c 118 § 87; 1890 p 389 § 14. Formerly RCW 28A.59.100, 28.62.100.]

28A.330.080 Payment of claims—Signing of warrants. Moneys of such school districts shall be paid out only upon orders for warrants signed by the president, or a majority of the board of directors and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW 28A.330.090, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW. [2012 c 209 § 1; 1990 c 33 § 346; 1969 ex.s. c 223 § 28A.59.110. Prior: 1909 c 97 p 292 § 11; RRS § 4800. Formerly RCW 28A.59.110, 28.62.110.]

28A.330.090 Auditing committee and expenditures. All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.335.190. [1990 c 33 § 347; 1983 c 56 § 9; 1975 1st ex.s. c 275 § 118; 1971 c 48 § 34; 1969

ex.s. c 223 § 28A.59.150. Prior: 1909 c 97 p 292 § 14; RRS § 4803. Formerly RCW 28A.59.150, 28.62.150, 28.62.160.]

Additional notes found at www.leg.wa.gov

28A.330.100 Additional powers of board. Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her, and to fix his or her duties and compensation;

(2) To employ, and for cause to dismiss one or more assistant superintendents and to define their duties and fix their compensation;

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation;

(4) To employ, and for cause to dismiss, supervisors of instruction and to define their duties and fix their compensation;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the superintendent of public instruction for the use of the common schools of this state;

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district;

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools;

(8) To maintain a shop and repair department, and to employ, and for cause to dismiss, a foreman and the necessary help for the maintenance and conduct thereof;

(9) To provide free textbooks and supplies for all children attending school;

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary;

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts; and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district

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medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian. [2006 c 263 § 417. Prior: 1995 c 335 § 503; 1995 c 77 § 22; 1991 c 116 § 17; 1990 c 33 § 348; 1983 c 2 § 7; prior: 1982 c 191 § 11; 1982 c 158 § 6; 1969 ex.s. c 223 § 28A.59.180; prior: 1919 c 90 § 9; 1909 c 97 p 293 § 16; RRS § 4805. Formerly RCW 28A.59.180, 28.62.180, 28.31.070.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.330.110 Insurance reserve—Funds. School districts of the first class, when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain an insurance reserve for said districts, to be used to meet losses specified by the board of directors of the school districts.

Funds required for maintenance of such an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district. [1983 c 59 § 16; 1982 c 191 § 12; 1969 ex.s. c 223 § 28A.59.185. Prior: (i) 1911 c 79 § 1; RRS § 4707. Formerly RCW 28.59.010. (ii) 1911 c 79 § 2; RRS § 4708. Formerly RCW 28.59.020. (iii) 1941 c 187 § 1; 1911 c 79 § 3; Rem. Supp. 1941 § 4709. Formerly RCW 28A.59.185, 28.59.030.]

Additional notes found at www.leg.wa.gov

PROVISIONS APPLICABLE ONLY TO SECOND-CLASS DISTRICTS

28A.330.200 Organization of board—Assumption of superintendent's duties by board member, when. The term of office of directors of districts of the second class shall begin, and the board shall organize, as provided in *RCW 28A.315.500. At the first meeting of the members of the board they shall elect a chair from among their number who shall serve for a term of one year or until his or her successor is elected. The school district superintendent as defined in RCW 28A.150.080 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district. [1990 c 33 § 349; 1988 c 187 § 2; 1975 c 43 § 14; 1969 ex.s. c 223 § 28A.60.010. Prior: 1953 c 111 § 1; prior: (i) 1909 c 97 p 298 § 5; RRS § 4815. (ii) 1909 c 97 p 301 § 5; RRS § 4827. Formerly RCW 28A.60.010, 28.63.010.]

*Reviser's note: RCW 28A.315.500 was recodified as RCW 28A.343.360 pursuant to 1999 c 315 § 804.

Additional notes found at www.leg.wa.gov

28A.330.210 Notice to ESD superintendent of change of chairman or superintendent. Every school district superintendent in districts of the second class shall within ten days after any change in the office of chair or superintendent, notify the educational service district superintendent of such change. [1990 c 33 § 350; 1975-'76 2nd ex.s. c 15 § 11. Prior:

1975 1st ex.s. c 275 § 119; 1975 c 43 § 15; 1971 c 48 § 35; 1969 ex.s. c 223 § 28A.60.070; prior: 1909 c 97 p 304 § 1; RRS § 4841; prior: 1903 c 104 § 19. Formerly RCW 28A.60.070, 28.63.070.]

Additional notes found at www.leg.wa.gov

28A.330.220 Attorney may be employed. The board of directors of every second-class district in addition to their other powers are authorized to employ an attorney and to prescribe the attorney's duties and fix the attorney's compensation. [1990 c 33 § 351; 1975 c 43 § 19; 1971 c 8 § 5. Prior: 1967 c 220 § 1. Formerly RCW 28A.60.310, 28.63.340.]

Additional notes found at www.leg.wa.gov

28A.330.230 Drawing and issuance of warrants. Second-class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chair of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chair of the board personally imposes too great a task on the chair, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW. [2012 c 209 § 2; 1990 c 33 § 352; 1983 c 56 § 10; 1975 c 43 § 21; 1973 c 111 § 1. Formerly RCW 28A.60.328.]

Additional notes found at www.leg.wa.gov

28A.330.240 Employment contracts. The board of directors of each second-class school district shall adopt a written policy governing procedures for the letting of any employment contract authorized under RCW 42.23.030. This policy shall include provisions to ensure fairness and the appearance of fairness in all matters pertaining to employment contracts so authorized. [1989 c 263 § 2. Formerly RCW 28A.60.360.]

Additional notes found at www.leg.wa.gov

28A.330.250 Condensed compliance reports. (1) Beginning September 1, 2011, second-class districts may annually submit a condensed compliance report to the superintendent of public instruction.

(2) The boards of directors of second-class districts that choose to submit a condensed compliance report must:

(a) Dedicate a public meeting for reviewing the report and receiving public testimony;

(b) Adopt the report at a public meeting; and

(c) Require the report to be signed by the school district superintendent and chair of the board and acknowledged before a notary public.

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(3) Compliance requests from the superintendent of public instruction not tied to funding are voluntary for second-class districts submitting a condensed compliance report.

(4) For the purposes of this section, compliance requests do not include data requests required to be submitted in accordance with federal or state law or for purposes of program evaluation or accountability, including data for a comprehensive K-12 education data improvement system. [2011 c 45 § 1.]

Conflict with federal requirements—2011 c 45: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2011 c 45 § 51.]

28A.330.251 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 26.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.335 RCW SCHOOL DISTRICTS' PROPERTY

Sections

- 28A.335.010 School buildings, maintenance, furnishing, and insuring—School building security.
- 28A.335.020 School closures—Policy of citizen involvement required—Summary of effects—Hearings—Notice.
- 28A.335.030 Emergency school closures exempt from RCW 28A.335.020.
- 28A.335.040 Surplus school property, rental, lease, or use of—Authorized—Limitations.
- 28A.335.050 Surplus school property, rental, lease, or use of—Joint use—Compensation—Conditions generally.
- 28A.335.060 Surplus school property—Rental, lease, or use of—Disposition of moneys received from.
- 28A.335.070 Surplus school property, rental, lease, or use of—Existing contracts not impaired.
- 28A.335.080 Surplus school property, rental, lease, or use of—Community use not impaired.
- 28A.335.090 Conveyance and acquisition of property—Management—Appraisal.
- 28A.335.100 School district associations' right to mortgage or convey money security interest in association property—Limitations.
- 28A.335.110 Real property—Annexation to city or town.
- 28A.335.120 Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation.
- 28A.335.130 Real property—Sale—Use of proceeds.
- 28A.335.140 Expenditure of funds on county, city building authorized—Conditions.
- 28A.335.150 Permitting use and rental of playgrounds, athletic fields or athletic facilities.
- 28A.335.155 Use of buildings for youth programs—Limited immunity.
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- 28A.335.170 Contracts to lease building space and portable buildings, rent or have maintained security systems, computers, and other equipment, and provide pupil transportation services.
- 28A.335.180 Surplus texts and other educational aids, notice of availability—Student priority as to texts.
- 28A.335.190 Advertising for bids—Competitive bid procedures—Purchases from inmate work programs—Telephone or written quotation solicitation, limitations—Emergencies.
- 28A.335.200 Conditional sales contracts for acquisition of property or property rights.
- 28A.335.205 Assistive devices—Transfer for benefit of children with disabilities—Record, inventory.
- 28A.335.210 Purchase of works of art—Procedure.

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- 28A.335.220 Eminent domain.
- 28A.335.230 Vacant school plant facilities—Lease by contiguous district—Eligibility for funding assistance.
- 28A.335.240 Schoolhouses, teachers' cottages—Purchase of realty for district purposes.
- 28A.335.250 School property used for public purposes.
- 28A.335.260 School property used for public purposes—Community buildings.
- 28A.335.270 School property used for public purposes—Special state commission to pass on plans.
- 28A.335.280 School property used for public purposes—Limit on expenditures.
- 28A.335.290 Housing for superintendent—Authorized—Limitation.
- 28A.335.300 Playground matting.
- 28A.335.320 Enhanced 911 service—Common and public school service required.
- 28A.335.330 Chapter not applicable to certain transfers of property.
- 28A.335.340 Condensed compliance reports—Second-class districts.

Chapter not to apply to certain materials printed in school districts: RCW 82.04.600.

Contracts with community service organizations for public improvements: RCW 35.21.278.

Determination if lands purchased or leased by school districts are used as school sites—Reversion: RCW 79.17.140.

Dissolution of inactive port districts, assets to school districts: RCW 53.47.040.

Interlocal cooperation act: Chapter 39.34 RCW.

School districts, purchase of leased lands with improvements: RCW 79.17.110 through 79.17.130.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

28A.335.010 School buildings, maintenance, furnishing, and insuring—School building security. (1) Every board of directors, unless otherwise specifically provided by law, shall:

(a) Cause all school buildings to be properly heated, lighted, and ventilated and maintained in a clean and sanitary condition; and

(b) Maintain and repair, furnish, and insure such school buildings.

(2) Every board of directors, unless otherwise specifically provided by law, shall also:

(a) Consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus; and

(b) For new school construction projects or remodeling projects of more than forty percent of an existing school building that are initiated after July 28, 2013, consider school building plans and designs that promote:

(i) An optimal level of security for the specific school site that incorporates evolving technology and best practices to protect students and staff in the event of a threat during school hours;

(ii) Direct control and observation of the public entering school grounds; and

(iii) The public entering school grounds through as few entrances as possible, such as through the main entrance of a school's administrative offices.

(3) The purpose of subsection (2) of this section is to promote generally the safety of all students and staff in Washington public schools. Nothing in subsection (2) of this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state. [2013 c 233 § 2; 1969 ex.s. c 223 § 28A.58.102. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part;

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1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.102, 28.58.100(3), part, and (4) part.]

Energy audits and energy capital improvements: RCW 28A.320.330.

28A.335.020 School closures—Policy of citizen involvement required—Summary of effects—Hearings—Notice. Before any school closure, a school district board of directors shall adopt a policy regarding school closures which provides for citizen involvement before the school district board of directors considers the closure of any school for instructional purposes. The policy adopted shall include provisions for the development of a written summary containing an analysis as to the effects of the proposed school closure. The policy shall also include a requirement that during the ninety days before a school district's final decision upon any school closure, the school board of directors shall conduct hearings to receive testimony from the public on any issues related to the closure of any school for instructional purposes. The policy shall require separate hearings for each school which is proposed to be closed.

The policy adopted shall provide for reasonable notice to the residents affected by the proposed school closure. At a minimum, the notice of any hearing pertaining to a proposed school closure shall contain the date, time, place, and purpose of the hearing. Notice of each hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the school, subject to closure, is located. The last notice of hearing shall be published not later than seven days immediately before the final hearing. [1983 c 109 § 2. Formerly RCW 28A.58.031.]

Application of RCW 43.21C.030(2)(c) to school closures: RCW 43.21C.038.

28A.335.030 Emergency school closures exempt from RCW 28A.335.020. A school district may close a school for emergency reasons, as set forth in RCW 28A.150.290(2) (a) and (b), without complying with the requirements of RCW 28A.335.020. [1990 c 33 § 353; 1983 c 109 § 3. Formerly RCW 28A.58.032.]

28A.335.040 Surplus school property, rental, lease, or use of—Authorized—Limitations. (1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or non-profit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future except in such cases where, due to proximity to an international airport, land use has been so permanently altered as to preclude the possible use of the property for a school housing students and the school property has been heavily impacted by surrounding land uses so that a school housing students would no longer be appropriate in that area.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.335.050 and 28A.335.090 is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall publish a written notice in a newspaper of general circulation in the school district for rentals or leases totaling ten thousand dollars or more in value. School districts shall not rent or lease the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies. [1991 c 116 § 12. Prior: 1990 c 96 § 1; 1990 c 33 § 354; 1981 c 306 § 2; 1980 c 115 § 2. Formerly RCW 28A.58.033.]

Additional notes found at www.leg.wa.gov

28A.335.050 Surplus school property, rental, lease, or use of—Joint use—Compensation—Conditions generally. (1) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW 28A.335.040 may include the joint use of school district property, which is in part used for school purposes, by any combination of persons, corporations or government entities for other than common school purposes: PROVIDED, That any such joint use shall comply with existing local zoning ordinances.

(2) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW 28A.335.040 shall be conditioned on the payment by all users, lessees or tenants, assessed on a basis that is nondiscriminatory within classes of users, of such reasonable compensation and under such terms as regulations adopted by the board of directors shall provide.

(3) Nothing in RCW 28A.335.040 and 28A.335.090 shall prohibit a school board of directors and a lessee or tenant from agreeing to conditions to the lease otherwise lawful, including conditions of reimbursement or partial reimbursement of costs associated with the lease or rental of the property. [1990 c 33 § 355; 1980 c 115 § 3. Formerly RCW 28A.58.034.]

Additional notes found at www.leg.wa.gov

28A.335.060 Surplus school property—Rental, lease, or use of—Disposition of moneys received from. Each school district's board of directors shall deposit moneys derived from the lease, rental, or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund, except for:

(a) Moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund; or

(b) At the option of the board of directors, after evaluating the sufficiency of the school district's capital projects

fund for purposes of meeting demands for new construction and improvements, moneys derived from the lease or rental of real property may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities, including but not limited to expenses for maintenance;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund. [2004 c 45 § 1; 1989 c 86 § 2; 1983 c 59 § 15; 1982 c 191 § 4; 1981 c 250 § 4; 1980 c 115 § 4. Formerly RCW 28A.58.035.]

School funds enumerated—Deposits—Uses: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.335.070 Surplus school property, rental, lease, or use of—Existing contracts not impaired. The provisions of contracts for the use, rental or lease of school district real property executed prior to June 12, 1980, which were lawful at the time of execution shall not be impaired by such new terms and conditions to the rental, lease or occasional use of school property as may now be established by RCW 28A.335.040, 28A.335.050, and 28A.335.090. [1990 c 33 § 356; 1980 c 115 § 5. Formerly RCW 28A.58.036.]

Additional notes found at www.leg.wa.gov

28A.335.080 Surplus school property, rental, lease, or use of—Community use not impaired. Nothing in RCW 28A.335.040 through 28A.335.070 shall preclude school district boards of directors from making available school property for community use in accordance with the provisions of RCW 28A.335.150, 28A.320.510, or 28A.335.250, and school district administrative policy governing such use. [1990 c 33 § 357; 1980 c 115 § 6. Formerly RCW 28A.58.037.]

Additional notes found at www.leg.wa.gov

28A.335.090 Conveyance and acquisition of property—Management—Appraisal. (1) The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.335.120, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.335.120, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

(2) Any purchase of real property by a school district shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in *RCW 74.46.020 or by a general real estate appraiser certified under chapter 18.140 RCW who was selected by the board of directors. [2001 c 183 § 1; 1995 c 358 § 1; 1990 c 33 § 358; 1981 c 306 § 3; 1980 c 115 § 1; 1969 ex.s. c 223 § 28A.58.040. Prior: (i) 1947 c 266 § 6, part; Rem. Supp. 1947 § 4693-25, part; prior: 1909 p 265 § 2, part. Formerly RCW 28.57.135, part. (ii) 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part;

1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28.58.100(3) and (5), part. (iii) 1909 c 97 p 287 § 7, part; RRS § 4782, part; prior: 1897 c 118 § 44, part; 1891 c 127 § 11, part; 1890 p 366 § 30, part. Formerly RCW 28A.58.040, 28.58.040.]

*Reviser's note: RCW 74.46.020 was amended by 2010 1st sp.s. c 34 § 2, deleting the definition of "professionally designated real estate appraiser."

Additional notes found at www.leg.wa.gov

28A.335.100 School district associations' right to mortgage or convey money security interest in association property—Limitations. Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is authorized to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association. [2006 c 263 § 912; 1975-'76 2nd ex.s. c 23 § 1. Formerly RCW 28A.58.0401.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.335.110 Real property—Annexation to city or town. In addition to other powers and duties as provided by law, every board of directors, if seeking to have school property annexed to a city or town and if such school property constitutes the whole of such property in the annexation petition, shall be allowed to petition therefor under RCW 35.13.125 and 35.13.130. [1971 c 69 § 3. Formerly RCW 28A.58.044.]

Additional notes found at www.leg.wa.gov

28A.335.120 Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation. (1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least

once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in *RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in *RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer. [2006 c 263 § 913; 2001 c 183 § 2; 1995 c 358 § 2; 1991 c 116 § 13; 1984 c 103 § 1; 1981 c 306 § 4; 1979 ex.s. c 16 § 1; 1975 1st ex.s. c 243 § 1; 1969 ex.s. c 223 § 28A.58.045. Prior: 1963 c 67 § 1; 1953 c 225 § 1. Formerly RCW 28A.58.045, 28.58.045.]

*Reviser's note: RCW 74.46.020 was amended by 2010 1st sp.s. c 34 § 2, deleting the definition of "professionally designated real estate appraiser."

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.335.130 Real property—Sale—Use of proceeds.

Except as provided in RCW 28A.335.240(1), the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred. [2004 c 6 § 2; 1983 c 59 § 14; 1981 c 250 § 3; 1975-'76 2nd ex.s. c 80 § 1; 1975 1st ex.s. c 243 § 2. Formerly RCW 28A.58.0461.]

School funds enumerated—Deposits—Uses: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.335.140 Expenditure of funds on county, city building authorized—Conditions. Notwithstanding any other provision of law, every school district board of directors may expend local funds held for capital projects or improvements for improvements on any building owned by a city or county in which the district or any part thereof is located if an agreement is entered into with such city or county whereby the school district receives a beneficial use of such building commensurate to the amount of funds expended thereon by the district. [1971 ex.s. c 238 § 3. Formerly RCW 28A.58.047.]

28A.335.150 Permitting use and rental of playgrounds, athletic fields or athletic facilities. Boards of directors of school districts are hereby authorized to permit the use of, and to rent school playgrounds, athletic fields, or athletic facilities, by, or to, any person or corporation for any athletic contests or athletic purposes.

Permission to use and/or rent said school playgrounds, athletic fields, or athletic facilities shall be for such compensation and under such terms as regulations of the board of directors adopted from time to time so provide. [1969 ex.s. c 223 § 28A.58.048. Prior: (i) 1935 c 99 § 1; Rem. Supp. § 4776-1. Formerly RCW 28.58.048. (ii) 1935 c 99 § 2; RRS § 4776-2. Formerly RCW 28A.58.048, 28.58.050.]

28A.335.155 Use of buildings for youth programs—Limited immunity. In order to facilitate school districts permitting the use of school buildings for use by private nonprofit groups operating youth programs, school districts shall have a limited immunity in accordance with RCW 4.24.660. Nothing in RCW 4.24.660, including a school district's failure to require a private nonprofit group to have liability insurance, broadens the scope of a school district's liability. [1999 c 316 § 2.]

Intent—1999 c 316: "The legislature intends to expand the opportunities of children to take advantage of services of private nonprofit groups by encouraging the groups' use of public school district facilities to provide programs to serve youth in the facilities. The legislature intends the very limited grant of immunity provided in this act to encourage such use, but only under the circumstances set forth in this act." [1999 c 316 § 1.]

Additional notes found at www.leg.wa.gov

28A.335.160 Joint educational facilities—Rules. Any school district may cooperate with one or more school dis-

tricts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, pursuant to such rules adopted relating to state approval of school construction. [2006 c 263 § 323; 1995 c 335 § 604; 1990 c 33 § 359; 1969 c 130 § 12. Formerly RCW 28A.58.075.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Conditional sales contracts for acquisition of property or property rights: RCW 28A.335.200.

Education of children with disabilities: RCW 28A.155.040.

Additional notes found at www.leg.wa.gov

28A.335.170 Contracts to lease building space and portable buildings, rent or have maintained security systems, computers, and other equipment, and provide pupil transportation services. The board of directors of any school district may enter into contracts for their respective districts with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space and portable buildings for periods not exceeding ten years in duration;
- (2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and
- (3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210. [1999 c 386 § 1; 1990 c 33 § 360; 1987 c 141 § 1; 1985 c 7 § 93; 1982 c 191 § 3; 1977 ex.s. c 210 § 1. Formerly RCW 28A.58.131.]

Additional notes found at www.leg.wa.gov

28A.335.180 Surplus texts and other educational aids, notice of availability—Student priority as to texts.

(1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting

such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to such texts. The notice requirement in this section does not apply to the sale or transfer of assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district.

(2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis. [1997 c 264 § 1; 1997 c 104 § 1; 1991 c 116 § 1; 1990 c 33 § 361; 1981 c 306 § 1; 1977 ex.s. c 303 § 1. Formerly RCW 28A.02.110.]

Reviser's note: This section was amended by 1997 c 104 § 1 and by 1997 c 264 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

Additional notes found at www.leg.wa.gov

28A.335.190 Advertising for bids—Competitive bid procedures—Purchases from inmate work programs—Telephone or written quotation solicitation, limitations—Emergencies. (1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location. The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars

up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of seventy-five thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food. [2013 c 223 § 1; 2008 c 215 § 6. Prior: 2005 c 346 § 2; 2005 c 286 § 1; 2000 c 138 § 201; 1995 1st sp.s. c 10 § 3; 1994 c 212 § 1; 1990 c 33 § 362; 1985 c 324 § 1; 1980 c 61 § 1; 1975-'76 2nd ex.s. c 26 § 1; 1969 ex.s. c 49 § 2; 1969 ex.s. c 223 § 28A.58.135; prior: 1961 c 224 § 1. Formerly RCW 28A.58.135, 28.58.135.]

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

Alternative public works contracting procedures: Chapter 39.10 RCW.

28A.335.200 Conditional sales contracts for acquisition of property or property rights. Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: PROVIDED FURTHER, That any school district may jointly with another school district execute contracts authorized by this section. [1970 ex.s. c 42 § 11; 1969 ex.s. c 223 § 28A.58.550. Prior: 1965 c 62 § 1. Formerly RCW 28A.58.550, 28.58.550.]

Transportation vehicle fund—Deposits in—Use—Rules for establishment and use: RCW 28A.160.130.

Additional notes found at www.leg.wa.gov

28A.335.205 Assistive devices—Transfer for benefit of children with disabilities—Record, inventory. Notwithstanding any other provision of law, the office of the superintendent of public instruction, the Washington state school for the blind, the Washington state center for childhood deafness and hearing loss, school districts, educational service districts, and all other state or local governmental agencies concerned with education may loan, lease, sell, or transfer assistive devices for the use and benefit of children with disabilities to children with disabilities or their parents or to any other public or private nonprofit agency providing services to or on behalf of individuals with disabilities including but not limited to any agency providing educational, health, or rehabilitation services. The notice requirement in RCW 28A.335.180 does not apply to the loan, lease, sale, or transfer of such assistive devices. The sale or transfer

of such devices is authorized under this section regardless of whether or not the devices have been declared surplus. The sale or transfer shall be recorded in an agreement between the parties and based upon the item's depreciated value.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

For the purpose of implementing this section, each educational agency shall establish and maintain an inventory of assistive technology devices in its possession that exceed one hundred dollars and, for each such device, shall establish a value, which shall be adjusted annually to reflect depreciation.

This section shall not enhance or diminish the obligation of school districts to provide assistive technology to children with disabilities where needed to achieve a free and appropriate public education and equal opportunity in accessing academic and extracurricular activities. [2009 c 381 § 28; 1997 c 104 § 2.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

28A.335.210 Purchase of works of art—Procedure. The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

- (1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;
- (2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;
- (3) Reject the results of the selection process;
- (4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state

construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors' association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section. [2006 c 263 § 327; 2005 c 36 § 1; 1983 c 204 § 7; 1982 c 191 § 2; 1974 ex.s. c 176 § 5. Formerly RCW 28A.58.055.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Acquisition of works of art for public buildings and lands—Visual arts program established: RCW 43.46.090.

Allocation of moneys for acquisition of works of art—Expenditure by arts commission—Conditions: RCW 43.17.200.

Purchase of works of art—Interagency reimbursement for expenditure by visual arts program: RCW 43.17.205.

State art collection: RCW 43.46.095.

Additional notes found at www.leg.wa.gov

28A.335.220 Eminent domain. The board of directors of any school district may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more than forty acres for any senior high school purpose; except as otherwise provided by law, not more than seventy-five acres for any vocational technical school purpose; and not more than fifteen acres for any other school district purpose. Such condemnation proceedings shall be in accordance with chapters 8.16 and 8.25 RCW and such other laws of this state providing for appropriating private property for public use by school districts. [1969 ex.s. c 223 § 28A.58.070. Prior: 1963 c 41 § 1; 1957 c 155 § 1; 1949 c 54 § 1; 1909 c 97 p 289 § 13; Rem. Supp. 1949 § 4788. Formerly RCW 28A.58.070, 28.58.070.]

28A.335.230 Vacant school plant facilities—Lease by contiguous district—Eligibility for funding assistance. School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for state funding assistance for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state funding assistance percentage has vacant school plant facilities;

(2) The superintendent of public instruction has determined the vacant school plant facilities available in the contiguous district will fulfill the needs of the applicant district in

housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated. [2009 c 129 § 2; 2006 c 263 § 328; 1987 c 112 § 1. Formerly RCW 28A.47.105.]

Intent—2009 c 129: "The intent of this act is to adopt more accurate and descriptive names for the components of the state funding formula for the allotment of appropriations for school plant facilities, as recommended by the joint legislative task force on school construction funding, to promote clarity and transparency in the funding formula. It is not the intent of this act to make substantive changes to the funding formula or policies." [2009 c 129 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Surplus school property: RCW 28A.335.040 through 28A.335.080.

28A.335.240 Schoolhouses, teachers' cottages—Purchase of realty for district purposes. (1) The board of directors of a second-class school district shall build schoolhouses and teachers' cottages when directed by a vote of the district to do so and may purchase real property for any school district purpose.

(2) The board of directors of a second-class nonhigh school district that is totally surrounded by water and serves fewer than forty students also may authorize the construction of teachers' cottages without a vote of the district using funds from the district's capital projects fund or general fund. Rental and other income from the cottages, including sale of the cottages, may be deposited, in whole or in part, into the school district's general fund, debt service fund, or capital projects fund as determined by the board of directors. [2004 c 6 § 1; 1969 ex.s. c 223 § 28A.60.181. Prior: 1963 c 61 § 1; 1959 c 169 § 1. Formerly RCW 28A.60.181, 28.63.181.]

Borrowing money, issuing bonds, for schoolhouse sites, playgrounds, erecting buildings and equipping same: RCW 28A.530.010.

Real property—Sale—Purchase to relocate and sell buildings: RCW 28A.335.120.

28A.335.250 School property used for public purposes. School boards in each district of the second class may provide for the free, comfortable and convenient use of the school property to promote and facilitate frequent meetings and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of livestock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters, employ a special supervisor, or leader, if need be, and provide suitable dwellings and accommodations for teachers, supervisors and necessary assistants. [1975 c 43 § 16; 1969 ex.s. c 223 § 28A.60.190. Prior: 1913 c 129 § 1; RRS § 4837. Formerly RCW 28A.60.190, 28.63.190.]

Additional notes found at www.leg.wa.gov

28A.335.260 School property used for public purposes—Community buildings. Each school district of the second class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW 28A.335.250. [1990 c 33 § 363; 1975 c 43 § 17; 1969 ex.s. c 223 § 28A.60.200. Prior: 1913 c 129 § 2; RRS § 4838. Formerly RCW 28A.60.200, 28.63.200.]

Additional notes found at www.leg.wa.gov

28A.335.270 School property used for public purposes—Special state commission to pass on plans. Plans of any second-class district or combination of districts for the carrying out of the powers granted by RCW 28A.335.250 through 28A.335.280 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the educational service district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, from the district or districts concerned. [1990 c 33 § 364; 1975-'76 2nd ex.s. c 15 § 12. Prior: 1975 1st ex.s. c 275 § 121; 1975 c 43 § 18; 1973 1st ex.s. c 154 § 46; 1971 c 48 § 37; 1969 ex.s. c 223 § 28A.60.210; prior: 1913 c 129 § 3; RRS § 4839. Formerly RCW 28A.60.210, 28.63.210.]

Additional notes found at www.leg.wa.gov

28A.335.280 School property used for public purposes—Limit on expenditures. No real or personal property or improvements shall be purchased, leased, exchanged, acquired or sold, nor any schoolhouses built, remodeled or removed, nor any indebtedness incurred or money expended for any of the purposes of RCW 28A.335.250 through 28A.335.280 except in the manner otherwise provided by law for the purchase, lease, exchange, acquisition and sale of school property, the building, remodeling and removing of schoolhouses and the incurring of indebtedness and expenditure of money for school purposes. [1990 c 33 § 365; 1969 ex.s. c 223 § 28A.60.220. Prior: 1913 c 129 § 4; RRS § 4840. Formerly RCW 28A.60.220, 28.63.220.]

28A.335.290 Housing for superintendent—Authorized—Limitation. Notwithstanding any other provision of law, any second-class school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall determine: PROVIDED, That any second-class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge for such housing, rent at least equal to the amount of real property tax for which such hous-

ing would be liable were it not so owned. [1984 c 40 § 10; 1975 1st ex.s. c 41 § 1. Formerly RCW 28A.60.350.]

Additional notes found at www.leg.wa.gov

28A.335.300 Playground matting. Every school board of directors shall consider the purchase of playground matting manufactured from shredded waste tires in undertaking construction or maintenance of playgrounds. The department of enterprise services shall upon request assist in the development of product specifications and vendor identification. [2015 c 225 § 27; 1991 c 297 § 18.]

28A.335.320 Enhanced 911 service—Common and public school service required. By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, all common and public schools located in counties that provide enhanced 911 service shall provide persons using school facilities direct access to telephones that are connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing and planned county enhanced 911 system during all times that the facility is in use. Any school district acquiring a private telecommunications system that allows connection to the public switched network after January 1, 1997, shall assure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing or planned county enhanced 911 system. [1995 c 243 § 4.]

Findings—Severability—1995 c 243: See notes following RCW 80.36.555.

28A.335.330 Chapter not applicable to certain transfers of property. This chapter does not apply to transfers of property under *sections 1 and 2 of this act. [2006 c 35 § 6.]

***Reviser's note:** The reference to "sections 1 and 2 of this act" appears to be erroneous. Reference to "sections 2 and 3 of this act" codified as RCW 43.99C.070 and 43.83D.120 was apparently intended. RCW 43.99C.070 and 43.83D.120 were recodified as RCW 43.83.400 and 43.83.410, respectively, by the code reviser September 2015.

Findings—2006 c 35: See note following RCW 43.83.400.

28A.335.340 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 27.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.340 RCW

SMALL HIGH SCHOOL COOPERATIVE PROJECTS

Sections

- 28A.340.010 Increased curriculum programs and opportunities.
- 28A.340.020 Eligibility—Participation.
- 28A.340.030 Application—Review by the superintendent of public instruction.

- 28A.340.040 Adoption of salary schedules—Computation of fringe benefits.
- 28A.340.060 Rules.
- 28A.340.070 Allocation of state funds for technical assistance—Contracting with agencies for technical assistance.
- 28A.340.080 Innovation academy cooperatives—Formation—Student enrollment.
- 28A.340.085 Innovation academy cooperatives—Characteristics—Cooperation with institutions of higher education.
- 28A.340.090 Innovation academy cooperatives—Review and approval of agreement and plans by the office of the superintendent of public instruction.
- 28A.340.100 Condensed compliance reports—Second-class districts.

28A.340.010 Increased curriculum programs and opportunities. Eligible school districts as defined under RCW 28A.340.020 are encouraged to establish cooperative projects with a primary purpose to increase curriculum programs and opportunities among the participating districts, by expanding the opportunity for students in the participating districts to take vocational and academic courses as may be generally more available in larger school districts, and to enhance student learning. [1990 c 33 § 366; 1988 c 268 § 2. Formerly RCW 28A.100.080.]

Findings—1988 c 268: "The legislature finds that partnerships among school districts can: Increase curriculum offerings for students, encourage creative educational programming and staffing, and result in the cost-effective delivery of educational programs. It is the intent of the legislature to establish a program to facilitate and encourage such partnerships among small school districts." [1988 c 268 § 1.]

Additional notes found at www.leg.wa.gov

28A.340.020 Eligibility—Participation. School districts eligible for funding as a small high school district pursuant to the state operating appropriations act shall be eligible to participate in a cooperative project: PROVIDED, That the superintendent of public instruction may adopt rules permitting second-class school districts that are not eligible for funding as a small high school district in the state operating appropriations act to participate in a cooperative project.

Two or more school districts may participate in a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070. [1990 c 33 § 367; 1988 c 268 § 3. Formerly RCW 28A.100.082.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.030 Application—Review by the superintendent of public instruction. (1) Eligible school districts desiring to form a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070 shall submit to the superintendent of public instruction an application for review as a cooperative project. The application shall include, but not be limited to, the following information:

(a) A description of the cooperative project, including the programs, services, and administrative activities that will be operated jointly;

(b) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the proposed cooperative project;

(c) A list of any statutory requirements or administrative rules which are considered financial disincentives to the establishment of cooperative projects and which would impede the operation of the proposed cooperative project; and the financial impact to the school districts and the state

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expected to result by the granting of a waiver from such statutory requirements or administrative rules;

(d) An assessment of community support for the proposed cooperative project, which assessment shall include each community affected by the proposed cooperative project; and

(e) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project, including curriculum offerings and staffing patterns.

(2) The superintendent of public instruction shall review the application before the applicant school districts may commence the proposed cooperative project.

In reviewing applications, the superintendent shall be limited to: (a) The granting of waivers from statutory requirements, for which the superintendent of public instruction has the express power to implement pursuant to the adoption of rules, or administrative rules that need to be waived in order for the proposed cooperative project to be implemented: PROVIDED, That no statutory requirement or administrative rule dealing with health, safety, or civil rights may be waived; and (b) ensuring the technical accuracy of the application.

Any waiver granted by the superintendent of public instruction shall be reviewed and may be renewed by the superintendent every five years subject to the participating districts submitting a new application pursuant to this section.

(3) If additional eligible school districts wish to participate in an existing cooperative project the cooperative project as a whole shall reapply for review by the superintendent of public instruction. [1990 c 33 § 368; 1988 c 268 § 4. Formerly RCW 28A.100.084.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.040 Adoption of salary schedules—Computation of fringe benefits. (1) School districts participating in a cooperative project pursuant to RCW 28A.340.030 may adopt identical salary schedules following compliance with chapter 41.59 RCW: PROVIDED, That if the districts participating in a cooperative project adopt identical salary schedules, the participating districts shall be considered a single school district for purposes of establishing compliance with the salary limitations of RCW 28A.400.200(3) but not for the purposes of allocation of state funds.

(2) For purposes of computing fringe benefit contributions for purposes of establishing compliance with RCW 28A.400.200(3)(b), the districts participating in a cooperative project pursuant to RCW 28A.340.030 may use the greater of: (a) The highest amount provided in the 1986-87 school year by a district participating in the cooperative project; or (b) the amount authorized for such purposes in the state operating appropriations act in effect at the time. [1990 c 33 § 369; 1988 c 268 § 5. Formerly RCW 28A.100.086.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.060 Rules. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of RCW 28A.340.010 through 28A.340.070.

(2) When the joint operation of programs or services includes the teaching of all or substantially all of the curriculum for a particular grade or grades in only one local school district, the rules shall provide that the affected students are attending school in the district in which they reside for the purposes of RCW 28A.150.250 and 28A.150.260 and chapter 28A.545 RCW. [1990 c 33 § 371; 1988 c 268 § 8. Formerly RCW 28A.100.090.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.070 Allocation of state funds for technical assistance—Contracting with agencies for technical assistance. (1) The superintendent of public instruction may allocate state funds, as may be appropriated, to provide technical assistance to eligible school districts interested in developing and implementing a cooperative project.

(2) The superintendent of public instruction may contract with other agencies to provide some or all of the technical assistance under subsection (1) of this section. [1988 c 268 § 9. Formerly RCW 28A.100.092.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

28A.340.080 Innovation academy cooperatives—Formation—Student enrollment. (1) Two or more non-high school districts may form an interdistrict cooperative to offer an innovation academy cooperative, as defined in RCW 28A.340.085 and subject to the approval of the office of the superintendent of public instruction under RCW 28A.340.090, for high school students residing in the participating nonhigh school districts or for high school students residing in other school districts who enroll in the cooperative's reporting district under RCW 28A.225.220 through 28A.225.230. However, a high school student residing in a school district that is not a participating member of the cooperative may not enroll exclusively in alternative learning experience courses or programs as defined by *RCW 28A.150.325. Nothing in this section is intended to affect or otherwise modify the superintendent of public instruction's duty to approve and monitor online providers pursuant to RCW 28A.250.020.

(2) Enrollment in an innovation academy cooperative is optional for students. For students residing in a participating nonhigh school district who enroll in a high school district rather than the innovation academy cooperative, the provisions of RCW 28A.540.110 and chapter 28A.545 RCW apply to the nonhigh school district.

(3) Each innovation academy cooperative shall designate one of the participating nonhigh school districts to report enrolled students for funding purposes. The reporting district shall claim the monthly full-time equivalent students enrolled in the innovation academy cooperative and receive state funding allocations, including basic education allocations that are based on the small high school allocation under the appropriations act to the extent the number of students enrolled in the innovation academy cooperative meets the criteria for a small high school. [2013 c 192 § 1; 2010 c 99 § 2.]

***Reviser's note:** RCW 28A.150.325 was recodified as RCW 28A.232.010 pursuant to 2013 2nd sp.s. c 18 § 517.

Findings—Intent—2010 c 99: "The legislature finds that the availability of technology, online learning, and field and project-based curricula offer new opportunities for school districts to design innovative programs for high school students. However, the legislature also finds that while small, rural school districts desire to offer innovative learning options for students in their communities, they are constrained by state laws and rules that appear to prohibit nonhigh school districts from creating options for their high school students in cooperation with other nonhigh school districts. Therefore, the legislature intends to authorize and encourage innovative, cooperative high school programs for students from very small school districts." [2010 c 99 § 1.]

28A.340.085 Innovation academy cooperatives—Characteristics—Cooperation with institutions of higher education. (1) For the purposes of RCW 28A.340.080 through 28A.340.090, an innovation academy cooperative is a high school program with one or more of the following characteristics:

(a) Interdisciplinary curriculum and instruction organized into subject-focused themes or academies. Programs are encouraged to provide an initial focus on academies in science, technology, engineering, and mathematics;

(b) A combination of instructional service delivery models, including alternative learning experiences, online learning, work-based learning, experiential and field-based learning, and direct classroom instruction at multiple and varying locations;

(c) Intensive and accelerated learning to enable students to complete high school credits in a short time period; and

(d) Creative scheduling and use of existing school or community facilities in innovative ways to minimize facility and transportation costs and maximize access for students who may be geographically dispersed.

(2) Participating nonhigh school districts shall work with local community and technical colleges and four-year institutions of higher education to expand the learning options available for students in an innovation academy cooperative. [2010 c 99 § 3.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

28A.340.090 Innovation academy cooperatives—Review and approval of agreement and plans by the office of the superintendent of public instruction. Nonhigh school districts proposing to enter an interdistrict agreement to offer an innovation academy cooperative shall submit a copy of the proposed agreement and operating and instructional plans for the cooperative to the office of the superintendent of public instruction for technical review. The purpose of the review is for the office to provide technical assistance and advice to assure that the cooperative addresses issues identified under RCW 28A.225.250 and to assure that the proposed instructional program will offer courses and learning experiences that enable students to earn high school credit and complete a high school diploma. The office of the superintendent of public instruction must approve agreements and plans before an innovation academy cooperative begins operation. [2010 c 99 § 4.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

28A.340.100 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class

districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 28.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.343 RCW SCHOOL DIRECTOR DISTRICTS

Sections

- 28A.343.010 Director candidates in undivided districts—Indication of term sought—How elected.
- 28A.343.020 Certain school districts—Election for formation of new school district.
- 28A.343.030 Certain school districts—Election to authorize division in school districts not already divided into directors' districts.
- 28A.343.040 Division or redivision of district into director districts.
- 28A.343.050 Dissolution of directors' districts.
- 28A.343.060 District boundary changes—Submission to county auditor.
- 28A.343.070 Map of directors' districts.
- 28A.343.080 Condensed compliance reports—Second-class districts.

ELECTIONS

- 28A.343.300 Directors—Terms—Number.
- 28A.343.310 Terms for directors in divided districts.
- 28A.343.320 Declarations of candidacy—Positions as separate offices.
- 28A.343.330 Ballots—Form.
- 28A.343.340 When elected—Eligibility.
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- 28A.343.370 Vacancies.
- 28A.343.380 Meetings.
- 28A.343.390 Quorum—Failure to attend meetings.
- 28A.343.400 Compensation—Waiver.

PROVISIONS RELATING TO CERTAIN DISTRICTS

- 28A.343.600 Certain first-class districts—Staggered terms.
- 28A.343.610 First-class districts having city with population of 400,000 people or more—Directors' terms.
- 28A.343.620 First-class districts containing no former first-class district—Number and terms of directors.
- 28A.343.630 First-class districts containing only one former first-class district—Number and terms of directors.
- 28A.343.640 First-class districts containing more than one former first-class district—Number and terms of directors.
- 28A.343.650 New first-class district having city with population of 400,000 people or more—Number and terms of directors.
- 28A.343.660 First-class districts having city with population of 400,000 people or more—Boundaries of director districts—Candidate eligibility—Declaration of candidacy—Primary limited to district voters—Terms of directors.
- 28A.343.670 First-class districts having city with population of 400,000 people or more—Initial director district boundaries—Appointments to fill vacancies for new director districts—Director district numbers.
- 28A.343.680 New second-class districts—Number and terms of directors.

Reviser's note: 1999 c 315 §§ 804, 805, and 806 directed that numerous sections in chapter 28A.315 RCW be recodified in three new chapters in Title 28A RCW. These sections have been recodified in chapter 28A.343 RCW with subheadings.

28A.343.010 Director candidates in undivided districts—Indication of term sought—How elected. Whenever the directors to be elected in a school district that is not divided into directors' districts are not all to be elected for the same term of years, the county auditor shall distinguish them and designate the same as provided for in RCW 29A.24.020, and assign position numbers thereto as provided in RCW 28A.343.320 and each candidate shall indicate on his or her declaration of candidacy the term for which he or she seeks to be elected and position number for which he or she is filing. The candidate receiving the largest number of votes for each position shall be deemed elected. [2015 c 53 § 9; 1990 c 33

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§ 317; 1969 ex.s. c 223 § 28A.57.334. Prior: 1959 c 268 § 12. Formerly RCW 28A.315.560, 28A.57.334, 28.57.420.]

28A.343.020 Certain school districts—Election for formation of new school district. Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the board of directors to divide the school district, if formed, into five directors' districts in first-class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second-class school districts. Such director districts in second-class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in *RCW 28A.315.550. Such director districts in first-class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in *RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district. [1991 c 363 § 22; 1991 c 288 § 3. Prior: 1990 c 161 § 5; 1990 c 33 § 319; 1985 c 385 § 27; 1979 ex.s. c 183 § 2; 1975 c 43 § 8; 1973 2nd ex.s. c 21 § 2; 1971 c 67 § 2; 1969 ex.s. c 223 § 28A.57.342; prior: 1959 c 268 § 4. Formerly RCW 28A.315.580, 28A.57.342, 28.57.342.]

Reviser's note: *(1) RCW 28A.315.550, 28A.315.600, 28A.315.610, and 28A.315.620 were recodified as RCW 28A.343.680, 28A.343.620, 28A.343.630, and 28A.343.640, respectively, pursuant to 1999 c 315 § 805.

(2) This section was amended by 1991 c 288 § 3 and by 1991 c 363 § 22, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Additional notes found at www.leg.wa.gov

28A.343.030 Certain school districts—Election to authorize division in school districts not already divided into directors' districts. The board of directors of every first-class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the board of directors to divide the district into directors' districts or for second-class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition is affirmative, the board of directors shall proceed to divide the district into directors' districts following the procedure established in RCW 29A.76.010. Such director districts, if approved, shall not become effective until the next regular school election when a new five member

board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years. [2015 c 53 § 10. Prior: 1991 c 363 § 23; 1991 c 288 § 4; 1990 c 161 § 6; 1985 c 385 § 28; 1979 ex.s. c 183 § 3; 1975 c 43 § 9; 1973 2nd ex.s. c 21 § 3; 1971 c 67 § 8; 1969 ex.s. c 223 § 28A.57.344; prior: 1959 c 268 § 3. Formerly RCW 28A.315.590, 28A.57.344, 28.57.344.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Additional notes found at www.leg.wa.gov

28A.343.040 Division or redivision of district into director districts. (1) It is the responsibility of each school district board of directors to prepare for the division or redivision of the district into director districts no later than eight months after any of the following:

(a) Receipt of federal decennial census data from the redistricting commission established in RCW 44.05.030;

(b) Consolidation of two or more districts into one district under RCW 28A.315.195;

(c) Transfer of territory to or from the district or dissolution and annexation of a district under RCW 28A.315.215; or

(d) Approval by a majority of the registered voters voting on a proposition authorizing the division of the district into director districts pursuant to RCW 28A.343.030.

(2) The districting or redistricting plan shall be consistent with the criteria and adopted according to the procedure established under RCW 29A.76.010. [2012 c 186 § 16; 1991 c 288 § 1. Formerly RCW 28A.315.593.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

28A.343.050 Dissolution of directors' districts. Upon receipt by the educational service district superintendent of a resolution adopted by the board of directors or a written petition from a first-class or second-class school district signed by at least twenty percent of the registered voters of a school district previously divided into directors' districts, which resolution or petition shall request dissolution of the existing directors' districts and reapportionment of the district into no fewer than three directors' districts and with no more than two directors at large, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected in the manner approved. [2008 c 9 § 1. Prior: 1990 c 161 § 3; 1990 c 33 § 326; 1975-'76 2nd ex.s. c 15 § 9; prior: 1975 1st ex.s. c 275 § 107; 1975 c 43 § 13; 1971 c 48 §

27; 1969 ex.s. c 223 § 28A.57.415. Formerly RCW 28A.315.660, 28A.57.415.]

Additional notes found at www.leg.wa.gov

28A.343.060 District boundary changes—Submission to county auditor. (1) Any district boundary changes, including changes in director district boundaries, shall be submitted to the county auditor by the school district board of directors within thirty days after the changes have been approved by the board. The board shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years shall not take effect until the following year. [1991 c 288 § 9. Formerly RCW 28A.315.597.]

28A.343.070 Map of directors' districts. Each educational service district superintendent shall prepare and keep in his or her office a map showing the boundaries of the directors' districts of all school districts in or belonging to his or her educational service district that are so divided. [2008 c 159 § 9; 1990 c 33 § 324; 1985 c 385 § 29; 1975 1st ex.s. c 275 § 106; 1969 ex.s. c 176 § 140; 1969 ex.s. c 223 § 28A.57.390. Prior: 1947 c 266 § 38; Rem. Supp. 1947 § 4693-57. Formerly RCW 28A.315.640, 28A.57.390, 28.57.390.]

Additional notes found at www.leg.wa.gov

28A.343.080 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 29.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

ELECTIONS

28A.343.300 Directors—Terms—Number. The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29A.04.340, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members. [2009 c 107 § 1; 1991 c 363 § 20; 1980 c 35 § 1; 1980 c 47 § 1. Prior: 1979 ex.s. c 183 § 1; 1979 ex.s. c 126 § 4; 1975 c 43 § 5; 1973 2nd ex.s. c 21 § 1; 1969 c 131 § 8; 1969 ex.s. c 223 § 28A.57.312; prior: 1957 c

67 § 1; 1955 c 55 § 11; 1947 c 266 § 10; Rem. Supp. 1947 § 4693-29; prior: 1909 pp 289, 290 §§ 1,2; RRS §§ 4790, 4791. Formerly RCW 28A.315.450, 28A.57.312, 28.57.338, 28.58.080.]

Retroactive application—2009 c 107 §§ 1-4: "Sections 1 through 4 of this act are retroactive and shall be applied from July 1, 2004, the date that RCW 29.13.060 was inadvertently repealed as part of a reorganization and recodification of the statutes on elections." [2009 c 107 § 6.]

Effective date—2009 c 107: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 16, 2009]." [2009 c 107 § 7.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.310 Terms for directors in divided districts.

Whenever all directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the county auditor, prior to the date set by law for filing a declaration of candidacy for the office of director, shall determine by lot the directors' districts from which directors shall be elected for a term of two years and the directors' districts from which directors shall be elected for a term of four years. In districts with a combination of directors' districts and directors at large, the county auditor shall determine the terms of office in such a manner that two-year terms and four-year terms are distributed evenly to the extent possible between the director district and at large positions. Each candidate shall indicate on his or her declaration of candidacy the directors' district from which he or she seeks to be elected or whether the candidate is seeking election as a director at large. [1990 c 161 § 7; 1990 c 33 § 325; 1969 ex.s. c 223 § 28A.57.410. Prior: 1959 c 268 § 11. Formerly RCW 28A.315.650, 28A.57.410, 28.57.410.]

Reviser's note: This section was amended by 1990 c 33 § 325 and by 1990 c 161 § 7, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

28A.343.320 Declarations of candidacy—Positions as separate offices. Candidates for the position of school director shall file their declarations of candidacy as provided in Title 29A RCW.

The positions of school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: PROVIDED, That in school districts containing director districts, or a combination of director districts and director at large positions, candidates shall file for such director districts or at large positions. Position numbers shall be assigned to correspond to director district numbers to the extent possible. [2015 c 53 § 11. Prior: 1990 c 161 § 4; 1990 c 59 § 98; 1969 ex.s. c 223 § 28A.57.314; prior: 1963 c 223 § 1. Formerly RCW 28A.315.470, 28A.57.314, 28.58.082.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Commencement of terms of office: RCW 29A.04.330, 29A.60.270.

Nonpartisan primaries and elections: Chapter 29A.52 RCW.

School district elections

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in counties with a population of less than two hundred ten thousand, times for holding: RCW 29A.04.330.

in counties with a population of two hundred ten thousand or more, times for holding: RCW 29A.04.330.

Terms of office: RCW 29A.04.330, 29A.60.270.

28A.343.330 Ballots—Form. Except as provided in RCW 29A.52.210, the positions of school directors and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

District No.

Date

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors

Position No. 1

Vote for One

-
-
-

Position No. 2

Vote for One

-
-
-

To Fill Unexpired Term

Position No. 3

2 (or 4) year term

Vote for One

-
-
-

The names of candidates shall appear upon the ballot in order of filing for each position. There shall be no rotation of names in the printing of such ballots. [2015 c 53 § 12; 1969 ex.s. c 223 § 28A.57.316. Prior: 1963 c 223 § 2. Formerly RCW 28A.315.480, 28A.57.316, 28.58.083.]

28A.343.340 When elected—Eligibility. Directors of school districts shall be elected at regular school elections. No person shall be eligible to the office of school director who is not a citizen of the United States and the state of Washington and a registered voter of either the school district or director district, as the case may be. [1969 ex.s. c 223 § 28A.57.318. Prior: 1909 c 97 p 285 § 1; RRS § 4775; prior: 1903 c 104 § 16; 1901 c 41 § 2; 1899 c 142 § 7; 1897 c 118 § 39; 1893 c 107 § 2; 1890 p 364 § 25. Formerly RCW 28A.315.490, 28A.57.318, 28.58.090.]

28A.343.350 Residency. Notwithstanding RCW 42.12.010(4), a school director elected from a director district may continue to serve as a director from the district even though the director no longer resides in the director district,

but continues to reside in the school district, under the following conditions:

(1) If, as a result of redrawing the director district boundaries, the director no longer resides in the director district, the director shall retain his or her position for the remainder of his or her term of office; and

(2) If, as a result of the director changing his or her place of residence the director no longer resides in the director district, the director shall retain his or her position until a successor is elected and assumes office as follows: (a) If the change in residency occurs after the opening of the regular filing period provided under RCW 29A.24.050, in the year two years after the director was elected to office, the director shall remain in office for the remainder of his or her term of office; or (b) if the change in residency occurs prior to the opening of the regular filing period provided under RCW 29A.24.050, in the year two years after the director was elected to office, the director shall remain in office until a successor assumes office who has been elected to serve the remainder of the unexpired term of office at the school district general election held in that year. [2015 c 53 § 13; 1999 c 194 § 1.]

28A.343.360 Oath of office. Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of his or her ability. In case any official has a written appointment or commission, the official's oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. Every person elected to the office of school director shall begin his or her term of office at the first official meeting of the board of directors following certification of the election results. [1990 c 33 § 314; 1988 c 187 § 1; 1986 c 167 § 16; 1969 ex.s. c 223 § 28A.57.322. Prior: 1909 c 97 p 288 § 11; RRS § 4786; prior: 1897 c 118 § 61; 1890 p 380 § 70. Formerly RCW 28A.315.500, 28A.57.322, 28.58.095, 28.63.015, 28.63.017, 42.04.030.]

Additional notes found at www.leg.wa.gov

28A.343.370 Vacancies. (1) In case of a vacancy from any cause on the board of directors of a school district other than a reconstituted board resulting from reorganized school districts, a majority of the legally established number of board members shall fill such vacancy by appointment: PROVIDED, That should there exist fewer board members on the board of directors of a school district than constitutes a majority of the legally established number of board members, the educational service district board members of the district in which the school district is located by the vote of a majority of its legally established number of board members shall appoint a sufficient number of board members to constitute a legal majority on the board of directors of such school district; and the remaining vacancies on such board of directors shall be filled by such board of directors in accordance with the provisions of this section: PROVIDED FURTHER, That

should any board of directors for whatever reason fail to fill a vacancy within ninety days from the creation of such vacancy, the members of the educational service district board of the district in which the school district is located by majority vote shall fill such vacancy.

(2) Appointees to fill vacancies on boards of directors of school districts shall meet the requirements provided by law for school directors and shall serve until the next regular school district election, at which time a successor shall be elected for the unexpired term.

(3) If a vacancy will be created by a board member who has submitted a resignation, that board member may not vote on the selection of his or her replacement. [1991 c 60 § 1; 1975 1st ex.s. c 275 § 100; 1971 c 53 § 2; 1969 ex.s. c 176 § 156; 1969 ex.s. c 223 § 28A.57.326. Prior: (i) 1909 c 97 p 292 § 12; RRS 4801; prior: 1907 c 31 § 3; 1897 c 118 § 89; 1890 p 390 § 16. Formerly RCW 28.62.120. (ii) 1909 c 97 p 298 § 3; RRS § 4813. Formerly RCW 28.63.020. (iii) 1909 c 97 p 301 § 3; RRS § 4825. Formerly RCW 28.63.022. (iv) 1959 c 216 § 7, part; 1955 c 157 § 14, part; prior: 1909 p 281 § 4, part; 1903 c 104 § 14, part; 1899 c 142 § 6, part; 1897 c 118 § 33, part; 1891 c 127 § 3, part; 1890 p 355 § 11, part; RRS § 4770, part. Formerly RCW 28A.315.530, 28A.57.326, 28.19.060, part.]

Additional notes found at www.leg.wa.gov

28A.343.380 Meetings. Regular meetings of the board of directors of any school district shall be held monthly or more often at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first-class district, or the chair of the board, if a second-class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW 42.30.110. [1990 c 33 § 315; 1983 c 3 § 35; 1975 c 43 § 6; 1969 ex.s. c 223 § 28A.57.324. Prior: (i) 1909 c 97 p 291 § 9; RRS § 4798; prior: 1897 c 118 § 86; 1890 p 389 § 13. Formerly RCW 28.62.090. (ii) 1965 ex.s. c 87 § 1; 1909 c 97 p 299 § 6; RRS § 4816. Formerly RCW 28.63.030. (iii) 1965 ex.s. c 87 § 2; 1909 c 97 p 302 § 6; RRS § 4828. Formerly RCW 28A.315.510, 28A.57.324, 28.63.032.]

Additional notes found at www.leg.wa.gov

28A.343.390 Quorum—Failure to attend meetings. A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated. In addition, vacancies shall occur as provided in RCW 42.12.010. [1994 c 223 § 5; 1971 c 53 § 4. Formerly RCW 28A.315.520, 28A.57.325.]

Additional notes found at www.leg.wa.gov

28A.343.400 Compensation—Waiver. Each member of the board of directors of a school district may receive compensation of fifty dollars per day or portion thereof for attending board meetings and for performing other services on

behalf of the school district, not to exceed four thousand eight hundred dollars per year, if the district board of directors has authorized by board resolution, at a regularly scheduled meeting, the provision of such compensation. A board of directors of a school district may authorize such compensation only from locally collected excess levy funds available for that purpose, and compensation for board members shall not cause the state to incur any present or future funding obligation.

Any director may waive all or any portion of his or her compensation under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the director's election and before the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The compensation provided in this section shall be in addition to any reimbursement for expenses paid to such directors by the school district. [1987 c 307 § 2. Formerly RCW 28A.315.540, 28A.57.327.]

Intent—1987 c 307: "The legislature declares it is the policy of the state to:

(1) Ensure, for the sake of educational excellence, that the electorate has the broadest possible field in which to choose qualified candidates for its school boards;

(2) Ensure that the opportunity to serve on school boards be open to all, regardless of financial circumstances; and

(3) Ensure that the time-consuming and demanding service as directors not be limited to those able or willing to make substantial personal and financial sacrifices." [1987 c 307 § 1.]

Additional notes found at www.leg.wa.gov

PROVISIONS RELATING TO CERTAIN DISTRICTS

28A.343.600 Certain first-class districts—Staggered terms. Any first-class school district having a board of directors of five members as provided in RCW 28A.343.300 and which elects directors for a term of six years under the provisions of RCW 29A.04.340 shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held hereafter and, except as provided in RCW 28A.343.670, any first-class school district having a board of directors of seven members as provided in RCW 28A.343.300 shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter. [2009 c 107 § 2; 1990 c 33 § 318; 1969 c 131 § 11; 1969 ex.s. c 223 § 28A.57.336. Prior: 1959 c 268 § 13. Formerly RCW 28A.315.570, 28A.57.336, 28.57.430.]

Retroactive application—2009 c 107 §§ 1-4: See note following RCW 28A.343.300.

Effective date—2009 c 107: See note following RCW 28A.343.300.

28A.343.610 First-class districts having city with population of 400,000 people or more—Directors' terms. After July 1, 1979, the election of directors of any first-class school district having within its boundaries a city with a population of four hundred thousand people or more, shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in chapter 183, Laws of 1979 ex. sess. shall affect the term of office of any incumbent

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director of any such first-class school district. [1991 c 363 § 21; 1979 ex.s. c 183 § 10. Formerly RCW 28A.315.460, 28A.57.313.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Directors—Number and terms of in new first-class district having city with population of 400,000 people or more: RCW 28A.343.650.

Additional notes found at www.leg.wa.gov

28A.343.620 First-class districts containing no former first-class district—Number and terms of directors. Upon the establishment of a new school district of the first class as provided for in *RCW 28A.315.580 containing no former first-class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first-class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first-class district is in a county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years. [1991 c 363 § 24; 1990 c 33 § 320; 1980 c 35 § 3; 1979 ex.s. c 126 § 6; 1975 1st ex.s. c 275 § 102; 1971 c 67 § 3. Formerly RCW 28A.315.600, 28A.57.355.]

***Reviser's note:** RCW 28A.315.580 was recodified as RCW 28A.343.020 pursuant to 1999 c 315 § 806.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.630 First-class districts containing only one former first-class district—Number and terms of directors. Upon the establishment of a new school district of the first class as provided for in *RCW 28A.315.580 containing only one former first-class district, the directors of the former first-class district and two directors representative of former second-class districts selected by a majority of the board members of former second-class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members

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is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first-class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first-class district is in a county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years. [1991 c 363 § 25; 1990 c 33 § 321; 1980 c 35 § 4; 1979 ex.s. c 126 § 7; 1975-'76 2nd ex.s. c 15 § 6. Prior: 1975 1st ex.s. c 275 § 103; 1975 c 43 § 10; 1971 c 67 § 4. Formerly RCW 28A.315.610, 28A.57.356.]

***Reviser's note:** RCW 28A.315.580 was recodified as RCW 28A.343.020 pursuant to 1999 c 315 § 806.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.640 First-class districts containing more than one former first-class district—Number and terms of directors. Upon the establishment of a new school district of the first class as provided for in RCW 28A.343.020 containing more than one former first-class district, the directors of the largest former first-class district and three directors representative of the other former first-class districts selected by a majority of the board members of the former first-class districts and two directors representative of former second-class districts selected by a majority of the board members of former second-class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first-class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29A.04.340, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years. [2009 c 107 § 3; 1991 c 363 § 26; 1990 c 33 § 322; 1980 c 35 § 5; 1980 c 47 § 2. Prior: 1979 ex.s. c 183 § 4; 1979

ex.s. c 126 § 8; 1975-'76 2nd ex.s. c 15 § 7; prior: 1975 1st ex.s. c 275 § 104; 1975 c 43 § 11; 1973 2nd ex.s. c 21 § 10; 1973 c 19 § 1; 1971 c 67 § 5. Formerly RCW 28A.315.620, 28A.57.357.]

Retroactive application—2009 c 107 §§ 1-4: See note following RCW 28A.343.300.

Effective date—2009 c 107: See note following RCW 28A.343.300.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

28A.343.650 New first-class district having city with population of 400,000 people or more—Number and terms of directors. Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more, the directors of the largest former first-class district and three directors representative of the other former first-class districts selected by a majority of the board members of the former first-class districts and two directors representative of former second-class districts selected by a majority of the board members of former second-class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first-class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in *RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in *RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law. [1991 c 363 § 27; 1990 c 33 § 323; 1980 c 35 § 6; 1980 c 47 § 3. Prior: 1979 ex.s. c 183 § 5; 1979 ex.s. c 126 § 9; 1975-'76 2nd ex.s. c 15 § 8; prior: 1975 1st ex.s. c 275 § 105; 1975 c 43 § 12; 1973 2nd ex.s. c 21 § 4; 1971 c 67 § 6. Formerly RCW 28A.315.630, 28A.57.358.]

***Reviser's note:** RCW 28A.315.670 and 28A.315.460 were recodified as RCW 28A.343.660 and 28A.343.610, respectively, pursuant to 1999 c 315 § 805.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Directors—First-class districts having city with population of 400,000 people or more—Terms: RCW 28A.343.610.

Additional notes found at www.leg.wa.gov

28A.343.660 First-class districts having city with population of 400,000 people or more—Boundaries of director districts—Candidate eligibility—Declaration of candidacy—Primary limited to district voters—Terms of directors. Notwithstanding any other provision of law, any school district of the first class having within its boundaries a

city with a population of four hundred thousand people or more shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board, such boundaries to be established so that each such district shall comply, as nearly as practicable, with the criteria established in RCW 29A.76.010. Boundaries of such director districts shall be adjusted by the school board following the procedure established in RCW 29A.76.010 after each federal decennial census if population change shows the need thereof to comply with the criteria of RCW 29A.76.010. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29A RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29A RCW. Except as provided in RCW 28A.343.670, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.343.610. [2015 c 53 § 14. Prior: 1991 c 363 § 28; 1991 c 288 §§ 5, 6; prior: 1990 c 59 § 99; 1990 c 33 § 327; 1979 ex.s. c 183 § 6; 1973 2nd ex.s. c 21 § 5; 1969 c 131 § 9. Formerly RCW 28A.315.670, 28A.57.425.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Additional notes found at www.leg.wa.gov

28A.343.670 First-class districts having city with population of 400,000 people or more—Initial director district boundaries—Appointments to fill vacancies for new director districts—Director district numbers. The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more shall establish the director district boundaries. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.660, and 28A.343.670. [2015 c 53 § 15; 1995 c 335 § 106. Prior: 1991 c 363 § 29; 1991 c 288 §§ 7, 8; prior: 1990 c 59 § 72; 1990 c 33 § 328; 1983 c 3 § 36; 1979 ex.s. c 183 § 7; 1973 2nd ex.s. c 21 § 6; 1969 c 131 § 10. Formerly RCW 28A.315.680, 28A.57.435.]

(2016 Ed.)

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Additional notes found at www.leg.wa.gov

28A.343.680 New second-class districts—Number and terms of directors. Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second-class school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second-class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a second-class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class. Each initial director shall hold office until his or her successor is elected and qualified: PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in *RCW 28A.315.450. [1990 c 33 § 316; 1980 c 35 § 2; 1979 ex.s. c 126 § 5; 1975-'76 2nd ex.s. c 15 § 5. Prior: 1975 1st ex.s. c 275 § 101; 1975 c 43 § 7; 1971 c 67 § 1; 1969 ex.s. c 176 § 137; 1969 ex.s. c 223 § 28A.57.328; prior: 1959 c 268 § 7, part; 1947 c 266 § 24, part; Rem. Supp. 1947 § 4693-43, part. Formerly RCW 28A.315.550, 28A.57.328, 28.57.350, part.]

***Reviser's note:** RCW 28A.315.450 was recodified as RCW 28A.343.300 pursuant to 1999 c 315 § 804.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

Additional notes found at www.leg.wa.gov

Chapter 28A.345 RCW WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION

Sections

28A.345.010	Association created.
28A.345.020	Membership.
28A.345.030	Powers of association.
28A.345.032	Model family language access policy and procedure.
28A.345.040	Coordination of policies—Report.
28A.345.050	Association dues—Payment.
28A.345.070	Tribal relationships—Achievement gap—Curriculum—Reports to the legislature.
28A.345.080	Model policy and procedure for granting waivers of credit for high school graduation.
28A.345.090	Model school district discipline policies—Adoption and enforcement by school districts.
28A.345.100	Cultural competency training for school board directors and superintendents.

28A.345.902 Effective date—1983 c 187.

Motor vehicle transportation services—Washington state school directors' association defined as state agency for purposes of: RCW 43.19.560.

28A.345.010 Association created. The public necessity for the coordination of programs and procedures pertaining to policymaking and to control and management among the school districts of the state is hereby recognized, and in the furtherance of such coordination there is hereby created for said purpose an agency of the state to be known as the Washington state school directors' association, hereinafter designated as the school directors' association. [1969 ex.s. c 223 § 28A.61.010. Prior: 1947 c 169 § 1; Rem. Supp. 1947 § 4709-20. Formerly RCW 28A.61.010, 28.58.320.]

28A.345.020 Membership. The membership of the school directors' association shall comprise the members of the boards of directors of the school districts of the state. [1969 ex.s. c 223 § 28A.61.020. Prior: 1947 c 169 § 2; Rem. Supp. 1947 § 4709-21. Formerly RCW 28A.61.020, 28.58.330.]

28A.345.030 Powers of association. The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance: PROVIDED, That action taken with respect thereto is consistent with the provisions of this chapter or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the compensation of members of the board of directors in accordance with RCW 43.03.240, and for payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.320.050;

(4) To employ an executive director and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) To buy, lease, sell, or exchange such personal and real property as necessary for the efficient operation of the association and to borrow money, issue deeds of trust or other evidence of indebtedness, or enter into contracts for the purchase, lease, remodeling, or equipping of office facilities or the acquisition of sites for such facilities;

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors;

(8) To provide advice and assistance to local boards to promote their primary duty of representing the public interest;

(9) Upon request by a local school district board(s) of directors, to make available on a cost reimbursable contract basis (a) specialized services, (b) research information, and (c) consultants to advise and assist district board(s) in particular problem areas: PROVIDED, That such services, information, and consultants are not already available from other state agencies, educational service districts, or from the information and research services authorized by RCW 28A.320.110. [1991 c 66 § 1; 1990 c 33 § 372; 1989 c 325 § 1; 1983 c 187 § 1; 1979 c 151 § 13; 1974 ex.s. c 101 § 1; 1969 ex.s. c 184 § 4; 1969 ex.s. c 223 § 28A.61.030. Prior: 1947 c 169 § 3; Rem. Supp. 1947 § 4709-22. Formerly RCW 28A.61.030, 28.58.340.]

Additional notes found at www.leg.wa.gov

28A.345.032 Model family language access policy and procedure. (*Expires August 1, 2017.*) (1) Subject to funds appropriated for this specific purpose, by June 1, 2015, the Washington state school directors' association, with the office of the education ombuds and other interested parties, shall develop a model family language access policy and procedure for school districts.

(2) This section expires August 1, 2017. [2014 c 150 § 3.]

Reviser's note: 2014 c 150 § 3 directed that this section be added to chapter 28A.320 RCW, but codification in chapter 28A.345 RCW appears to be more appropriate.

28A.345.040 Coordination of policies—Report. It shall be the duty of the school directors' association (1) to take such action as the association deems advisable to effect a coordination of policymaking, control, and management of the school districts of the state; and (2) to prepare and submit to the superintendent of public instruction annually, and oftener if deemed advisable by the association, reports and recommendations respecting the aforesaid matters and any other matters which in the judgment of the association pertain to an increase in the efficiency of the common school system. [1969 ex.s. c 223 § 28A.61.040. Prior: 1947 c 169 § 4; Rem. Supp. 1947 § 4709-23. Formerly RCW 28A.61.040, 28.58.350.]

28A.345.050 Association dues—Payment. The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the statewide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year. [1983 c 187 § 2; 1969 c 125 § 2; 1969 ex.s. c 223 § 28A.61.050. Prior: 1967 ex.s. c 8 § 76; 1965 c 103 § 1; 1957 c 281 § 1; 1953 c 226 § 1; 1947 c 169 § 5; Rem. Supp. 1947 § 4709-24. Formerly RCW 28A.61.050, 28.58.360.]

28A.345.070 Tribal relationships—Achievement gap—Curriculum—Reports to the legislature. (1) Beginning in 2006, and at least once annually through 2010, the Washington state school directors' association is encouraged to convene regional meetings and invite the tribal councils from the region for the purpose of establishing government-to-government relationships and dialogue between tribal councils and school district boards of directors. Participants in these meetings should discuss issues of mutual concern, and should work to:

(a) Identify the extent and nature of the achievement gap and strategies necessary to close it;

(b) Increase mutual awareness and understanding of the importance of accurate, high-quality curriculum materials about the history, culture, and government of local tribes; and

(c) Encourage school boards to identify and adopt curriculum that includes tribal experiences and perspectives, so that Indian students are more engaged and learn more successfully, and so that all students learn about the history, culture, government, and experiences of their Indian peers and neighbors.

(2) By December 1, 2008, and every two years thereafter through 2012, the school directors' association shall report to the education committees of the legislature regarding the progress made in the development of effective government-to-government relations, the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government. The report shall include information about any obstacles encountered, and any strategies under development to overcome them. [2005 c 205 § 2.]

Intent—Findings—2005 c 205: See note following RCW 28A.320.170.

28A.345.080 Model policy and procedure for granting waivers of credit for high school graduation. The Washington state school directors' association shall adopt a model policy and procedure that school districts may use for granting waivers to individual students of up to two credits required for high school graduation based on unusual circumstances. The purpose of the model policy and procedure is to assist school districts in providing all students the opportunity to complete graduation requirements without discrimination and without disparate impact on groups of students. The model policy must take into consideration the unique limitations of a student that may be associated with such circumstances as homelessness, limited English proficiency, medical conditions that impair a student's opportunity to learn, or disabilities, regardless of whether the student has an individualized education program or a plan under section 504 of the federal rehabilitation act of 1973. The model policy must also address waivers if the student has not been provided with an opportunity to retake classes or enroll in remedial classes free of charge during the first four years of high school. The Washington state school directors' association must distribute the model policy and procedure to all school districts in the state that grant high school diplomas by June 30, 2015. [2014 c 217 § 203.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220. (2016 Ed.)

28A.345.090 Model school district discipline policies—Adoption and enforcement by school districts. (1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year. [2016 c 72 § 103.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.345.100 Cultural competency training for school board directors and superintendents. The Washington state school directors' association, in consultation with the office of the superintendent of public instruction, the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. [2016 c 72 § 201.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.345.902 Effective date—1983 c 187. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983. [1983 c 187 § 8. Formerly RCW 28A.61.910.]

**Chapter 28A.400 RCW
EMPLOYEES**

Sections

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Reporting of harassment, intimidation, or bullying: RCW 28A.600.480.

28A.400.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 30.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

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SUPERINTENDENTS

28A.400.010 Employment of superintendent—Superintendent's qualifications, general powers, term, contract renewal. In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of *RCW 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable. [1990 c 33 § 376; 1985 c 7 § 94; 1975-'76 2nd ex.s. c 114 § 10; 1975-'76 2nd ex.s. c 15 § 10. Prior: 1975 1st ex.s. c 254 § 2; 1975-'76 1st ex.s. c 137 § 1; 1969 ex.s. c 223 § 28A.58.137; prior: (i) 1909 c 97 p 300 § 11; RRS § 4821. Formerly RCW 28.63.060. (ii) 1909 c 97 p 302 § 8; RRS § 4830. Formerly RCW 28.63.062. (iii) 1909 c 97 p 302 § 9; RRS § 4831. Formerly RCW 28.63.064. (iv) 1909 c 97 p 290 § 4, part; RRS § 4793, part. Formerly RCW 28A.58.137, 28.62.040, part.]

*Reviser's note: RCW 28A.400.300 was amended by 2012 c 186 § 20, changing subsection (1) to subsection (1)(a).

Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses: RCW 28A.320.050.

Additional notes found at www.leg.wa.gov

28A.400.020 Directors' and superintendents' signatures filed with auditor. Every school district director and school district superintendent, on assuming the duties of his or her office, shall place his or her signature, certified to by some school district official, on file in the office of the county auditor. [1990 c 33 § 377; 1969 ex.s. c 223 § 28A.58.140. Prior: 1909 c 97 p 289 § 12; RRS § 4787; prior: 1897 c 118 § 61; 1890 p 380 § 70. Formerly RCW 28A.58.140, 28.58.140.]

28A.400.030 Superintendent's duties. In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his or her successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his or her record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

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(4) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(5) Sign all orders for warrants ordered to be issued by the board of directors.

(6) Carry out all orders of the board of directors made at any regular or special meeting. [1991 c 116 § 14; 1990 c 33 § 378; 1983 c 56 § 8; 1977 ex.s. c 80 § 30; 1975-'76 2nd ex.s. c 118 § 30; 1975 1st ex.s. c 275 § 110; 1971 c 48 § 30; 1969 ex.s. c 223 § 28A.58.150. Prior: 1909 c 97 p 304 § 2; RRS § 4842; prior: 1907 c 163 § 3; 1899 c 142 § 10; 1897 c 118 § 49; 1893 c 107 § 5; 1891 c 127 § 12; 1890 p 367 § 34; Code 1881 §§ 3194, 3195, 3196, 3197; 1873 p 428 §§ 10, 11, 12, 13. Formerly RCW 28A.58.150, 28.58.150.]

Purpose—Intent—Severability—1977 ex.s. c 80: See notes following RCW 4.16.190.

Additional notes found at www.leg.wa.gov

PRINCIPALS

28A.400.100 Principals and vice principals—Employment of—Qualifications—Duties. School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid administrative certificates and shall hold or have held either valid teacher certificates or valid educational staff associate certificates. Persons who hold or have held valid educational staff associate certificates must also have demonstrated successful school-based experience in an instructional role with students. Persons whose certificates were revoked, suspended, or surrendered may not be employed as public school principals or vice principals. In addition to such other duties as shall be prescribed by law and by the job description adopted by the board of directors, each principal shall:

(1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.

(2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.

(3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.

(4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible. [2002 c 78 § 1; 1977 ex.s. c 272 § 1. Formerly RCW 28A.58.160.]

Additional notes found at www.leg.wa.gov

28A.400.110 Principal to assure appropriate student discipline—Building discipline standards—Classes to improve classroom management skills. Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to

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assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3).

School principals and certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills. [1997 c 266 § 12; 1990 c 33 § 379; 1980 c 171 § 2; 1975-'76 2nd ex.s. c 97 § 3. Formerly RCW 28A.58.201.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

SALARY AND COMPENSATION

28A.400.200 Salaries and compensation for employees—Minimum amounts—Limitations—Supplemental contracts. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service.

(3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for addi-

tional responsibilities, for incentives, or for implementing specific measurable innovative activities, including professional development, specified by the school district to: (a) Close one or more achievement gaps, (b) focus on development of science, technology, engineering, and mathematics (STEM) learning opportunities, or (c) provide arts education. Beginning September 1, 2011, school districts shall annually provide a brief description of the innovative activities included in any supplemental contract to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall summarize the district information and submit an annual report to the education committees of the house of representatives and the senate. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280. [2010 c 235 § 401; 2002 c 353 § 2; 1997 c 141 § 2; 1993 c 492 § 225. Prior: 1990 1st ex.s. c 11 § 2; 1990 c 33 § 381; 1987 1st ex.s. c 2 § 205. Formerly RCW 28A.58.0951.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Intent—1993 c 492: See notes following RCW 43.20.050.

Intent—1990 1st ex.s. c 11: "The legislature recognizes the rising costs of health insurance premiums for school employees, and the increasing need to ensure effective use of state benefit dollars to obtain basic coverage for employees and their dependents. In school districts that do not pool benefit allocations among employees, increases in premium rates create particular hardships for employees with families. For many of these employees, the increases translate directly into larger payroll deductions simply to maintain basic benefits.

The goal of this act is to provide access for school employees to basic coverage, including coverage for dependents, while minimizing employees' out-of-pocket premium costs. Unnecessary utilization of medical services can contribute to rising health insurance costs. Therefore, the legislature intends to encourage plans that promote appropriate utilization without creating major barriers to access to care. The legislature also intends that school districts pool state benefit allocations so as to eliminate major differences in out-of-pocket premium expenses for employees who do and do not need coverage for dependents." [1990 1st ex.s. c 11 § 1.]

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Additional notes found at www.leg.wa.gov

28A.400.201 Enhanced salary allocation model for educator development and certification—Technical working group—Report and recommendation. (1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without

great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

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

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

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

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

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;
- (b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

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

(5) The working group shall include representatives of the office of financial management, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working

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

(6) The working group shall be monitored and overseen by the legislature. The working group shall make an initial report to the legislature by June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary. [2016 c 162 § 4; 2011 1st sp.s. c 43 § 468; 2010 c 236 § 7; 2009 c 548 § 601. Formerly RCW 43.41.398.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.400.205 Cost-of-living increases for employees.

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2013-14 and 2014-15 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the state-wide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section. [2013 2nd sp.s. c 5 § 1; 2011 1st sp.s. c 18 § 1; 2009 c 573 § 1; 2003 1st sp.s. c 20 § 1; 2001 c 4 § 2 (Initiative Measure No. 732, approved November 7, 2000).]

Effective date—2013 2nd sp.s. c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013." [2013 2nd sp.s. c 5 § 5.]

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Effective date—2011 1st sp.s. c 18: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 1st sp.s. c 18 § 7.]

Effective date—2009 c 573: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 573 § 4.]

Additional notes found at www.leg.wa.gov

28A.400.206 Cost-of-living increases—Duty of state.

The Washington Constitution establishes "the paramount duty of the state to make ample provision for the education of all children." Providing quality education for all children in Washington requires well-qualified and experienced teachers and other school employees. However, salaries for educators have not kept up with the increased cost-of-living in the state. The failure to keep up with inflation threatens Washington's ability to compete with other states to attract first-rate teachers to Washington classrooms and to keep well-qualified educators from leaving for other professions. The state must provide a fair and reasonable cost-of-living increase, as provided in chapter 20, Laws of 2003 1st sp. sess., to help ensure that the state attracts and keeps the best teachers and school employees for the children of Washington. [2003 1st sp.s. c 20 § 2; 2001 c 4 § 1 (Initiative Measure No. 732, approved November 7, 2000).]

Additional notes found at www.leg.wa.gov

28A.400.210 Employee attendance incentive program—Remuneration or benefit plan for unused sick leave. Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and classified employees in the following manner, including covering persons who were employed during the 1982-'83 school year:

(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) Except as provided in RCW 28A.400.212, at the time of separation from school district employment an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury. For purposes of this subsection, "eligible employee" means (a) employees who separate from employment due to retirement or death; (b) employees who separate from employment and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in *RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as

defined in **RCW 41.35.010(31); or (c) employees who separate from employment and who are at least age fifty-five and have at least fifteen years of service under the teachers' retirement system plan 2 as defined in *RCW 41.32.010(39), under the Washington school employees' retirement system plan 2 as defined in **RCW 41.35.010(30), or under the public employees' retirement system plan 2 as defined in ***RCW 41.40.010(34).

(3) In lieu of remuneration for unused leave for illness or injury as provided in subsections (1) and (2) of this section, a school district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right. [2000 c 231 § 1; 1997 c 13 § 9; 1992 c 234 § 12; 1991 c 92 § 2; 1989 c 69 § 2; 1983 c 275 § 2. Formerly RCW 28A.58.096.]

Reviser's note: *(1) RCW 41.32.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsections (40) and (39) to subsections (33) and (32), respectively.

** (2) RCW 41.35.010 was amended by 2001 c 180 § 3, changing subsections (30) and (31) to subsections (29) and (30), respectively. RCW 41.35.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsections (29) and (30) to subsections (24) and (25), respectively.

*** (3) RCW 41.40.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (34) to subsection (28).

Intent—Construction—1983 c 275: "This act is intended to effectuate the legislature's intent in the original enactment of chapter 182, Laws of 1980 and constitutes a re adoption of the relevant portions of that law. This act shall be construed as being in effect since June 12, 1980." [1983 c 275 § 5.]

28A.400.212 Employee attendance incentive program—Effect of early retirement. An employee of a school district that has established an attendance incentive program under RCW 28A.400.210 who retires under section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993, or section 4 or 6, chapter 519, Laws of 1993, shall receive, at the time of his or her separation from school district employment, not less than one-half of the remuneration for accrued leave for illness or injury payable to him or her under the district's incentive program. The school district board of directors may, at its discretion, pay the remainder of such an employee's remuneration for accrued leave for illness or injury after the time of the employee's separation from school district employment, but the employee or the employee's estate is entitled to receive the remainder of the

remuneration no later than the date the employee would have been eligible to retire under the provisions of RCW 41.40.180 or 41.32.480 had the employee continued to work for the district until eligible to retire, or three years following the date of the employee's separation from school district employment, whichever occurs first. A district exercising its discretion under this section to pay the remainder of the remuneration after the time of the employee's separation from school district employment shall establish a policy and procedure for paying the remaining remuneration that applies to all affected employees equally and without discrimination. Any remuneration paid shall be based on the number of days of leave the employee had accrued and the compensation the employee received at the time he or she retired under section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993, or section 4 or 6, chapter 519, Laws of 1993. [1993 c 519 § 14; 1993 c 86 § 8; 1992 c 234 § 13.]

Reviser's note: This section was amended by 1993 c 86 § 8 and by 1993 c 519 § 14, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Additional notes found at www.leg.wa.gov

28A.400.220 Employee salary or compensation—Limitations respecting. (1) No school district board of directors or administrators may:

(a) Increase an employee's salary or compensation to include a payment in lieu of providing a fringe benefit; or

(b) Allow any payment to an employee which is partially or fully conditioned on the termination or retirement of the employee, except as provided in subsection (2) of this section.

(2) A school district board of directors may compensate an employee for termination of the employee's contract in accordance with the termination provisions of the contract. If no such provisions exist the compensation must be reasonable based on the proportion of the uncompleted contract. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

(3) Provisions of any contract in force on March 27, 1982, which conflict with the requirements of this section shall continue in effect until contract expiration. After expiration, any new contract including any renewal, extension, amendment or modification of an existing contract executed between the parties shall be consistent with this section. [1989 c 11 § 5; 1982 1st ex.s. c 10 § 1. Formerly RCW 28A.58.098.]

Additional notes found at www.leg.wa.gov

28A.400.230 Deposit of cumulative total of earnings of group of employees—Authorized—Conditions. Any school district authorized to draw and issue their own warrants may deposit the cumulative total of the net earnings of any group of employees in one or more banks within the state such group or groups may designate, to be credited to the individuals composing such groups, by a single warrant to each bank so designated or by other commercially acceptable methods: PROVIDED, That any such collective authorization shall be made in writing by a minimum of twenty-five

employees or ten percent of the employees, whichever is less. [1973 c 111 § 5. Formerly RCW 28A.58.730.]

Additional notes found at www.leg.wa.gov

28A.400.240 Deferred compensation plan for school district or educational service district employees—Limitations. In addition to any other powers and duties, any school district or educational service district may contract with any classified or certificated employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the appropriate internal revenue service exclusion allowance for such plans, and shall subsequently with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank, or purchase life insurance, shares of an investment company, or a fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or an investment company licensed to contract business in this state. In no event shall the total investments or payments, and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee. [2001 c 266 § 1; 1975 1st ex.s. c 205 § 1; 1974 ex.s. c 11 § 1. Formerly RCW 28A.58.740.]

28A.400.250 Tax deferred annuities—Regulated company stock. (1) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents are authorized to provide and pay for tax deferred annuities or regulated company stock held in a custodial account for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C. section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The superintendent of public instruction and educational service district superintendents, if eligible, may also be provided with such options.

(2) At the request of at least five employees, the employees' employer shall arrange for the:

(a) Purchase of tax deferred annuity contracts which meet the requirements of 26 U.S.C. section 403(b), as now or hereafter amended, for the employees from any company the employees may choose that is authorized to do business in this state through a Washington-licensed insurance agent that the employees may select; or

(b) Payment to a custodial account for investment in the stock of a regulated investment company as defined in 26 U.S.C. section 403(b)(7)(c).

(3) Payroll deductions shall be made in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contracts. Employees'

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rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

(4) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents shall not restrict, except as provided in this section, employees' right to select the tax deferred annuity of their choice, the regulated company stock held in a custodial account, or the agent, broker, or company licensed by the state of Washington through which the tax deferred annuity or regulated company stock is placed or purchased, and shall not place limitations on the time or place that the employees make the selection.

(5) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents may each adopt rules regulating the sale of tax deferred annuities or regulated company stock held in a custodial account which: (a) Prohibit solicitation of employees for the purposes of selling tax deferred annuities or regulated company stock held in a custodial account on school premises during normal school hours; (b) only permit the solicitation of tax deferred annuities or regulated company stock held in a custodial account by agents, brokers, and companies licensed by the state of Washington; and (c) require participating companies to execute reasonable agreements protecting the respective employers from any liability attendant to procuring tax deferred annuities or regulated company stock held in a custodial account. [2010 c 41 § 1; 1984 c 228 § 1; 1975 1st ex.s. c 275 § 113; 1971 c 48 § 31; 1969 c 97 § 2; 1969 ex.s. c 223 § 28A.58.560. Prior: 1965 c 54 § 1, part. Formerly RCW 28A.58.560, 28.02.120, part.]

Additional notes found at www.leg.wa.gov

28A.400.260 Pension benefits or annuity benefits for certain classifications of employees—Procedure. Notwithstanding any other provision of law, any school district shall have the authority to provide for all employees within an employment classification pension benefits or annuity benefits as may already be established and in effect by other employers of a similar classification of employees, and payment therefor may be made by making contributions to such pension plans or funds already established and in effect by the other employers and in which the school district is permitted to participate for such particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds.

Notwithstanding provisions of RCW 41.40.023(4), the coverage under such private plan shall not exclude such employees from simultaneous coverage under the Washington public employees' retirement system. [1972 ex.s. c 27 § 1. Formerly RCW 28A.58.565.]

28A.400.270 Employee benefit—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.400.275 and 28A.400.280.

(1) "School district employee benefit plan" means the overall plan used by the district for distributing fringe benefit subsidies to employees, including the method of determining employee coverage and the amount of employer contribu-

tions, as well as the characteristics of benefit providers and the specific benefits or coverage offered. It shall not include coverage offered to district employees for which there is no contribution from public funds.

(2) "Fringe benefit" does not include liability coverage, old-age survivors' insurance, workers' compensation, unemployment compensation, retirement benefits under the Washington state retirement system, or payment for unused leave for illness or injury under RCW 28A.400.210.

(3) "Basic benefits" are determined through local bargaining and are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage.

(4) "Benefit providers" include insurers, third party claims administrators, direct providers of employee fringe benefits, health maintenance organizations, health care service contractors, and the Washington state health care authority or any plan offered by the authority.

(5) "Group term life insurance coverage" means term life insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(6) "Group long-term disability insurance coverage" means long-term disability insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees. [1990 1st ex.s. c 11 § 4.]

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

28A.400.275 Employee benefits—Contracts or agreements—Submission of information to the office of the insurance commissioner—Annual reports. (1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district employee benefits. The term of the contract or agreement may not exceed one year.

(2) School districts and their benefit providers shall annually submit, by a date determined by the office of the insurance commissioner, the following information and data for the prior calendar year to the office of the insurance commissioner:

(a) Progress by the district and its benefit providers toward greater affordability for full family coverage, health care cost savings, and significantly reduced administrative costs;

(b) Compliance with the requirement to provide a high deductible health plan option with a health savings account;

(c) An overall plan summary including the following:

(i) The financial plan structure and overall performance of each health plan including:

(A) Total premium expenses;

(B) Total claims expenses;

(C) Claims reserves; and

(D) Plan administration expenses, including compensation paid to brokers;

(ii) A description of the plan's use of innovative health plan features designed to reduce health benefit premium growth and reduce utilization of unnecessary health services including but not limited to the use of enrollee health assessments or health coach services, care management for high

cost or high-risk enrollees, medical or health home payment mechanisms, and plan features designed to create incentives for improved personal health behaviors;

(iii) Data to provide an understanding of employee health benefit plan coverage and costs, including: The total number of employees and, for each employee, the employee's full-time equivalent status, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution to premium, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent;

(iv) Data necessary for school districts to more effectively and competitively manage and procure health insurance plans for employees. The data must include, but not be limited to, the following:

(A) A summary of the benefit packages offered to each group of district employees, including covered benefits, employee deductibles, coinsurance, and copayments, and the number of employees and their dependents in each benefit package;

(B) Aggregated employee and dependent demographic information, including age band and gender, by insurance tier and by benefit package;

(C) Total claim payments by benefit package, including premiums paid, inpatient facility claims paid, outpatient facility claims paid, physician claims paid, pharmacy claims paid, capitation amounts paid, and other claims paid;

(D) Total premiums paid by benefit package;

(E) A listing of large claims defined as annual amounts paid in excess of one hundred thousand dollars including the amount paid, the member enrollment status, and the primary diagnosis.

(3) Annually, school districts and their benefit providers shall jointly report to the office of the insurance commissioner on their health insurance-related efforts and achievements to:

(a) Significantly reduce administrative costs for school districts;

(b) Improve customer service;

(c) Reduce differential plan premium rates between employee only and family health benefit premiums;

(d) Protect access to coverage for part-time K-12 employees.

(4) The information and data shall be submitted in a format and according to a schedule established by the office of the insurance commissioner under RCW 48.02.210 to enable the commissioner to meet the reporting obligations under that section.

(5) Any benefit provider offering a benefit plan by contract or agreement with a school district under subsection (1) of this section shall make available to the school district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the district and benefit provider are required to report to the office of the insurance commissioner under this section.

(6) This section shall not apply to benefit plans offered in the 1989-90 school year. [2012 2nd sp.s. c 3 § 4; 1990 1st ex.s. c 11 § 5.]

Findings—Goals—Intent—2012 2nd sp.s. c 3: "(1) The legislature finds that:

(a) Each year, nearly one billion dollars in public funds are spent on the purchase of employee insurance benefits for more than two hundred thousand public school employees and their dependents;

(b) The legislature and school districts and their employees need better information to improve current practices and inform future decisions with regard to health insurance benefits;

(c) Recent work by the state auditor's office and the state health care authority have advanced discussions throughout the state on opportunities to improve the current system; and

(d) Two major themes have emerged: (i) The state, school districts, and employees need better information and data to make better health insurance purchasing decisions within the K-12 system; (ii) affordability is a significant concern for all employees, especially for employees seeking full family insurance coverage and for the lowest-paid and part-time employees.

(2) The legislature establishes the following goals:

(a) Improve the transparency of health benefit plan claims and financial data to assure prudent and efficient use of taxpayers' funds at the state and local levels;

(b) Create greater affordability for full family coverage and greater equity between premium costs for full family coverage and for employee only coverage for the same health benefit plan;

(c) Promote health care innovations and cost savings, and significantly reduce administrative costs; and

(d) Provide greater parity in state allocations for state employee and K-12 employee health benefits.

(3) The legislature intends to retain current collective bargaining for benefits, and retain state, school district, and employee contributions to benefits." [2012 2nd sp.s. c 3 § 1.]

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

28A.400.280 Employee benefits—Employer contributions. (1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits, only for employees included in pooling arrangements under this subsection. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, but may not include employee beneficiary accounts that can be liquidated by the employee on termination of employment. Optional benefit plans may be offered only if:

(a) The school district pools benefit allocations among employees using a pooling arrangement that includes at least one employee bargaining unit and/or all nonbargaining group employees;

(b) Each full-time employee included in the pooling arrangement is offered basic benefits, including coverage for dependents;

(c) Each employee included in the pooling arrangement who elects medical benefit coverage pays a minimum premium charge subject to collective bargaining under chapter 41.59 or 41.56 RCW;

(d) The employee premiums are structured to ensure employees selecting richer benefit plans pay the higher premium;

(e) Each full-time employee included in the pooling arrangement, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

(f) For part-time employees included in the pooling arrangement, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of

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employer contributions used for allocations for basic benefits.

(3) Savings accruing to school districts due to limitations on benefit options under this section shall be pooled and made available by the districts to reduce out-of-pocket premium expenses for employees needing basic coverage for dependents. School districts are not intended to divert state benefit allocations for other purposes. [2012 2nd sp.s. c 3 § 2; 2011 c 269 § 1; 1990 1st ex.s. c 11 § 6.]

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

28A.400.285 Contracts for services performed by classified employees. (1) When a school district or educational service district enters into a contract for services that had been previously performed by classified school employees, the contract shall contain a specific clause requiring the contractor to provide for persons performing such services under the contract, health benefits that are similar to those provided for school employees who would otherwise perform the work, but in no case are such health benefits required to be greater than the benefits provided for basic health care services under chapter 70.47 RCW.

(2) Decisions to enter into contracts for services by a school district or educational service district may only be made: (a) After the affected district has conducted a feasibility study determining the potential costs and benefits, including the impact on district employees who would otherwise perform the work, that would result from contracting for the services; (b) after the decision to contract for the services has been reviewed and approved by the superintendent of public instruction; and (c) subject to any applicable requirements for collective bargaining. The factors to be considered in the feasibility study shall be developed in consultation with representatives of the affected employees and may include both long-term and short-term effects of the proposal to contract for services.

(3) This section applies only if a contract is for services performed by classified school employees on or after July 25, 1993.

(4) This section does not apply to:

(a) Temporary, nonongoing, or nonrecurring service contracts; or

(b) Contracts for services previously performed by employees in director/supervisor, professional, and technical positions.

(5) For the purposes of subsection (4) of this section:

(a) "Director/supervisor position" means a position in which an employee directs staff members and manages a function, a program, or a support service.

(b) "Professional position" means a position for which an employee is required to have a high degree of knowledge and skills acquired through a baccalaureate degree or its equivalent.

(c) "Technical position" means a position for which an employee is required to have a combination of knowledge and skills that can be obtained through approximately two years of posthigh school education, such as from a community or technical college, or by on-the-job training. [1997 c 267 § 2; 1993 c 349 § 1.]

HIRING AND DISCHARGE

28A.400.300 Hiring and discharging of employees—Written leave policies—Seniority and leave benefits of employees transferring between school districts and other educational employers. (1) Every board of directors, unless otherwise specially provided by law, shall:

(a) Except as provided in subsection (3) of this section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least ten days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(iii) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(iv) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(v) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave;

(vi) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(vii) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not

be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington state center for childhood deafness and hearing loss, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position: PROVIDED, That classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229. [2012 c 186 § 20; 2009 c 47 § 2; 2008 c 174 § 2; 1997 c 13 § 10; 1990 c 33 § 382. Prior: 1985 c 210 § 1; 1985 c 46 § 1; 1983 c 275 § 3. Formerly RCW 28A.58.099.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

Intent—Construction—1983 c 275: See note following RCW 28A.400.210.

28A.400.301 Information on past sexual misconduct—Requirement for applicants—Limitation on contracts and agreements—Employee right to review personnel file. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicant" means an applicant for employment in a certificated or classified position who is currently or was previously employed by a school district.

(b) "Employer" means a school district employer.

(2) Before hiring an applicant, a school district shall request the applicant to sign a statement:

(a) Authorizing the applicant's current and past employers, including employers outside of Washington state, to disclose to the hiring school district sexual misconduct, if any, by the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant; and

(b) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (a) of this subsection, as provided in subsection (4) of this section.

(3) Before hiring an applicant, a school district shall request in writing, electronic or otherwise, the applicant's current and past employers, including out-of-state employers, to provide the information described in subsection (2)(a) of this section, if any. The request shall include a copy of the statement signed by the applicant under subsection (2) of this section.

(4) Not later than twenty business days after receiving a request under subsection (3) of this section, a school district shall provide the information requested and make available to the requesting school district copies of all documents in the applicant's personnel record relating to the sexual misconduct. The school district, or an employee acting on behalf of the school district, who in good faith discloses information under this section is immune from civil liability for the disclosure.

(5) A hiring district shall request from the office of the superintendent of public instruction verification of certification status, including information relating to sexual misconduct as established by the provisions of subsection (11) of this section, if any, for applicants for certificated employment.

(6) A school district shall not hire an applicant who does not sign the statement described in subsection (2) of this section.

(7) School districts may employ applicants on a conditional basis pending the district's review of information obtained under this section. When requests are sent to out-of-state employers under subsection (3) of this section, an applicant who has signed the statement described in subsection (2) of this section, shall not be prevented from gaining employment in Washington public schools if the laws or policies of that other state prevent documents from being made available to Washington state school districts or if the out-of-state school district fails or refuses to cooperate with the request.

(8) Information received under this section shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor.

(9) Beginning September 1, 2004, the board or an official of a school district shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by the applicant. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable, and may not be withheld from disclosure by the entry of any

administrative or court order. This subsection does not restrict the expungement from a personnel file of information about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.

(10) This section does not prevent a school district from requesting or requiring an applicant to provide information other than that described in this section.

(11) By September 1, 2004, the state board of education has the authority to and shall adopt rules defining "verbal abuse," "physical abuse," and "sexual misconduct" as used in this section for application to all classified and certificated employees. The definitions of verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the school district.

(12) Except as limited by chapter 49.12 RCW, at the conclusion of a school district's investigation, a school employee has the right to review his or her entire personnel file, investigative file, or other file maintained by the school district relating to sexual misconduct as addressed in this section and to attach rebuttals to any documents as the employee deems necessary. Rebuttal documents shall be disclosed in the same manner as the documents to which they are attached. The provisions of this subsection do not supercede the protections provided individuals under the state whistleblower laws in chapter 42.41 RCW. [2005 c 266 § 1; 2004 c 29 § 2.]

Findings—2004 c 29: "The legislature recognizes that state law requires criminal background checks of applicants for school district employment. However, the legislature finds that, because they generally are limited to criminal conviction histories, results of background checks are more complete when supplemented by an applicant's history of past sexual misconduct. Therefore, the legislature finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts." [2004 c 29 § 1.]

28A.400.303 Record checks for employees. (1) School districts, educational service districts, the Washington state center for childhood deafness and hearing loss, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor may waive the requirement. Except as provided in subsection (2) of this section, the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington state center for childhood deafness and hearing loss,

the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1) of this section to perform record checks for their employees and applicants for employment.

(3) Individuals who hold a valid portable background check clearance card issued by the department of early learning consistent with RCW 43.215.215 can meet the requirements in subsection (1) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction. [2014 c 50 § 1; 2009 c 381 § 29; 2007 c 35 § 1; 2001 c 296 § 3; 1992 c 159 § 2.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Intent—2001 c 296: See note following RCW 9.96A.060.

Findings—1992 c 159: "The legislature finds that additional safeguards are necessary to ensure the safety of Washington's school children. The legislature further finds that the results from state patrol record checks are more complete when fingerprints of individuals are provided, and that information from the federal bureau of investigation also is necessary to obtain information on out-of-state criminal records. The legislature further finds that confidentiality safeguards in state law are in place to ensure that the rights of applicants for certification or jobs and newly hired employees are protected." [1992 c 159 § 1.]

Criminal history record information—School volunteers: RCW 28A.320.155.

28A.400.305 Record check information—Access—Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, approved private school, Washington state center for childhood deafness and hearing loss, state school for the blind, or federal bureau of Indian affairs-funded school employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303; and

(2) Written procedures limiting access to the superintendent of public instruction record check database to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, approved private schools, the Washington state center for childhood deafness and hearing loss, the state school for the blind, the appropriate educational service district or districts, and the appropriate federal bureau of Indian affairs-funded schools. [2010 c 100 § 1; 2009 c 381 § 30; 2007 c 35 § 2; 2001 c 296 § 4; 1996 c 126 § 5.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Intent—2001 c 296: See note following RCW 9.96A.060.

Additional notes found at www.leg.wa.gov

28A.400.306 Fingerprints accepted by the state patrol—Fingerprints forwarded to the federal bureau of investigation—Conditions. The state patrol shall accept fingerprints obtained under this chapter only if it can ensure that the patrol will not retain a record of the fingerprints after

the check is complete. It shall not forward fingerprints obtained under this chapter to the federal bureau of investigation unless it can ensure that the federal bureau of investigation will not retain a record of the fingerprints after the check is complete. [1995 c 335 § 504; 1992 c 159 § 9.]

Findings—1992 c 159: See note following RCW 28A.400.303.

Additional notes found at www.leg.wa.gov

28A.400.310 Law against discrimination applicable to districts' employment practices. The provisions of chapter 49.60 RCW as now or hereafter amended shall be applicable to the employment of any certificated or classified employee by any school district organized in this state. [1997 c 13 § 11; 1969 ex.s. c 223 § 28A.02.050. Prior: (i) 1937 c 52 § 1; RRS § 4693-1. Formerly RCW 28.02.050. (ii) 1937 c 52 § 2; RRS § 4693-2. Formerly RCW 28A.02.050, 28.02.051.]

28A.400.315 Employment contracts. Employment contracts entered into between an employer and a superintendent, or administrator as defined in RCW 28A.405.230, under RCW 28A.400.010, 28A.400.300, or 28A.405.210:

(1) Shall end no later than June 30th of the calendar year that the contract expires except that, a contract entered into after June 30th of a given year may expire during that same calendar year; and

(2) Shall not be revised or entered into retroactively. [1990 c 8 § 6.]

Findings—1990 c 8: See note following RCW 41.50.065.

28A.400.317 Physical abuse or sexual misconduct by school employees—Duty to report—Training. (1) A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee, shall report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030. [2013 c 10 § 4; 2004 c 135 § 1.]

Finding—2013 c 10: See note following RCW 28A.410.035.

28A.400.320 Crimes against children—Mandatory termination of classified employees—Appeal—Recovery of salary or compensation by district. (1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322.

(2) The employee shall have a right of appeal under chapter 28A.645 RCW including any right of appeal under a collective bargaining agreement. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final. [2009 c 396 § 2; 1990 c 33 § 383; 1989 c 320 § 3. Formerly RCW 28A.58.1001.]

Notification of conviction or guilty plea of certain felony crimes: RCW 43.43.845.

Additional notes found at www.leg.wa.gov

28A.400.322 Crimes against children—Crimes specified. (1) RCW 28A.400.320, 28A.400.330, 28A.405.470, *28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring after July 23, 1989, and before July 26, 2009, for any of the following felony crimes:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, except motor vehicle violations under chapter 46.61 RCW;

(c) Sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(e) Promoting prostitution of a minor under chapter 9A.88 RCW;

(f) The sale or purchase of a minor child under RCW 9A.64.030;

(g) Violation of laws of another jurisdiction that are similar to those specified in (a) through (f) of this subsection.

(2) RCW 28A.400.320, 28A.400.330, 28A.405.470, *28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring on or after July 26, 2009, for any of the following felony crimes or attempts, conspiracies, or solicitations to commit any of the following felony crimes:

(a) A felony violation of RCW 9A.88.010, indecent exposure;

(b) A felony violation of chapter 9A.42 RCW involving physical neglect;

(c) A felony violation of chapter 9A.32 RCW;

(d) A violation of RCW 9A.36.011, assault 1; 9A.36.021, assault 2; 9A.36.120, assault of a child 1; 9A.36.130, assault of a child 2; or any other felony violation of chapter 9A.36 RCW involving physical injury except assault 3 where the victim is eighteen years of age or older;

(e) A sex offense as defined in RCW 9.94A.030;

(f) A violation of RCW 9A.40.020, kidnapping 1; or 9A.40.030, kidnapping 2;

(g) A violation of RCW 9A.64.030, child selling or child buying;

(h) A violation of RCW 9A.88.070, promoting prostitution 1;

(i) A violation of RCW 9A.56.200, robbery 1; or

(2016 Ed.)

(j) A violation of laws of another jurisdiction that are similar to those specified in (a) through (i) of this subsection. [2009 c 396 § 1.]

*Reviser's note: RCW 28A.410.090 was amended by 2013 c 163 § 1, changing subsection (3) to subsection (4).

28A.400.330 Crimes against children—Contractor employees—Termination of contract. The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract. [2009 c 396 § 3; 1989 c 320 § 4. Formerly RCW 28A.58.1002.]

Additional notes found at www.leg.wa.gov

28A.400.332 Use of persons, money, or property for private gain. (1) No school district employee may employ or use any person, money, or property under the employee's official control or direction, in his or her official custody, without authorization, for the private benefit or gain of the employee or another.

(2) This section does not prohibit the use of public resources to benefit others as part of the employee's official duties.

(3) Each school district board of directors may adopt policies providing exceptions to this section for occasional use of the employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

(4) The office of the superintendent of public instruction shall adopt disciplinary guidelines for violations of this section. [2009 c 224 § 1.]

28A.400.340 Notice of discharge to contain notice of right to appeal if available. Any notice of discharge given to a classified or certificated employee, if that employee has a right to appeal the discharge, shall contain notice of that right, notice that a description of the appeal process is available, and how the description of the appeal process may be obtained. [1991 c 102 § 1.]

INSURANCE

28A.400.350 Liability, life, health, health care, accident, disability, and salary insurance authorized—Health savings accounts—Premiums—Noncompliance. (1) The board of directors of any of the state's school districts or educational service districts may make available liability, life, health, health care, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district

or educational service district, and their dependents. Such coverage may be provided by contracts or agreements with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5) School districts offering medical, vision, and dental benefits shall:

(a) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(b) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(c) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(6) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(7) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(8) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(9) Upon notification from the office of the insurance commissioner of a school district's substantial noncompliance with the data reporting requirements of RCW 28A.400.275, and the failure is due to the action or inaction of the school district, and if the noncompliance has occurred for two reporting periods, the superintendent is authorized and required to limit the school district's authority provided in subsection (1) of this section regarding employee health benefits to the provision of health benefit coverage provided by the state health care authority. [2012 2nd sp.s. c 3 § 3; 2011 c 269 § 2; 2001 c 266 § 2. Prior: 1995 1st sp.s. c 6 § 18; 1995 c 126 § 1; 1993 c 492 § 226; prior: 1990 1st ex.s. c 11 § 3; 1990 c 74 § 1; 1988 c 107 § 16; 1985 c 277 § 8; 1977 ex.s. c 255 § 1; 1973 1st ex.s. c 9 § 1; 1971 ex.s. c 269 § 2; 1971 c 8 § 3; 1969 ex.s. c 237 § 3; 1969 ex.s. c 223 § 28A.58.420; prior: 1967 c 135 § 2, part; 1959 c 187 § 1, part. Formerly RCW 28A.58.420, 28.76.410, part.]

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Findings—Intent—1993 c 492: See notes following RCW 43.72.005.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

Hospitalization and medical insurance authorized: RCW 41.04.180.

Operation of student transportation program responsibility of local district—Scope—Transporting of elderly—Insurance: RCW 28A.160.010.

Retirement allowance deductions for health care benefit plans: RCW 41.04.235.

Additional notes found at www.leg.wa.gov

28A.400.360 Liability insurance for officials and employees authorized. The board of directors of each school district may purchase liability insurance with such limits as they may deem reasonable for the purpose of pro-

tecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 1. Formerly RCW 28A.58.423.]

28A.400.370 Mandatory insurance protection for employees. Notwithstanding any other provision of law, after August 9, 1971 boards of directors of all school districts shall provide their employees with insurance protection covering those employees while engaged in the maintenance of order and discipline and the protection of school personnel and students and the property thereof when that is deemed necessary by such employees. Such insurance protection must include as a minimum, liability insurance covering injury to persons and property, and insurance protecting those employees from loss or damage of their personal property incurred while so engaged. [1971 ex.s. c 269 § 1. Formerly RCW 28A.58.425.]

Additional notes found at www.leg.wa.gov

28A.400.380 Leave sharing program. Every school district board of directors and educational service district superintendent may, in accordance with RCW 41.04.650 through 41.04.665, establish and administer a leave sharing program for their certificated and classified employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt standards: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; and (2) establishing procedures to ensure that the program does not significantly increase the cost of providing leave. [1997 c 13 § 12; 1990 c 23 § 4; 1989 c 93 § 6. Formerly RCW 28A.58.0991.]

Additional notes found at www.leg.wa.gov

28A.400.391 Insurance for retired and disabled employees—Application—Rules. (1) Every group disability insurance policy, health care service contract, health maintenance agreement, and health and welfare benefit plan obtained or created to provide benefits to employees of school districts and their dependents shall contain provisions that permit retired and disabled employees to continue medical, dental, or vision coverage under the group policy, contract, agreement, or plan until September 30, 1993, or until the employee becomes eligible for federal medicare coverage, whichever occurs first. The terms and conditions for election and maintenance of such continued coverage shall conform to the standards established under the federal consolidated omnibus budget reconciliation act of 1985, as amended. The period of continued coverage provided under this section shall run concurrently with any period of coverage guaranteed under the federal consolidated omnibus budget reconciliation act of 1985, as amended.

(2) This section applies to:

(a) School district employees who retired or lost insurance coverage due to disability after July 28, 1991;

(b) School district employees who retired or lost insurance coverage due to disability within the eighteen-month period ending on July 28, 1991; and

(2016 Ed.)

(c) School district employees who retired or lost insurance coverage due to disability prior to January 28, 1990, and who were covered by their employing district's insurance plan on January 1, 1991.

(3) For the purposes of this section "retired employee" means an employee who separates from district service and is eligible at the time of separation from service to receive, immediately following separation from service, a retirement allowance under chapter 41.32 or 41.40 RCW.

(4) The superintendent of public instruction shall adopt administrative rules to implement this section. [1993 c 386 § 2; 1992 c 152 § 1.]

Intent—1993 c 386: "It is the legislature's intent to increase access to health insurance for retired and disabled school employees and also to improve equity between state employees and school employees by providing for the reduction of health insurance premiums charged to retired school employees through a subsidy charged against health insurance allocations for active employees. It is further the legislature's intent to improve the cost-effectiveness of state purchased health care by managing programs for public employees, in this case retired school employees, through the state health care authority." [1993 c 386 § 1.]

Additional notes found at www.leg.wa.gov

28A.400.395 Insurance for retired employees and their dependents—Method of payment of premium. A group disability insurance policy, health care service contract, health maintenance agreement, or health and welfare benefit plan that provides benefits to retired school district employees and eligible dependents shall not require the beneficiary to make payment by monthly deduction from the beneficiary's state retirement allowance if the payment exceeds the retirement allowance. In such cases, the payment may be made directly by the individual beneficiary. [1992 c 152 § 3.]

28A.400.410 Payment to the public employees' and retirees' insurance account. (1) In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority. [1995 1st sp.s. c 6 § 1.]

Additional notes found at www.leg.wa.gov

**Chapter 28A.405 RCW
CERTIFICATED EMPLOYEES**

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Assistance of certificated or classified employee—Reimbursement for substitute: RCW 28A.300.035.

Conditional scholarship and loan repayment program for future teachers: Chapter 28B.102 RCW.

Educational employment relations act: Chapter 41.59 RCW.

28A.405.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 31.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

QUALIFICATIONS

28A.405.030 Must teach morality and patriotism. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship. [1969 ex.s. c 223 § 28A.67.110. Prior: 1909 c 97 p 308 § 8; RRS § 4855; prior: 1897 c 118 § 58; 1890 p 371 § 42; 1886 p 19 § 50; Code 1881 § 3203. Formerly RCW 28A.67.110, 28.67.110.]

28A.405.040 Disqualification for failure to emphasize patriotism—Penalty. (1) No person, whose certificate or permit authorizing him or her to teach in the common schools of this state has been revoked due to his or her failure to endeavor to impress on the minds of his or her pupils the principles of patriotism, or to train them up to the true comprehension of the rights, duty and dignity of American citizenship, shall be permitted to teach in any common school in this state.

(2) Any person teaching in any school in violation of this section, and any school director knowingly permitting any person to teach in any school in violation of this section is guilty of a misdemeanor. [2003 c 53 § 167; 1990 c 33 § 384; 1969 ex.s. c 223 § 28A.67.030. Prior: 1919 c 38 § 2; RRS § 4846. Formerly RCW 28A.67.030, 28.67.030.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

28A.405.060 Course of study and regulations—Enforcement—Withholding salary warrant for failure. Certificated employees shall faithfully enforce in the common schools the course of study and regulations prescribed, whether regulations of the district, the superintendent of public instruction, or the state board of education, and shall furnish promptly all information relating to the common schools

which may be requested by the educational service district superintendent.

Any certificated employee who wilfully refuses or neglects to enforce the course of study or the rules and regulations as above in this section required, shall not be allowed by the directors any warrant for salary due until said person shall have complied with said requirements. [1975 1st ex.s. c 275 § 132; 1971 c 48 § 49; 1969 ex.s. c 223 § 28A.67.060. Prior: (i) 1909 c 97 p 307 § 4; RRS § 4850; prior: 1899 c 142 § 11; 1897 c 118 § 54; 1886 p 18 § 47. Formerly RCW 28.67.060. (ii) 1909 c 97 p 360 § 8; RRS § 5051; prior: 1903 c 156 § 8; 1897 c 118 § 166. Formerly RCW 28A.67.060, 28.87.150.]

28A.405.070 Job sharing. Effective December 31, 1995, school and educational service districts shall have a policy on the sharing of jobs by district employees. [1995 c 335 § 701; 1989 c 206 § 1. Formerly RCW 28A.58.580.]

Additional notes found at www.leg.wa.gov

CRITERIA FOR EVALUATION AND MODEL PROGRAMS

28A.405.100 Minimum criteria for the evaluation of certificated employees—Revised four-level evaluation systems for classroom teachers and for principals—Procedures—Steering committee—Models—Implementation—Reports. (1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(c) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional

focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data must be a substantial factor in evaluating the summative performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating. By December 1, 2012, the superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive summative evaluation performance rating for each of the preferred instructional frameworks, including for a focused evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred instructional frameworks that support the revised evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four summative performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.

(f) Student growth data that is relevant to the teacher and subject matter must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate. Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection

tion, "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for non-renewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning

of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement. A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(c) When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second summative comprehensive [comprehensive summative] evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who has been transitioned to the revised evaluation

system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data must be a substantial factor in evaluating the summative performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A principal shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred leadership frameworks that support the revised evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f) Student growth data that is relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, school board members, and parents, to be known as the steering committee, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation system.

tems that transitions a portion of classroom teachers and principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2015-16 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2015-16 school year. The schedule adopted under this subsection (7)(c) must provide that the following employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:

- (i) Classroom teachers who are provisional employees under RCW 28A.405.220;
- (ii) Classroom teachers who are on probation under subsection (4) of this section;
- (iii) Principals in the first three consecutive school years of employment as a principal;
- (iv) Principals whose work is not judged satisfactory in their most recent evaluation; and
- (v) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.

(d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a

single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(e)(i) The steering committee in subsection (7)(a) of this section and the pilot school districts in subsection (7)(d) of this section shall continue to examine implementation issues and refine tools for the new certificated classroom teacher evaluation system in subsection (2) of this section and the new principal evaluation system in subsection (6) of this section during the 2013-14 through 2015-16 implementation phase.

(ii) Particular attention shall be given to the following issues:

(A) Developing a report for the legislature and governor, due by December 1, 2013, of best practices and recommendations regarding how teacher and principal evaluations and other appropriate elements shall inform school district human resource and personnel practices. The legislature and governor are provided the opportunity to review the report and recommendations during the 2014 legislative session;

(B) Taking the new teacher and principal evaluation systems to scale and the use of best practices for statewide implementation;

(C) Providing guidance regarding the use of student growth data to assure it is used responsibly and with integrity;

(D) Refining evaluation system management tools, professional development programs, and evaluator training programs with an emphasis on developing rater reliability;

(E) Reviewing emerging research regarding teacher and principal evaluation systems and the development and implementation of evaluation systems in other states;

(F) Reviewing the impact that variable demographic characteristics of students and schools have on the objectivity, reliability, validity, and availability of student growth data; and

(G) Developing recommendations regarding how teacher evaluations could inform state policies regarding the criteria for a teacher to obtain continuing contract status under RCW 28A.405.210. In developing these recommendations the experiences of school districts and teachers during the evaluation transition phase must be considered. Recommendations must be reported by July 1, 2016, to the legislature and the governor.

(iii) To support the tasks in (e)(ii) of this subsection, the superintendent of public instruction may contract with an independent research organization with expertise in educator evaluations and knowledge of the revised evaluation systems being implemented under this section.

(iv) The superintendent of public instruction shall monitor the statewide implementation of revised teacher and principal evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(v) The superintendent of public instruction shall submit reports detailing findings, emergent issues or trends, recommendations from the steering committee, and pilot school districts, and other recommendations, to enhance implemen-

tation and continuous improvement of the revised evaluation systems to appropriate committees of the legislature and the governor beginning July 1, 2013, and each July 1st thereafter for each year of the school district implementation transition period concluding with a report on December 1, 2016.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2017.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

(10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

(11) After a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this sec-

tion may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. The provisions of this subsection apply to certificated classroom teachers only until the teacher has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section.

(12) All certificated classroom teachers and principals who have been transitioned to the revised evaluation systems pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must receive annual performance evaluations as provided in this subsection:

(a) All classroom teachers and principals shall receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.

(b) The following categories of classroom teachers and principals shall receive an annual comprehensive summative evaluation:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Principals in the first three consecutive school years of employment as a principal;

(iii) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(iv) Any classroom teacher or principal who received a comprehensive summative evaluation performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive summative evaluation is not required, classroom teachers and principals who received a comprehensive summative evaluation performance rating of level 3 or above in the previous school year are required to complete a focused evaluation. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a comprehensive summative evaluation performance rating for the focused evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused evaluation to a comprehensive summative evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those

evaluating teacher performance, school districts are encouraged to conduct comprehensive summative evaluations of principal performance on an annual basis.

(vi) A classroom teacher or principal may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 - distinguished performance ratings. [2012 c 35 § 1; 2010 c 235 § 202; 1997 c 278 § 1; 1994 c 115 § 1; 1990 c 33 § 386; 1985 c 420 § 6; 1975-'76 2nd ex.s. c 114 § 3; 1975 1st ex.s. c 288 § 22; 1969 ex.s. c 34 § 22. Formerly RCW 28A.67.065.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Construction of chapter—Employee's rights preserved: See RCW 41.59.920.

Construction of chapter—Employer's responsibilities and rights preserved: See RCW 41.59.930.

Criteria used for evaluation of staff members to be included in guide: RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.405.102 Analysis of evaluation systems. (1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100 (2) and (6) affect issues related to a change in contract status.

(2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures, and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals. [2010 c 235 § 204.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.405.104 Professional development funding for new teachers—Districts participating in evaluation system in RCW 28A.405.100 (2) and (6). If funds are provided for professional development activities designed specifically for first through third-year teachers, the funds shall be allocated first to districts participating in the evaluation systems in RCW 28A.405.100 (2) and (6) before the required implementation date under that section. [2010 c 235 § 205.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.405.106 Professional development program to support evaluation systems—Duties of the office of the superintendent of public instruction—Web site with professional development materials. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development

program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop

a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria. [2016 c 72 § 202; 2012 c 35 § 5.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.405.110 Evaluations—Legislative findings. The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity. [2006 c 263 § 806; 1985 c 420 § 1. Formerly RCW 28A.67.205.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Reviser's note: (1) 1985 ex.s. c 6 § 501 provides specific funding for the purposes of this act.

(2) 1985 ex.s. c 6 took effect June 27, 1985.

Additional notes found at www.leg.wa.gov

(2016 Ed.)

28A.405.120 Training for evaluators. (1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition. [2016 c 72 § 203; 2012 c 35 § 2; 1995 c 335 § 401; 1985 c 420 § 3. Formerly RCW 28A.67.210.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Additional notes found at www.leg.wa.gov

28A.405.130 Training in evaluation procedures required. (1) No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

(2) Before evaluating classroom teachers using the evaluation systems required under RCW 28A.405.100, principals and administrators must engage in professional development designed to implement the revised systems and maximize rater agreement. [2012 c 35 § 3; 1985 c 420 § 4. Formerly RCW 28A.67.215.]

Additional notes found at www.leg.wa.gov

28A.405.140 Assistance for teacher may be required after evaluation. After an evaluation conducted pursuant to RCW 28A.405.100, the principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement. [1993 c 336 § 403; 1990 c 33 § 387; 1985 c 420 § 5. Formerly RCW 28A.67.220.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Additional notes found at www.leg.wa.gov

CONDITIONS AND CONTRACTS OF EMPLOYMENT

28A.405.200 Annual salary schedules as basis for salaries of certificated employees. Every school district by action of its board of directors shall adopt annual salary schedules and reproduce the same by printing, mimeographing or other reasonable method, which shall be the basis for salaries for all certificated employees in the district. [1969 ex.s. c 283 § 1. Formerly RCW 28A.67.066, 28.67.066.]

Additional notes found at www.leg.wa.gov

28A.405.210 Conditions and contracts of employment—Determination of probable cause for nonrenewal of contracts—Nonrenewal due to enrollment decline or revenue loss—Notice—Opportunity for hearing. No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school dis-

trict, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a nonrenewal of contract for the purposes of this

section. [2016 c 85 § 1; 2010 c 235 § 303; 2009 c 57 § 1; 2005 c 497 § 216; 1996 c 201 § 1; 1990 c 33 § 390. Prior: 1983 c 83 § 1; 1983 c 56 § 11; 1975-76 2nd ex.s. c 114 § 4; 1975 1st ex.s. c 275 § 133; 1973 c 49 § 2; 1970 ex.s. c 15 § 16; prior: 1969 ex.s. c 176 § 143; 1969 ex.s. c 34 § 12; 1969 ex.s. c 15 § 2; 1969 ex.s. c 223 § 28A.67.070; prior: 1961 c 241 § 1; 1955 c 68 § 3; prior: (i) 1909 c 97 p 307 § 5; 1897 c 118 § 55; 1891 c 127 § 14; 1890 p 369 § 37; 1886 p 18 § 47; Code 1881 § 3200; RRS § 4851. (ii) 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; 1901 c 41 § 3, part; 1897 c 118 § 40, part; 1890 p 364 § 26, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28A.67.070, 28.67.070.]

Effective date—2016 c 85: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2016]." [2016 c 85 § 6.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 57: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 10, 2009]." [2009 c 57 § 5.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Minimum criteria for the evaluation of certificated employees—Revised four-level evaluation systems for classroom teachers and for principals—Procedures—Steering committee—Models—Implementation—Reports: RCW 28A.405.100.

School superintendent—RCW 28A.405.210 not applicable to contract renewal: RCW 28A.400.010.

Additional notes found at www.leg.wa.gov

28A.405.220 Conditions and contracts of employment—Nonrenewal of provisional employees—Notice—Procedure. (1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the employee has received an evaluation rating below level 2 on the four-level rating system established under RCW 28A.405.100 during the third year of employment, in which case the employee shall remain subject to the nonrenewal of the employment contract until the employee receives a level 2 rating; or (c) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees."

(2) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified

thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(3) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(4) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(5) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW. [2016 c 85 § 2; 2012 c 35 § 7; 2010 c 235 § 203; 2009 c 57 § 2; 1996 c 201 § 2; 1992 c 141 § 103; 1990 c 33 § 391; 1975-'76 2nd ex.s. c 114 § 1. Formerly RCW 28A.67.072.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 57: See note following RCW 28A.405.210.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.405.230 Conditions and contracts of employment—Transfer of administrator to subordinate certificated position—Notice—Procedure. Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or non-administrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: PROVIDED, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976, and to all persons so employed at any time thereafter, except that RCW

28A.405.245 applies to persons first employed after June 10, 2010, as a principal by a school district meeting the criteria of RCW 28A.405.245. This section provides the exclusive means for transferring an administrator subject to this section to a subordinate certificated position at the expiration of the term of his or her employment contract. [2016 c 85 § 3; 2010 c 235 § 304; 2009 c 57 § 3; 1996 c 201 § 3; 1990 c 33 § 392; 1975-'76 2nd ex.s. c 114 § 9. Formerly RCW 28A.67.073.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 57: See note following RCW 28A.405.210.

Additional notes found at www.leg.wa.gov

28A.405.240 Conditions and contracts of employment—Supplemental contracts, when—Continuing contract provisions not applicable to. No certificated employee shall be required to perform duties not described in the contract unless a new or supplemental contract is made, except that in an unexpected emergency the board of directors or school district administration may require the employee to perform other reasonable duties on a temporary basis.

No supplemental contract shall be subject to the continuing contract provisions of this title. [1990 c 33 § 393; 1985 c 341 § 15; 1969 ex.s. c 283 § 2. Formerly RCW 28A.67.074, 28.67.074.]

RCW 28A.405.240 not applicable to contract renewal of school superintendent: RCW 28A.400.010.

Additional notes found at www.leg.wa.gov

28A.405.245 Transfer of principal to subordinate certificated position—Notice—Procedure. (1) Any certificated employee of a school district under this section who is first employed as a principal after June 10, 2010, shall be subject to transfer as provided under this section, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section means any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator. This section applies only to school districts with an annual average student enrollment of more than thirty-five thousand full-time equivalent students.

(2) During the first three consecutive school years of employment as a principal by the school district, or during the first full school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position may be made by a determination of the superintendent that the best interests of the school district would be served by the transfer.

(3) Commencing with the fourth consecutive school year of employment as a principal, or the second consecutive school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position shall be based on the superintendent's determination that the results of the evaluation of the principal's

performance using the evaluative criteria and rating system established under RCW 28A.405.100 provide a valid reason for the transfer without regard to whether there is probable cause for the transfer. If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal, as defined by the superintendent, are required for a determination by the superintendent under this subsection that the principal should be transferred to a subordinate certificated position.

(4) Any superintendent transferring a principal under this section to a subordinate certificated position shall notify that principal in writing on or before May 15th before the beginning of the school year of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th. The notification shall state the reason or reasons for the transfer and shall identify the subordinate certificated position to which the principal will be transferred. The notification shall be served upon the principal personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(5) Any principal so notified may request to the president or chair of the board of directors of the district, in writing and within ten days after receiving notice, an opportunity to meet informally with the board of directors in an executive session for the purpose of requesting the board to reconsider the decision of the superintendent, and shall be given such opportunity. The board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall give the principal written notice at least three days before the meeting of the date, time, and place of the meeting. At the meeting the principal shall be given the opportunity to refute any evidence upon which the determination was based and to make any argument in support of his or her request for reconsideration. The principal and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the principal in writing of its final decision within ten days following its meeting with the principal. No appeal to the courts shall lie from the final decision of the board of directors to transfer a principal to a subordinate certificated position.

(6) This section provides the exclusive means for transferring a certificated employee first employed by a school district under this section as a principal after June 10, 2010, to a subordinate certificated position at the expiration of the term of his or her employment contract. [2016 c 85 § 4; 2010 c 235 § 302.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: "The legislature finds that the presence of highly effective principals in schools has never been more important than it is today. To enable students to meet high academic standards, principals must lead and encourage teams of teachers and support staff to work together, align curriculum and instruction, use student data to target instruction and intervention strategies, and serve as the chief school officer with parents and the community. Greater responsibility should come with greater authority over personnel, budgets, resource allocation, and programs. But greater responsibility also comes with greater accountability for outcomes. Washington is

putting into place an updated and rigorous system of evaluating principal performance, one that will measure what matters. This system will never be truly effective unless the results are meaningfully used." [2010 c 235 § 301.]

28A.405.250 Certificated employees, applicants for certificated position, not to be discriminated against—Right to inspect personnel file. The board of directors of any school district, its employees or agents shall not discriminate in any way against any applicant for a certificated position or any certificated employee

(1) On account of his or her membership in any lawful organization, or

(2) For the orderly exercise during off-school hours of any rights guaranteed under the law to citizens generally, or

(3) For family relationship, except where covered by chapter 42.23 RCW.

The school district personnel file on any certificated employee in the possession of the district, its employees, or agents shall not be withheld at any time from the inspection of that employee. [1990 c 33 § 394; 1969 ex.s. c 34 § 21. Formerly RCW 28A.58.445.]

Code of ethics for municipal officers—Contract interests: Chapter 42.23 RCW.

28A.405.260 Use of false academic credentials—Penalties. A person who issues or uses a false academic credential is subject to RCW 28B.85.220 and 9A.60.070. [2006 c 234 § 5.]

28A.405.265 Rights of certificated employees in school districts dissolved due to financial insolvency. Notwithstanding the provisions of RCW 28A.405.210 through 28A.405.380, the employment status, the processes for notices of discharge or nonrenewal, and the appeal rights of certificated employees in school districts that are dissolved due to financial insolvency shall be as provided in RCW 28A.315.229. [2012 c 186 § 21.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

HIRING AND DISCHARGE

28A.405.300 Adverse change in contract status of certificated employee—Determination of probable cause—Notice—Opportunity for hearing. In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, such employee shall be notified in writing of that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair of the board or secretary of the board of directors of the district within ten days after receiving such

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notice, shall be granted opportunity for a hearing pursuant to RCW 28A.405.310 to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status.

In the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a discharge or other adverse action against contract status for the purposes of this section. [2010 c 235 § 305; 1990 c 33 § 395; 1975-'76 2nd ex.s. c 114 § 2; 1973 c 49 § 1; 1969 ex.s. c 34 § 13; 1969 ex.s. c 223 § 28A.58.450. Prior: 1961 c 241 § 2. Formerly RCW 28A.58.450, 28.58.450.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Savings—Severability-1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

Minimum criteria for the evaluation of certificated employees—Revised four-level evaluation systems for classroom teachers and for principals—Procedures—Steering committee—Models—Implementation—Reports: RCW 28A.405.100.

Transfer of administrator to subordinate certificated position—Procedure: RCW 28A.405.230.

28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal of contract—Hearings—Procedure. (1) Any employee receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW 28A.405.300, or any employee, with the exception of provisional employees as defined in RCW 28A.405.220, receiving a notice of probable cause for nonrenewal of contract pursuant to RCW 28A.405.210, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW 28A.405.300 or 28A.405.210, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection (5) of this section and at all subsequent proceedings pursuant to this section. At the hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) In the event that an employee requests a hearing pursuant to RCW 28A.405.300 or 28A.405.210, a hearing officer shall be appointed in the following manner: Within fifteen days following the receipt of any such request the board of directors of the district or its designee and the employee or employee's designee shall each appoint one nominee. The

two nominees shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association or a person adhering to the arbitration standards established by the public employment relations commission and listed on its current roster of arbitrators. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) of this section, the hearing officer shall schedule a prehearing conference to be held within such five day period, unless the board of directors and employee agree on another date convenient with the hearing officer. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.

(b) Make other appropriate rulings of law and procedure.

(c) Within ten days following the conclusion of the hearing transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision. If the final decision is in favor of the employee, the employee shall be restored to his or her employment position and shall be awarded reasonable attorneys' fees.

(8) Any final decision by the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be established by a preponderance

of the evidence at the hearing to be sufficient cause or causes for such action.

(9) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.

(10) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board. [1990 c 33 § 396; 1987 c 375 § 1; 1977 ex.s. c 7 § 1; 1975-'76 2nd ex.s. c 114 § 5. Formerly RCW 28A.58.455.]

Additional notes found at www.leg.wa.gov

28A.405.320 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Notice—Service—Filing—Contents. Any teacher, principal, supervisor, superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge or other action adversely affecting his or her contract status, or failure to renew that employee's contract for the next ensuing term, within thirty days after his or her receipt of such decision or order, may serve upon the chair of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth also in a clear and concise manner the errors complained of. [1990 c 33 § 397; 1969 ex.s. c 34 § 14; 1969 ex.s. c 223 § 28A.58.460. Prior: 1961 c 241 § 3. Formerly RCW 28A.58.460, 28.58.460.]

28A.405.330 Adverse change in contract status of certificated employee, including nonrenewal of contract—Notice of appeal—Filing party—Certification and filing. The filing party, within ten days of filing the notice of appeal shall notify in writing the chair of the school board of the taking of the appeal, and within twenty days thereafter the school board shall at its expense file the complete transcript of the evidence and the papers and exhibits relating to the decision complained of, all properly certified to be correct. [2016 c 93 § 3; 1990 c 33 § 398; 1969 ex.s. c 223 § 28A.58.470. Prior: 1961 c 241 § 4. Formerly RCW 28A.58.470, 28.58.470.]

28A.405.340 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Scope. Any appeal to the superior court by an employee shall be heard by the superior court without a jury. Such appeal shall be heard expeditiously. The superior court's review shall be confined to the verbatim transcript of the hearing and the papers and exhibits admitted into evidence at the hearing, except that in cases of alleged irregularities in procedure not shown in the transcript or exhibits and in cases of alleged abridgment of the employee's constitutional free speech rights, the court may take additional testimony on the alleged procedural irregularities or abridgment of free speech rights. The court shall hear oral argument and receive written briefs offered by the parties.

The court may affirm the decision of the board or hearing officer or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the employee may have been prejudiced because the decision was:

- (1) In violation of constitutional provisions; or
- (2) In excess of the statutory authority or jurisdiction of the board or hearing officer; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (6) Arbitrary or capricious. [1975-'76 2nd ex.s. c 114 § 6; 1969 ex.s. c 34 § 15; 1969 ex.s. c 223 § 28A.58.480. Prior: 1961 c 241 § 5. Formerly RCW 28A.58.480, 28.58.480.]

Additional notes found at www.leg.wa.gov

28A.405.350 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Costs, attorney's fee and damages. If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds, the court in its discretion may award to the employee a reasonable attorneys' fee for the preparation and trial of his or her appeal, together with his or her taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district. [1990 c 33 § 399; 1975-'76 2nd ex.s. c 114 § 7; 1969 ex.s. c 34 § 16; 1969 ex.s. c 223 § 28A.58.490. Prior: 1961 c 241 § 6. Formerly RCW 28A.58.490, 28.58.490.]

Additional notes found at www.leg.wa.gov

28A.405.360 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appellate review. Either party to the proceedings in the superior court may seek appellate review of the decision as any other civil action. [1988 c 202 § 26; 1971 c 81 § 71; 1969 ex.s. c 223 § 28A.58.500. Prior: 1961 c 241 § 7. Formerly RCW 28A.58.500, 28.58.500.]

Additional notes found at www.leg.wa.gov

28A.405.370 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Other statutes not applicable. The provisions of chapter 28A.645 RCW shall not be applicable to RCW 28A.405.300 through 28A.405.360. [1990 c 33 § 400; 1969 ex.s. c 223 § 28A.58.510. Prior: 1961 c 241 § 8. Formerly RCW 28A.58.510, 28.58.510.]

28A.405.380 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Direct judicial appeal, when. In the event that an employee, with the exception of a provisional employee as defined in RCW 28A.405.220, receives a notice of probable cause pursuant to RCW 28A.405.300 or 28A.405.210 stating that by reason of a lack of sufficient funds or loss of levy election the employment contract of such employee should not be renewed for the next ensuing school term or that the same should be adversely affected, the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by

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servicing upon the secretary of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the probable cause notice. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action as specified in the probable cause notice, which cause must be proven by a preponderance of the evidence, and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be tried as an ordinary civil action: PROVIDED, That the board of directors' determination of priorities for the expenditure of funds shall be subject to superior court review pursuant to the standards set forth in RCW 28A.405.340: PROVIDED FURTHER, That the provisions of RCW 28A.405.350 and 28A.405.360 shall be applicable thereto. [1990 c 33 § 401; 1975-'76 2nd ex.s. c 114 § 8; 1973 c 49 § 3; 1969 ex.s. c 34 § 18. Formerly RCW 28A.58.515.]

Additional notes found at www.leg.wa.gov

SALARY AND COMPENSATION

28A.405.400 Payroll deductions authorized for employees. In addition to other deductions permitted by law, any person authorized to disburse funds in payment of salaries or wages to employees of school districts, upon written request of at least ten percent of the employees, shall make deductions as they authorize, subject to the limitations of district equipment or personnel. Any person authorized to disburse funds shall not be required to make other deductions for employees if fewer than ten percent of the employees make the request for the same payee. Moneys so deducted shall be paid or applied monthly by the school district for the purposes specified by the employee. The employer may not derive any financial benefit from such deductions. A deduction authorized before July 28, 1991, shall be subject to the law in effect at the time the deduction was authorized. [1991 c 116 § 18; 1972 ex.s. c 39 § 1. Formerly RCW 28A.67.095.]

28A.405.410 Payroll deductions authorized for certificated employees—Savings. Nothing in RCW 28A.405.400 shall be construed to annul or modify any lawful agreement heretofore entered into between any school district and any representative of its employees or other existing lawful agreements and obligations in effect on May 23, 1972. [1990 c 33 § 402; 1972 ex.s. c 39 § 2. Formerly RCW 28A.67.096.]

28A.405.415 Bonuses—National board for professional standards certification. (1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that pro-

vided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount. [2013 2nd sp.s. c 5 § 4; 2011 1st sp.s. c 18 § 4; 2009 c 539 § 6; 2008 c 175 § 2; 2007 c 398 § 2.]

Effective date—2013 2nd sp.s. c 5: See note following RCW 28A.400.205.

Effective date—2011 1st sp.s. c 18: See note following RCW 28A.400.205.

Effective date—2009 c 539: See note following RCW 28A.655.200.

Findings—2007 c 398: "The legislature finds and declares:

(1) The national board for professional teaching standards has established high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student learning results;

(2) The national board certifies teachers who meet these standards through a rigorous, performance-based assessment process;

(3) A certificate awarded by the national board attests that a teacher has met high and rigorous standards and has demonstrated the ability to make sound professional judgments about how to best meet students' learning needs and effectively help students meet challenging academic standards; and

(4) Teachers who attain national board certification should be acknowledged and rewarded in order to encourage more teachers to pursue certification for the benefit of Washington students." [2007 c 398 § 1.]

MISCELLANEOUS PROVISIONS

28A.405.460 Lunch period for certificated employees. All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties: PROVIDED, That local districts may work out other arrangements with the consent of all affected parties. [1995 c 335 § 702; 1991 c 116 § 15; 1969 ex.s. c 223 § 28A.58.275. Prior: 1965 c 18 § 1. Formerly RCW 28A.58.275, 28.58.275.]

Additional notes found at www.leg.wa.gov

28A.405.465 Use of classified personnel to supervise in noninstructional activities. Any school district may employ classified personnel to supervise school children in noninstructional activities, and in instructional activities while under the supervision of a certificated employee. [1997 c 13 § 13; 1991 c 116 § 16.]

28A.405.466 Presence of certificated personnel at schools before and after school—Policy. Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication. [2006 c 263 § 902.]

[Title 28A RCW—page 252]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

TERMINATION OF CERTIFICATED STAFF

28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district. The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.405 or 28A.410 RCW is subject to revocation under *RCW 28A.410.090(3) upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322. Employment shall remain terminated unless the employee successfully prevails on appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment. [2009 c 396 § 4; 1990 c 33 § 405; 1989 c 320 § 5. Formerly RCW 28A.58.1003.]

***Reviser's note:** RCW 28A.410.090 was amended by 2013 c 163 § 1, changing subsection (3) to subsection (4).

Additional notes found at www.leg.wa.gov

28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies—Notice to superintendent of public instruction—Record of notices. (1) A school district superintendent shall immediately notify the office of the superintendent of public instruction when the district terminates the employment contract of a certificated employee on the basis of a guilty plea or a conviction of any felony crime specified under RCW 28A.400.322.

(2) The office of the superintendent of public instruction shall maintain a record of the notices received under this section.

(3) This section applies only to employees holding a certificate or permit authorized under this chapter or chapter 28A.410 RCW who have contact with children during the course of employment. [2009 c 396 § 9.]

28A.405.900 Certain certificated employees exempt from chapter provisions. Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.100, 28A.405.210, and 28A.405.220 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for post-retirement employment under the provisions of chapter 10, Laws of 2001 2nd sp. sess.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated. [2002 c 26 § 1; 2001 2nd sp.s. c 10 § 2; 1990 c 33 § 404; 1972 ex.s. c 142 § 3. Formerly RCW 28A.67.900.]

(2016 Ed.)

Postretirement employment under the teachers' retirement system: RCW 41.32.570.

Additional notes found at www.leg.wa.gov

**Chapter 28A.410 RCW
CERTIFICATION**

Sections

- 28A.410.010 Certification—Duty of professional educator standards board—Rules—Record check—Lapsed certificates—Superintendent of public instruction as administrator.
- 28A.410.025 Qualifications—Certificate or permit required.
- 28A.410.032 Qualifications—Teachers of visually impaired—Rules.
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- 28A.410.043 School counselor certification.
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- 28A.410.046 Elementary mathematics specialists.
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- 28A.410.070 Registration of certificates.
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- 28A.410.2212 Washington professional educator standards board—Certificate renewal rules for teachers in STEM-related subjects.
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- 28A.410.260 Washington professional educator standards board—Model standards for cultural competency—Recommendations.
- 28A.410.270 Washington professional educator standards board—Performance standards—Certification levels—Teacher effectiveness evaluations—Update—Proposal—Recommendation—Requirements for professional certificate and residency teaching certificate.
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- 28A.410.290 Teacher and administrator preparation program approval standards—Community college and nonhigher education provider programs—Alternative route program inclusion.
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28A.410.010 Certification—Duty of professional educator standards board—Rules—Record check—Lapsed certificates—Superintendent of public instruction as administrator. (1)(a) The Washington professional educator standards board shall establish, publish, and enforce rules determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. An individual who holds a valid portable background check clearance card issued by the department of early learning consistent with RCW 43.215.215 is exempt from the office of the superintendent of public instruction fingerprint background check if the individual provides a true and accurate copy of his or her Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

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

(c) The board shall develop rules consistent with RCW 18.340.020 for the certification of spouses of military personnel.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any certificates or permits and revoke the same in accordance with board rules. [2014 c 50 § 2; 2011 2nd sp.s. c 5 § 4; 2005 c 497 § 203; 2001 c 263 § 1. Prior: 1992 c 159 § 3; 1992 c 60 § 2; prior: 1988 c 172 § 3; 1988 c 97 § 1; 1987 c 486 § 8; 1975-'76 2nd ex.s. c 92 § 2; 1969 ex.s. c 223 § 28A.70.005. Formerly RCW 28A.70.005.]

Implementation—2011 2nd sp.s. c 5: See note following RCW 18.340.010.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1992 c 159: See note following RCW 28A.400.303.

Additional notes found at www.leg.wa.gov

28A.410.025 Qualifications—Certificate or permit required. No person shall be accounted as a qualified teacher within the meaning of the school law who is not the holder of a valid teacher's certificate or permit issued by lawful authority of this state. [1969 ex.s. c 223 § 28A.67.010. Prior: 1909 c 97 p 306 § 1; RRS § 4844; prior: 1907 c 240 § 6; 1897 c 118 § 51; 1891 c 127 § 14; 1890 p 369 § 37; 1886 p 18 § 47; 1873 p 430 § 15. Formerly RCW 28A.405.010, 28A.67.010, 28.67.010.]

28A.410.032 Qualifications—Teachers of visually impaired—Rules. Teachers of visually impaired students shall be qualified according to rules adopted by the professional educator standards board. [2005 c 497 § 220; 1996 c 135 § 4.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1996 c 135: See note following RCW 28A.155.105.

28A.410.035 Qualifications—Coursework on issues of abuse; sexual abuse and exploitation of a minor; and emotional or behavioral distress in students, including possible substance abuse, violence, and youth suicide. (1) To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. To receive initial certification after August 31, 2014, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards.

[Title 28A RCW—page 254]

[2013 c 197 § 3; 2013 c 10 § 2; 1990 c 90 § 1. Formerly RCW 28A.405.025.]

Reviser's note: This section was amended by 2013 c 10 § 2 and by 2013 c 197 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Finding—2013 c 10: "The legislature finds that when teachers and school staff are trained in identifying and preventing child sexual abuse, commercial sexual abuse of minors, and sexual exploitation of minors, students benefit." [2013 c 10 § 1.]

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.410.040 Initial-level certificates. The Washington professional educator standards board shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.410.210. However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field. [2005 c 497 § 204; 1992 c 141 § 101; 1990 c 33 § 406. Prior: 1989 c 402 § 1; 1989 c 29 § 1; 1987 c 525 § 212. Formerly RCW 28A.70.040.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1992 c 141: "The legislature finds that the educational needs of students when they leave the public school system has [have] increased dramatically in the past two decades. If young people are to prosper in our democracy and if our nation is to grow economically, it is imperative that the overall level of learning achieved by students be significantly increased.

To achieve this higher level of learning, the legislature finds that the state of Washington needs to develop a performance-based school system. Instead of maintaining burdensome state accountability laws and rules that dictate educational offerings, the state needs to hold schools accountable for their performance based on what their students learn.

The legislature further finds moving toward a performance-based accountability system will require repealing state laws and rules that inhibit the freedom of school boards and professional educators to carry out their work, and also will require that significantly more decisions be made at the school district and school building levels. In addition, it will be necessary to set high expectations for students, to identify what is expected of all students, and to develop a rigorous academic assessment system to determine if these expectations have been achieved.

The legislature further finds that the governor's council on education reform and funding will, by December 1992, identify broad student learning goals. Subject to decisions made by the 1993 legislature, the legislature finds that it is critical that an organization be established to continue the council's work in identifying necessary student skills and knowledge, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

The legislature further finds that there is a need for high quality professional development as the state implements a performance-based system. Professional development must be available to schools and school districts to maintain quality control and to assure access to proven research on effective teaching." [1992 c 141 § 1.]

Intent—1987 c 525 §§ 201-233: "The legislature intends to enhance the education of the state's youth by improving the quality of teaching. The legislature intends to establish a framework for teacher and principal preparation programs and to recognize teaching as a profession.

The legislature finds that the quality of teacher preparation programs is enhanced when a planned, sequenced approach is used that provides for the application of practice to academic coursework.

The legislature supports better integration of the elements of teacher preparation programs including knowledge of subject matter, teaching methods, and actual teaching experiences.

The legislature finds that establishing: (1) A teaching internship program; (2) a post-baccalaureate program resulting in a master's degree; (3) stronger requirements for earning principal credentials; and (4) a review of the preparation standards for school principals and educational staff associates are appropriate next steps in enhancing the quality of educational personnel in Washington." [1987 c 525 § 201.]

Additional notes found at www.leg.wa.gov

28A.410.043 School counselor certification. A school counselor is a professional educator who holds a valid school counselor certification as defined by the professional educator standards board. The purpose and role of the school counselor is to plan, organize, and deliver a comprehensive school guidance and counseling program that personalizes education and supports, promotes, and enhances the academic, personal, social, and career development of all students, based on the national standards for school counseling programs of the American school counselor association. [2007 c 175 § 2.]

Findings—Intent—2007 c 175: "The legislature finds that the professional school counselor is a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs. School counselors serve a vital role in maximizing student achievement, supporting a safe learning environment, and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature further finds that current state statutes fail to mention anything about school counselors. Therefore, the legislature intends to codify into law the importance and the role of school counselors in public schools." [2007 c 175 § 1.]

28A.410.045 First peoples' language, culture, and oral tribal traditions teacher certification program—Established—Rules. (1) The Washington state first peoples' language, culture, and oral tribal traditions teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in first peoples' language, culture, and oral tribal traditions education developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language, culture, and oral tribal traditions teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program. Tribal law enforcement agencies and the Washington state patrol shall enter into government-to-government negotiations regarding the exchange of background informa-

tion on applicants for certification. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language, culture, and oral tribal traditions without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language, culture, and oral tribal traditions teacher certificate serves as a subject area endorsement in first peoples' language, culture, and oral tribal traditions. The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages, cultures, and oral tribal traditions designated on the certificate and no other subject;

(d) In order to teach first peoples' language, culture, and oral tribal traditions, teachers must hold certificates from both the office of the superintendent of public instruction and from the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate meets Washington state's definition of a highly qualified teacher under the no child left behind act of 2001 (P.L. 107-110) for the purposes of teaching first peoples' language, culture, and oral tribal traditions, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued before July 22, 2007, under rules approved by the state board of education or the professional educator standards board under a pilot program remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and with first peoples' language, culture, and oral tribal traditions teacher certification programs for in-service teacher training and continuing education in the culture and history appropriate for their geographic area, as well as suggested pedagogy and instructional strategies. [2007 c 319 § 2.]

Findings—2007 c 319: "The legislature finds that:

(1) Teaching first peoples' languages, cultures, and oral tribal traditions is a critical factor in fostering successful educational experiences and promoting cultural sensitivity for all students. Experience shows that such teaching dramatically raises student achievement and that the effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for the success of Native American students;

(3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie

within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

(5) Establishing a first peoples' language, culture, and oral tribal traditions teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language, culture, and oral tribal traditions certification program implements the following policy objectives of the federal Native American languages act of 1990 (P.L. 101-477) in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture and history, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language, culture, and oral tribal traditions certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of the no child left behind act of 2001 (P.L. 107-110) in a manner that is consistent with tribal traditions, languages, and cultures." [2007 c 319 § 1.]

Short title—2007 c 319: "This act may be known and cited as the "First peoples' language, culture, and oral tribal traditions teacher certification act: Honoring our ancestors."" [2007 c 319 § 4.]

28A.410.046 Elementary mathematics specialists.

(1) For the purposes of this section, an elementary mathematics specialist is a certificated teacher who has demonstrated at least the following knowledge and skills:

(a) Enhanced mathematics content knowledge and skills necessary to provide students in grades kindergarten through eight a deep understanding of the essential academic learning requirements and performance expectations in mathematics;

(b) Knowledge and skills in a variety of instructional strategies for teaching mathematics content; and

(c) Knowledge and skills in instructional strategies targeted for students struggling with mathematics.

(2) The legislature encourages the professional educator standards board to develop standards for and adopt a specialty endorsement for elementary mathematics specialists as defined under this section.

(3) School districts may work with local colleges and universities, educator preparation programs, and educational service districts to develop and offer training and professional development opportunities in the knowledge and skills necessary for a teacher to be considered an elementary mathematics specialist under this section.

(4) School districts are encouraged to use elementary mathematics specialists for direct instruction of students using an itinerant teacher model where the specialist rotates

from classroom to classroom within the school. [2011 c 209 § 2.]

Finding—Intent—2011 c 209: "The legislature finds that significant changes have been made in recent years to improve Washington's mathematics standards. Additional mathematics coursework, at a more rigorous level, will be required for high school graduation. Efforts to increase the rigor of high school mathematics will ultimately not be successful unless students in elementary and middle school are better prepared in mathematics. Successful preparation is more likely to occur if students have the opportunity to receive instruction from a teacher with proficiency in both mathematics content and effective instructional methods in mathematics for elementary and middle school students. It is the legislature's intent to encourage elementary teachers who enjoy and excel in mathematics to become specialists, and to encourage school districts to assign these specialists to teach elementary and middle school mathematics, thereby transmitting both their expertise and their enthusiasm for the subject to their students." [2011 c 209 § 1.]

28A.410.050 Baccalaureate and master's degree equivalency requirements for vocational instructors—

Rules. The Washington professional educator standards board shall develop and adopt rules establishing baccalaureate and master's degree equivalency standards for vocational instructors performing instructional duties and acquiring certification after August 31, 1992. [2005 c 497 § 205; 1992 c 141 § 102; 1989 c 29 § 2; 1987 c 525 § 215. Formerly RCW 28A.70.042.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Intent—Short title—1987 c 525 §§ 202-233: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.410.060 Fee for certification—Disposition. The fee for any certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the Washington professional educator standards board by rule shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the educational service district superintendent is located, to be by him or her placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, professional in-service training programs, and provision of certification services by educational service districts, in accordance with rules of the Washington professional educator standards board herein authorized. [2008 c 107 § 1; 2005 c 497 § 206; 1990 c 33 § 407; 1975-'76 2nd ex.s. c 92 § 3; 1975-'76 2nd ex.s. c 15 § 17. Prior: 1975 1st ex.s. c 275 § 134; 1975 1st ex.s. c 192 § 1; 1969 ex.s. c 176 § 144; 1969 ex.s. c 223 § 28A.70.110; prior: 1965 c 139 § 20; 1909 c 97 p 336 §

3; RRS § 4968; prior: 1897 c 118 § 142. Formerly RCW 28A.70.110, 28.70.110, 28.70.120.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.410.062 Initial educator certificates—Application processing fee—Educator certification processing account. (1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

(2) In addition to the certification fee established under RCW 28A.410.060, the superintendent of public instruction shall charge an application processing fee for initial educator certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9). Revenue generated through the processing fee shall be deposited in the educator certification processing account.

(3) The educator certification processing account is established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator certificates and subsequent actions. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. [2011 1st sp.s. c 23 § 1.]

Effective date—2011 1st sp.s. c 23: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 1st sp.s. c 23 § 2.]

28A.410.070 Registration of certificates. (1) All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to employment in any school district of the state upon being registered by the school district if designated to do so by the school district, which fact shall be evidenced on the certificate in the words, "Registered for use in district," together with the date of registry, and an official signature of the person registering the same: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

(2) The superintendent of public instruction may accept applications for educator certification that are submitted using an electronic signature from the applicant. [2007 c 401

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§ 7; 1983 c 56 § 12; 1975-'76 2nd ex.s. c 92 § 4; 1975 1st ex.s. c 275 § 135; 1971 c 48 § 50; 1969 ex.s. c 223 § 28A.70.130. Prior: 1909 c 97 p 338 § 11; RRS § 4976; prior: 1897 c 118 § 147. Formerly RCW 28A.70.130, 28.70.130.]

Findings—2007 c 401: See note following RCW 28A.300.500.

Additional notes found at www.leg.wa.gov

28A.410.080 School year—For certification or qualification purposes. The school year for all matters pertaining to teacher certification or for computing experience in teaching shall consist of not fewer than one hundred eighty school days. [1969 ex.s. c 223 § 28A.01.025. Prior: 1909 c 97 p 262 § 3, part; RRS § 4687, part; prior: 1903 c 104 § 22, part. Formerly RCW 28A.01.025, 28.01.010, part.]

28A.410.090 Revocation or suspension of certificate or permit to teach—Reprimand—Criminal basis—Complaints—Investigation—Process. (1)(a) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of the professional educator standards board or any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state. A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit. School district superintendents, educational service district superintendents, the professional educator standards board, or private school administrators may file a complaint concerning any certificated employee of a school district, educational service district, or private school and this filing authority is not limited to employees of the complaining superintendent or administrator. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted.

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

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

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

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

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

(3) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules adopted thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint from the professional educator standards board alleging unprofessional conduct in the form of a fraudulent submission of a test for educators. A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit. The professional educator standards board must issue to the superintendent of public instruction a written complaint stating the grounds and factual basis upon which the professional educator standards board believes an investigation should be conducted pursuant to this section. In all cases under this subsection, the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in *RCW 28A.410.100.

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

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

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

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

(5)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended or revoked, according to the provisions of this subsection, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum. A first time violation of this subsection shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

(b) In all cases under this subsection (5), the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in

*RCW 28A.410.100. Certificates or permits shall be suspended or revoked under this subsection only if findings are made on or after July 24, 2005. For the purposes of this subsection, "sexually explicit conduct" has the same definition as provided in RCW 9.68A.011.

(6) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a finding that the certificate holder obtained the certificate through fraudulent means, including fraudulent misrepresentation of required academic credentials or prior criminal record. In all cases under this subsection, the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in *RCW 28A.410.100. Certificates or permits shall be revoked under this subsection only if findings are made on or after July 26, 2009. [2013 c 163 § 1; 2009 c 396 § 5; 2005 c 461 § 2; 2004 c 134 § 2; 1996 c 126 § 2; 1992 c 159 § 4; 1990 c 33 § 408; 1989 c 320 § 1; 1975 1st ex.s. c 275 § 137; 1974 ex.s. c 55 § 2; 1971 c 48 § 51; 1969 ex.s. c 223 § 28A.70.160. Prior: 1909 c 97 p 345 § 1; RRS § 4992; prior: 1897 c 118 § 148. Formerly RCW 28A.70.160, 28.70.160.]

*Reviser's note: The right to appeal was eliminated from RCW 28A.410.100 by 2009 c 531 § 3.

Findings—1992 c 159: See note following RCW 28A.400.303.

Notification of conviction or guilty plea of certain felony crimes: RCW 43.43.845.

Additional notes found at www.leg.wa.gov

28A.410.095 Violation or noncompliance—Investigatory powers of superintendent of public instruction—Requirements for investigation of alleged sexual misconduct towards a child—Court orders—Contempt—Written findings required. (1) The superintendent of public instruction may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it. For the purpose of any investigation or proceeding under this chapter, the superintendent or any officer designated by the superintendent may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the superintendent deems relevant and material to the inquiry.

(2) Investigations conducted by the superintendent of public instruction concerning alleged sexual misconduct towards a child shall be completed within one year of the initiation of the investigation or within thirty days of the completion of all proceedings, including court proceedings, resulting from an investigation conducted by law enforcement or child protective services if there is such an investigation. The superintendent of public instruction may take, for reasonable cause, additional time for completion of the investigation after informing the victim, the individual being investigated, and the school district that employs the individual being investigated of the reasons additional time is needed and the amount of additional time needed. Written notification must be provided to each of the parties who must be informed. The sole remedy for a failure to complete an investigation of sexual misconduct within the time allowed

by this subsection is a civil penalty of fifty dollars per day for each day beyond the allowed time.

(3) If any person fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the superintendent, may issue to that person an order requiring him or her to appear before the court and to show cause why he or she should not be compelled to obey the subpoena, and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

(4) Once an investigation has been initiated by the superintendent of public instruction, the investigation shall be completed regardless of whether the individual being investigated has resigned his or her position or allowed his or her teaching certificate to lapse. The superintendent shall make a written finding regarding each investigation indicating the actions taken, including a statement of the reasons why a complaint was dismissed or did not warrant further investigation or action by the superintendent, and shall provide such notice to each person who filed the complaint. Written findings under this section are subject to public disclosure under chapter 42.56 RCW.

(5) An investigation into sexual or physical abuse of a student by a school employee shall only be initiated by the superintendent of public instruction after the superintendent of public instruction verifies that the incident has been reported to the proper law enforcement agency or the department of social and health services as required under RCW 26.44.030. [2005 c 274 § 245; 2004 c 134 § 1; 1992 c 159 § 5.]

Findings—1992 c 159: See note following RCW 28A.400.303.

Additional notes found at www.leg.wa.gov

28A.410.100 Revocation of authority to teach—Hearings. Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. [2009 c 531 § 3; 2005 c 497 § 207; 1992 c 159 § 6; 1990 c 33 § 409; 1975 1st ex.s. c 275 § 138; 1971 c 48 § 52; 1969 ex.s. c 223 § 28A.70.170. Prior: 1909 c 97 p 346 § 3; RRS § 4994. Formerly RCW 28A.70.170, 28.70.170.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1992 c 159: See note following RCW 28A.400.303.

Additional notes found at www.leg.wa.gov

28A.410.105 Certificate or permit suspension—Nonpayment or default on educational loan or scholarship. The authorizing authority shall suspend the certificate or permit of any person who has been certified by a lending agency and reported to the authorizing authority for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate or permit shall not be reissued until the person provides the authorizing authority a written release issued by the lending agency stating that the person is making payments on the loan in accor-

dance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification or permit during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the authorizing authority may impose. [1996 c 293 § 27.]

Additional notes found at www.leg.wa.gov

28A.410.106 Certificate or permit suspension—Non-compliance with support order—Reissuance. Any certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended by the authority authorized to grant the certificate or permit if the department of social and health services certifies that the person is not in compliance with a support order or a *residential or visitation order as provided in RCW 74.20A.320. If the person continues to meet other requirements for reinstatement during the suspension, reissuance of the certificate or permit shall be automatic after the person provides the authority a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 § 842.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

28A.410.108 Reporting disciplinary actions to national clearinghouse. For the purposes of reporting disciplinary actions taken against certificated staff to other states via a national database used by the office of the superintendent of public instruction, the following actions shall be reported: Suspension, surrender, revocation, denial, stayed suspension, reinstatement, and any written reprimand related to abuse and sexual misconduct. These actions will only be reported to the extent that they are accepted by the national clearinghouse, but if there are categories not included, the office of the superintendent of public instruction shall seek modification to the national clearinghouse format. [2004 c 29 § 4.]

Findings—2004 c 29: See note following RCW 28A.400.301.

28A.410.110 Limitation on reinstatement after revocation—Reinstatement prohibited for certain felony crimes. In case any certificate or permit authorized under this chapter or chapter 28A.405 RCW is revoked, the holder shall not be eligible to receive another certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter 28A.405 RCW was revoked because of a guilty plea or the conviction of a felony crime specified under RCW 28A.400.322, the certificate or permit shall not be reinstated. [2009 c 396 § 6; 1990 c 33 § 410; 1989 c 320 § 2; 1969 ex.s. c 223 § 28A.70.180. Prior: 1909 c 97 p 346 § 2; RRS § 4993. Formerly RCW 28A.70.180, 28.70.180.]

Additional notes found at www.leg.wa.gov

28A.410.120 Professional certification not required of superintendents or deputy or assistant superintendents. Notwithstanding any other provision of this title, the Washington professional educator standards board or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent. [2005 c 497 § 208; 1990 c 33 § 411; 1975 1st ex.s. c 254 § 3. Formerly RCW 28A.02.260.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.410.200 Washington professional educator standards board—Creation—Membership—Executive director. (1)(a) The Washington professional educator standards board is created, consisting of twelve members to be appointed by the governor to four-year terms and the superintendent of public instruction. On August 1, 2009, the board shall be reduced to twelve members.

(b) Vacancies on the board shall be filled by appointment or reappointment by the governor to terms of four years.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall biennially appoint the chair of the board. No board member may serve as chair for more than four consecutive years.

(2) A majority of the members of the board shall be active practitioners with the majority being classroom based. Membership on the board shall include individuals having one or more of the following:

(a) Experience in one or more of the education roles for which state preparation program approval is required and certificates issued;

(b) Experience providing or leading a state-approved teacher or educator preparation program;

(c) Experience providing mentoring and coaching to education professionals or others; and

(d) Education-related community experience.

(3) In appointing board members, the governor shall consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools or private schools, involvement in developing quality teaching preparation and support programs, and vision for the most effective yet practical system of assuring teaching quality. The governor shall also consider the diversity of the population of the state.

(4) All appointments to the board made by the governor are subject to confirmation by the senate.

(5) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes

for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(7) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

(8) Members of the board may create informal advisory groups as needed to inform the board's work. [2009 c 531 § 2; 2005 c 497 § 202; 2003 1st sp.s. c 22 § 1; 2002 c 92 § 1; 2000 c 39 § 102.]

Effective date—2009 c 531 § 2: "Section 2 of this act takes effect August 1, 2009." [2009 c 531 § 5.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—2000 c 39: "The legislature finds and declares:

(1) Creation of a public body whose focus is educator quality would be likely to bring greater focus and attention to the profession;

(2) Professional educator standards boards are consumer protection boards, establishing assessment policies to ensure the public that its new practitioners have the knowledge to be competent;

(3) The highest possible standards for all educators are essential in ensuring attainment of high academic standards by all students;

(4) Teacher assessment for certification can guard against admission to the teaching profession of persons who have not demonstrated that they are knowledgeable in the subjects they will be assigned to teach; and

(5) Teacher assessment for certification should be implemented as an additional element to the system of teacher preparation and certification." [2000 c 39 § 101.]

Joint report to the legislature: RCW 28A.305.035.

Additional notes found at www.leg.wa.gov

28A.410.210 Washington professional educator standards board—Purpose—Powers and duties. The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

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

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

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification,

including teacher certification from the national board for professional teaching standards;

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

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

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

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

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

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

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

(11) Submit, by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;

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

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

(14) Conduct meetings under the provisions of chapter 42.30 RCW. [2009 c 531 § 4; 2008 c 176 § 1; 2005 c 497 § 201; 2000 c 39 § 103.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.212 Washington professional educator standards board—Duties. The professional educator standards board shall:

(1) Develop and maintain a research base of educator preparation best practices;

(2) Develop and coordinate initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;

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(3) Provide program improvement technical assistance to providers of educator preparation programs;

(4) Assure educator preparation program compliance; and

(5) Prepare and maintain a cohesive educator development policy framework. [2009 c 531 § 1.]

28A.410.220 Washington professional educator standards board—Performance standards and professional-level certification assessment—Basic skills assessment—Assessment of subject knowledge—Administration of section—Rule-making authority. (1)(a) Beginning not later than September 1, 2001, the Washington professional educator standards board shall make available and pilot a means of assessing an applicant's knowledge in the basic skills. For the purposes of this section, "basic skills" means the subjects of at least reading, writing, and mathematics. Beginning September 1, 2002, except as provided in (c) and (d) of this subsection and subsection (4) of this section, passing this assessment shall be required for admission to approved teacher preparation programs and for persons from out-of-state applying for a Washington state residency teaching certificate.

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

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

(d) The Washington professional educator standards board may identify and accept other tests and test scores as long as the tests are comparable in rigor to the basic skills assessment and candidates meet or exceed the basic skills requirements established by the board. The board must set the acceptable score for admission to teacher certification programs at no lower than the average national scores for the SAT or ACT.

(2) The Washington professional educator standards board shall set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar.

(3) Beginning not later than September 1, 2002, the Washington professional educator standards board shall provide for the initial piloting and implementation of a means of assessing an applicant's knowledge in the subjects for which the applicant has applied for an endorsement to his or her residency or professional teaching certificate. The assessment of

subject knowledge shall not include instructional methodology. Beginning September 1, 2005, passing this assessment shall be required to receive an endorsement for certification purposes.

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

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

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

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

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

(b) Related clerical and administrative activities; or

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

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

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

(10) The Washington professional educator standards board shall collaboratively select or develop and implement the assessments and minimum assessment scores required under this section with the superintendent of public instruction and shall provide opportunities for representatives of other interested educational organizations to participate in the selection or development and implementation of such assessments in a manner deemed appropriate by the Washington professional educator standards board.

(11) The Washington professional educator standards board shall adopt rules under chapter 34.05 RCW that are reasonably necessary for the effective and efficient implementation of this section. [2013 c 193 § 2; 2008 c 176 § 2; 2002 c 92 § 2; 2000 c 39 § 201.]

Finding—Intent—2013 c 193: "The legislature finds that the use of a basic skills test as an entrance requirement to teacher certification programs has unintentionally created a barrier to the effective recruitment of candidates from underrepresented populations who are otherwise qualified for the program. Therefore, the legislature intends to expand the pool of potential teacher candidates by expanding the types of testing instruments and assess-

ments that may be used to measure basic skills. The legislature intends to review any alternative assessments to ensure that candidates must continue to meet the established standards for admission to a teacher certification program." [2013 c 193 § 1.]

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.221 Washington professional educator standards board—Revision of STEM-related subject-area teacher endorsements. The professional educator standards board shall, in its regular review and revision of teacher certification standards as required by RCW 28A.410.210, revise standards for the elementary education endorsement and middle level and secondary mathematics and science teacher endorsements as well as other subject area endorsements with STEM-related components. Standards revisions related to mathematics shall be adopted by September 1, 2013. Standards revisions related to science shall be adopted by September 1, 2014. The revised standards shall include the integration of science, technology, engineering, and mathematics (STEM) knowledge and skill and be aligned, as appropriate, with common core mathematics standards, the 2009 [2008] revision of state mathematics student learning standards and performance expectations, the biology end-of-course assessment, and the 2012 student science learning standards developed from the conceptual framework for science education and next generation standards and related student performance expectations. In addition to appropriate mathematics and science content, the endorsement standards must also include the concepts and instructional practices of the interdisciplinary connections with engineering and technology. [2011 2nd sp.s. c 2 § 1.]

28A.410.2211 Washington professional educator standards board—Revision of assessments to meet revised STEM-related standards. (1) The professional educator standards board shall revise assessments for prospective teachers and teachers adding subject area endorsements required for teacher certification under RCW 28A.410.220 to measure the revised standards in RCW 28A.410.221.

(2) In implementing the evidence-based assessment of teaching effectiveness under RCW 28A.410.280, the professional educator standards board shall require that successful candidates for the residency certificate demonstrate effective subject specific instructional methods that address the revised standards. [2011 2nd sp.s. c 2 § 2.]

28A.410.2212 Washington professional educator standards board—Certificate renewal rules for teachers in STEM-related subjects. The professional educator standards board shall revise certificate renewal rules for teachers at the elementary and secondary levels in STEM-related subjects by September 1, 2014. The revised rules shall include the requirement that continuing education or professional growth plans for these teachers include a specific focus on the integration of science, mathematics, technology, and engineering instruction. [2011 2nd sp.s. c 2 § 3.]

28A.410.224 Washington professional educator standards board—Standards for computer science endorsement. The professional educator standards board shall, in its

regular review and revision of teacher certification standards as required by RCW 28A.410.210, develop standards for a K-12 computer science endorsement. Standards related to computer science shall be adopted by January 15, 2016. The revised standards shall be aligned with the computer science learning standards developed by a nationally recognized computer science education organization and updated to include the standards adopted by the office of the superintendent of public instruction under RCW 28A.300.585. In addition to appropriate computer science content, the computer science endorsement standards must facilitate dual endorsement in computer science and mathematics or science, or another related endorsement in high demand as indicated by a school district. [2015 1st sp.s. c 3 § 2.]

28A.410.225 Washington professional educator standards board—Endorsement requirements—Teachers of deaf and hard of hearing students. The agency responsible for teacher certification shall develop certification endorsement requirements for teachers of deaf and hard of hearing students. The endorsement shall be focused on the specific skills and knowledge necessary to serve the education and communication needs of deaf and hard of hearing students. In establishing rules for the endorsement of teachers who will be working almost exclusively with students who are deaf or hard of hearing, the agency shall consider applicants to have met state endorsement requirements if they possess a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf. [2005 c 493 § 2.]

Findings—Intent—2005 c 493: "The legislature finds that the quality of education for children who are deaf or hard of hearing and the expectations for those children's achievement should be equivalent to those for children throughout the state. The legislature also finds that deaf and hard of hearing children can benefit greatly if they are taught by an educator who is trained to understand the learning and communication issues the children face. Educators who received teacher training in a program for the deaf and hard of hearing are sensitive to the needs of deaf and hard of hearing students and are able to provide appropriate strategies to assist students in reacting to and interacting with their environment. The legislature intends to assist school districts in their efforts to attract teachers who are especially trained to work with deaf and hard of hearing students by directing the state board of education to establish a certification endorsement for teachers of the deaf and hard of hearing." [2005 c 493 § 1.]

28A.410.226 Washington professional educator standards board—Training program on youth suicide screening—Certificates for school nurses, social workers, psychologists, and counselors—Adoption of standards. (1) As provided under subsections (2) and (3) of this section, individuals certified by the professional educator standards board as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on youth suicide screening and referral as a condition of certification. The training program must be at least three hours in length. The professional educator standards board must adopt standards for the minimum content of the training in consultation with the office of the superintendent of public instruction and the department of health. In developing the standards, the board must consider training programs listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(2) This section applies to the following certificates if the certificate is first issued or is renewed on or after July 1, 2015:

- (a) Continuing certificates for school nurses;
- (b) Continuing certificates for school social workers;
- (c) Continuing and professional certificates for school psychologists; and
- (d) Continuing and professional certificates for school counselors.

(3) A school counselor who holds or submits a school counseling certificate from the national board for professional teaching standards or a school psychologist who holds or submits a school psychologist certificate from the national association of school psychologists in lieu of a professional certificate must complete the training program under subsection (1) of this section by July 1, 2015, or within the five-year period before the certificate is first submitted to the professional educator standards board, whichever is later, and at least once every five years thereafter in order to be considered certified by the professional educator standards board.

(4) The professional educator standards board shall consider the training program under subsection (1) of this section as approved continuing education under RCW 28A.415.020 and shall count the training program toward meeting continuing education requirements for certification as a school nurse, school social worker, school psychologist, or school counselor. [2013 c 197 § 2.]

Findings—Intent—2013 c 197: "(1) The legislature finds that:

(a) According to the state department of health, suicide is the second leading cause of death for Washington youth between the ages of ten and twenty-four. Suicide rates among Washington youth remain higher than that national average;

(b) An increasing body of research shows an association between adverse childhood experiences such as trauma, violence, or abuse, and school performance. Children and teens spend a significant amount of time in school. Teachers and other school staff who interact with students daily are in a prime position to recognize the signs of emotional or behavioral distress and make appropriate referrals. School personnel need effective training to help build the skills and confidence to assist youth in seeking help;

(c) Educators are not necessarily trained to address significant social, emotional, or behavioral issues exhibited by youth. Rather, best practices guidelines suggest that school districts should form partnerships with qualified health, mental health, and social services agencies to provide support; and

(d) Current safe school plans prepared by school districts tend to focus more on natural disasters and external threats and less on how to recognize and respond to potential crises among the students inside the school.

(2) Therefore, the legislature intends to increase the capacity for school districts to recognize and respond to youth in need through additional training, more comprehensive planning, and emphasis on partnerships between schools and communities." [2013 c 197 § 1.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.410.230 Washington professional educator standards board—Review of proposed assessments before implementation. The Washington professional educator standards board shall report the proposed assessments to the legislative education committees for review and comment prior to implementing the assessments by contractual agreement with the selected vendor or vendors. [2000 c 39 § 202.]

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.240 Washington professional educator standards board—Reports. (1) By December 1, 2003, and annually thereafter, the Washington professional educator standards board shall prepare a report that includes the following information:

(a) The range of scores on the basic skills assessment under RCW 28A.410.220(1) for persons who passed the assessment and were admitted to a Washington preparation program; and

(b) The range of scores on the subject assessments under *RCW 28A.410.220(2) for persons who passed the assessments and earned an endorsement.

(2) The information under subsection (1) of this section shall be reported for the individual public and private colleges and universities in Washington, as well as reported on an aggregate basis. The report shall also include results disaggregated demographically. The report shall include information on the number and percentage of candidates exempted from assessments, demographic information on candidates exempted, institutions attended and endorsements sought by exempted candidates, and reasons for exclusion from the required assessments. The report shall be made available through the state library, on the web site of the office of superintendent of public instruction, and placed on the legislative alert list. [2000 c 39 § 203.]

*Reviser's note: RCW 28A.410.220 was amended by 2008 c 176 § 2, changing subsection (2) to subsection (3).

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.250 Washington professional educator standards board—Professional certification—Rules. The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the profes-

sional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience, including a method to determine the comparability of rigor between the Washington professional certification process and the advanced level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) an advanced level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate; and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement. [2016 c 233 § 4; 2005 c 498 § 2.]

Teacher recruitment information—2016 c 233: "(1) Subject to the availability of amounts appropriated for this specific purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards board-approved teacher preparation programs.

(2) This section expires July 1, 2019." [2016 c 233 § 2.]

Teacher recruitment specialists grant program—2016 c 233: "(1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018." [2016 c 233 § 3.]

Intent—2005 c 498: "The legislature recognizes the importance of ongoing professional development and growth for teachers with the goal of improving student achievement. It is the intent of the legislature to ensure that professional certification is administered in such a way as to ensure that the professional development and growth of individual teachers is directly aligned to their current and future teaching responsibilities as professional educators." [2005 c 498 § 1.]

28A.410.252 Expedited professional certification for out-of-state teachers. The agency responsible for educator certification shall adopt rules for professional certification that identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience, including a method to determine the comparability of rigor between the Washington professional certification process and any United States federally issued or state-issued advanced level teacher certification process that allows an individual to teach internationally. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds a United States federally issued or state-issued advanced level teacher certificate that allows the individual to teach internationally and that has been determined to be comparable to the Washington professional certificate. [2016 c 233 § 5.]

28A.410.253 Out-of-state professional certification—Washington state institute for public policy—Review—Report. (Expires July 1, 2021.) (1) By September 1, 2020, the Washington state institute for public policy must review the effect of the provisions in RCW 28A.410.250(8) and 28A.410.252 and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036. The review and report must include information on:

(a) The extent to which advanced level teacher certificates from other states compare to the standards and requirements of the Washington professional certificate;

(b) The extent to which United States federal or state-issued advanced level certificates that allow individuals to teach internationally compare to the standards and requirements of the Washington professional certificate; and

(c) Whether the provisions in RCW 28A.410.250(8) and 28A.410.252 have increased the number of professional certifications issued to individuals from out-of-state.

(2) The Washington state institute for public policy must coordinate with state agencies including the office of the superintendent of public instruction, the employment security department, and the professional educator standards board to gather data that informs the review. These state agencies must cooperate in a timely manner with data requests in service of this review.

(3) This section expires July 1, 2021. [2016 c 233 § 6.]

28A.410.260 Washington professional educator standards board—Model standards for cultural competency—Recommendations. (1) The professional educator standards board, in consultation and collaboration with the *achievement gap oversight and accountability committee established under RCW 28A.300.136, shall identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards.

(2016 Ed.)

(2) For the purposes of this section, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students. [2009 c 468 § 5.]

***Reviser's note:** The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.410.270 Washington professional educator standards board—Performance standards—Certification levels—Teacher effectiveness evaluations—Update—Proposal—Recommendation—Requirements for professional certificate and residency teaching certificate. (1)(a) By January 1, 2010, the professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level of certification and along the entire career continuum. In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

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

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

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

(b) A proposal for a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work. The proposal shall establish a timeline for when the assessment will be required for successful completion of a Washington state-approved teacher preparation program. The timeline shall take into account the capacity of the K-12

education and higher education systems to accommodate the new assessment. The proposal and timeline shall also address how the assessment will be included in state-reported data on preparation program quality; and

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

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

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

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

(c) Administration and management of the assessments.

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

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

(6) Beginning July 1, 2011, educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the professional educator standards board. [2009 c 548 § 402.]

Reviser's note: *(1) RCW 28A.410.210(12) refers to a "uniform and externally administered professional-level certification assessment."

***(2) RCW 28A.410.210 was amended by 2009 c 531 § 4, changing subsection (14) to subsection (13).

Finding—2009 c 548: "The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made." [2009 c 548 § 401.]

Intent—2009 c 548: See RCW 28A.150.1981.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.410.271 Washington professional educator standards board—Adoption of standards for educational interpreters. (1) The definitions in this subsection apply throughout this section.

(a) "Educational interpreters" means school district employees, whether certificated or classified, providing sign language translation and further explanation of concepts introduced by the teacher for students who are deaf, deaf-blind, or hearing impaired.

(b) "Educational interpreter assessment" means an assessment that includes both written assessment and performance assessment that is offered by a national organization of professional sign language interpreters and transliterators, and is designed to assess performance in more than one sign system or sign language.

(2) The professional educator standards board shall adopt standards for educational interpreters and identify and publicize educational interpreter assessments that are available and meet the definition in this section. The board shall establish a performance standard for each educational interpreter assessment for the purposes of this section, defining what constitutes a minimum assessment result.

(3) By the beginning of the 2016-17 school year, educational interpreters who are employed by school districts must have successfully achieved the performance standard established by the professional educator standards board on one of the educational interpreter assessments identified by the board.

(4) By December 31, 2013, the professional educator standards board shall recommend to the education committees of the house of representatives and the senate, how to appropriately use the national interpreter certification and the educational interpreter performance assessment for educational interpreters in Washington public schools.

(5) The provisions of this section do not apply to educational interpreters employed to interpret a sign system or sign language for which no educational interpreter assessment has been identified by the professional educator standards board. [2013 c 151 § 2.]

Finding—Intent—2013 c 151: "The legislature finds that although the professional educator standards board has begun work on standards and assessments for educational interpreters as directed by the 2012 supplemental operating budget, there is a need formally to codify this as an ongoing responsibility. The legislature also intends to specify how the standards and assessments will be used to improve learning opportunities for students who are deaf, deaf-blind, or hearing impaired." [2013 c 151 § 1.]

28A.410.278 Teacher evaluation research and evaluation requirements—Requirements for residency principal certificates, teacher preparation programs, and in-service training or continuing education. (1)(a) After August 31, 2013, candidates for a residency principal certificate must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements and successfully completed opportunities to practice teacher evaluation skills.

(b) At a minimum, principal preparation programs must address the following knowledge and skills related to evaluations:

(i) Examination of Washington teacher and principal evaluation criteria, and four-tiered performance rating sys-

tem, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;

- (ii) Classroom observations;
- (iii) The use of student growth data and multiple measures of performance;
- (iv) Evaluation conferencing;
- (v) Development of classroom teacher and principal support plans resulting from an evaluation; and
- (vi) Use of an online tool to manage the collection of observation notes, teacher and principal-submitted materials, and other information related to the conduct of the evaluation.

(2) Beginning September 1, 2016, the professional educator standards board shall incorporate in-service training or continuing education on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates, including requiring knowledge and competencies in teacher and principal evaluation systems as an aspect of professional growth plans used for certificate renewal. [2012 c 35 § 4.]

28A.410.280 Evidence-based assessment of teaching effectiveness—Teacher preparation program requirement.

(1) Beginning with the 2011-12 school year, all professional educator standards board-approved teacher preparation programs must administer to all preservice candidates the evidence-based assessment of teaching effectiveness adopted by the professional educator standards board. The professional educator standards board shall adopt rules that establish a date during the 2012-13 school year after which candidates completing teacher preparation programs must successfully pass this assessment. Assessment results from persons completing each preparation program must be reported annually by the professional educator standards board to the governor and the education and fiscal committees of the legislature by December 1st.

(2) The professional educator standards board and the superintendent of public instruction, as determined by the board, may contract with one or more third parties for:

- (a) The administration, scoring, and reporting of scores of the assessment under this section;
 - (b) Related clerical and administrative activities; or
 - (c) Any combination of the purposes of this subsection
- (2).

(3) Candidates for residency certification who are required to successfully complete the assessment under this section, and who are charged a fee for the assessment by a third party contracted with under this section, shall pay the fee charged by the contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment. [2010 c 235 § 501.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.410.290 Teacher and administrator preparation program approval standards—Community college and nonhigher education provider programs—Alternative route program inclusion.

(1) By September 30, 2010, the professional educator standards board shall review and revise teacher and administrator preparation program approval standards and proposal review procedures at the residency certifi-

cate level to ensure they are rigorous and appropriate standards for an expanded range of potential providers, including community college and nonhigher education providers. All approved providers must adhere to the same standards and comply with the same requirements.

(2) Beginning September 30, 2010, the professional educator standards board must accept proposals for community college and nonhigher education providers of educator preparation programs. Proposals must be processed and considered by the board as expeditiously as possible.

(3) By September 1, 2011, all professional educator standards board-approved residency teacher preparation programs at institutions of higher education as defined in RCW 28B.10.016 not currently a partner in an alternative route program approved by the professional educator standards board must submit to the board a proposal to offer one or more of the alternative route programs that meet the requirements of RCW 28A.660.020 and 28A.660.040. [2010 c 235 § 502.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.410.292 Articulated pathway for teacher preparation and certification—Program approval.

The professional educator standards board and the state board for community and technical colleges may exercise their respective authorities regarding program approval to implement the articulated pathway for teacher preparation and certification recommended pursuant to section 2, chapter 136, Laws of 2014 in approved teacher certification programs and certificate and degree programs offered by community and technical colleges. [2014 c 136 § 3.]

28A.410.300 Review of district and educator workforce data.

Beginning with the 2010 school year and annually thereafter, each educational service district, in cooperation with the professional educator standards board, must convene representatives from school districts within that region and professional educator standards board-approved educator preparation programs to review district and regional educator workforce data, make biennial projections of certificate staffing needs, and identify how recruitment and enrollment plans in educator preparation programs reflect projected need. [2010 c 235 § 506.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.410.310 Condensed compliance reports—Second-class districts.

Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 32.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.410.320 Waivers from educator preparation and certification program statutes or rules to implement collaborative schools for innovation and success pilot projects. (Expires June 30, 2019.)

The professional educator standards board may grant waivers from the provisions of statutes or rules pertaining to educator preparation and certification programs or other rules adopted under this chapter on the basis that such waiver or waivers are necessary to implement a collaborative schools for innovation and success pilot

project approved under RCW 28A.630.104. [2012 c 53 § 11.]

Findings—Intent—Expiration date—2012 c 53: See RCW 28A.630.101 and 28A.630.109.

Chapter 28A.415 RCW INSTITUTES, WORKSHOPS, AND TRAINING

Sections

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- 28A.415.420 Cultural competence professional development and training.

28A.415.010 Center for improvement of teaching—Improvement of teaching coordinating council—Teachers' institutes and workshops. It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470. To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and 28A.415.265.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service

training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and rules relating to teachers' institutes held by educational service district superintendents. [2013 2nd sp.s. c 18 § 402; 2006 c 263 § 807; 1991 c 285 § 1; 1990 c 33 § 414; 1975-'76 2nd ex.s. c 15 § 18. Prior: 1975 1st ex.s. c 275 § 139; 1975 1st ex.s. c 192 § 2; 1971 ex.s. c 282 § 31; 1969 ex.s. c 176 § 146; 1969 ex.s. c 223 § 28A.71.100; prior: 1965 c 139 § 21. Formerly RCW 28A.71.100, 28.71.100.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Transitional bilingual instruction program—In-service training: RCW 28A.180.040(1)(f).

Additional notes found at www.leg.wa.gov

28A.415.020 Credit on salary schedule for approved in-service training, continuing education, and internship.

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator

standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language, culture, or oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

(7) For the 2011-12 and 2012-13 school years, application of credits or credit equivalents earned under this section after October 1, 2010, to the salary schedule developed by the legislative evaluation and accountability program committee is subject to any conditions or limitations contained in the omnibus operating appropriations act. [2011 1st sp.s. c 18 § 5; 2007 c 319 § 3; 2006 c 263 § 808; 1995 c 284 § 2; 1990 c 33 § 415; 1987 c 519 § 1. Formerly RCW 28A.71.110.]

Effective date—2011 1st sp.s. c 18: See note following RCW 28A.400.205.

Findings—Short title—2007 c 319: See notes following RCW 28A.410.045.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—1995 c 284: "The legislature finds that if students are to succeed in an increasingly competitive economy, they will need to be taught by teachers who are aware of the technological innovations and changes that are occurring throughout business, industry, and government. Having teachers who are more aware of these changes will lead to improvements in curriculum and instruction, thereby making public schools more relevant to the future career and personal needs of our students." [1995 c 284 § 1.]

28A.415.023 Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules. (1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification;

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff;

(f) Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff; or

(g) Pertains to the revised teacher evaluation system under RCW 28A.405.100, including the professional development training provided in RCW 28A.405.106.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

(4) For the 2011-12 and 2012-13 school years, application of credits or credit equivalents earned under this section after October 1, 2010, to the salary schedule developed by the legislative evaluation and accountability program committee is subject to any conditions or limitations contained in the omnibus operating appropriations act. [2012 c 35 § 6; 2011 1st sp.s. c 18 § 6. Prior: 2005 c 497 § 209; 2005 c 393 § 1; 1997 c 90 § 1.]

Effective date—2011 1st sp.s. c 18: See note following RCW 28A.400.205.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.415.024 Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions. (1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent

of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees. [2006 c 263 § 809; 2005 c 461 § 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.415.025 Internship clock hours—Rules. The professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits. [2006 c 263 § 810; 1995 c 284 § 3.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—1995 c 284: See note following RCW 28A.415.020.

28A.415.030 In-Service Training Act of 1977—Purpose. In order to provide for the improvement of the instructional process in the public schools and maintain and improve the skills of public school certificated and classified personnel, there is hereby adopted an act to be known as the "In-Service Training Act of 1977". [1977 ex.s. c 189 § 1. Formerly RCW 28A.71.200.]

Additional notes found at www.leg.wa.gov

28A.415.040 In-Service Training Act of 1977—Administration of funds—Rules—Requirements for local districts—In-service training task force. The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, including plans developed at the building level, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program;

(2) Demonstrate that the plans are consistent with the goals of basic education;

(3) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in identifying in-service training needs and goals; and

(4) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by the school district board of directors or educational service district board of directors. [1987 c 525 § 301; 1985 c 214 § 1; 1979 c 149 § 10; 1977 ex.s. c 189 § 2. Formerly RCW 28A.71.210.]

Additional notes found at www.leg.wa.gov

28A.415.060 Credits for educational staff associates to fulfill continuing education requirements. The Washington professional educator standards board rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the Washington professional educator standards board. [2005 c 497 § 210; 1991 c 155 § 1.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.415.265 Educator support program—Mentors. (1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in alternative route teacher certification programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

(b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

(5) A beginning educator support team must include the following components:

(a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

(b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

(c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

(e) Professional development for mentors;

(f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

(g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

(6) Subject to the availability of amounts appropriated for this specific purpose, the beginning educator support team components under subsection (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100. [2016 c 233 § 11; 2013 2nd sp.s. c 18 § 401.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.415.270 Principal internship support program.

(1) To the extent funds are appropriated, the Washington state principal internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to provide partial release time for district employees who are in a principal preparation program to complete an internship with a mentor principal. Funds may be used in a variety of ways to accommodate flexible implementation in releasing the intern to meet program requirements.

(2) Participants in the principal internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school principal preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify

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a mentor principal for each principal intern applicant, and shall agree to provide the internship applicant release time not to exceed the equivalent of forty-five student days by means of this funding source; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3) The maximum amount of state funding for each internship shall not exceed the actual daily rate cost of providing a substitute teacher for the equivalent of forty-five school days.

(4) Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. If it is not possible to find qualified candidates within the educational service district, the positions remain unfilled, and any unspent funds shall revert to the superintendent of public instruction for supplementary direct disbursement.

The superintendent of public instruction shall allocate any remaining unfilled positions and unspent funds among the educational service districts that have qualified candidates but not enough positions for them.

This subsection does not preclude the superintendent of public instruction from permitting the affected educational service districts to make the supplementary selections.

(5) Once principal internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for partial release time while the school district employee is completing the principal internship.

(6) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction. [1996 c 233 § 1; 1993 c 336 § 404.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.280 Superintendent and program administrator internship support program.

(1) To the extent funds are appropriated, the Washington state superintendent and program administrator internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to provide partial release time for district employees who are in a superintendent or program administrator preparation program to complete an internship with a mentor administrator. Funds may be used in a variety of ways to accommodate flexible implementation in releasing the intern to meet program requirements.

(2) Participants in the superintendent and program administrator internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school district superintendent or program administrator preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the internship support

program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor administrator for each intern applicant and shall agree to provide the internship applicant release time not to exceed the equivalent of forty-five student days by means of this funding source; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) The maximum amount of state funding for each internship shall not exceed the actual daily rate cost of providing a substitute teacher for the equivalent of forty-five school days.

(b) Funds appropriated for the internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district.

(c) Once internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for partial release time while the school district employee is completing the internship.

(d) If an educational service district has unfilled superintendent or program administrator internship positions, the positions and unspent funds shall revert to the superintendent of public instruction for supplementary direct disbursement among the educational service districts.

The superintendent of public instruction shall allocate any remaining unfilled positions and unspent funds among the educational service districts that have qualified candidates but not enough positions for them.

This subsection does not preclude the superintendent of public instruction from permitting the affected educational service districts to make the supplementary selections.

(e) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction. [1996 c 233 § 2; 1993 c 336 § 405.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.300 Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the principal and superintendent and program administrator internship support programs. [1993 c 336 § 407.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.310 Paraprofessional training program. (1) The paraprofessional training program is created. The primary purpose of the program is to provide training for classroom assistants to assist them in helping students achieve the student learning goals under RCW 28A.150.210. Another purpose of the program is to provide training to certificated personnel who work with classroom assistants.

(2) The superintendent of public instruction may allocate funds, to the extent funds are appropriated for this program, to educational service districts, school districts, and other organizations for providing the training in subsection (1) of this section. [1993 c 336 § 408.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.315 Classified instructional assistants—Training. Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction, in consultation with various groups representing school district classified employees, shall develop and offer a training strand through the summer institutes and the winter conference targeted to classified instructional assistants and designed to help them maximize their effectiveness in improving student achievement. [2009 c 539 § 2; 2008 c 65 § 2.]

Effective date—2009 c 539: See note following RCW 28A.655.200.

Findings—Intent—2008 c 65: "The legislature finds that classified instructional assistants are key partners with classroom teachers in improving student achievement. Research on rigorous reading programs, including the reading first programs in our own state, proves that when instructional assistants are skilled, well-trained in a particular intervention, and positively supported by the classroom teacher or coach, they can have a significant impact on student reading attainment. The legislature further finds that school district practice provides sufficient evidence of the need for instructional assistants. Statewide, school districts relied on more than nineteen thousand classified instructional assistants, equal to nearly ten thousand full-time equivalent staff, during the 2006-07 school year. Therefore, the legislature intends to support instructional assistants by providing opportunities for high quality professional development to make them more effective partners in the classroom." [2008 c 65 § 1.]

28A.415.330 Professional development institutes—Managing disruptive students. (1) To the extent funds are appropriated, the superintendent of public instruction shall conduct professional development institutes to provide opportunities for teachers, principals, and other school staff to learn effective research-based strategies for handling disruptive students. The institutes shall be conducted during the summer of 2000. The training institutes shall emphasize methods for handling disruptions in regular classrooms and how to design and implement alternative learning settings and programs that have been proven to be effective in providing for the educational needs of students who exhibit frequent and prolonged disruptive behavior when placed in a regular classroom setting.

(2) The superintendent may enter into contracts with public or private entities that provide training in effective research-based methods for dealing with disruptive students. In developing the institutes, the superintendent shall work with school staff who have had experience working effectively with disruptive students. The institutes shall be open to teams of teachers, principals, and other school staff from each school district choosing to participate. However, as a condition of participating in the institutes, school district teams shall be required to develop during or immediately following the institute a district plan for carrying out the purposes of this section. Elementary schools and junior high and middle schools in districts that send teams to participate in institutes conducted under this section are encouraged to formulate

school building-level plans for addressing the educational needs of disruptive students and the needs of students and teachers in the regular classrooms for an orderly and disciplined environment that is optimally conducive to learning. Individual participants in the institutes shall agree to provide assistance as needed to other school staff in their school building or school district, consistent with their other normal duties.

(3) Beginning with the 1999-2000 school year, elementary and junior high schools are encouraged to provide staff from both the regular education and special education programs opportunities to work together to share successful practices for managing disruptive students. [1999 c 166 § 2.]

Findings—1999 c 166: "The legislature finds that disruptive students can significantly impede effective teaching and learning in the classroom. Training in effective strategies for handling disruptive students will help principals, teachers, and other staff gain additional skills to provide a classroom environment that is conducive to teaching and learning. Schools and school districts should be encouraged to provide staff with the training necessary to respond to disruptions effectively." [1999 c 166 § 1.]

28A.415.340 State leadership academy—Public-private partnership—Reports. (1) Research supports the value of quality school and school district leadership. Effective leadership is critical to improving student learning and transforming underperforming schools and school districts into world-class learning centers.

(2) A public-private partnership is established to develop, pilot, and implement the Washington state leadership academy to focus on the development and enhancement of personal leadership characteristics and the teaching of effective practices and skills demonstrated by school and district administrators who are successful managers and instructional leaders. It is the goal of the academy to provide state-of-the-art programs and services across the state.

(3) Academy partners include the state superintendent and principal professional associations, private nonprofit foundations, institutions of higher education with approved educator preparation programs, the professional educator standards board, the office of the superintendent of public instruction, educational service districts, the state school business officers' association, and other entities identified by the partners. The partners shall designate an independent organization to act as the fiscal agent for the academy and shall establish a board of directors to oversee and direct the academy's finances, services, and programs. The academy shall be supported by a national research institution with demonstrated expertise in educational leadership.

(4) Initial development of academy course content and activities shall be supported by private funds. Initial tasks of the academy are to:

(a) Finalize a comprehensive design of the academy and the development of the curriculum frameworks for a comprehensive leadership development program that includes coursework, practicum, mentoring, and evaluation components;

(b) Develop curriculum for individual leadership topics;

(c) Pilot the curriculum and all program components; and

(d) Modify the comprehensive design, curriculum coursework, practicum, and mentoring programs based on the research results gained from pilot activities.

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(5) The board of directors shall report semiannually to the superintendent of public instruction on the financial contributions provided by foundations and other organizations to support the work of the academy. The board of directors shall report by December 31st each year to the superintendent of public instruction on the programs and services provided, numbers of participants in the various academy activities, evaluation activities regarding program and participant outcomes, and plans for the academy's future development.

(6) The board of directors shall make recommendations for changes in superintendent and principal preparation programs, the administrator licensure system, and continuing education requirements. [2007 c 402 § 1.]

Captions not law—2007 c 402: "Captions used in this act are not any part of the law." [2007 c 402 § 12.]

28A.415.350 Professional development learning opportunities—Partnerships. Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction shall:

(1) Create partnerships with the educational service districts or public or private institutions of higher education with approved educator preparation programs to develop and deliver professional development learning opportunities for educators that fulfill the goals and address the activities described in *sections 3 through 6 of this act and RCW 28A.415.360. The partnerships shall:

(a) Support school districts by providing professional development leadership, courses, and consultation services to school districts in their implementation of professional development activities, including the activities described in *sections 3 through 6 of this act and RCW 28A.415.360; and

(b) Support one another in the delivery of state-level and regional-level professional development activities such as state conferences and regional accountability institutes; and

(2) Enter into a performance agreement with each educational service district to clearly articulate partner responsibilities and assure fidelity for the delivery of professional development initiatives including job-embedded practices. Components of such performance agreements shall include:

(a) Participation in the development of various professional development workshops, programs, and activities;

(b) Characteristics and qualifications of professional development staff supported by the program;

(c) Methods to ensure consistent delivery of professional development services; and

(d) Reporting responsibilities related to services provided, program participation, outcomes, and recommendations for service improvement. [2009 c 539 § 4; 2007 c 402 § 7.]

***Reviser's note:** Sections 3 through 6 of this act were vetoed.

Effective date—2009 c 539: See note following RCW 28A.655.200.

Captions not law—2007 c 402: See note following RCW 28A.415.340.

28A.415.360 Learning improvement days—Eligibility—Reports. (1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance

for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

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

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

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

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

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

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

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

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

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction documenting how the use of the funds contributes to measurable improvement in the outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format. [2009 c 548 § 403; 2007 c 402 § 9.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Captions not law—2007 c 402: See note following RCW 28A.415.340.

28A.415.370 Recruiting Washington teachers program. (1) The recruiting Washington teachers program is established to recruit and provide training and support for high school students to enter the teaching profession, especially in teacher shortage areas and among underrepresented groups and multilingual, multicultural students. The program shall be administered by the professional educator standards board.

(2) The program shall consist of the following components:

(a) Targeted recruitment of diverse students, including but not limited to students from underrepresented groups and multilingual, multicultural students in grades nine through twelve through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and explore becoming future teachers in mathematics, science, bilingual education, special education, and English as a second language. Program enrollment is not lim-

ited to students from underrepresented groups or multilingual, multicultural students;

(b) A curriculum that provides future teachers with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, the achievement gap, cultural competency, and education policy;

(c) Academic and community support services for students to help them overcome possible barriers to becoming future teachers, such as supplemental tutoring; advising on college readiness, applications, and financial aid processes; and mentoring; and

(d) Future teacher camps held on college campuses where students can attend workshops and interact with college faculty and current teachers.

(3) As part of its administration of the program, the professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, students, and representatives of diverse communities;

(b) Subject to funds appropriated for this purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section; and

(c) Conduct an evaluation of the effectiveness of current strategies and programs for recruiting teachers, especially multilingual, multicultural teachers, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting Washington teachers program as necessary and make other recommendations to teacher preparation programs or the legislature. [2007 c 402 § 10.]

Captions not law—2007 c 402: See note following RCW 28A.415.340.

28A.415.380 Mathematics and science instructional coach program—Evaluation—Reports. (1) A mathematics and science instructional coach program is authorized, which shall consist of a coach development institute, coaching seminars, coaching activities in schools, and program evaluation.

(2) The office of the superintendent of public instruction shall develop a mathematics and science instructional coach program that includes an initial coach development experience for new coaches provided through an institute setting, coaching support seminars, and additional coach development services. The office shall draw upon the experiences of coaches in federally supported elementary literacy programs and other successful programs, research and policy briefs on adult professional development, and research that specifically addresses the instructional environments of middle, junior high, and high schools as well as the unique aspects of the fields of mathematics and science.

(3) The office of the superintendent of public instruction shall design the application process and select the program participants.

(4) Schools and school districts participating in the program shall carefully select the individuals to perform the role

of mathematics or science instructional coach. Characteristics to be considered for a successful coach include:

- (a) Expertise in content area;
- (b) Expertise in various instructional methodologies and personalizing learning;
- (c) Personal skills that include skilled listening, questioning, trust building, and problem solving;
- (d) Understanding and appreciation for the differences in adult learners and student learners; and
- (e) Capacity for strategic planning and quality program implementation.

(5) The role of the mathematics or science instructional coach is focused on supporting teachers as they apply knowledge, develop skills, polish techniques, and deepen their understanding of content and instructional practices. This work takes a number of forms including: Individualized professional development, department-wide and school-wide professional development, guidance in student data interpretation, and using assessment to guide instruction. Each coach shall be assigned to two schools as part of the program.

(6) Program participants have the following responsibilities:

(a) Mathematics and science coaches shall participate in the coach development institute as well as in coaching support seminars that take place throughout the school year, practice coaching activities as guided by those articulated in the role of the coach in subsection (5) of this section, collect data, and participate in program evaluation activities as requested by the institute pursuant to subsection (7) of this section.

(b) School and district administrators in districts in which the mathematics and science coaches are practicing shall participate in program evaluation activities.

(7)(a) The Washington State University social and economic sciences research center shall conduct an evaluation of the mathematics and science instructional coach program in this section. Data shall be collected through various instruments including surveys, program and activity reports, student performance measures, observations, interviews, and other processes. Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators.

(b) The Washington State University social and economic sciences research center shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(8) The mathematics and science instructional coach program in this section shall be implemented to the extent funds are available for that purpose. [2009 c 578 § 1; 2007 c 396 § 4.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

(2016 Ed.)

28A.415.390 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 33.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.415.400 Reading instruction and early literacy—Professional development. (1) High-quality professional development is essential for educators to keep abreast of the important advances in research that are occurring regarding instructional strategies and curriculum. Professional development in early literacy is especially important to support the instruction of young readers since reading proficiency is a crucial element for student academic success.

(2) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall create partnerships with the educational service districts and public or private institutions of higher education with approved educator preparation programs to develop and deliver research-based professional development learning opportunities in reading instruction and early literacy for teachers of kindergarten through fourth grade students. [2013 2nd sp.s. c 18 § 103.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.415.410 Training to support discipline policies under chapter 28A.600 RCW. (1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:

- (a) Access to material over a reasonable number of training sessions;
- (b) Delivery in person or online; and
- (c) Use in a self-directed manner. [2016 c 72 § 104.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.415.420 Cultural competence professional development and training. (1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff.

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(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.

(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities. [2016 c 72 § 204.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Chapter 28A.500 RCW LOCAL EFFORT ASSISTANCE

Sections

28A.500.010	Local effort assistance funds—Purpose—Not basic education allocation.
28A.500.020	Definitions.
28A.500.030	Allocation of state matching funds—Determination.
28A.500.040	Distribution of funds.
28A.500.050	Finding—School finance component.
28A.500.060	Condensed compliance reports—Second-class districts.
28A.500.900	Effective date—1999 c 317.

28A.500.010 Local effort assistance funds—Purpose—Not basic education allocation. Commencing with calendar year 2000, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds. The purpose of these funds is to mitigate the effect that above average property tax rates might have on the ability of a school district to raise local revenues to supplement the state's basic program of education. These funds serve to equalize the property tax rates that individual taxpayers would pay for such levies and to provide tax relief to taxpayers in high tax rate school districts. Such funds are not part of the district's basic education allocation. [1999 c 317 § 1; 1997 c 259 § 4; 1993 c 410 § 1; (1993 c 465 § 2 expired December 31, 1995); 1992 c 49 § 2; 1987 1st ex.s. c 2 § 102. Formerly RCW 28A.41.155.]

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Additional notes found at www.leg.wa.gov

28A.500.020 Definitions. (Effective until January 1, 2018.) (1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average fourteen percent levy rate" means fourteen percent of the total levy bases as defined in RCW 84.52.0531 (3) through (5) for calendar years 2014 and 2015, and as defined in RCW 84.52.0531 (3) and (4) in calendar years 2016 and thereafter, summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's fourteen percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under *RCW 84.52.0531(6) multiplied by fourteen percent.

(d) The "district's fourteen percent levy rate" means the district's fourteen percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a fourteen percent levy rate that exceeds the statewide average fourteen percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter. [2013 2nd sp.s. c 4 § 957; 2010 c 237 § 5; 2004 c 21 § 1; 1999 c 317 § 2.]

***Reviser's note:** RCW 84.52.0531 was amended by 2013 c 242 § 8, changing subsection (6) to subsection (7).

Expiration date—2013 2nd sp.s. c 4 § 957: "Section 957 of this act expires January 1, 2018." [2016 c 202 § 56; 2013 2nd sp.s. c 4 § 1905.]

Effective dates—2013 2nd sp.s. c 4: See note following RCW 2.68.020.

Intent—2010 c 237: See note following RCW 84.52.0531.

Expiration date—2010 c 237 §§ 1, 5, and 6: See note following RCW 84.52.0531.

Effective date—2010 c 237 §§ 1 and 3-9: See note following RCW 84.52.0531.

Expiration date—2010 c 237; 2006 c 119; 2004 c 21: See note following RCW 84.52.0531.

28A.500.020 Definitions. (Effective January 1, 2018.)

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531(3) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage deter-

mined under RCW 84.52.0531(4) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the statewide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter. [1999 c 317 § 2.]

28A.500.030 Allocation of state matching funds—Determination. (Effective until January 1, 2018.) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's fourteen percent levy rate and the statewide average fourteen percent levy rate; to

(b) The statewide average fourteen percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's fourteen percent levy amount, multiplied by the following percentage:

(a) The difference between the district's fourteen percent levy rate and the statewide average fourteen percent levy rate; divided by

(b) The district's fourteen percent levy rate.

(3) Beginning with calendar year 2007, allocations and maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced. [2010 c 237 § 6. Prior: 2006 c 372 § 904; 2006 c 119 § 1; 2005 c 518 § 914; 2003 1st sp.s. c 25 § 912; 2002 c 317 § 4; 1999 c 317 § 3.]

Intent—2010 c 237: See note following RCW 84.52.0531.

Expiration date—2010 c 237 §§ 1, 5, and 6: See note following RCW 84.52.0531.

Effective date—2010 c 237 §§ 1 and 3-9: See note following RCW 84.52.0531.

Severability—Effective date—2006 c 372: See notes following RCW 73.04.135.

Additional notes found at www.leg.wa.gov

28A.500.030 Allocation of state matching funds—Determination. (Effective January 1, 2018.) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the dis-

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trict's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563. Beginning with calendar year 2007, allocations and maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced. [2006 c 372 § 904; 2006 c 119 § 1; 2005 c 518 § 914; 2003 1st sp.s. c 25 § 912; 2002 c 317 § 4; 1999 c 317 § 3.]

Reviser's note: This section was amended by 2006 c 119 § 1 and by 2006 c 372 § 904, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—Effective date—2006 c 372: See notes following RCW 73.04.135.

Additional notes found at www.leg.wa.gov

28A.500.040 Distribution of funds. Local effort assistance funds shall be distributed to qualifying districts as follows:

(1) Thirty percent in April;

(2) Twenty-three percent in May;

(3) Two percent in June;

(4) Seventeen percent in August;

(5) Nine percent in October;

(6) Seventeen percent in November; and

(7) Two percent in December. [1999 c 317 § 4.]

28A.500.050 Finding—School finance component.

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

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access

supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance. [2009 c 548 § 301.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.500.060 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 34.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.500.900 Effective date—1999 c 317. This act takes effect January 1, 2000. [1999 c 317 § 5.]

Chapter 28A.505 RCW SCHOOL DISTRICTS' BUDGETS

Sections

28A.505.010	Definitions.
28A.505.020	Districts must utilize methods of revenue and expenditure recognition.
28A.505.030	District fiscal year.
28A.505.040	Budget—Notice of completion—Copies—Review by educational service districts.
28A.505.050	Budget—Notice of meeting to adopt.
28A.505.060	Budget—Hearing and adoption of—Copies filed with ESD's.
28A.505.070	Budget review committee—Members—Review of budget, limitations.
28A.505.080	Budget—Disposition of copies.
28A.505.090	Budget—Format, classifications, mandatory.
28A.505.100	Budget—Contents—Display of salaries.
28A.505.110	Budget—Including receivables collectible in future years—Limitations.
28A.505.120	Withholding state funds upon district noncompliance—Notice of.
28A.505.130	Budget—Requirements for balancing estimated expenditures.
28A.505.140	Rules for budgetary procedures—Review by superintendent—Notice of irregularity—Budget revisions.
28A.505.150	Budgeted expenditures as appropriations—Interim expenditures—Transfer between budget classes—Liability for nonbudgeted expenditures.
28A.505.160	Appropriations lapse at end of fiscal year—Exception.
28A.505.170	First-class school districts—Emergency or additional appropriation resolutions—Procedure.
28A.505.180	Second-class school districts—Additional appropriation resolutions—Procedure.
28A.505.200	Repayment of federal moneys—Federal disallowance determination.
28A.505.230	Condensed compliance reports—Second-class districts.

28A.505.010 Definitions. The following terms when used in this chapter shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(1) "Revenue" means an addition to assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations plus or minus adjustments for revenue accruals.

(2) "Accrual basis expenditures" mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(3) "Cash basis expenditures" mean actual disbursements during a given fiscal period except for debt service, regardless of when liabilities are incurred, or the period of incurrence of expenditures.

(4) "Cash basis revenue" means actual receipt of revenue not adjusted for revenue accruals.

(5) "Revenue accruals" means those revenues anticipated to be received in cash after the close of the fiscal period that represent reimbursement for expenditures incurred by the end of the fiscal period.

(6) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(7) "Disbursements" mean payments in cash, including but not limited to issuance of warrants. [1983 c 59 § 1; 1975-'76 2nd ex.s. c 118 § 1. Formerly RCW 28A.65.400.]

Additional notes found at www.leg.wa.gov

28A.505.020 Districts must utilize methods of revenue and expenditure recognition. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(1) Recognize revenue as defined in RCW 28A.505.010(1) for all funds: PROVIDED, That school districts that elect the cash basis of expenditure recognition under subsection (2) of this section shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: PROVIDED, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year. [1990 c 33 § 416; 1983 c 59 § 2; 1980 c 18 § 1; 1975-'76 2nd ex.s. c 118 § 2. Formerly RCW 28A.65.405.]

Additional notes found at www.leg.wa.gov

28A.505.030 District fiscal year. Beginning September 1, 1977 the fiscal year for all school districts shall be September 1 through August 31. [1975-'76 2nd ex.s. c 118 § 3. Formerly RCW 28A.65.410.]

Additional notes found at www.leg.wa.gov

28A.505.040 Budget—Notice of completion—Copies—Review by educational service districts. On or before the tenth day of July in each year, all school districts shall prepare their budget for the ensuing fiscal year. The budget shall set forth the complete financial plan of the district for the ensuing fiscal year.

Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget, placed it on file in the school district administration office, and that a copy thereof will be furnished to any person who calls upon the district for it. The district shall provide a sufficient number of copies of the budget to meet the reasonable demands of the public. School districts shall submit one copy of their budget to their educational service districts for review and comment by July 10th. The superintendent

dent of public instruction may delay the date in this section if the state's operating budget is not finally approved by the legislature until after June 1st. [1995 c 121 § 1; 1975-'76 2nd ex.s. c 118 § 4. Formerly RCW 28A.65.415.]

Additional notes found at www.leg.wa.gov

28A.505.050 Budget—Notice of meeting to adopt.

Upon completion of their budgets as provided in RCW 28A.505.040, every school district shall publish a notice stating that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur no later than the thirty-first day of August for first-class school districts, and the first day of August for second-class school districts. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing. [1995 c 121 § 2; 1990 c 33 § 417; 1983 c 59 § 3; 1975-'76 2nd ex.s. c 118 § 5. Formerly RCW 28A.65.420.]

Additional notes found at www.leg.wa.gov

28A.505.060 Budget—Hearing and adoption of—Copies filed with ESD's. On the date given in said notice as provided in RCW 28A.505.050 the school district board of directors shall meet at the time and place designated. Any person may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st in first-class school districts, and not later than August 1st in second-class school districts.

Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That first-class school districts shall file copies of their adopted budget with their educational service district no later than September 3rd, and second-class school districts shall forward copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in RCW 28A.505.070 by the budget review committee. [1990 c 33 § 418; 1983 c 59 § 4; 1975-'76 2nd ex.s. c 118 § 6. Formerly RCW 28A.65.425.]

Additional notes found at www.leg.wa.gov

28A.505.070 Budget review committee—Members—

Review of budget, limitations. The budget review committee shall fix and approve the amount of the appropriation from each fund of the budget of second-class districts not later than August 31st. No budget review committee shall knowingly approve any budget or appropriation that is in violation of this chapter or rules and regulations adopted by the superintendent of public instruction in accordance with RCW

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28A.505.140(1). A copy of said budget shall be returned to the local school districts no later than September 10th.

Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local school district board of directors or a representative thereof, and a representative of the superintendent of public instruction. [1990 c 33 § 419; 1975-'76 2nd ex.s. c 118 § 7. Formerly RCW 28A.65.430.]

Additional notes found at www.leg.wa.gov

28A.505.080 Budget—Disposition of copies. Copies of the budgets for all local school districts shall be filed with the superintendent of public instruction no later than September 10th. One copy will be retained by the educational service district. [1984 c 128 § 8; 1983 c 59 § 5; 1975-'76 2nd ex.s. c 118 § 8. Formerly RCW 28A.65.435.]

Additional notes found at www.leg.wa.gov

28A.505.090 Budget—Format, classifications, mandatory. Every school district budget shall be prepared, submitted and adopted in the format prescribed by the office of the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the office of the superintendent of public instruction and the office of the state auditor. Budgets prepared and adopted in a format other than that prescribed by the office of the superintendent of public instruction shall not be official and will have no legal effect. [1983 c 59 § 6; 1975-'76 2nd ex.s. c 118 § 9. Formerly RCW 28A.65.440.]

Additional notes found at www.leg.wa.gov

28A.505.100 Budget—Contents—Display of salaries. The budget shall set forth the estimated revenues for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year: PROVIDED, That school districts, pursuant to RCW 28A.505.110 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

The budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. Total salary amounts, full-time equivalents, and the high, low, and average annual salaries, shall be displayed by job classification within each budget classification. If individual salaries within each job classification are not displayed, districts shall provide the individual salaries together with the title or position of the recipient and the total amounts of salary under each budget class upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction

of fund balance. [1990 c 33 § 420; 1983 c 59 § 7; 1975-'76 2nd ex.s. c 118 § 10. Formerly RCW 28A.65.445.]

Additional notes found at www.leg.wa.gov

28A.505.110 Budget—Including receivables collectible in future years—Limitations. When a school district board is unable to prepare a budget or budget extension pursuant to RCW 28A.505.170 or 28A.505.180 in which the estimated revenues for the budgeted fiscal year plus the estimated fund balance at the beginning of the budgeted fiscal year less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated expenditures for the budgeted fiscal year, the school district board may deliver a petition in writing, at least twenty days before the budget or budget extension is scheduled for adoption, to the superintendent of public instruction requesting permission to include receivables collectible in future years, in order to balance the budget. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget or appropriation adopted by the board of directors without written permission from the superintendent of public instruction that contains estimated expenditures in excess of the total of estimated revenue for the budgeted fiscal year plus estimated fund balance at the beginning of the budgeted fiscal year less ending reserve fund balance for the budgeted fiscal year shall be null and void and shall not be considered an appropriation. [1990 c 33 § 421; 1983 c 59 § 8; 1975-'76 2nd ex.s. c 118 § 11. Formerly RCW 28A.65.450.]

Additional notes found at www.leg.wa.gov

28A.505.120 Withholding state funds upon district noncompliance—Notice of. If a local school district fails to comply with any binding restrictions issued by the superintendent of public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld. [1975-'76 2nd ex.s. c 118 § 12. Formerly RCW 28A.65.455.]

Additional notes found at www.leg.wa.gov

28A.505.130 Budget—Requirements for balancing estimated expenditures. For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal year must not be greater than the total of the estimated revenues for the budgeted fiscal year, the estimated fund balance at the beginning of the budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund. [1983 c 59 § 9; 1975-'76 2nd ex.s. c 118 § 13. Formerly RCW 28A.65.460.]

Additional notes found at www.leg.wa.gov

28A.505.140 Rules for budgetary procedures—Review by superintendent—Notice of irregularity—Budget revisions. (1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction. [2006 c 263 § 202; 1990 c 33 § 422; 1983 c 59 § 10; 1975-'76 2nd ex.s. c 118 § 14. Formerly RCW 28A.65.465.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.505.150 Budgeted expenditures as appropriations—Interim expenditures—Transfer between budget classes—Liability for nonbudgeted expenditures. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the incurring of expenditures to the grand total of such appropriations. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.320.080 during the interim while the budget is being settled under RCW 28A.505.140: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his or her office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended. [1990 c 33 §

423; 1975-'76 2nd ex.s. c 118 § 15. Formerly RCW 28A.65.470.]

Additional notes found at www.leg.wa.gov

28A.505.160 Appropriations lapse at end of fiscal year—Exception. All appropriations for any school district upon which their budget is based shall lapse at the end of the fiscal year. At the expiration of said period all appropriations shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the appropriation for the next fiscal year: PROVIDED, That this shall not prevent payments upon incompleting improvements in progress at the close of the fiscal year. [1975-'76 2nd ex.s. c 118 § 16. Formerly RCW 28A.65.475.]

Additional notes found at www.leg.wa.gov

28A.505.170 First-class school districts—Emergency or additional appropriation resolutions—Procedure. (1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in first-class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before incurring expenditures in excess of the appropriation, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in RCW 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Copies of all adopted appropriation resolutions shall be filed with the educational service district who shall forward one copy each to the office of the superintendent of public instruction. One copy shall be retained by the educational service district. [1990 c 33 § 424; 1984 c 128 § 9; 1983 c 59 § 11; 1975-'76 2nd ex.s. c 118 § 17. Formerly RCW 28A.65.480.]

Additional notes found at www.leg.wa.gov

28A.505.180 Second-class school districts—Additional appropriation resolutions—Procedure. Notwithstanding any other provision of this chapter, if a second-class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors, before incurring expenditures in excess of appro-

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priation, shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district. [1990 c 33 § 425; 1984 c 128 § 10; 1983 c 59 § 12; 1975-'76 2nd ex.s. c 118 § 18. Formerly RCW 28A.65.485.]

Additional notes found at www.leg.wa.gov

28A.505.200 Repayment of federal moneys—Federal disallowance determination. Each school district that receives federal moneys from or through the superintendent of public instruction shall comply with applicable federal requirements and shall repay expenditures subsequently disallowed by the federal government together with such interest as may be assessed by the federal government. Once a federal disallowance determination, decision, or order becomes final respecting federal moneys expended by a school district, the superintendent of public instruction may withhold all or a portion of the annual basic education allocation amounts otherwise due and apportionable to the school district as necessary to facilitate payment of the principal and interest to the federal government. The superintendent of public instruction may pay withheld basic education allocation moneys:

(1) To the school district before the close of the biennium and following the school district's repayment of moneys due the federal government, or the school district's commitment to an acceptable repayment plan, or both; or

(2) To the federal government, subject to the reappropriation of the withheld basic education allocation, moneys for the purpose of payment to the federal government.

No withholding of basic education allocation moneys may occur under this subsection until the superintendent of public instruction has first determined that the withholding should not substantially impair the school district's financial ability to provide the basic education program offerings required by statute. [1990 c 103 § 1.]

28A.505.230 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 35.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.510 RCW
APPORTIONMENT TO DISTRICT—DISTRICT ACCOUNTING

Sections

- 28A.510.010 Condensed compliance reports—Second-class districts.
28A.510.250 By state superintendent.
28A.510.260 Distribution by ESD superintendent.
28A.510.270 County treasurer's duties.

28A.510.010 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 36.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.510.250 By state superintendent. (1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

Table with 2 columns: Month and Percentage. Rows include September (9%), October (9%), November (5.5%), December (9%), January (9%), February (9%), March (9%), April (9%), May (5.5%), June (6.0%), July (10.0%), August (10.0%).

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first [1st] and continuing through August thirty-first [31st]. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year, except as provided in subsection (2) of this section. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service dis-

trict in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) In the 2010-11 school year, the June apportionment payment to school districts shall be reduced by one hundred twenty-eight million dollars, and an additional apportionment payment shall be made on July 1, 2011, in the amount of one hundred twenty-eight million dollars. This July 1st payment shall be in addition to the regularly calculated July apportionment payment. [2011 1st sp.s. c 4 § 1; 1990 c 33 § 426; 1982 c 136 § 1; 1981 c 282 § 1; 1981 c 5 § 32; 1980 c 6 § 5; 1979 ex.s. c 237 § 1; 1975-'76 2nd ex.s. c 118 § 27; 1975 1st ex.s. c 275 § 67; 1974 ex.s. c 89 § 1; 1972 ex.s. c 146 § 1; 1970 ex.s. c 15 § 15. Prior: 1969 ex.s. c 184 § 3; 1969 ex.s. c 176 § 108; 1969 ex.s. c 223 § 28A.48.010; prior: 1965 ex.s. c 162 § 1; 1959 c 276 § 3; prior: 1945 c 141 § 3, part; 1923 c 96 § 1; 1911 c 118 § 1; 1909 c 97 p 312 §§ 1, 2, 3; Rem. Supp. 1945 § 4940-3, part. Formerly RCW 28A.48.010, 28.48.010.]

Effective date—2011 1st sp.s. c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 31, 2011]." [2011 1st sp.s. c 4 § 2.]

Student transportation allocation—Notice—Payment schedule: RCW 28A.160.190.

Vehicle acquisition—Reimbursement schedule—Maintenance and operation—Depreciation schedule: RCW 28A.160.200.

Additional notes found at www.leg.wa.gov

28A.510.260 Distribution by ESD superintendent. Upon receiving the certificate of apportionment from the superintendent of public instruction the educational service district superintendent shall promptly apportion to the school districts of his or her educational service district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. [1990 c 33 § 427; 1983 c 56 § 5; 1975 1st ex.s. c 275 § 68; 1969 ex.s. c 176 § 109; 1969 ex.s. c 223 § 28A.48.030. Prior: 1965 ex.s. c 162 § 2; 1945 c 141 § 9; Rem. Supp. 1945 § 4940-8. Formerly RCW 28A.48.030, 28.48.030.]

Additional notes found at www.leg.wa.gov

28A.510.270 County treasurer's duties. The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties, and, except as otherwise provided by law, it shall be the duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them only for legally authorized obligations of the district.

(2) To prepare and submit to each school district superintendent in the county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh business day of the month, which report shall contain the balance on hand the first of the preceding month, the funds paid in, war-

rants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

(3) The treasurer of each county shall submit a statement of all canceled warrants of districts to the respective school district superintendents. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the school district superintendent or by any authorized accountant of such district. [1991 c 245 § 2; 1990 c 33 § 428; 1975-'76 2nd ex.s. c 118 § 28; 1975 1st ex.s. c 275 § 73; 1969 ex.s. c 176 § 114; 1969 ex.s. c 223 § 28A.48.100. Prior: 1911 c 85 § 1; 1909 c 97 p 309 § 1; RRS § 4867; prior: 1907 c 240 § 8; 1897 c 118 § 59; 1893 c 109 § 8; 1891 c 127 § 27; 1890 p 380 § 71; 1886 p 26 § 83; Code 1881 § 3236. Formerly RCW 28A.48.100, 28.48.100.]

Additional notes found at www.leg.wa.gov

Chapter 28A.515 RCW COMMON SCHOOL CONSTRUCTION FUND

Sections

28A.515.010	Condensed compliance reports—Second-class districts.
28A.515.300	Permanent common school fund—Sources—Use.
28A.515.310	Certain losses to permanent common school fund or other state educational funds as funded debt against state.
28A.515.320	Common school construction fund—Sources—Use—Excess moneys in, availability, repayment.
28A.515.330	Permanent common school fund—Allowable investments—Irreducible principal.

28A.515.010 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 37.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.515.300 Permanent common school fund—Sources—Use. (1) The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental, recovered from persons trespassing on said lands; five percent of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the princi-

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pal of all funds arising from the sale of lands and other property which have been, and hereafter may be, granted to the state for the support of common schools and such other funds as may be provided by legislative enactment.

(2) Consistent with Article XVI, section 5 and Article IX, sections 3 and 5 of the state Constitution, the state investment board may invest the fund as authorized in RCW 28A.515.330. [2007 c 505 § 2; 1969 ex.s. c 223 § 28A.40.010. Prior: 1967 c 29 § 1; 1909 c 97 p 320 § 1; RRS § 4932; prior: 1897 c 118 § 109; 1890 p 373 § 50; 1886 p 20 § 57, part; Code 1881 § 3210, part; 1873 p 421 § 1. Formerly RCW 28A.40.010, 28.40.010.]

Intent—Finding—2007 c 505: See note following RCW 28A.515.330.

Banks and trust companies, liquidation and winding up dividends unclaimed deposited in: RCW 30A.44.150, 30A.44.180. personal property, proceeds deposited in: RCW 30A.44.220.

Enlargement of, legislature may provide: State Constitution Art. 9 § 3 (Amendment 43).

Escheated estates deposited in: RCW 11.08.210.

Game and game fish lands

payments to in lieu of property taxes: RCW 77.12.203.

withdrawn from lease, payment of amount of lease into: RCW 77.12.360.

Interest deposited in current state school fund used for current expenses: State Constitution Art. 9 § 3 (Amendment 43).

Investment of permanent common school fund: State Constitution Art. 16 § 5 (Amendment 44).

Lands set aside and permanent funds established: Enabling act §§ 10 through 25.

Losses occasioned by default, fraud, etc., to become permanent debt against state: State Constitution Art. 9 § 5.

Permanent and irreducible: State Constitution Art. 9 § 3 (Amendment 43), RCW 28A.515.300.

Safe deposit box contents

rent unpaid, sale, proceeds deposited in: RCW 22.28.040.

unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30A.44.220.

School funds enumerated—Deposits—Uses: RCW 28A.320.330.

State land

acquired, lease and sale of, disposition of proceeds: RCW 79.10.030.

withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.

28A.515.310 Certain losses to permanent common school fund or other state educational funds as funded debt against state. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six percent annual interest shall be paid. [1969 ex.s. c 223 § 28A.40.020. Prior: 1909 c 97 p 321 § 2; RRS § 4933; prior: 1897 c 118 § 110, part; 1890 p 373 § 51, part. Formerly RCW 28A.40.020, 28.40.020.]

28A.515.320 Common school construction fund—Sources—Use—Excess moneys in, availability, repayment. The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land

other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund less the allocations to the state treasurer's service account [fund] pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the *department of community, trade, and economic development, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to **RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone [forgone], before the end of the next fiscal biennium following such use. [1996 c 186 § 503; 1991 sp.s. c 13 § 58; 1991 c 76 § 2; 1981 c 158 § 6; 1981 c 4 § 1; 1980 c 6 § 1; 1969 ex.s. c 223 § 28A.40.100. Prior: 1967 c 29 § 3. Formerly RCW 28A.40.100, 28.40.100.]

Reviser's note: *(1) The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

** (2) RCW 43.140.030 was repealed by 2013 c 274 § 9.

Findings—Intent—Part headings not law—Effective date—1996 c 186: See notes following RCW 43.330.904.

Current state school fund—Abolished—Moneys transferred: RCW 43.79.425.

Additional notes found at www.leg.wa.gov

28A.515.330 Permanent common school fund—Allowable investments—Irreducible principal. The state investment board may invest the permanent common school fund in various types of allowable investments in order to achieve a balance of long-term growth and current income, when consistent with the best interest of the state and the permanent common school fund, and in conformance with RCW 43.84.150. The state treasurer shall calculate the irreducible

principal amount of the fund in accordance with the state Constitution and state law. The irreducible principal shall not include investment gains on the principal, and the fund may retain or distribute income and investment earnings in order to achieve the appropriate balance between growth and income. [2007 c 505 § 3.]

Intent—Finding—2007 c 505: "Consistent with Article XVI, section 5 and Article IX, sections 3 and 5 of the state Constitution, it is the intent of the legislature to clarify state law to permit the permanent common school fund to be invested in equities when such investment is in the best interest of the state and the permanent common school fund.

A 1999 opinion of the attorney general concluded that the constitutional language does not prohibit investment of the permanent common school fund, as long as the investment is authorized by law and is consistent with applicable trust principles. This opinion further reasoned that the constitutional phrase "permanent and irreducible" bars the legislature from abolishing the fund or expending its principal for purposes other than those for which the fund was established, but does not prohibit the legislature from specifying permissible investments, particularly in light of Article IX, section 5 of the state Constitution, which specifies that only losses resulting from "defalcation, mismanagement or fraud" constitute state debts to the permanent common school fund.

The legislature finds that permanent fund common school fund income as a percentage of total school construction budgets has declined while school construction budgets have grown, and that other state revenues have filled the gap between income from state lands and the total school construction budget. For this reason, the fund may tolerate higher risk and volatility in favor of growth, and therefore a balance of long-term growth and current income is in the best interest of the state and the fund's beneficiaries. The legislature recognizes that by investing in equities, the value of the permanent fund may fluctuate over time due to market changes even if no disposition of the fund principal is made.

It is the intent of the legislature to clarify state law to permit equity investment of the permanent common school fund even if there is a decline in the value of the permanent fund due to market changes. The legislature recognizes that the irreducible portion of the principal amount in the permanent fund must be held in perpetuity for the benefit of the fund and future generations, and that only the earnings from the permanent fund may be appropriated to the common school construction fund." [2007 c 505 § 1.]

Chapter 28A.520 RCW

FOREST RESERVE FUNDS DISTRIBUTION

Sections

- 28A.520.010 Distribution of forest reserve funds—Procedure—Proportional county area distribution, when.
- 28A.520.020 Distribution of forest reserve funds—Revolving account created—Use—Apportionments from—As affects basic education allocation.
- 28A.520.030 Condensed compliance reports—Second-class districts.

28A.520.010 Distribution of forest reserve funds—Procedure—Proportional county area distribution, when. Of the moneys received by the state from the federal government in accordance with Title 16, section 500, United States Code, fifty percent shall be spent by the counties on public schools or public roads, and fifty percent shall be spent by the counties on public schools as provided in RCW 28A.520.020(2), or for any other purposes as now or hereafter authorized by federal law, in the counties in the United States forest reserve from which such moneys were received. Where the reserve is situated in more than one county, the state treasurer shall determine the proportional area of the counties therein. The state treasurer is authorized and required to obtain the necessary information to enable him or her to make that determination.

The state treasurer shall distribute to the counties, according to the determined proportional area, the money to

be spent by the counties. The county legislative authority shall expend the fifty percent received by the county for the benefit of the public roads or public schools of the county, or for any other purposes as now or hereafter authorized by federal law. [1990 c 33 § 429; 1985 c 311 § 1; 1982 c 126 § 1. Formerly RCW 28A.02.300.]

Additional notes found at www.leg.wa.gov

28A.520.020 Distribution of forest reserve funds—Revolving account created—Use—Apportionments from—As affects basic education allocation. (1) There shall be a fund known as the federal forest revolving account. The state treasurer, who shall be custodian of the revolving account, shall deposit into the revolving account the funds for each county received by the state in accordance with Title 16, section 500, United States Code. The state treasurer shall distribute these moneys to the counties according to the determined proportional area. The county legislative authority shall expend fifty percent of the money for the benefit of the public roads and other public purposes as authorized by federal statute or public schools of such county and not otherwise. Disbursements by the counties of the remaining fifty percent of the money shall be as authorized by the superintendent of public instruction, or the superintendent's designee, and shall occur in the manner provided in subsection (2) of this section.

(2) No later than thirty days following receipt of the funds from the federal government, the superintendent of public instruction shall apportion moneys distributed to counties for schools to public school districts in the respective counties in proportion to the number of resident full-time equivalent students enrolled in each public school district to the number of resident full-time equivalent students enrolled in public schools in the county. In apportioning these funds, the superintendent of public instruction shall utilize the October enrollment count.

(3)(a) Except as provided in (b) of this subsection, if the amount received by any public school district pursuant to subsection (2) of this section is less than the basic education allocation to which the district would otherwise be entitled, the superintendent of public instruction shall apportion to the district, in the manner provided by RCW 28A.510.250, an amount which shall be the difference between the amount received pursuant to subsection (2) of this section and the basic education allocation to which the district would otherwise be entitled.

(b) If a school district has a poverty level of at least fifty-seven percent, the superintendent may not offset that district's basic education allocation by the amount of those federal forest revenues, to the extent that such revenues do not exceed seventy thousand dollars. The superintendent may offset the district's basic education allocations by the portion of the federal forest revenues that exceeds seventy thousand dollars. For purposes of this section, poverty is measured by the percentage of students eligible for free and reduced-price lunch in the previous school year.

(4) All federal forest funds shall be expended in accordance with the requirements of Title 16, section 500, United States Code, as now existing or hereafter amended.

(5) The definition of resident student for purposes of this section shall be based on rules adopted by the superintendent

of public instruction, which shall consider and address the impact of alternative learning experience students on federal forest funds distribution. [2014 c 155 § 2; 2011 c 278 § 1; 1991 sp.s. c 13 § 113; 1990 c 33 § 430; 1985 c 311 § 2; 1982 c 126 § 2. Formerly RCW 28A.02.310.]

Effective date—2014 c 155: "This act takes effect September 1, 2014." [2014 c 155 § 3.]

Effective date—2011 c 278 § 1: "Section 1 of this act takes effect September 1, 2011." [2011 c 278 § 3.]

Rules—2011 c 278: "The superintendent of public instruction shall adopt rules to implement RCW 28A.520.020 that take effect September 1, 2011." [2011 c 278 § 2.]

Additional notes found at www.leg.wa.gov

28A.520.030 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 38.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.525 RCW BOND ISSUES

Sections

28A.525.010	Statement of intent.
28A.525.020	Duties of superintendent of public instruction.
28A.525.025	School facilities citizen advisory panel—Membership—Travel expenses—Technical advisory group.
28A.525.030	Modernization of existing school facilities.
28A.525.040	Portable buildings or classrooms.
28A.525.050	Applications for aid—Recommendations.
28A.525.055	Eligibility for state assistance for new construction—Inventory assessment exclusions—Rules.
28A.525.058	K-3 class size reduction construction grant pilot program.
28A.525.060	Manual—Contents—Preparation and revision.
28A.525.070	Development of school building programs—Assistance of superintendent of public instruction.
28A.525.080	Federal funds for school plant facilities—Rules.
28A.525.090	Construction management techniques—Rules—Use—Information and training.
28A.525.095	Condensed compliance reports—Second-class districts.
28A.525.161	School construction assistance calculations for shared or colocated facilities—Rules.
28A.525.162	Allotment of appropriations for school plant facilities—Local school district participation—Computing state funding assistance—Rules.
28A.525.164	Allotment of appropriations for school plant facilities—Duties of superintendent of public instruction.
28A.525.166	Allotment of appropriations for school plant facilities—Computation of state aid for school plant project.
28A.525.168	Allotment of appropriations for school plant facilities—Use of taxable valuation and state funding assistance percentage in determining eligibility.
28A.525.170	Allotment of appropriations for school plant facilities—Additional allotment authorized—Effect of allotment on future disbursements to district.
28A.525.172	Allotment of appropriations for school plant facilities—Application by district for state assistance—Studies and surveys by the superintendent of public instruction.
28A.525.174	Allotment of appropriations for school plant facilities—Manual, other materials to guide and provide information to district.
28A.525.176	Allotment of appropriations for school plant facilities—Consultatory and advisory service from the superintendent of public instruction.
28A.525.178	Allotment of appropriations for school plant facilities—Modifiable basic or standard plans for school buildings.
28A.525.180	Allotment of appropriations for school plant facilities—Reduction of appropriation for receipt of federal funds.
28A.525.190	Prioritizing construction of common school facilities.
28A.525.200	Allocation and distribution of funds for school plant facilities governed by chapter.

28A.525.310 Proceeds from voter-approved bonds, voter-approved levies, and other funding—Use for installment purchase contracts and leases with options to purchase.

28A.525.010 Statement of intent. It is hereby declared to be the intent of the legislature that the following provisions be enacted for the purpose of establishing and providing for the operation of a program of state assistance to school districts in providing school plant facilities. [1969 ex.s. c 223 § 28A.47.050. Prior: 1947 c 278 § 1; Rem. Supp. 1947 § 4940-12. Formerly RCW 28A.47.050, 28.47.050.]

28A.525.020 Duties of superintendent of public instruction. The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall have the power and duty (1) to prescribe rules governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities; (2) to approve allotments to districts that apply for state assistance whenever such action is advisable; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with applicable procedures and rules. [2006 c 263 § 301; 1969 ex.s. c 223 § 28A.47.060. Prior: 1947 c 278 § 2; Rem. Supp. 1947 § 4940-13. Formerly RCW 28A.47.060, 28.47.060.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.525.025 School facilities citizen advisory panel—Membership—Travel expenses—Technical advisory group. (1) To maintain citizen oversight on issues pertaining to school facilities and funding for school construction, a school facilities citizen advisory panel shall be created by the state board of education. The panel shall advise and make recommendations to the superintendent of public instruction regarding school facilities, funding for school construction, joint planning and financing of educational facilities, facility plans and programs for nonhigh school districts, and determinations of remote and necessary schools.

(2) The membership of the school facilities citizen advisory panel shall be as follows:

(a) One member of the state board of education;

(b) Two school district directors representing school districts of various sizes and geographic locations, who are appointed by the state board of education and selected from a list of five names submitted to the board by the Washington state school directors' association; and

(c) Four additional citizen members appointed by the state board of education.

(3) Members of the panel shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) In addition to the school facilities citizen advisory panel, the superintendent of public instruction may convene a technical advisory group including representatives from school business officers, building and construction contracting and trade organizations, architecture and engineering

organizations, and other organizations with expertise in school facilities. [2006 c 263 § 308.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.525.030 Modernization of existing school facilities. Whenever funds are appropriated for modernization of existing school facilities, the superintendent of public instruction is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and, as necessary to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act, both major and minor structural changes, and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose. [2006 c 263 § 302; 1995 c 77 § 23; 1980 c 154 § 17; 1969 ex.s. c 223 § 28A.47.073. Prior: 1967 ex.s. c 21 § 1. Formerly RCW 28A.47.073, 28.47.073.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest.

28A.525.040 Portable buildings or classrooms. State funding assistance shall not be denied to any school district undertaking any construction, repairs[,] or improvements for school district purposes solely on the ground that said construction, repairs[,] and improvements are in connection with portable buildings or classrooms. [2009 c 129 § 3; 1969 ex.s. c 223 § 28A.47.075. Prior: 1953 c 158 § 1. Formerly RCW 28A.47.075, 28.47.075.]

Intent—2009 c 129: See note following RCW 28A.335.230.

28A.525.050 Applications for aid—Recommendations. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction. Studies and surveys shall be conducted by the superintendent for the purpose of securing information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters. Recommendations respecting action on the applications shall be submitted to the superintendent of public instruction. [2006 c 263 § 303; 1969 ex.s. c 223 § 28A.47.080. Prior: 1947 c 278 § 4; Rem. Supp. 1947 § 4940-15. Formerly RCW 28A.47.080, 28.47.080.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.525.055 Eligibility for state assistance for new construction—Inventory assessment exclusions—Rules. (1) The rules adopted by the superintendent of public instruc-

tion for determining eligibility for state assistance for new construction shall exclude from the inventory of available educational space those spaces that have been:

(a) Constructed for educational and community activities from grants received from other public or private entities; or

(b) Vacated by new construction in lieu of modernization; and

(i) Used for purposes of supporting state-funded all-day kindergarten or class size reduction in kindergarten through third grade, if the lack of district facilities warrants such a use; or

(ii) The district is experiencing a short-term special school housing burden due to enrollment growth and failed school construction bond elections within the prior five years.

(2) The exclusion in subsection (1)(b) of this section applies for state assistance for new construction awarded from July 1, 2016, through June 30, 2021.

(3) Educational spaces with classrooms occupied by students specified in subsection (1)(b) of this section must meet the safety standards for public school facilities.

(4) For the purposes of this section, "school housing burden" means the current instructional facility inventory does not provide the classroom capacity needed for the current or projected enrollment of the school district, as determined by the office of the superintendent of public instruction. The office shall give consideration to available instructional facility inventory or capacity of the neighboring school district. [2016 c 159 § 1; 2006 c 263 § 304; 1994 c 219 § 11.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Finding—1994 c 219: See note following RCW 43.88.030.

28A.525.058 K-3 class size reduction construction grant pilot program. (Expires July 1, 2017.)

(1) The K-3 class size reduction construction grant pilot program must be administered by the office of the superintendent of public instruction within the provisions of this section. Grants must be calculated and awarded based on the following four steps:

(a) Step 1: A verified count of necessary added classrooms in a district applying for a grant must be completed by the district and verified by the Washington State University extension energy office. The count of necessary added classrooms must be calculated in accordance with the following requirements:

(i) An inventory of all classrooms in all elementary schools in the district applying for the grant must be completed.

(ii) For purposes of this section, elementary school is any district school facility containing students in kindergarten through fifth grade or sixth grade. All classrooms include any room in an elementary school in a permanent or portable structure that is in use as a classroom or that could be used as a classroom if one of the following conditions are met:

(A) A classroom in a permanent building was designed as a classroom at the time the school was constructed or was subsequently added as part of a modernization or renovation.

(B) A classroom in a portable building meets the building code requirements for use as a classroom without requiring repairs or renovations that exceed fifty thousand dollars.

The count of all district classrooms must also include all planned elementary school classrooms in projects approved

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at the "D6" stage or later of the school construction assistance program. This inventory of classrooms must be entered in the inventory and condition of school system maintained by the office of the superintendent of public instruction.

(iii) A count of available classrooms in each elementary school in a district must be completed. Available classrooms include all classrooms inventoried in (a)(i) of this subsection minus:

(A) Classrooms in elementary schools that are regularly used for students in grades seventh or higher;

(B) Classrooms in elementary schools that are regularly used for prekindergarten students participating in special education programs;

(C) Classrooms in elementary schools that are regularly used for prekindergarten students not participating in special education programs if such use started prior to July 14, 2015;

(D) Seventy-five percent of classrooms in elementary schools that are regularly used for kindergarten through sixth grade students participating in special education programs;

(E) Fifty percent of classrooms in elementary schools that are regularly used for students in gifted and talented education;

(F) Fifty percent of classrooms in elementary schools that are regularly used for laboratory space, music, or art if such regular use exceeds fifty percent of school hours in the average week.

(iv) A calculation of needed classrooms must be completed. The number of needed classrooms is calculated by dividing the number of students in each grade in the most recent final October head count by the average class size objectives for the 2017-18 school year enumerated in RCW 28A.150.260 in effect as of October 31, 2014. Students residing outside the school district who are enrolled in alternative learning experience courses under RCW 28A.232.010 must be excluded from the count of total pupils. In lieu of the exclusion in this subsection, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience courses. The alternative calculation must show the student head count use of district classroom facilities on a regular basis for a reasonable duration by out-of-district alternative learning experience students subtracted by the head count of in-district alternative learning experience students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration." If the calculation of needed classrooms for fourth and fifth grade students using the average class size ratios in RCW 28A.150.260 is less than the actual number of classrooms regularly used for fourth and fifth grade students, the actual number of fourth and fifth grade classrooms may be used to calculate the total needed classrooms.

(v) A calculation of necessary added classrooms must be completed for each school district applying for a grant. Necessary added classrooms are calculated by subtracting the available school district classrooms from the school district needed classrooms.

(b) Step 2: A determination must be made whether the number of necessary added classrooms is sufficient to justify

constructing a new school or modernizing a previously closed school, or whether the number of necessary added classrooms can be provided with the addition of modular classrooms or increasing the number of classrooms in a planned school approved at the "D6" stage of the school construction assistance program.

(i) If the number of necessary added classrooms is twelve or greater, the presumption is a new school is required. For this purpose a new school means a newly constructed school, an addition of twelve or more classrooms to an existing school, or modernization of a previously closed school. A school district may choose to locate any necessary added classrooms among existing school facilities.

(ii) If the number of necessary added classrooms is less than twelve, the presumption is the added classrooms can be provided with the addition of modular classrooms or by increasing the number of classrooms in a planned school approved at the "D6" stage of the school construction assistance program. A school district may choose to provide necessary added classrooms with modular classrooms or construct new classrooms or modernize existing school buildings to create additional classrooms.

(c) Step 3: A calculation of the grant amount a school district is eligible for must be determined.

(i) Grants for necessary added classrooms that can be provided with the addition of modular classrooms must not exceed two hundred ten thousand dollars multiplied by the number of necessary added classrooms multiplied by the state matching ratio defined in (c)(iii) of this subsection.

(ii) Grants for necessary added classrooms that must be provided with a new school or modernization of an existing school building must not exceed six hundred fifteen thousand eighty-three dollars multiplied by the number of necessary added classrooms multiplied by the state matching ratio defined in (c)(iii) of this subsection.

(iii) The state matching ratio for use in this section only is the computed state ratio defined in RCW 28A.525.166 plus twenty percent of the percent of district head count eligible and enrolled in the free and reduced school lunch program.

(iv) Grants may not exceed the total project cost for providing the necessary added classrooms multiplied by the state matching ratio defined in (c)(iii) of this subsection.

(v) The amounts in (c)(i) and (ii) of this subsection must be increased for the fiscal year of the grant award by the same percentage increase as the school construction assistance program construction cost allocation is increased from fiscal year 2014 as authorized in the omnibus capital appropriations act.

(d) Step 4: Grant funds must be awarded and disbursed in accordance with the following requirements:

(i) A determination that the school district is ready to begin the project or projects to provide the necessary added classrooms must be made. To be determined ready, a district must:

(A) Have had classrooms inventoried in (a)(i) of this subsection;

(B) Certify that the required local funds are authorized to complete the project;

(C) Have an available site or sites for the project; and

(D) Demonstrate that additional classrooms will achieve progress towards the average class size objectives for the

2017-18 school year enumerated in RCW 28A.150.260 in effect as of October 31, 2014, and all-day kindergarten as funded pursuant to RCW 28A.150.315.

(ii) The office of financial management must approve allotments prior to issuing grant award letters. The office of the superintendent of public instruction must submit documentation to the office of financial management to justify the project grant award, including steps taken to verify counts and calculations, in requesting allotment approval.

(iii) Grant funds may be disbursed only after the required local match has been fully expended.

(2) If grant applications for the K-3 class size reduction construction grant pilot program exceed available funding, the office of the superintendent of public instruction must prioritize grant awards based on the following criteria in the following order of importance:

(a) Applicants with high necessary added classrooms to available classrooms ratio in kindergarten through third grades;

(b) Applicants with high student to teacher ratios in kindergarten through third grades;

(c) Applicants with high percentages of students who are eligible and enrolled in the free and reduced-price meals program; and

(d) Applicants that have not raised capital funds through levies or bonds in the prior ten-year period.

(3) The superintendent of public instruction must report annually on the grants awarded and school district applicants. The report must include (a) grant amounts and the status of all awarded grants by school district; (b) data documenting actual class size reductions and all-day kindergarten achieved in school districts that have received grants provided under this section; (c) a list of school districts that applied for grants during the current and previous fiscal years with estimates of necessary added classrooms; and (d) any other information relevant to the pilot program. Beginning in 2015, the report must be submitted to the office of financial management and the appropriate committees of the legislature by December 1st.

(4) This section expires July 1, 2017. [2015 3rd sp.s. c 41 § 201.]

Findings—Intent—2015 3rd sp.s. c 41: "(1) The legislature finds that local school districts design, build, own, and manage public school facilities. The Washington state Constitution provides two ways to fund construction of public school facilities. First, the state Constitution provides the means for school districts to finance school construction. Article VII, section 2 of the state Constitution authorizes school districts to collect capital levies to support the construction, remodeling, or modernization of school facilities. In addition, Article VIII, section 6 of the state Constitution authorizes school districts to incur debt up to eleven and one-half percent of the total assessed value of taxable property for school construction and Article VII, section 2 of the state Constitution authorizes school districts to pay for this debt by issuing general obligation bonds for these capital purposes. Second, Article IX, section 3 of the state Constitution establishes the common school construction fund and dedicates revenues derived from school and state trust lands and earnings of the permanent common school fund to funding common school construction. Beyond these constitutional means, the legislature provides further state assistance to school districts through the issuance of general obligation bonds, the proceeds of which the state appropriates to support the state school construction assistance grant program established in chapter 28A.525 RCW. This state grant program is not intended to replace the financing provisions established in the state Constitution, but rather to provide state assistance that supplements the constitutional financing provisions. The state grant program helps finance new school capacity to accom-

modate enrollment growth and to modernize and replace existing schools while respecting local decisions and control by locally elected school boards.

(2) The legislature also finds that some school districts may benefit from additional financial assistance to provide school facilities—beyond that which is provided through the school construction assistance grant program—for the purpose of constructing or acquiring additional classrooms to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade.

(3) For the 2015-2017 biennium, the legislature intends to provide additional state financial assistance to help school districts in funding public school facilities necessary to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade." [2015 3rd sp.s. c 41 § 101.]

Effective date—2015 3rd sp.s. c 41: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 14, 2015]." [2015 3rd sp.s. c 41 § 403.]

28A.525.060 Manual—Contents—Preparation and revision. It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of social and health services, to prepare, and so often as the superintendent deems necessary revise, a manual for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the common schools. In the preparation and revision of the aforesaid manual due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.525.010 through 28A.525.080 and 28A.335.230; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school building maintenance program and the necessity thereof; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the aforesaid officer as pertinent or related to the purposes and requirements of RCW 28A.525.010 through 28A.525.080 and 28A.335.230. [1990 c 33 § 431; 1979 c 141 § 36; 1969 ex.s. c 223 § 28A.47.090. Prior: 1947 c 278 § 5; Rem. Supp. 1947 § 4940-16. Formerly RCW 28A.47.090, 28.47.090.]

28A.525.070 Development of school building programs—Assistance of superintendent of public instruction. The superintendent of public instruction shall furnish to school districts seeking state assistance consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities for such district. [2006 c 263 § 305; 1985 c 136 § 1; 1969 ex.s. c 223 § 28A.47.100. Prior: 1947 c 278 § 6; Rem. Supp. 1947 § 4940-17. Formerly RCW 28A.47.100, 28.47.100.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

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28A.525.080 Federal funds for school plant facilities—Rules. Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made available to such districts in conformity with rules that the superintendent, considering policy recommendations from the school facilities citizen advisory panel, shall establish. [2006 c 263 § 306; 1969 ex.s. c 223 § 28A.47.120. Prior: 1947 c 278 § 8; Rem. Supp. 1947 § 4940-19. Formerly RCW 28A.47.120, 28.47.120.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.525.090 Construction management techniques—Rules—Use—Information and training. (1) The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the superintendent of public instruction shall include in funding for each project, at the state funding assistance percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the superintendent shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the superintendent.

(5)(a) School districts applying for state funding assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and

include the statement in the application for state funding assistance to the superintendent of public instruction.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques. [2009 c 129 § 4; 2006 c 263 § 307; 1999 c 313 § 2.]

Intent—2009 c 129: See note following RCW 28A.335.230.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—1999 c 313: "The legislature finds that certain construction management techniques will improve the effectiveness of construction and operation of new school buildings, and that such techniques, including value engineering, constructibility reviews, building commissioning, and professional construction management, will provide better value to the taxpayers by reducing construction costs, improving building operations, improving the building environment for the occupants, and reducing future replacement costs." [1999 c 313 § 1.]

28A.525.095 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 39.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.525.161 School construction assistance calculations for shared or colocated facilities—Rules. The office of the superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW to ensure that a host school district is not penalized for the entirety of a shared or colocated facility when calculations for state school construction assistance are made. [2012 c 245 § 1.]

Reviser's note: 2012 c 245 directed that this section be added to chapter 28A.300 RCW. This section has been added to chapter 28A.525 RCW, which relates more directly to school construction funding.

28A.525.162 Allotment of appropriations for school plant facilities—Local school district participation—Computing state funding assistance—Rules. (1) Funds appropriated to the superintendent of public instruction from the common school construction fund shall be allotted by the superintendent of public instruction in accordance with this chapter.

(2) No allotment shall be made to a school district until such district has provided local funds equal to or greater than the difference between the total approved project cost and the amount of state funding assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The superintendent of public instruction may waive the local requirement for state funding assistance for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such local funds shall be required as a condition the allotment of funds from the state for the purpose of

making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state funding assistance percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district;

(c) The number of kindergarten students included in the enrollment count shall be counted as one headcount student; and

(d) The number of students residing outside the school district who are enrolled in alternative learning experience courses under RCW 28A.232.010 shall be excluded from the total.

(4) In lieu of the exclusion in subsection (3)(d) of this section, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a regular duration by out-of-district alternative learning experience students subtracted by the headcount of in-district alternative learning experience students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(6) For the purposes of this section, "preschool students with disabilities" means children of preschool age who have developmental disabilities who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district. [2013 2nd sp.s. c 18 § 513; 2012 c 244 § 2; 2009 c 129 § 5; 2006 c 263 § 309; 1995 c 77 § 24; 1990 c 33 § 455; 1989 c 321 § 1; 1980 c 154 § 18; 1974 ex.s. c 56 § 1; 1970 ex.s. c 42 § 5; 1969 ex.s. c 244 § 2. Formerly RCW 28A.47.801, 28.47.801.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Intent—2012 c 244: "The school construction assistance funding formula is used to determine state funding contributions to school construction projects. It is the intent of the legislature that the formula use the most accurate method available to reflect the actual number of students using districts' school facilities. State funding currently provides all-day kindergarten for over twenty percent of kindergarten students and RCW 28A.150.315 calls for the continued phasing-in of all-day kindergarten each year until full state-wide implementation is achieved in the 2017-18 school year. In addition, because alternative learning experience programs of education take place in whole, or in part, outside the regular classroom setting, and because online alternative learning experience programs are delivered primarily electronically using the internet or other computer-based methods, it is appropriate to consider the impact of alternative learning experience students in assessing school space needs. The legislature acknowledges the review of the formula conducted by the office of the superintendent of public instruction and accepts many recommendations from the resulting December 2011 report. The legislature also intends to provide financial assistance for school districts affected by the transition to the new funding formula. This assistance will be limited to grants to cover direct district expenditures for contracted architects, engineers, and other consultants for projects that are no longer eligible for state assistance under the new formula or for projects requiring significant redesign work as a result of reduced state assistance under the new formula." [2012 c 244 § 1.]

Effective date—2012 c 244: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 2012]." [2012 c 244 § 4.]

Intent—2009 c 129: See note following RCW 28A.335.230.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest.

Additional notes found at www.leg.wa.gov

28A.525.164 Allotment of appropriations for school plant facilities—Duties of superintendent of public instruction. In allotting the state funds provided by RCW 28A.525.162 through 28A.525.180, the superintendent of public instruction shall:

(1) Prescribe rules not inconsistent with RCW 28A.525.162 through 28A.525.180 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with

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applicable rules. [2006 c 263 § 310; 1990 c 33 § 456; 1989 c 321 § 2; 1974 ex.s. c 56 § 2; 1969 ex.s. c 244 § 3. Formerly RCW 28A.47.802, 28.47.802.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.166 Allotment of appropriations for school plant facilities—Computation of state aid for school plant project. Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state funding assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state funding assistance percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

$$\begin{array}{rcc} \text{Computed} & & \text{District adjusted} & & \text{Total state} \\ \text{State} & = & \text{3-valuation} & \div & \text{adjusted valuation} \\ \text{Ratio} & & \text{per pupil} & & \text{per pupil} \\ & & & & \text{State} \\ & & & & \text{Assistance} \\ & & \text{District adjusted} & & \text{Total state} \\ & & \text{3+valuation} & \div & \text{adjusted valuation} \\ & & \text{per pupil} & & \text{per pupil} \end{array} = - \% \text{ Funding Assistance}$$

PROVIDED, That in the event the state funding assistance percentage to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state funding assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a state funding assistance percentage not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed state funding assistance percentage developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each percent of growth, with a maximum of twenty percent.

(4) In computing the state funding assistance percentage in subsection (2) of this section and adjusting the percentage under subsection (3) of this section, students residing outside the school district who are enrolled in alternative learning

experience courses under RCW 28A.232.010 shall be excluded from the count of total pupils. In lieu of the exclusion in this subsection, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a reasonable duration by out-of-district alternative learning experience students subtracted by the headcount of in-district alternative learning experience students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The approved cost of the project determined in the manner prescribed in this section multiplied by the state funding assistance percentage derived as provided for in this section shall be the amount of state funding assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER, That additional state funding assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state funding assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state funding assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

(6) For the 2015-2017 biennium, schools determined to have a lack of sufficient space to provide science classrooms or labs, to meet the requirements of law, have a special housing burden condition similar to those defined under subsection (5)(b) of this section, creating a like emergency. For the 2015-2017 biennium, school districts are entitled to additional percentage points for school construction projects that have a special housing burden condition only and have received private donations in the form of cash, in-kind, or equipment of more than one hundred thousand dollars. The additional percentage points are determined by (a) school district student enrollments in the free and reduced-price meals

program, (b) school district class as defined by RCW 28A.300.065, and (c) the funding assistance percentage as calculated in subsection (2) of this section. The additional percentage points under (a) of this subsection are twenty percent of the percent of student enrollments eligible and enrolled in the free and reduced-price meals program. The additional percentage points under (b) of this subsection are ten for second class school districts. The additional percentage points under (c) of this subsection are ten for school districts with funding assistance percentages of more than fifty percent. [2015 3rd sp.s. c 3 § 7018; 2013 2nd sp.s. c 18 § 514; 2012 c 244 § 3. Prior: 2009 c 421 § 5; 2009 c 129 § 6; 2006 c 263 § 311; 1997 c 369 § 9; 1990 c 33 § 457; 1989 c 321 § 3; 1975 1st ex.s. c 98 § 1; 1974 ex.s. c 56 § 3; 1969 ex.s. c 244 § 4. Formerly RCW 28A.47.803, 28.47.803.]

Effective date—2015 3rd sp.s. c 3: See note following RCW 43.160.080.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Intent—Effective date—2012 c 244: See notes following RCW 28A.525.162.

Effective date—2009 c 421: See note following RCW 43.157.005.

Intent—2009 c 129: See note following RCW 28A.335.230.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Project of statewide significance—Defined: RCW 43.157.010.

Additional notes found at www.leg.wa.gov

28A.525.168 Allotment of appropriations for school plant facilities—Use of taxable valuation and state funding assistance percentage in determining eligibility. Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.525.162 respecting eligibility for state funding assistance in providing school facilities, the taxable valuation of the district and the state funding assistance percentage in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher state funding assistance percentage prevails on the date that state funds for assistance in financing a project are allotted by the superintendent of public instruction in which case the percentage prevailing on the date of allotment by the superintendent of funds for each project shall govern: PROVIDED, That if the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the state funding assistance percentage prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date specified in this section as applicable in determining the eligibility of an individual school district for state funding assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.540 RCW

to determine eligibility for and the amount of state funding assistance for a group of school districts considered as a single school administrative unit. [2009 c 129 § 7; 2006 c 263 § 312; 1990 c 33 § 458; 1969 ex.s. c 244 § 5. Formerly RCW 28A.47.804, 28.47.804.]

Intent—2009 c 129: See note following RCW 28A.335.230.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.170 Allotment of appropriations for school plant facilities—Additional allotment authorized—Effect of allotment on future disbursements to district. If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.525.162 through 28A.525.180 for school building construction is found by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the superintendent finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the superintendent determines, shall be deducted, under terms and conditions prescribed by the superintendent, from any state school building construction funds which might otherwise be provided to such district. [2006 c 263 § 313; 1990 c 33 § 459; 1974 ex.s. c 56 § 4; 1969 ex.s. c 244 § 6. Formerly RCW 28A.47.805, 28.47.805.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.172 Allotment of appropriations for school plant facilities—Application by district for state assistance—Studies and surveys by the superintendent of public instruction. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules adopted by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel. Studies and surveys shall be conducted by the superintendent for the purpose of securing information relating to (a) [(1)] the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) [(2)] the ability of such districts to provide capital funds by local effort, (c) [(3)] the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) [(4)] any other pertinent matters. [2006 c 263 § 314; 1969 ex.s. c 244 § 7. Formerly RCW 28A.47.806, 28.47.806.]

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Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.174 Allotment of appropriations for school plant facilities—Manual, other materials to guide and provide information to district. It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.525.162 through 28A.525.180; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expandable and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school building maintenance program and the necessity therefor; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the superintendent as pertinent or related to the purposes and requirements of RCW 28A.525.162 through 28A.525.180. [2006 c 263 § 315; 1990 c 33 § 460; 1979 c 141 § 39; 1974 ex.s. c 56 § 5; 1969 ex.s. c 244 § 8. Formerly RCW 28A.47.807, 28.47.807.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.176 Allotment of appropriations for school plant facilities—Consultatory and advisory service from the superintendent of public instruction. The superintendent of public instruction shall furnish to school districts seeking state assistance under the provisions of RCW 28A.525.162 through 28A.525.180 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities. [2006 c 263 § 316; 1990 c 33 § 461; 1974 ex.s. c 56 § 6; 1969 ex.s. c 244 § 9. Formerly RCW 28A.47.808, 28.47.808.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.178 Allotment of appropriations for school plant facilities—Modifiable basic or standard plans for school buildings. When economies may be affected without impairing the usefulness and adequacy of school buildings, the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, may prescribe rules and establish procedures govern-

ing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW 28A.525.162 through 28A.525.180 are allotted. [2006 c 263 § 317; 1990 c 33 § 462; 1974 ex.s. c 56 § 7; 1969 ex.s. c 244 § 10. Formerly RCW 28A.47.809, 28.47.809.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.180 Allotment of appropriations for school plant facilities—Reduction of appropriation for receipt of federal funds. The total amount of funds appropriated under the provisions of RCW 28A.525.162 through 28A.525.180 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW 28A.525.162 through 28A.525.180 and available for allotment by the superintendent of public instruction shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW 28A.525.162 through 28A.525.180 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas. [2006 c 263 § 318; 1990 c 33 § 463; 1974 ex.s. c 56 § 8; 1969 ex.s. c 244 § 11. Formerly RCW 28A.47.810, 28.47.810.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.190 Prioritizing construction of common school facilities. The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel[,] shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund. [2006 c 263 § 319; 1975 1st ex.s. c 98 § 2. Formerly RCW 28A.47.820.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.525.200 Allocation and distribution of funds for school plant facilities governed by chapter. Notwithstanding any other provision of RCW 28A.525.010 through 28A.525.200, the allocation and distribution of funds by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, for the purposes of providing assistance in the construction of school plant facilities shall be governed by this chapter. [2015 1st sp.s. c 4 § 24; 2006 c 263 § 320; 1990 c 33 § 465; 1985 c 136 § 2; 1977 ex.s. c 227 § 1. Formerly RCW 28A.47.830.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.525.310 Proceeds from voter-approved bonds, voter-approved levies, and other funding—Use for

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installment purchase contracts and leases with options to purchase. The board of directors of any school district may use the proceeds of voter-approved bonds, voter-approved levies, state allocations for financial assistance, or other funds available to the district for: (1) Payment of an installment purchase contract for school plant facilities; or (2) payments under any financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration. The authority granted by this section for the use of moneys from such sources is in addition to, and not in limitation of, any other authority provided by law, and the proceeds of voter-approved bonds or tax levies may be used for such payments to the full extent allowed by Article VII, section 2 of the state Constitution. [1999 c 386 § 2.]

Chapter 28A.527 RCW

SCHOOL FACILITIES—2008 BOND ISSUE

Sections

28A.527.005	Findings—Intent—2008 c 179.
28A.527.010	School construction assistance grants—Capital improvements—Bond issue.
28A.527.020	Bond proceeds—Use.
28A.527.030	Proceeds from sale of bonds—Deposit—Use.
28A.527.040	Payment of principal and interest from nondebt-limit reimbursable bond account.
28A.527.050	Pledge and promise—Remedies.
28A.527.060	Bonds legal investment for public funds.
28A.527.070	Payment of principal and interest—Additional means for raising money authorized.
28A.527.080	Chapter supplemental.
28A.527.090	School construction and skill centers building account.
28A.527.100	Condensed compliance reports—Second-class districts.
28A.527.902	Effective date—2008 c 179.

28A.527.005 Findings—Intent—2008 c 179. The legislature finds that the state's public schools and skill centers are a vital component of the future economic prosperity of our state and provide students with access to high-quality academic and technical skills instruction. Skill centers challenge, motivate, and provide opportunities for students to achieve in basic skills, critical thinking, leadership, and work skills through hands-on education, applied academics, and technology training using a cost-effective delivery model. The legislature further finds that barriers to access exist for students in rural and high-density areas, but the development of satellite and branch campus programs will provide the needed access. The legislature further finds that existing and proposed new skill centers will require facilities and equipment that simulate business and industry. Therefore, it is the intent of the legislature to provide a new source of funding for the critical capital needs of the state's skill centers to enhance access to career and technical education opportunities and to improve the condition of existing facilities. Enhanced capital funding will provide skill centers the ability to fulfill their critical role in maintaining and stimulating the state's economy and expanding quality academic and career and technical education opportunities to more students, especially students who lack access to these programs to date.

In the interest of funding equity and ensuring a commitment to the new development, major renovation, or expansion of skill centers, all school district partners must contribute to the acquisition or major capital costs of skill center

projects supported by this act to the greatest extent feasible. [2008 c 179 § 201.]

28A.527.010 School construction assistance grants—Capital improvements—Bond issue. For the purpose of providing school construction assistance grants and needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvements of skill centers facilities, including capital improvements to support satellite or branch campus programs for underserved rural areas or high-density areas, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred million dollars, or as much thereof as may be required, to finance all or a part of these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. If the state finance committee deems it necessary to issue taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. [2008 c 179 § 202.]

28A.527.020 Bond proceeds—Use. This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after one biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued. [2008 c 179 § 203.]

28A.527.030 Proceeds from sale of bonds—Deposit—Use. (1) The proceeds from the sale of the bonds authorized in RCW 28A.527.010 shall be deposited in the school construction and skill centers building account created in RCW 28A.527.090.

(2) The proceeds shall be used exclusively for the purposes stated in RCW 28A.527.010 and for the payment of the expenses incurred in connection with the sale and issuance of the bonds. [2008 c 179 § 204.]

28A.527.040 Payment of principal and interest from nondebt-limit reimbursable bond account. (1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in RCW 28A.527.010.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 28A.527.010.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from

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that portion of the common school construction fund derived from the interest on the permanent common school fund into the nondebt-limit reimbursable bond retirement account the amount computed in (a) of this subsection for bonds issued for the purposes of RCW 28A.527.010. Any deficiency in such transfer shall be made up as soon as moneys are available for transfer and shall constitute a continuing obligation of that portion of the common school construction fund derived from the interest on the permanent common school fund until all deficiencies are fully paid. [2008 c 179 § 205.]

28A.527.050 Pledge and promise—Remedies. (1) Bonds issued under RCW 28A.527.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section. [2008 c 179 § 206.]

28A.527.060 Bonds legal investment for public funds. The bonds authorized in RCW 28A.527.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [2008 c 179 § 207.]

28A.527.070 Payment of principal and interest—Additional means for raising money authorized. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 28A.527.010, and *RCW 28A.527.010 shall not be deemed to provide an exclusive method for the payment. [2008 c 179 § 208.]

**Reviser's note:* The reference to RCW 28A.527.010 appears to be erroneous. Reference to RCW 28A.527.040 was apparently intended.

28A.527.080 Chapter supplemental. This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter. [2008 c 179 § 209.]

28A.527.090 School construction and skill centers building account. The school construction and skill centers building account is created in the state treasury. Proceeds from the bonds issued under RCW 28A.527.010 shall be deposited in the account. The account shall be used for purposes stated in RCW 28A.527.010. Moneys in the account may be spent only after appropriation. [2008 c 179 § 210.]

28A.527.100 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 40.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.527.902 Effective date—2008 c 179. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 27, 2008]. [2008 c 179 § 307.]

Chapter 28A.530 RCW

DISTRICT BONDS FOR LAND, BUILDINGS, AND EQUIPMENT

Sections

28A.530.010	Directors may borrow money, issue bonds.
28A.530.020	Bond issuance—Election—Resolution to specify purposes.
28A.530.030	Disposition of bond proceeds—Capital projects fund.
28A.530.040	Refunding former issues without vote of the people.
28A.530.050	Holder to notify treasurer—Redemption.
28A.530.060	Expense of county treasurer.
28A.530.070	Exchange of warrants for bonds.
28A.530.080	Additional authority to contract indebtedness—Notice.
28A.530.090	Condensed compliance reports—Second-class districts.

28A.530.010 Directors may borrow money, issue bonds. The board of directors of any school district may borrow money and issue negotiable bonds therefor for the purpose of:

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) For erecting all buildings authorized by law, including but not limited to those mentioned in subsection (2) of this section immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or

(4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or

(5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or

(6) For payment of (a) an installment purchase contract for school plant facilities or (b) a financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration, but only to the extent such payment constitutes a capital expenditure; or

(7) For any or all of these and other capital purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Except for bonds issued under RCW 28A.530.080, bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds shall be issued and sold in accordance with chapter 39.46 RCW. [1999 c 386 § 3; 1991 c 114 § 3; 1984 c 186 § 10; 1983 c 167 § 21; 1980 c 170 § 1; 1970 ex.s. c 42 § 7; 1969 c 142 § 2; 1969 ex.s. c 223 § 28A.51.010. Prior: 1953

c 163 § 1; 1927 c 99 § 1; 1921 c 147 § 1; 1919 c 90 § 12; 1909 c 97 p 324 § 1; RRS § 4941; prior: 1907 c 240 § 7 1/2; 1907 c 101 § 1; 1903 c 153 § 1; 1897 c 118 § 117; 1890 p 45 § 1. Formerly RCW 28A.51.010, 28.51.010, 28.51.050, part.]

Purpose—1984 c 186: See note following RCW 39.46.110.

School funds enumerated—Deposits—Uses—Energy audits: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.530.020 Bond issuance—Election—Resolution to specify purposes. (1) The question whether the bonds shall be issued, as provided in RCW 28A.530.010, shall be determined at an election to be held pursuant to RCW 39.36.050. If a majority of the votes cast at such election favor the issuance of such bonds, the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district that only needs a simple majority voter approval, exceeds three-eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, then three-fifths of the votes cast at such election must be in favor of the issuance of such bonds, before the board of directors is authorized to issue said bonds.

(2) The resolution adopted by the board of directors calling the election in subsection (1) of this section shall specify the purposes of the debt financing measure, including the specific buildings to be constructed or remodeled and any additional specific purposes as authorized by RCW 28A.530.010. If the debt financing measure anticipates the receipt of state financing assistance under chapter 28A.525 RCW, the board resolution also shall describe the specific anticipated purpose of the state assistance. If the school board subsequently determines that state or local circumstances should cause any alteration to the specific expenditures from the debt financing or of the state assistance, the board shall first conduct a public hearing to consider those circumstances and to receive public testimony. If the board then determines that any such alterations are in the best interests of the district, it may adopt a new resolution or amend the original resolution at a public meeting held subsequent to the meeting at which public testimony was received. [1996 c 48 § 1; 1990 c 33 § 478; 1984 c 186 § 11; 1970 ex.s. c 42 § 9; 1969 ex.s. c 223 § 28A.51.020. Prior: 1909 c 97 p 324 § 2; RRS § 4942; prior: 1897 c 118 § 118; 1890 p 46 § 2. Formerly RCW 28A.51.020, 28.51.020, 28.51.050, part.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.530.030 Disposition of bond proceeds—Capital projects fund. When the bonds have been sold, the county treasurer shall place the money derived from such sale to the credit of the capital projects fund of the district, and such fund is hereby created. [1984 c 186 § 12; 1983 c 167 § 24; 1979 ex.s. c 257 § 1; 1969 ex.s. c 223 § 28A.51.070. Prior: 1911 c 88 § 1; 1909 c 97 p 326 § 4; RRS § 4944; prior: 1907 c 240 § 9; 1905 c 142 § 7; 1897 c 118 § 120; 1890 p 47 § 4. Formerly RCW 28A.51.070, 28.51.070, 28.51.080, 28.51.090, 28.51.100, and 28.51.110.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.530.040 Refunding former issues without vote of the people. Whenever any bonds lawfully issued by any school district under the provisions of this chapter shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing bonds conformable to the requirements of this chapter and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors in their discretion may exchange such refunding bonds par for par for such outstanding bonds. [1984 c 186 § 13; 1983 c 167 § 25; 1969 ex.s. c 223 § 28A.51.180. Prior: 1969 ex.s. c 232 § 66; 1945 c 32 § 1; 1909 c 97 p 329 § 12; Rem. Supp. 1945 § 4952; prior: 1897 c 118 § 124, part; 1890 p 48 § 8, part. Formerly RCW 28A.51.180, 28.51.180.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.530.050 Holder to notify treasurer—Redemption. Every holder of any of the bonds so issued as a bearer bond as provided in this chapter, within ten days after the owner becomes the owner or holder thereof, shall notify the county treasurer of the county in which such bonds are issued of his or her ownership, together with his or her full name and post office address, and the county treasurer of said county shall deposit in the post office, properly stamped and addressed to each owner of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds. [1990 c 33 § 479; 1983 c 167 § 26; 1969 ex.s. c 223 § 28A.51.190. Prior: 1909 c 97 p 330 § 13; RRS § 4953; prior: 1897 c 118 § 125; 1890 p 49 § 9. Formerly RCW 28A.51.190, 28.51.190.]

Additional notes found at www.leg.wa.gov

28A.530.060 Expense of county treasurer. At any time after the issuance of such bonds as in this chapter provided, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his or her claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law. [1990 c 33 § 480; 1969 ex.s. c 223 § 28A.51.200. Prior: 1909 c 97 p 330 § 14; RRS § 4954; prior: 1897 c 118 § 126; 1890 p 50 § 10. Formerly RCW 28A.51.200, 28.51.200.]

28A.530.070 Exchange of warrants for bonds. If bonds issued under this chapter are not sold as in this chapter

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provided, the owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election may exchange said warrants at the face value thereof and accrued interest thereon for bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. [1983 c 167 § 27; 1969 ex.s. c 223 § 28A.51.220. Prior: 1909 c 97 p 327 § 5; RRS § 4945. Formerly RCW 28A.51.220, 28.51.220.]

Additional notes found at www.leg.wa.gov

28A.530.080 Additional authority to contract indebtedness—Notice. (1) In addition to the authority granted under RCW 28A.530.010, a school district may contract indebtedness for any purpose specified in RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any real or personal property, or property rights, in connection with the exercise of any powers or duties which it is now or hereafter authorized to exercise, and issue bonds, notes, or other evidences of indebtedness therefor without a vote of the qualified electors of the district, subject to the limitations on indebtedness set forth in RCW 39.36.020(3).

(2) Before issuing nonvoted bonds in excess of two hundred fifty thousand dollars, a school district shall publish notice of intent to issue such bonds and shall hold a public hearing on the proposal at any regular or special meeting of the school board. The notice shall designate: The date, time, and place of the hearing; the purpose and amount of the bonds; the type, terms, and conditions of bonds; and the means identified for repayment. The notice shall also state that any person may appear and be heard on the issue of issuing such bonds. The notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or if there is none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately before the hearing. At the conclusion of public comment, the board of directors may proceed to determine, by resolution, whether to issue such bonds.

(3) The public notice and hearing requirements in subsection (2) of this section shall not apply to any refinancing or refunding of outstanding nonvoted or voted bonds.

(4) Such bonds, notes, or other evidences of indebtedness shall be issued and sold in accordance with chapter 39.46 RCW, and the proceeds thereof shall be deposited in the capital projects fund, the transportation vehicle fund, or the general fund, as applicable. [2010 c 241 § 1; 1999 c 314 § 2; 1991 c 114 § 1.]

Application—2010 c 241: "This act applies prospectively only." [2010 c 241 § 2.]

Findings—Intent—1999 c 314: "The legislature finds that current law authorizes school districts to use nonvoter-approved debt to acquire real or personal property but not to construct or repair school district property. It is the intent of the legislature to authorize school districts to use nonvoter-approved debt, within existing debt limits, to finance the acquisition, remodel, and repair of school facilities." [1999 c 314 § 1.]

28A.530.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class

districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 41.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.535 RCW VALIDATING INDEBTEDNESS

Sections

28A.535.010	Authority to validate indebtedness.
28A.535.020	Resolution providing for election—Vote required to validate.
28A.535.030	Notice of election.
28A.535.040	Manner and result of election.
28A.535.050	Authority to borrow, issue bonds.
28A.535.060	Exchange of warrants for bonds.
28A.535.070	Notice to county treasurer of authority to issue bonds— Annual levy for payment of interest and principal on bonds—Penalty against officer for expenditures in excess of revenues.
28A.535.080	Validating indebtedness proceedings after merger.
28A.535.090	Condensed compliance reports—Second-class districts.

28A.535.010 Authority to validate indebtedness. Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school purposes, when the same together with all then outstanding legal indebtedness does not exceed that amount permitted for school districts in RCW 39.36.020 (1) and (3). The value of taxable property in such school district shall be ascertained as provided in Article eight, section six, Amendment 27, of the Constitution of the state of Washington. [1969 ex.s. c 223 § 28A.52.010. Prior: 1909 c 97 p 331 § 1; RRS § 4956; prior: 1897 c 118 § 128; 1895 c 21 § 1. Formerly RCW 28A.52.010, 28.52.010.]

Reviser's note: The above reference to RCW 39.36.020 (1) and (3) was apparently based upon the 1967 version of that section [1967 c 107 § 4]; the contents and organization of that section have been altered by subsequent amendments.

28A.535.020 Resolution providing for election—Vote required to validate. Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in RCW 28A.535.010, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district. [1996 c 48 § 2; 1995 c 111 § 1; 1990 c 33 § 481; 1969 ex.s. c 223 § 28A.52.020. Prior: 1909 c 97 p 331 § 2; RRS § 4957; prior: 1897 c 118 § 129; 1895 c 21 § 2. Formerly RCW 28A.52.020, 28.52.020.]

28A.535.030 Notice of election. At the time of the adoption of the resolution provided for in RCW 28A.535.020, the board of directors shall direct the school district superintendent to give notice to the county auditor of

the suggested time and purpose of such election, and specifying the amount and general character of the indebtedness proposed to be ratified. Such superintendent shall also cause written or printed notices to be posted in at least five places in such school district at least twenty days before such election. In addition to his or her other duties relating thereto, the county auditor shall give notice of such election as provided for in RCW 29A.52.355. [2015 c 53 § 16; 1990 c 33 § 482; 1969 ex.s. c 223 § 28A.52.030. Prior: 1909 c 97 p 332 § 3; RRS § 4958; prior: 1897 c 118 § 131; 1895 c 21 § 4. Formerly RCW 28A.52.030, 28.52.030.]

28A.535.040 Manner and result of election. Elections hereunder shall be by ballot, and conducted in the manner provided for conducting annual school elections. The ballot must contain the words, "Validating and ratifying indebtedness, yes," or the words, "Validating and ratifying indebtedness, no." Ballots containing the words, "Validating and ratifying indebtedness, yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words, "Validating and ratifying indebtedness, no," shall be counted against validating and ratifying such indebtedness. At their next meeting following ascertainment of the result of the election from the county auditor, the board of directors of any such district holding such an election shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officials. [1969 ex.s. c 223 § 28A.52.040. Prior: 1909 c 97 p 332 § 4; RRS § 4959; prior: 1897 c 118 § 130; 1895 c 21 § 3. Formerly RCW 28A.52.040, 28.52.040.]

Conduct of elections, canvass: RCW 29A.60.010.

28A.535.050 Authority to borrow, issue bonds. If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue and sell negotiable bonds therefor in accordance with chapter 39.46 RCW. [1984 c 186 § 14; 1983 c 167 § 28; 1975 c 43 § 2; 1969 ex.s. c 223 § 28A.52.050. Prior: 1909 c 97 p 333 § 5; RRS § 4960; prior: 1897 c 118 § 132; 1895 c 21 § 5. Formerly RCW 28A.52.050, 28.52.050.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.535.060 Exchange of warrants for bonds. If bonds issued under this chapter are not sold as herein provided, the owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW 28A.535.020, may exchange said warrants at the face value thereof and accrued interest thereon for bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. [1990 c 33 § 483; 1983 c 167 § 30; 1969 ex.s. c 223 § 28A.52.060. Prior: 1909 c 97 p 334 § 7; RRS § 4962; prior: 1897 c 118 § 134; 1895 c 21 § 7. Formerly RCW 28A.52.060, 28.52.060.]

Additional notes found at www.leg.wa.gov

28A.535.070 Notice to county treasurer of authority to issue bonds—Annual levy for payment of interest and principal on bonds—Penalty against officer for expenditures in excess of revenues. When authorized to issue bonds, as provided in this chapter the board of directors shall immediately cause to be sent to the appropriate county treasurer, notice thereof. The county officials charged by law with the duty of levying taxes for the payment of said bonds and interest shall do so as provided in RCW 39.46.110.

The annual expense of such district shall not thereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, in addition to any other penalties, whether civil or criminal, as provided by law, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars. [1985 c 7 § 90; 1969 ex.s. c 223 § 28A.52.070. Prior: 1909 c 97 p 335 § 8; RRS § 4963; prior: 1897 c 118 § 135; 1895 c 21 § 8. Formerly RCW 28A.52.070, 28.52.070.]

28A.535.080 Validating indebtedness proceedings after merger. In case any school district has heretofore incurred, or shall hereafter incur, indebtedness for strictly school purposes and has heretofore, or shall hereafter, become merged with another district as provided in *RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the directors of the last named district may, after such merger, cause to be submitted to the voters within the limits of the district which incurred the obligations, the question of validating and ratifying such indebtedness. The vote shall be taken and the question determined in the manner prescribed in RCW 28A.535.020, 28A.535.030, and 28A.535.040. The directors of the district to which the district incurring the obligations was merged shall make provisions for payment of the indebtedness so validated by certifying the amount thereof in the manner prescribed in RCW 28A.535.070: PROVIDED, Such enlarged district may pay a part, or all, of such validating indebtedness from any funds available or by issuing bonds therefor when such enlarged district has taken over property of any district and in making such adjustment and apportionment as provided in *RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the value of the property received shall be found to exceed the total indebtedness of the district annexed to the extent of such value over the total indebtedness of the district annexed. [1990 c 33 § 484; 1969 ex.s. c 223 § 28A.52.080. Prior: 1913 c 136 § 1; RRS § 4964. Formerly RCW 28A.52.080, 28.52.080.]

*Reviser's note: RCW 28A.315.010 through 28A.315.680 and 28A.315.900 were repealed or recodified by 1999 c 315.

28A.535.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 42.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

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Chapter 28A.540 RCW CAPITAL FUND AID BY NONHIGH SCHOOL DISTRICTS

Sections

28A.540.010	High school facilities defined.
28A.540.020	Plan for nonhigh district to provide capital funds in aid of high school district.
28A.540.030	Factors to be considered in preparation of plan.
28A.540.040	Public hearing—Notice.
28A.540.050	Review by superintendent of public instruction—Approval—Revised plan.
28A.540.060	Bond, excess levy, elections—Use of proceeds.
28A.540.070	Rejection by voters of nonhigh districts—Additional elections—Revised plan—Annexation proposal.
28A.540.080	Failure of nonhigh districts to submit proposal to vote within time limits—Annexation procedure.
28A.540.090	Nonhigh districts, time of levy and issuance of bonds.
28A.540.100	Validation of proceedings under 1955 act, when.
28A.540.110	Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise.
28A.540.120	Condensed compliance reports—Second-class districts.

28A.540.010 High school facilities defined. High school facilities shall mean buildings for occupancy by grades nine through twelve and equipment and furniture for such buildings and shall include major alteration or major remodeling of buildings and the acquisition of new sites and of additions to existing sites, and improvement of sites but only when included as a part of a general plan for the construction, equipping and furnishing of a building or of an alteration or addition to a building. The term shall also (1) include that portion of any building, alteration, equipment, furniture, site and improvement of site allocated to grade nine when included in a plan for facilities to be occupied by grades seven through nine and (2) includes such facilities for grades seven and eight when included in a plan as aforesaid, if the regional committee on school district organization finds that students of these grades who reside in any nonhigh school districts involved are now attending school in the high school district involved under an arrangement which likely will be continued. [1985 c 385 § 31; 1969 ex.s. c 223 § 28A.56.005. Prior: 1959 c 262 § 2. Formerly RCW 28A.56.005, 28.56.005.]

Additional notes found at www.leg.wa.gov

28A.540.020 Plan for nonhigh district to provide capital funds in aid of high school district. Upon receipt of a written request from the board of directors of a high school district or a nonhigh school district that presents to the regional committee on school district organization satisfactory evidence of a need for high school facilities to be located therein and of ability to provide such facilities, the regional committee shall prepare a plan for participation by any nonhigh school district or districts in providing capital funds to pay the costs of such school facilities and equipment to be provided for the education of students residing in the school districts. Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the regional committee along with the aforesaid request. [1985 c 385 § 32; 1969 ex.s. c 223 § 28A.56.010. Prior: 1959 c 262 § 1;

1955 c 344 § 1; 1953 c 229 § 1. Formerly RCW 28A.56.010, 28.56.010.]

Additional notes found at www.leg.wa.gov

28A.540.030 Factors to be considered in preparation of plan. The regional committee on school district organization shall give consideration to:

(1) The report submitted by the board of directors as stated above;

(2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other nonhigh school district within which the establishment of a high school within a period of two years is warranted;

(3) The assessed valuation of the school districts involved;

(4) The cash balance, if any, in the capital projects fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance; and

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan. [1985 c 385 § 33; 1985 c 7 § 91; 1969 ex.s. c 223 § 28A.56.020. Prior: 1959 c 262 § 3; 1955 c 344 § 2; 1953 c 229 § 2. Formerly RCW 28A.56.020, 28.56.020.]

Additional notes found at www.leg.wa.gov

28A.540.040 Public hearing—Notice. The regional committee on school district organization shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the educational service district superintendent, or his or her designee, may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the regional committee. The regional committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing. [1985 c 385 § 34; 1975 1st ex.s. c 275 § 74; 1971 c 48 § 21; 1969 ex.s. c 223 § 28A.56.030. Prior: 1959 c 262 § 4; 1955 c 344 § 3; 1953 c 229 § 3. Formerly RCW 28A.56.030, 28.56.030.]

Additional notes found at www.leg.wa.gov

28A.540.050 Review by superintendent of public instruction—Approval—Revised plan. Subsequent to the holding of a hearing or hearings as provided in RCW 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the superintendent of public instruction together with such maps and other materials pertaining thereto as the superintendent may require. The superintendent, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, shall review such plan, shall approve any plan which in his or

her judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the superintendent of public instruction, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the superintendent a revised plan which revision shall be subject to approval or disapproval by the superintendent, considering policy recommendations from the school facilities citizen advisory panel, and the procedural requirements and provisions of law applicable to an original plan submitted to the superintendent. [2006 c 263 § 324; 1990 c 33 § 485; 1985 c 385 § 35; 1975 1st ex.s. c 275 § 75; 1971 c 48 § 22; 1969 ex.s. c 223 § 28A.56.040. Prior: 1959 c 262 § 5; 1955 c 344 § 4; 1953 c 229 § 4. Formerly RCW 28A.56.040, 28.56.040.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.540.060 Bond, excess levy, elections—Use of proceeds. Within sixty days after receipt of the notice of approval from the educational service district superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the capital projects fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise. [1985 c 7 § 92; 1975 1st ex.s. c 275 § 76; 1971 c 48 § 23; 1969 ex.s. c 223 § 28A.56.050. Prior: 1959 c 262 § 6; 1955 c 344 § 5; 1953 c 229 § 5. Formerly RCW 28A.56.050, 28.56.050.]

Additional notes found at www.leg.wa.gov

28A.540.070 Rejection by voters of nonhigh districts—Additional elections—Revised plan—Annexation proposal. In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on

school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025. Upon approval by the superintendent of public instruction of any such proposal, the educational service district superintendent shall make an order, establishing the annexation. [2006 c 263 § 329; 1990 c 33 § 486; 1985 c 385 § 36; 1975 1st ex.s. c 275 § 77; 1971 c 48 § 24; 1969 ex.s. c 223 § 28A.56.060. Prior: 1959 c 262 § 7; 1955 c 344 § 6; 1953 c 229 § 6. Formerly RCW 28A.56.060, 28.56.060.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.540.080 Failure of nonhigh districts to submit proposal to vote within time limits—Annexation procedure. In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in RCW 28A.540.060 and 28A.540.070, the regional committee on school district reorganization may initiate a proposal for annexation of such nonhigh school district as provided for in RCW 28A.540.070. [1990 c 33 § 487; 1985 c 385 § 37; 1969 ex.s. c 223 § 28A.56.070. Prior: 1959 c 262 § 8; 1955 c 344 § 7; 1953 c 229 § 7. Formerly RCW 28A.56.070, 28.56.070.]

Additional notes found at www.leg.wa.gov

28A.540.090 Nonhigh districts, time of levy and issuance of bonds. If the voters of a nonhigh school district approve an excess tax levy, the levy shall be made at the earliest time permitted by law. If the voters of a nonhigh school district approve the issuance of bonds, the board of directors of the nonhigh school district shall issue and sell said bonds within ninety days after receiving a copy of a resolution of the board of directors of the high school district that the high school district is ready to proceed with the construction of the high school facilities provided for in the plan and requesting the sale of the bonds. [1969 ex.s. c 223 § 28A.56.075. Prior: 1959 c 262 § 9. Formerly RCW 28A.56.075, 28.56.075.]

28A.540.100 Validation of proceedings under 1955 act, when. All proceedings had and taken under chapter 344, Laws of 1955, shall be valid and binding although not in compliance with that act if said proceedings comply with the requirements of this chapter. [1969 ex.s. c 223 § 28A.56.170. Prior: 1959 c 262 § 11. Formerly RCW 28A.56.170, 28.56.170.]

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28A.540.110 Designation of high school district non-high district students shall attend—Effect when attendance otherwise. (1) In cases where high school students resident in a nonhigh school district are to be educated in a high school district, the board of directors of the nonhigh school district shall, by mutual agreement with the serving district(s), designate the serving high school district or districts which its high school students shall attend. A nonhigh school district shall designate a district as a serving high school district when more than thirty-three and one-third percent of the high school students residing within the boundaries of the nonhigh school district are enrolled in the serving district.

(2) Students residing in a nonhigh school district shall be allowed to attend a high school other than in the designated serving district referred to in subsection (1) of this section, however the nonhigh school board of directors shall not be required to contribute to building programs in any such high school district. Contribution shall be made only to those districts which are designated as serving high school districts at the time the county auditor is requested by the high school district to place a measure on the ballot regarding a proposal or proposals for the issuance of bonds or the authorization of an excess tax levy to provide capital funds for building programs. The nonhigh school district shall be subject to the capital fund aid provisions contained in this chapter with respect to the designated high school serving district(s). [1989 c 321 § 4; 1981 c 239 § 1. Formerly RCW 28A.56.200.]

28A.540.120 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 43.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.545 RCW PAYMENT TO HIGH SCHOOL DISTRICTS

Sections

28A.545.010	School district divisions—High and nonhigh.
28A.545.020	Reimbursement not a tuition charge.
28A.545.030	Purposes.
28A.545.040	"Student residing in a nonhigh school district" defined.
28A.545.050	Amounts due from nonhigh districts.
28A.545.060	Enrollment data for computation of amounts due.
28A.545.070	Superintendent's annual determination of estimated amount due—Process.
28A.545.080	Estimated amount due paid in May and November installments.
28A.545.090	Assessing nonhigh school lesser amount—Notice of.
28A.545.100	Amount due reflects cost of education and transportation of students.
28A.545.110	Rules to effect purposes and implement provisions.
28A.545.120	New programs or grades—Approval—Rules.
28A.545.130	Condensed compliance reports—Second-class districts.

Exemptions: State Constitution Art. 7 § 1 (Amendment 14).

28A.545.010 School district divisions—High and nonhigh. For the purposes of this chapter all school districts in the state of Washington shall be and the same are hereby divided into two divisions to be known and designated respectively as high school districts and nonhigh school districts. [1983 c 3 § 31; 1969 ex.s. c 223 § 28A.44.045. Prior:

1917 c 21 § 1; RRS § 4710. Formerly RCW 28A.44.045, 28.44.045, 28.01.040, part.]

28A.545.020 Reimbursement not a tuition charge.

The reimbursement of a high school district for cost of educating high school pupils for a nonhigh school district, as provided for in this chapter, shall not be deemed a tuition charge as affecting the apportionment of current state school funds. [1983 c 3 § 32; 1969 ex.s. c 223 § 28A.44.095. Prior: 1917 c 21 § 11; RRS § 4720. Formerly RCW 28A.44.095, 28.44.095.]

28A.545.030 Purposes. The purposes of RCW 28A.545.030 through 28A.545.110 and 84.52.0531 are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; and

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is no greater than the maintenance and operation excess tax levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district. [1990 c 33 § 488; 1981 c 264 § 1. Formerly RCW 28A.44.150.]

Additional notes found at www.leg.wa.gov

28A.545.040 "Student residing in a nonhigh school district" defined. The term "student residing in a nonhigh school district" and its equivalent as used in RCW 28A.545.030 through 28A.545.110 and 84.52.0531 shall mean any common school-age person with or without disabilities who resides within the boundaries of a nonhigh school district that does not conduct the particular kindergarten through grade twelve grade which the person has not yet successfully completed and is eligible to enroll in, not including students enrolled in an innovation academy cooperative established under RCW 28A.340.080 through 28A.340.090. [2010 c 99 § 7; 1995 c 77 § 25; 1990 c 33 § 489; 1981 c 264 § 2. Formerly RCW 28A.44.160.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

Additional notes found at www.leg.wa.gov

28A.545.050 Amounts due from nonhigh districts.

Each year at such time as the superintendent of public instruction determines and certifies such maximum allowable amounts of school district levies under RCW 84.52.0531 he or she shall also:

(1) Determine the extent to which the estimated amounts due by nonhigh school districts for the previous school year exceeded or fell short of the actual amounts due; and

(2) Determine the estimated amounts due by nonhigh school districts for the current school year and increase or decrease the same to the extent of overpayments or underpayments for the previous school year. [1985 c 341 § 11; 1981 c 264 § 3. Formerly RCW 28A.44.170.]

Additional notes found at www.leg.wa.gov

28A.545.060 Enrollment data for computation of amounts due. The student enrollment data necessary for the computation of the annual amounts due by nonhigh school districts pursuant to RCW 28A.545.030 through 28A.545.110 and 84.52.0531 shall be established as follows:

(1) On or before July tenth preceding the school year, or such other date as may be established by the superintendent of public instruction, each high school district superintendent shall certify to the superintendent of public instruction:

(a) The estimated number of students residing in a nonhigh school district that will be enrolled in the high school district during the school year which estimate has been mutually agreed upon by the high school district superintendent and the superintendent of each nonhigh school district in which one or more of such students resides;

(b) The total estimated number of kindergarten through twelfth grade annual average full-time equivalent students, inclusive of nonresident students, that will be enrolled in the high school district during the school year;

(c) The actual number of annual average full-time equivalent students provided for in subsections (1)(a) and (b) of this section that were enrolled in the high school district during the regular school term just completed; and

(d) The name, address, and the school district and county of residence of each student residing in a nonhigh school district reported pursuant to this subsection (1), to the extent the same can reasonably be established.

(2) In the event the superintendents of a high school district and a nonhigh school district are unable to reach agreement respecting the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year, the estimate shall be established by the superintendent of public instruction. [1990 c 33 § 490; 1981 c 264 § 4. Formerly RCW 28A.44.180.]

Additional notes found at www.leg.wa.gov

28A.545.070 Superintendent's annual determination of estimated amount due—Process. (1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's maintenance and operation excess tax levy that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which the high school district superintendent or the superintendent of public instruction has certified pursuant to RCW 28A.545.060 will be enrolled in the high school district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to RCW 28A.545.060; and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the

extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student maintenance and operation excess tax levy rate for the current tax collection year, of the high school district, or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to RCW 28A.545.090.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year. [1990 c 33 § 491; 1981 c 264 § 5. Formerly RCW 28A.44.190.]

Additional notes found at www.leg.wa.gov

28A.545.080 Estimated amount due paid in May and November installments. The estimated amounts due by nonhigh school districts as determined pursuant to RCW 28A.545.070 shall be paid in two installments. During the month of May of the school year for which the amount is due, each nonhigh school district shall pay to each high school district fifty percent of the total estimated amount due to the high school district for the school year as determined by the superintendent of public instruction pursuant to RCW 28A.545.070. The remaining fifty percent shall be paid by each nonhigh school district to each high school district during the following November. [1990 c 33 § 492; 1981 c 264 § 6. Formerly RCW 28A.44.200.]

Additional notes found at www.leg.wa.gov

28A.545.090 Assessing nonhigh school lesser amount—Notice of. Notwithstanding any provision of RCW 28A.545.050 through 28A.545.080 to the contrary, any high school district board of directors may elect to assess a nonhigh school district an amount which is less than that otherwise established by the superintendent of public instruction pursuant to RCW 28A.545.070 to be due. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount no later than September first following the school year for which the amount is due. In the absence of such notification, each nonhigh school district shall pay the amount otherwise established by the superintendent of public instruction pursuant to RCW 28A.545.070. [1990 c 33 § 493; 1981 c 264 § 7. Formerly RCW 28A.44.210.]

Additional notes found at www.leg.wa.gov

28A.545.100 Amount due reflects cost of education and transportation of students. Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW 28A.545.030 through 28A.545.110 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all students with or without disabilities residing in the nonhigh school district who attend a high school district pursuant to

RCW 28A.225.210, and for the transportation of such students by a high school district. [1995 c 77 § 26; 1990 c 33 § 494; 1983 1st ex.s. c 61 § 7; 1981 c 264 § 8. Formerly RCW 28A.44.220.]

Additional notes found at www.leg.wa.gov

28A.545.110 Rules to effect purposes and implement provisions. The superintendent of public instruction is hereby empowered to adopt rules pursuant to chapter 34.05 RCW, as now or hereafter amended, deemed necessary or advisable by the superintendent to effect the purposes and implement the provisions of RCW 28A.545.030 through 28A.545.110 and 84.52.0531. [1990 c 33 § 495; 1981 c 264 § 9. Formerly RCW 28A.44.230.]

Additional notes found at www.leg.wa.gov

28A.545.120 New programs or grades—Approval—Rules. (1) The superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, shall adopt rules governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established, the district must obtain prior approval of the superintendent of public instruction.

(2) This section does not apply to innovation academy cooperatives established under RCW 28A.340.080 through 28A.340.090. [2010 c 99 § 8; 2006 c 263 § 325.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.545.130 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 44.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.600 RCW STUDENTS

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Uniform minor student capacity to borrow act: Chapter 26.30 RCW.

28A.600.006 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class

districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 45.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.600.010 Enforcement of rules of conduct—Due process guarantees—Computation of days for short-term and long-term suspensions. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015. [2006 c 263 § 901; 1997 c 265 § 4; 1990 c 33 § 496; 1979 ex.s. c 173 § 2; 1975-'76 2nd ex.s. c 97 § 2; 1975 1st ex.s. c 254 § 1; 1971 ex.s. c 268 § 1; 1969 ex.s. c 223 § 28A.58.101. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.101, 28.58.100(2), (6).]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.600.015 Expulsions and suspensions—Rules incorporating due process—Short-term and long-term suspensions—Emergency expulsions—Discretionary discipline. (1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, which-

ever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9A.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state. [2016 c 72 § 105; 2013 2nd sp.s. c 18 § 302; 2006 c 263 § 701; 1996 c 321 § 2; 1975-'76 2nd ex.s. c 97 § 1; 1971 ex.s. c 268 § 2. Formerly RCW 28A.305.160, 28A.04.132.]

Finding—Intent—2016 c 72: "(1) The legislature has already established that it is a goal of the state to provide for a public school system that gives all students the opportunity to achieve personal and academic success. This goal contains within it a promise of excellence and opportunity for all students, not just some students. In 2012, in *McCleary v. State of Washington*, the Washington supreme court reaffirmed the positive constitutional right of every student by noting, "No child is excluded." In establishing the educational opportunity gap oversight and accountability committee in 2009, the legislature recognized that additional work was needed to fulfill the promise of excellence and opportunity for students of certain demographic groups, including English language learners.

(2016 Ed.)

(2) In its 2015 report to the legislature, the educational opportunity gap oversight and accountability committee made the following recommendations in keeping with its statutory purpose, which is to recommend specific policies and strategies to close the educational opportunity gap:

(a) Reduce the length of time students of color are excluded from school due to suspension and expulsion and provide students support for reengagement plans;

(b) Enhance the cultural competence of current and future educators and classified staff;

(c) Endorse all educators in English language learner and second language acquisition;

(d) Account for the transitional bilingual instruction program instructional services provided to English language learner students;

(e) Analyze the opportunity gap through deeper disaggregation of student demographic data;

(f) Invest in the recruitment, hiring, and retention of educators of color;

(g) Incorporate integrated student services and family engagement; and

(h) Strengthen student transitions at each stage of the education development pathway: Early learning to elementary, elementary to secondary, secondary to college and career.

(3) The legislature finds that these recommendations represent a holistic approach to making progress toward closing the opportunity gap. The recommendations are interdependent and mutually reinforcing. Closing the opportunity gap requires highly skilled, culturally competent, and diverse educators who understand the communities and cultures that students come from; it requires careful monitoring of not only the academic performance but also the educational environment for all students, at a fine grain of detail to assure adequate accountability; and it requires a robust program of instruction, including appropriately trained educators, to help English language learners gain language proficiency as well as academic proficiency.

(4) Therefore, the legislature intends to adopt policies and programs to implement the six recommendations of the educational opportunity gap oversight and accountability committee and fulfill its promise of excellence and opportunity for all students." [2016 c 72 § 1.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.600.020 Exclusion of student from classroom—Written disciplinary procedures—Long-term suspension or expulsion. (1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the

teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9A.1.280; or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning. [2016 c 72 § 106; 2013 2nd sp.s. c 18 § 303; 2006 c 263 § 706; 1997 c 266 § 11; 1990 c

33 § 497; 1980 c 171 § 1; 1972 ex.s. c 142 § 5. Formerly RCW 28A.58.1011.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.600.022 Suspended or expelled students—Reengagement plan. (1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission. [2016 c 72 § 107; 2013 2nd sp.s. c 18 § 308.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: "Nothing in chapter 18, Laws of 2013 2nd sp. sess. prevents a public school district, law enforcement agencies, or law enforcement personnel from enforcing laws protecting health and human safety." [2013 2nd sp.s. c 18 § 309.]

28A.600.025 Students' rights of religious expression—Duty of superintendent of public instruction to inform school districts. (1) The First Amendment to the United States Constitution, and Article I, sections 5 and 11 of the Washington state Constitution guarantee that students retain their rights of free speech and free exercise of religion, notwithstanding the student's enrollment and attendance in a common school. These rights include, but are not limited to, the right of an individual student to freely express and incorporate the student's religious beliefs and opinions where relevant or appropriate in any and all class work, homework, evaluations or tests. School personnel may not grade the class work, homework, evaluation, or test on the religious expression but may grade the student's performance on scholastic content such as spelling, sentence structure, and grammar, and the degree to which the student's performance reflects the instruction and objectives established by the school person-

nel. School personnel may not subject an individual student who expresses religious beliefs or opinions in accordance with this section to any form of retribution or negative consequence and may not penalize the student's standing, evaluations, or privileges. An employee of the school district may not censure a student's expression of religious beliefs or opinions, when relevant or appropriate, in any class work, homework, evaluations or tests, extracurricular activities, or other activities under the sponsorship or auspices of the school district.

(2) This section is not intended to impose any limit on the exchange of ideas in the common schools of this state. No officer, employee, agent, or contractor of a school district may impose his or her religious beliefs on any student in class work, homework, evaluations or tests, extracurricular activities, or other activities under the auspices of the school district.

(3) The superintendent of public instruction shall distribute to the school districts information about laws governing students' rights of religious expression in school. [1998 c 131 § 2.]

Findings—1998 c 131: "The legislature recognizes the right of free speech and freedom of religion as guaranteed through the First Amendment to the United States Constitution and Article I, sections 5 and 11 of the Washington state Constitution and that these rights extend to students enrolled in the common schools of our state.

The legislature also recognizes that students may choose to exercise these rights, as protected under the law, in response to the challenges of academic pursuit. While the legislature upholds the rights of students to freely express their religious beliefs and right of free speech, it also holds firmly that it is not the role of education to solicit student responses that force students to reveal, analyze, or critique their religious beliefs." [1998 c 131 § 1.]

28A.600.030 Grading policies—Option to consider attendance. Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the superintendent of public instruction under RCW 28A.600.015. [2006 c 263 § 707; 1990 c 33 § 498; 1984 c 278 § 7. Formerly RCW 28A.58.195.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.600.035 Policies on secondary school access and egress. School district boards of directors shall review school district policies regarding access and egress by students from secondary school grounds during school hours. Each school district board of directors shall adopt a policy specifying any restrictions on students leaving secondary school grounds during school hours. [1995 c 312 § 82.]

Additional notes found at www.leg.wa.gov

28A.600.040 Pupils to comply with rules and regulations. All pupils who attend the common schools shall comply with the rules and regulations established in pursuance of

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the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine. [1969 ex.s. c 223 § 28A.58.200. Prior: 1909 c 97 p 263 § 6; RRS § 4690; prior: 1897 c 118 § 69; 1890 p 372 § 48. Formerly RCW 28A.58.200, 28.58.200.]

28A.600.045 Comprehensive guidance and planning programs for students. (1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; exploration of options and opportunities for career and technical education at the secondary and postsecondary level; exploration of career opportunities in emerging and high-demand programs including apprenticeships; and postsecondary options and how to access them;

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide support for comprehensive guidance and planning programs in public schools, including providing ongoing development and improvement of the curriculum described in subsection (2) of this section. [2008 c 170 § 303; 2006 c 117 § 2.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

Intent—2006 c 117: "The legislature recognizes that there are specific skills and a body of knowledge that each student needs to chart a course through middle school, high school, and posthigh school options. Each student needs active involvement from parents and at least one supportive adult in the school who knows the student well and cares about the student's progress and future. Students, parents, and teachers also need the benefit of immediate feedback and accurate diagnosis of students' academic strengths and weaknesses to inform the students' short-term and long-term plans. To empower and motivate all students and parents to take a greater role in charting the students' own educational experiences, the legislature intends to strengthen schools' guidance and planning programs." [2006 c 117 § 1.]

28A.600.050 State honors awards program established—Purpose. The Washington state honors awards program is hereby established for the purpose of promoting academic achievement among high school students enrolled in public or approved private high schools by recognizing outstanding achievement of students in academic core subjects. This program shall be voluntary on the part of each school district and each student enrolled in high school. [1985 c 62 § 1. Formerly RCW 28A.03.440.]

Washington scholars' program: RCW 28A.600.100 through 28A.600.150.

28A.600.060 State honors awards program—Areas included. The recipients of the Washington state honors awards shall be selected based on student achievement in both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and languages other than English, which may be American Indian languages. The performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year. [1993 c 371 § 4; 1991 c 116 § 22; 1985 c 62 § 2. Formerly RCW 28A.03.442.]

28A.600.070 State honors awards program—Rules. The superintendent of public instruction shall adopt rules for the establishment and administration of the Washington state honors awards program. The rules shall establish: (1) The test or tests of general achievement that are used to measure verbal and quantitative achievement, (2) academic subject performance levels, (3) timelines for participating school districts to notify students of the opportunity to participate, (4) procedures for the administration of the program, and (5) the procedures for providing the appropriate honors award designation. [1991 c 116 § 23; 1985 c 62 § 3. Formerly RCW 28A.03.444.]

28A.600.080 State honors awards program—Materials—Recognition by business and industry encouraged. The superintendent of public instruction shall provide participating high schools with the necessary materials for conferring honors. The superintendent of public instruction shall require participating high schools to encourage local representatives of business and industry to recognize students in their communities who receive an honors designation based on the Washington state honors awards program. [1985 c 62 § 4. Formerly RCW 28A.03.446.]

28A.600.100 Washington scholars' program—Purpose. Each year high schools in the state of Washington graduate a significant number of students who have distinguished themselves through outstanding academic achievement. The purpose of RCW 28A.600.100 through 28A.600.150 is to establish a consistent and uniform program which will recognize and honor the accomplishments of these students; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of outstanding students to Washington public and private colleges and universities; and allow educational and legislative lead-

ers, as well as the governor, to reaffirm the importance of educational excellence to the future of this state. [1990 c 33 § 499; 1985 c 341 § 14; 1981 c 54 § 1. Formerly RCW 28A.58.820.]

Grants for undergraduate coursework for recipients of the Washington scholars award: RCW 28B.15.543.

State honors awards program: RCW 28A.600.050 through 28A.600.080.

Additional notes found at www.leg.wa.gov

28A.600.110 Washington scholars' program—Established—Scope. There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers, except that during fiscal year 2007, no more than two seniors plus one alternate may be selected.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in *RCW 28B.15.543 and grants under RCW 28B.76.660. [2005 c 518 § 915; 2004 c 275 § 46; 1994 c 234 § 4; 1988 c 210 § 4; 1987 c 465 § 1; 1981 c 54 § 2. Formerly RCW 28A.58.822.]

***Reviser's note:** RCW 28B.15.543 was amended by 2015 c 55 § 219, changing tuition waivers to grants for undergraduate coursework.

Additional notes found at www.leg.wa.gov

28A.600.120 Washington scholars' program—Administration—Cooperation with other agencies. The office of student financial assistance shall have the responsibility for administration of the Washington scholars program. The program will be developed cooperatively with the Washington association of secondary school principals, a voluntary professional association of secondary school principals. The cooperation of other state agencies and private organizations having interest and responsibility in public and private education shall be sought for planning assistance. [2011 1st sp.s. c 11 § 126; 1985 c 370 § 32; 1981 c 54 § 3. Formerly RCW 28A.58.824.]

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Additional notes found at www.leg.wa.gov

28A.600.130 Washington scholars' program—Planning committee—Composition—Duties. The office of student financial assistance shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the office of superintendent of public instruction, the council of presidents, the state board for community and technical colleges, and the Washington friends of higher education. [2011 1st sp.s. c 11 § 127; 2006 c 263 § 916; 1995 1st sp.s. c 5 § 1; 1990 c 33 § 500; 1985 c 370 § 33; 1981 c 54 § 4. Formerly RCW 28A.58.826.]

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.600.140 Washington scholars' program—Principals' association to submit names to office of student financial assistance. Each year on or before March 1st, the Washington association of secondary school principals shall submit to the office of student financial assistance the names of graduating senior high school students who have been identified and recommended to be outstanding in academic achievement by their school principals based on criteria to be established under RCW 28A.600.130. [2011 1st sp.s. c 11 § 128; 1990 c 33 § 501; 1985 c 370 § 34; 1981 c 54 § 5. Formerly RCW 28A.58.828.]

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Additional notes found at www.leg.wa.gov

28A.600.150 Washington scholars' program—Selection of scholars and scholars-alternates—Notification process—Certificates—Awards ceremony. Each year, three Washington scholars and one Washington scholars-alternate shall be selected from the students nominated under RCW 28A.600.140, except that during fiscal year 2007, no more than two scholars plus one alternate may be selected. The office of student financial assistance shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The office, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars and the Washington scholars-alternates. An awards ceremony at an appropriate time and place shall be planned by the office in cooperation with the Washington association of secondary school principals, and with the approval of the governor. [2011 1st sp.s. c 11 § 129; 2005 c 518 § 916; 1999 c 159 § 2; 1985 c 370 § 35; 1981 c 54 § 6. Formerly RCW 28A.58.830.]

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Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Intent—1999 c 159: "The legislature finds that approximately thirty-five percent of the recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 choose to enroll in an out-of-state college and therefore do not use the grants that would have been available to them under RCW 28B.80.245 had they chosen to attend a college or university in the state of Washington. It is the intent of the legislature to require high school seniors who are announced as recipients of the Washington scholars award to demonstrate in a timely manner that they will be using any grants they may receive with their awards to enroll in a college or university in Washington state during the fall term of the same year in which they receive the award. Any grants not used by initial recipients should be awarded to alternate recipients who must also demonstrate in a timely manner that they will be using their grants to enroll in a Washington college or university in Washington state during the fall term." [1999 c 159 § 1.]

Additional notes found at www.leg.wa.gov

28A.600.160 Educational pathways. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request [requests] information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as worksite learning, internships, tech prep, career and technical education, running start, college in the high school, running start for the trades, and preparation for technical college, community college, or university education. [2009 c 556 § 14; 2009 c 450 § 6; 1998 c 225 § 2.]

Reviser's note: This section was amended by 2009 c 450 § 6 and by 2009 c 556 § 14, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.600.190 Youth sports—Concussion and head injury guidelines—Injured athlete restrictions—Short title. (1)(a) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The centers for disease control and prevention estimates that as many as three million nine hundred thousand sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk

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of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(b) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occurs without loss of consciousness.

(c) Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Washington.

(2) Each school district's board of directors shall work in concert with the Washington interscholastic activities association to develop the guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete and the athlete's parent and/or guardian prior to the youth athlete's initiating practice or competition.

(3) A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time.

(4) A youth athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussion and receives written clearance to return to play from that health care provider. The health care provider may be a volunteer. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(5) This section may be known and cited as the Zackery Lystedt law. [2009 c 475 § 2.]

28A.600.195 Sudden cardiac arrest in youth athletes—Online pamphlet—Online prevention program for coaches. (1) The Washington interscholastic activities association shall work with member schools' board of directors, a nonprofit organization that educates communities about sudden cardiac arrest in youth athletes, and the University of Washington medicine center for sports cardiology to develop and make available an online pamphlet that provides youth athletes, their parents or guardians, and coaches with information about sudden cardiac arrest. The online pamphlet must include information on the nature, risk, symptoms and warning signs, prevention, and treatment of sudden cardiac arrest. The online pamphlet shall be posted on the office of the superintendent of public instruction's web site.

(2) The Washington interscholastic activities association shall work with member schools' board of directors, an organization that provides educational training for safe participation in athletic activity, and the University of Washington medicine center for sports cardiology to make available an existing online sudden cardiac arrest prevention program for coaches.

(3) On a yearly basis, prior to participating in an interscholastic athletic activity a sudden cardiac arrest form stating that the online pamphlet was reviewed shall be signed by the youth athlete and the athlete's parents and/or guardian and returned to the school.

(4) Every three years, prior to coaching an interscholastic athletic activity coaches shall complete the online sudden cardiac arrest prevention program described in this section. Coaches shall provide a certificate showing completion of the online sudden cardiac arrest prevention program to the school. [2015 c 26 § 3.]

Findings—Intent—2015 c 26: "The legislature finds that sudden cardiac death is the result of an unexpected failure of proper heart function that may occur during or immediately after exercise. The legislature further finds that it has been reported that cardiac arrest is the leading cause of death in young athletes. The legislature finds that approximately one in two hundred fifty young athletes has a heart disorder that may increase his or her risk of sudden cardiac arrest. The legislature intends to make youth athletes, their families, and coaches aware of sudden cardiac arrest." [2015 c 26 § 1.]

Short title—2015 c 26: "This act may be known and cited as the sudden cardiac arrest awareness act." [2015 c 26 § 4.]

28A.600.200 Interschool athletic and other extracurricular activities for students—Authority to regulate and impose penalties—Delegation of authority—Conditions. Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(2)(a) Any rules and policies adopted and applied by the voluntary nonprofit entity that governs student participation in any interschool activity shall be written; and

(b) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity.

(3)(a) The association or other voluntary nonprofit entity is authorized to impose penalties for rules violations upon coaches, school district administrators, school administrators, and students, as appropriate, to punish the offending party or parties;

(b) No penalty may be imposed on a student or students unless the student or students knowingly violated the rules or unless a student gained a significant competitive advantage

or materially disadvantaged another student through a rule violation;

(c) Any penalty that is imposed for rules violations must be proportional to the offense;

(d) Any decision resulting in a penalty shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

(4) The school districts, Washington interscholastic activities association districts, and leagues that participate in the interschool extracurricular activities shall not impose more severe penalties for rule violations than can be imposed by the rules of the association or the voluntary nonprofit entity.

(5) As used in this section and RCW 28A.600.205, "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved. [2012 c 155 § 2; 2006 c 263 § 904; 1990 c 33 § 502; 1975-'76 2nd ex.s. c 32 § 1. Formerly RCW 28A.58.125.]

Finding—Intent—2012 c 155: "The legislature finds that the mission of the Washington interscholastic activities association is to assist member schools in operating student programs that foster achievement, respect, equity, enthusiasm, and excellence in a safe and organized environment. The legislature intends to ensure that this mission is successfully carried out so that arbitrary sanctions that result in students unfairly being denied to participate or cause students' achievements to be diminished do not occur. It is the intent of the legislature to impact the association's current processes for establishing penalties for rules violations and to redefine the scope of penalties that are permitted to be imposed. It is further the intent of the legislature to build protections into state law so that punishment, when necessary, is meted out to the appropriate party and in a proportional manner. The legislature further intends to ensure that state and local rules relating to interschool extracurricular activities be consistent with one another, promote fairness, and allow for a clear process of appeal." [2012 c 155 § 1.]

Short title—2012 c 155: "This act may be known and cited as the Knight act." [2012 c 155 § 4.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

School buses, transport of general public to interscholastic activities—Limitations: RCW 28A.160.100.

28A.600.205 Interscholastic activities—Appeals from noneligibility issues—Appeals committee—Appeals to Washington interscholastic activities association executive board—Limitations on penalties and sanctions.

(1)(a) The Washington interscholastic activities association shall establish a nine-person appeals committee to address appeals of noneligibility issues. The committee shall be comprised of the secretary from each of the activity districts of the Washington interscholastic activities association. The committee shall begin hearing appeals by July 1, 2006. No committee member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal.

(b) Any penalty or sanction that is imposed or upheld by the appeals committee must be proportional to the offense and must be imposed upon only the offending individual or individuals, including coaches, school district administrators, school administrators, and students. However, only the Washington interscholastic activities association executive board has the authority to remove a team from postseason competition. Should a school violate a Washington interscho-

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lastic activities association rule, that violation does not automatically remove that school's team from postseason competition. Penalties levied against coaches and school programs must be considered before removing a team from postseason competition. Removal of a team from postseason competition must be the last option.

(2)(a) A decision of the appeals committee may be appealed to the executive board of the association. If a matter is appealed to the executive board, then the board shall conduct a de novo review of the matter before making a decision.

(b) Any penalty or sanction that is imposed or upheld by the executive board must be proportional to the offense and must be imposed upon only the offending individual or individuals including coaches, school district administrators, school administrators, or students. However, only the Washington interscholastic activities association executive board has the authority to remove a team from postseason competition. Should a school violate a Washington interscholastic activities association rule, that violation does not automatically remove that school's team from postseason competition. Penalties levied against coaches and school programs must be considered before removing a team from postseason competition. Removal of a team from postseason competition must be the last option.

(c) If a rule violation is reported to the association within ten days of the relevant postseason play, then the only review shall be conducted by the executive board of the Washington interscholastic activities association so that a decision can be rendered in a timely manner. The executive board must take all possible actions to render a decision before the postseason play takes place. [2012 c 155 § 3; 2006 c 263 § 905.]

Finding—Intent—Short title—2012 c 155: See notes following RCW 28A.600.200.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.600.210 School locker searches—Findings. The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole. [1989 c 271 § 244. Formerly RCW 28A.67.300.]

Additional notes found at www.leg.wa.gov

28A.600.220 School locker searches—No expectation of privacy. No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240. [1990 c 33 § 503; 1989 c 271 § 245. Formerly RCW 28A.67.310.]

Additional notes found at www.leg.wa.gov

28A.600.230 School locker searches—Authorization—Limitations. (1) A school principal, vice principal, or principal's designee may search a student, the student's pos-

sessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070. [1999 c 167 § 3; 1989 c 271 § 246. Formerly RCW 28A.67.320.]

Additional notes found at www.leg.wa.gov

28A.600.240 School locker searches—Notice and reasonable suspicion requirements. (1) In addition to the provisions in RCW 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW 28A.600.230(2). [1990 c 33 § 504; 1989 c 271 § 247. Formerly RCW 28A.67.330.]

Additional notes found at www.leg.wa.gov

28A.600.280 Dual credit programs—Annual report. (1) The office of the superintendent of public instruction, in collaboration with the state board for community and technical colleges, the Washington state apprenticeship and training council, the workforce training and education coordinating board, the student achievement council, the public baccalaureate institutions, and the education data center, shall report by September 1, 2010, and annually thereafter to the education and higher education committees of the legislature regarding participation in dual credit programs. The report shall include:

(a) Data about student participation rates and academic performance including but not limited to running start, college in the high school, tech prep, international baccalaureate, advanced placement, and running start for the trades;

(b) Data on the total unduplicated head count of students enrolled in at least one dual credit program course; and

(c) The percentage of students who enrolled in at least one dual credit program as percent of all students enrolled in grades nine through twelve.

(2) Data on student participation shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch. [2012 c 229 § 505; 2009 c 450 § 2.]

[Title 28A RCW—page 312]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Intent—2009 c 450: "(1) The legislature finds that the economy of the state of Washington requires a well-prepared workforce. To meet the need, more Washington students need to be prepared for postsecondary education and training. Further, the personal enrichment and success of Washington citizens increasingly relies on their ability to use the state's postsecondary education and training system. To accomplish those ends, the legislature desires to increase the number of students who begin earning college credits while still in high school.

(2) The legislature further finds that dual credit programs introduce students to college-level work, provide a jump start on getting a college degree, and, perhaps most importantly, show students that they can succeed in college. Dual credit programs also provide another avenue of student financial aid, since many programs are offered for little or no cost to students.

(3) The legislature also finds that students must be provided a choice when selecting a dual credit program that is right for them. Options should be available for the student who wants to learn on a college campus and the student who wants to stay at the high school and take college-level courses. Options must also be available for the hands-on learner who seeks to complete an apprenticeship program.

(4) The legislature intends to blur the line between high school and college by articulating a vision to dramatically increase participation in dual credit programs. It is for this reason that the legislature should call on all education stakeholders to come together to coordinate resources, track outcomes, and improve program availability.

(5) The legislature further intends to provide high schools, colleges, and universities with a set of tools for growing and coordinating dual credit programs. Institutions should be given some flexibility in determining the best methods to secure long-term, ample financial support for these programs, while students should be given some help in offsetting instructional costs." [2009 c 450 § 1.]

28A.600.285 Dual credit programs—Impact on financial aid eligibility—Guidelines. The superintendent of public instruction and the office of student financial assistance shall develop advising guidelines to assure that students and parents understand that college credits earned in high school dual credit programs may impact eligibility for financial aid. [2011 1st sp.s. c 11 § 131; 2009 c 450 § 4.]

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.600.290 College in the high school program—Rules. (1)(a) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, funding may be allocated at an amount per college credit for eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade who are enrolled in college in the high school courses under this section as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of allocated credits per participating student shall be specified in the omnibus appropriations act, which must not exceed ten credits. Funding shall be prioritized in the following order:

(i) High schools offering a running start in the high school program in school year 2014-15. These schools shall only receive prioritized funding in school year 2015-16;

(ii) Students whose residence or the high school in which they are enrolled is located twenty driving miles or more as measured by the most direct route from the nearest eligible

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institution of higher education offering a running start program, whichever is greater; and

(iii) High schools eligible for the small school funding enhancement in the omnibus appropriations act.

(b)(i) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, and only after the programs in (a) of this subsection are funded, a subsidy may be provided per college credit for eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade who have been deemed eligible for free or reduced-price lunch and are enrolled in college in the high school courses under this section as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of subsidized credits per participating student shall be specified in the omnibus appropriations act, which must not exceed five credits.

(ii) Districts wishing to participate in the subsidy program must apply to the office of the superintendent of public instruction by July 1st of each year and report the preliminary estimate of eligible students to receive the subsidy and the total number of projected credit hours.

(iii) The office of the superintendent of public instruction shall notify districts by September 1st of each school year if the district's students will receive the subsidy. If more districts apply than funding is available, the office of the superintendent of public instruction shall prioritize the district applications. The superintendent shall develop factors to determine priority including, but not limited to, the number of dual credit opportunities available for low-income students in the districts.

(c) Districts shall remit any allocations or subsidies on behalf of participating students under (a) and (b) of this subsection to the participating institution of higher education and those students shall not be required to pay for the credits.

(d) The minimum allocation and subsidy under this section is sixty-five dollars per quarter credit for credit-bearing postsecondary coursework. The office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, and the public baccalaureate institutions shall review funding levels for the program every four years beginning in 2017 and recommend changes.

(e) Students may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(2) For the purposes of funding students enrolled in the college in the high school program in accordance with subsection (1) of this section, college in the high school is defined as a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and postsecondary credit by completing postsecondary level courses with a passing grade.

(3) College in the high school programs may include both academic and career and technical education.

(4) College in the high school programs shall each be governed by a local contract between the district and the participating institution of higher education, in compliance with

the rules adopted by the superintendent of public instruction under this section.

(5) The college in the high school program must include the provisions in this subsection.

(a) The high school and participating institution of higher education together shall define the criteria for student eligibility. The institution of higher education may charge tuition fees to participating students. If specific funding is provided in the omnibus appropriations act for the per credit allocations and per credit subsidies under subsection (1) of this section, the maximum per credit fee charged to any enrolled student may not exceed the amount of the per credit allocation or subsidy.

(b) The funds received by the participating institution of higher education may not be deemed tuition or operating fees and may be retained by the institution of higher education.

(c) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(d) A school district must grant high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the student enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course shall be included in the student's secondary school records and transcript.

(e) A participating institution of higher education must grant college credit to a student enrolled in a program course if the student successfully completes the course. The college credit shall be applied toward general education requirements or degree requirements at institutions of higher education. Evidence of successful completion of each program course must be included in the student's college transcript.

(f) Tenth, eleventh, and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the tenth, eleventh, or twelfth grades may participate in the college in the high school program.

(g) Participating school districts must provide general information about the college in the high school program to all students in grades nine through twelve and to the parents and guardians of those students.

(h) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(6) The superintendent of public instruction shall adopt rules for the administration of this section. The rules shall be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In

addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(7) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the definition in RCW 28B.10.016, and also includes a public tribal college located in Washington and accredited by the Northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program. [2015 c 202 § 3; 2012 c 229 § 801; 2009 c 450 § 3.]

Findings—Intent—2015 c 202: See note following RCW 28A.320.196.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.600.300 Running start program—Definition.

(1) The program established in this section through RCW 28A.600.400 shall be known as the running start program.

(2) For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(a) A community or technical college as defined in RCW 28B.50.030;

(b) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

(c) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400. [2009 c 450 § 7; 2005 c 207 § 5; 2002 c 80 § 1; 1994 c 205 § 1; 1990 1st ex.s. c 9 § 401.]

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

Findings—Intent—2005 c 207: "The legislature finds that the dropout rate of the state's Native American students is the highest in the state. Approximately one-half of all Native American high school students drop out before graduating with a diploma. The legislature also finds that culturally relevant educational opportunities are important contributors to other efforts to increase the rates of high school graduation for Native American students. The legislature further finds that the higher education participation rate for Native American students is the lowest in the state, and that more can be done to encourage Native American students to pursue higher educational opportunities. The legislature intends to authorize accredited public tribal colleges to participate in the running start program for the purposes of reducing the dropout rate of Native American students and encouraging greater participation rates in higher education." [2005 c 207 § 4.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.310 Running start program—Enrollment in institutions of higher education—Student fees—Fee waivers—Transmittal of funds. (1)(a) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in

courses or programs offered by the institution of higher education.

(b) The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(c) A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection (2) shall be prorated based on credit load.

(c) Students may pay fees under this subsection with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(3)(a) The institutions of higher education must make available fee waivers for low-income running start students. Each institution must establish a written policy for the determination of low-income students before offering the fee waiver. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed

eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to web sites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act. [2015 c 202 § 4; 2012 c 229 § 702; 2011 1st sp.s. c 10 § 10; 2009 c 450 § 8; 2005 c 125 § 1; 1994 c 205 § 2; 1993 c 222 § 1; 1990 1st ex.s. c 9 § 402.]

Findings—Intent—2015 c 202: See note following RCW 28A.320.196.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Intent—Short title—2011 1st sp.s. c 10: See notes following RCW 28B.15.031.

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.600.320 Running start program—Information on enrollment. A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the

program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education. [2009 c 524 § 4; 2008 c 95 § 3; 1994 c 205 § 3; 1990 1st ex.s. c 9 § 403.]

Intent—2009 c 524: See note following RCW 28B.50.535.

Finding—2008 c 95: See note following RCW 28A.300.119.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.330 Running start program—Maximum terms of enrollment for high school credit. A pupil who enrolls in an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and postsecondary credit for more than the equivalent of the coursework for two academic years. A pupil who first enrolls in an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and postsecondary credit for more than the equivalent of the coursework for one academic year. [1994 c 205 § 4; 1990 1st ex.s. c 9 § 404.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.340 Running start program—Enrolled students not displaced. Once a pupil has been enrolled in a postsecondary course or program under RCW 28A.600.300 through 28A.600.400, the pupil shall not be displaced by another student. [1994 c 205 § 5; 1990 1st ex.s. c 9 § 405.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.350 Running start program—Enrollment for secondary and postsecondary credit. A pupil may enroll in a course under RCW 28A.600.300 through 28A.600.390 for both high school credit and postsecondary credit. [1994 c 205 § 6; 1990 1st ex.s. c 9 § 406.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.360 Running start program—Enrollment in postsecondary institution—Determination of high school credits—Application toward graduation requirements. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in an institution of higher education shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at an institu-

tion of higher education. [1994 c 205 § 7; 1990 1st ex.s. c 9 § 407.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.370 Running start program—Postsecondary credit. Any state institution of higher education may award postsecondary credit for college level academic and vocational courses successfully completed by a student while in high school and taken at an institution of higher education. The state institution of higher education shall not charge a fee for the award of the credits. [1994 c 205 § 8; 1990 1st ex.s. c 9 § 408.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.380 Running start program—School district not responsible for transportation. Transportation to and from the institution of higher education is not the responsibility of the school district. [1994 c 205 § 9; 1990 1st ex.s. c 9 § 409.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.385 Running start program—Cooperative agreements with community colleges in Oregon and Idaho. (1) School districts in Washington and community colleges in Oregon and Idaho may enter into cooperative agreements under chapter 39.34 RCW for the purpose of allowing eleventh and twelfth grade students who are enrolled in the school districts to earn high school and college credit concurrently.

(2) Except as provided in subsection (3) of this section, if a school district exercises the authority granted in subsection (1) of this section, the provisions of RCW 28A.600.310 through 28A.600.360 and 28A.600.380 through 28A.600.400 shall apply to the agreements.

(3) A school district may enter an agreement in which the community college agrees to accept an amount less than the statewide uniform rate under *RCW 28A.600.310(2) if the community college does not charge participating students tuition and fees. A school district may not pay a per-credit rate in excess of the statewide uniform rate under *RCW 28A.600.310(2).

(4) To the extent feasible, the agreements shall permit participating students to attend the community college without paying any tuition and fees. The agreements shall not permit the community college to charge participating students nonresident tuition and fee rates.

(5) The agreements shall ensure that participating students are permitted to enroll only in courses that are transferable to one or more institutions of higher education as defined in RCW 28B.10.016. [1998 c 63 § 2.]

***Reviser's note:** RCW 28A.600.310 was amended by 2009 c 450 § 8, changing subsection (2) to subsection (4).

Finding—1998 c 63: "The legislature finds that students may have difficulty attending community college for the purpose of the running start program due to the distance of the nearest community college. In these cases, it may be more advantageous for students in border counties to attend community colleges in neighboring states. The legislature encourages school districts to pursue interagency agreements with community colleges in neighboring states when it is in the best interests of the student's educational progress." [1998 c 63 § 1.]

28A.600.390 Running start program—Rules. The superintendent of public instruction, the state board for community and technical colleges, and the student achievement council shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380. [2012 c 229 § 506; 1994 c 205 § 10; 1990 1st ex.s. c 9 § 410.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.400 Running start program—Existing agreements not affected. RCW 28A.600.300 through 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and institutions of higher education in effect on April 11, 1990, and in the future. [1994 c 205 § 11; 1990 1st ex.s. c 9 § 412.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.405 Participation in high school completion pilot program—Eligible students—Funding allocations—Rules—Information for students and parents. (1) For purposes of this section and *RCW 28B.50.534, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school statewide student assessment;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under *RCW 28B.50.534 from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under *RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under *RCW 28B.50.534 and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), and (c) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this

section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under *RCW 28B.50.534.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8, chapter 355, Laws of 2007 to participate in the pilot program shall provide information about the high school completion option under *RCW 28B.50.534 to students in grades ten, eleven, and twelve and the parents or guardians of those students. [2012 1st sp.s. c 10 § 4; 2007 c 355 § 4.]

*Reviser's note: RCW 28B.50.534 expired August 1, 2015, pursuant to 2015 c 55 § 122.

Purpose—Construction—2012 1st sp.s. c 10: See note following RCW 84.52.0531.

Finding—Intent—2007 c 355: See note following RCW 28B.50.535.

28A.600.410 Alternatives to suspension—Encouraged. School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension. [1992 c 155 § 1.]

28A.600.420 Firearms on school premises, transportation, or facilities—Penalty—Exemptions. (1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington state center for childhood deafness and hearing loss, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. [2009 c 381 § 31; 1997 c 265 § 5; 1995 c 335 § 304; 1995 c 87 § 2.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Additional notes found at www.leg.wa.gov

28A.600.455 Gang activity—Suspension or expulsion. (1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.

(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes. [1997 c 266 § 2.]

Findings—Intent—1997 c 266: "The legislature finds that the children of this state have the right to an effective public education and that both students and educators have the need to be safe and secure in the classroom if learning is to occur. The legislature also finds, however, that children in many of our public schools are forced to focus on the threat and message of violence contained in many aspects of our society and reflected through and in gang violence activities on school campuses.

The legislature recognizes that the prevalence of weapons, including firearms and dangerous knives, is an increasing problem that is spreading rapidly even to elementary schools throughout the state. Gang-related apparel and regalia compound the problem by easily concealing weapons that threaten and intimidate students and school personnel. These threats have resulted in tragic and unnecessary bloodshed over the past two years and must be eradicated from the system if student and staff security is to be restored on school campuses. Many educators believe that school dress significantly influences student behavior in both positive and negative ways. Special school dress up and color days signify school spirit and provide students with a sense of unity. Schools that have adopted school uniforms report a feeling of togetherness, greater school pride, and better student behavior in and out of the classroom. This sense of unity provides students with the positive attitudes needed to avert the pressures of gang involvement.

The legislature also recognizes there are other more significant factors that impact school safety such as the pervasive use of drugs and alcohol in school. In addition to physical safety zones, schools should also be drug-free zones that expressly prohibit the sale, use, or possession of illegal drugs on school property. Students involved in drug-related activity are unable to benefit fully from educational opportunities and are disruptive to the learning

environment of their fellow students. Schools must be empowered to make decisions that positively impact student learning by eradicating drug use and possession on their campuses. This flexibility should also be afforded to schools as they deal with other harmful substance abuse activities engaged in by their students.

Toward this end, the legislature recognizes the important role of the classroom teacher who must be empowered to restore discipline and safety in the classroom. Teachers must have the ability to control the conduct of students to ensure that their mission of educating students may be achieved. Disruptive behavior must not be allowed to continue to divert attention, time, and resources from educational activities.

The legislature therefore intends to define gang-related activities as criminal behavior disruptive not only to the learning environment but to society as a whole, and to provide educators with the authority to restore order and safety to the student learning environment, eliminate the influence of gang activities, and eradicate drug and substance abuse on school campuses, thus empowering educators to regain control of our classrooms and provide our students with the best educational opportunities available in our schools.

The legislature also finds that students and school employees have been subjected to violence such as rapes, assaults, or harassment that has not been gang or drug-related criminal activity. The legislature intends that all violence and harassment directed at students and school personnel be eradicated in public schools." [1997 c 266 § 1.]

Additional notes found at www.leg.wa.gov

28A.600.460 Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions. (1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a stu-

dent's social security number, name, or address. [2013 2nd sp.s. c 18 § 305; 1997 c 266 § 9.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.600.475 Exchange of information with law enforcement and juvenile court officials—Notification of parents and students. School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Except as provided in RCW 13.40.480, parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them. [1998 c 269 § 11; 1992 c 205 § 120.]

Intent—Finding—Effective date—1998 c 269: See notes following RCW 72.05.020.

Additional notes found at www.leg.wa.gov

28A.600.480 Reporting of harassment, intimidation, or bullying—Retaliation prohibited—Immunity. (1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident. [2002 c 207 § 4.]

Findings—2002 c 207: See note following RCW 28A.300.285.

28A.600.485 Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint—Publishing to web site. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Isolation" means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

(b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device to

restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.

(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This section shall not be construed as encouraging the use of these devices.

(2) The provisions of this section apply to all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student is participating in school-sponsored instruction or activities.

(3)(a) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy developed under subsection (3)(b) of this section. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

(b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in *RCW 70.96B.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.

(4) Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: (a) Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and (b) reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:

- (a) The date and time of the incident;
- (b) The name and job title of the individual who administered the restraint or isolation;
- (c) A description of the activity that led to the restraint or isolation;

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(d) The type of restraint or isolation used on the student, including the duration;

(e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and

(f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.

(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation. [2015 c 206 § 3; 2013 c 202 § 2.]

*Reviser's note: RCW 70.96B.010 was repealed by 2016 1st sp.s. c 29 § 301, effective April 1, 2018.

Finding—2015 c 206: See note following RCW 28A.155.020.

Findings—2013 c 202: "The legislature finds that preserving a safe and beneficial learning environment for all students requires the establishment and enforcement of appropriate student discipline policies. The legislature further finds that although physical restraint and isolation of a student should be avoided, there may be circumstances where school district boards of directors have authorized these actions to preserve the safety of other students and school staff. Nevertheless, if an incident of student restraint or isolation occurs, school personnel should be held accountable for providing a thorough explanation of the circumstances." [2013 c 202 § 1.]

28A.600.486 District policy on the use of isolation and restraint—Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973. Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created. [2013 c 202 § 4.]

Findings—2013 c 202: See note following RCW 28A.600.485.

28A.600.490 Discipline task force—Development of standard definitions—Development of data collection standards—Membership—Statewide student data sys-

tem revision. (1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year. [2016 c 72 § 101; 2013 2nd sp.s. c 18 § 301.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.604 RCW

STUDENT USER PRIVACY IN EDUCATION RIGHTS

Sections

28A.604.010	Definitions.
28A.604.020	Student personal information—Information about collection and use—Changes to privacy policies—Access to and correction of information—Application to education data center.
28A.604.030	Collection, sharing, and use of student personal information—Authorized purposes and uses—Consent.
28A.604.040	Comprehensive information security program—Deletion of student personal information.
28A.604.050	Allowable uses of student personal information—Adaptive learning and customized education.
28A.604.060	Consent.
28A.604.900	Short title—2015 c 277.
28A.604.901	Construction—Limitations.
28A.604.902	Transitional provisions.
28A.604.903	Effective date—2015 c 277.

28A.604.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "School service" means a web site, mobile application, or online service that: (a) Is designed and marketed primarily for use in a K-12 school; (b) is used at the direction of teachers or other employees of a K-12 school; and (c) collects, maintains, or uses student personal information. A "school service" does not include a web site, mobile application, or online service that is designed and marketed for use by individuals or entities generally, even if also marketed to a United States K-12 school.

(2) "School service provider" means an entity that operates a school service to the extent it is operating in that capacity.

(3) "Student personal information" means information collected through a school service that personally identifies an individual student or other information collected and maintained about an individual student that is linked to information that identifies an individual student.

(4) "Students" means students of K-12 schools in Washington state.

(5) "Targeted advertising" means sending advertisements to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or student personal information. It does not include (a) advertising to a student at an online location based upon that student's current visit to that location without the collection and retention of a student's online activities over time or (b) adaptive learning, personalized learning, or customized education. [2015 c 277 § 2.]

28A.604.020 Student personal information—Information about collection and use—Changes to privacy policies—Access to and correction of information—Application to education data center. (1) School service providers shall provide clear and easy to understand information about the types of student personal information they collect and about how they use and share the student personal information.

(2) School service providers shall provide prominent notice before making material changes to their privacy policies for school services.

(3) School service providers shall facilitate access to and correction of student personal information by students or their parent or guardian either directly or through the relevant educational institution or teacher.

(4) Where the school service is offered to an educational institution or teacher, information required by subsections (1) and (2) of this section may be provided to the educational institution or teacher.

(5) The provisions of this section do not apply to the education data center established under RCW 43.41.400, but do apply to any subcontractors of the education data center. [2015 c 277 § 3.]

28A.604.030 Collection, sharing, and use of student personal information—Authorized purposes and uses—Consent. (1) School service providers may collect, use, and share student personal information only for purposes authorized by the relevant educational institution or teacher, or with the consent of the student or the student's parent or guardian.

(2) School service providers may not sell student personal information. This prohibition does not apply to the purchase, merger, or other type of acquisition of a school service provider, or any assets of a school service provider by another entity, as long as the successor entity continues to be subject to the provisions of this section with respect to previously acquired student personal information to the extent that the school service provider was regulated by this chapter with regard to its acquisition of student personal information.

(3) School service providers may not use or share any student personal information for purposes of targeted advertising to students.

(4) School service providers may not use student personal information to create a personal profile of a student other than for supporting purposes authorized by the relevant educational institution or teacher, or with the consent of the student or the student's parent or guardian.

(5) School service providers must obtain consent before using student personal information in a manner that is materially inconsistent with the school service provider's privacy policy or school contract for the applicable school service in effect at the time of collection.

(6) The provisions of subsections (1), (2), (4), and (5) of this section may not apply to the use or disclosure of personal information by a school service provider to:

(a) Protect the security or integrity of its web site, mobile application, or online service;

(b) Ensure legal or regulatory compliance or to take precautions against liability;

(c) Respond to or participate in judicial process;

(d) Protect the safety of users or others on the web site, mobile application, or online service;

(e) Investigate a matter related to public safety; or

(f) A subcontractor, if the school service provider: (i) Contractually prohibits the subcontractor from using any student personal information for any purpose other than providing the contracted service to, or on behalf of, the school service provider; (ii) prohibits the subcontractor from disclosing any student personal information provided by the school service provider to subsequent third parties unless the disclosure is expressly permitted by (a) through (e) of this subsection or by RCW 28A.604.050 and 28A.604.060; and (iii) requires the subcontractor to comply with the requirements of this chapter. [2015 c 277 § 4.]

28A.604.040 Comprehensive information security program—Deletion of student personal information. (1) School service providers must maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information. The information security program should make use of appropriate administrative, technological, and physical safeguards.

(2) School service providers must delete student personal information within a reasonable period of time if the relevant educational institution requests deletion of the data under the control of the educational institution unless:

(a) The school service provider has obtained student consent or the consent of the student's parent or guardian to retain information related to that student; or

(b) The student has transferred to another educational institution and that educational institution has requested that the school service provider retain information related to that student. [2015 c 277 § 5.]

28A.604.050 Allowable uses of student personal information—Adaptive learning and customized education. Notwithstanding RCW 28A.604.010 through 28A.604.060, nothing in this chapter is intended to prohibit the use of student personal information for purposes of:

(1) Adaptive learning or personalized or customized education;

(2) Maintaining, developing, supporting, improving, or diagnosing the school service provider's web site, mobile application, online service, or application;

(3) Providing recommendations for school, educational, or employment purposes within a school service without the response being determined in whole or in part by payment or other consideration from a third party; or

(4) Responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party. [2015 c 277 § 6.]

28A.604.060 Consent. This chapter adopts and does not modify existing law regarding consent, including consent from minors and employees on behalf of educational institutions. [2015 c 277 § 7.]

28A.604.900 Short title—2015 c 277. This act may be known and cited as the student user privacy in education rights act or SUPER act. [2015 c 277 § 1.]

28A.604.901 Construction—Limitations. This chapter shall not be construed to:

(1) Impose a duty upon a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section by third-party content providers;

(2) Apply to general audience internet web sites, general audience mobile applications, or general audience online services even if login credentials created for a school service provider's web site, mobile application, or online service may be used to access those general audience web sites, mobile applications, or online services;

(3) Impede the ability of students to download, export, or otherwise save or maintain their own student data or documents;

(4) Limit internet service providers from providing internet connectivity to schools or students and their families;

(5) Prohibit a school service provider from marketing educational products directly to parents so long as the marketing did not result from use of student personal information obtained by the school service provider through the provision of its web site, mobile application, or online service; or

(6) Impose a duty on a school service provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this chapter on those applications or software. [2015 c 277 § 8.]

28A.604.902 Transitional provisions. If a school service provider entered into a signed, written contract with an educational institution or teacher before July 1, 2016, the school service provider is not liable for the requirements of RCW 28A.604.010 through 28A.604.050 with respect to that contract until the next renewal date of the contract. [2015 c 277 § 9.]

28A.604.903 Effective date—2015 c 277. This act takes effect July 1, 2016. [2015 c 277 § 11.]

Chapter 28A.605 RCW

PARENT ACCESS

Sections

28A.605.010	Removing child from school grounds during school hours.
28A.605.020	Parents' access to classroom or school sponsored activities—Limitation.
28A.605.030	Student education records—Parental review—Release of records—Procedure.
28A.605.040	Family, school, and community partnerships—School building spaces.

28A.605.010 Removing child from school grounds during school hours. The board of directors of each school district by rule or regulation shall set forth proper procedure to ensure that each school within their district is carrying out district policy providing that no child may be removed from any school grounds or building thereon during school hours except by a person so authorized by a parent or legal guardian having legal custody thereof, except that a student may leave secondary school grounds only in accordance with the school district's open campus policy under RCW 28A.600.035. Such rules shall be applicable to school employees or their designees who may not remove, cause to be removed, or allow to be removed, any student from school grounds without authorization from the student's parent or legal guardian unless the employee is: The student's parent, legal guardian, or immediate family member, a school employee providing school bus transportation services in accordance with chapter 28A.160 RCW, a school employee supervising an extracurricular activity in which the student is participating and the employee is providing transportation to or from the activity; or, the student is in need of emergent medical care, and the employee is unable to reach the parent for transportation of the student. School security personnel may remove a student from school grounds without parental authorization for disciplinary reasons.

Nothing in this section shall be construed to limit removal of a student from school grounds by any person acting in his or her official capacity in response to a 911 emergency call. [1997 c 411 § 1; 1975 1st ex.s. c 248 § 1. Formerly RCW 28A.58.050.]

28A.605.020 Parents' access to classroom or school sponsored activities—Limitation. Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity. [1979 ex.s. c 250 § 8. Formerly RCW 28A.58.053.]

Additional notes found at www.leg.wa.gov

28A.605.030 Student education records—Parental review—Release of records—Procedure. The parent or guardian of a student who is or has been in attendance at a school has the right to review all education records of the student. A school may not release the education records of a student without the written consent of the student's parent or guardian, except as authorized by RCW 28A.600.475 and the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g.

The board of directors of each school district shall establish a procedure for:

(1) Granting the request by a parent or guardian for access to the education records of his or her child; and

(2) Prohibiting the release of student information without the written consent of the student's parent or guardian, after the parent or guardian has been informed what information is being requested, who is requesting the information and why, and what will be done with the information.

The procedure adopted by the school district must be in compliance with the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. [1997 c 119 § 1.]

28A.605.040 Family, school, and community partnerships—School building spaces. School districts are encouraged to strengthen family, school, and community partnerships by creating spaces in school buildings, if space is available, where students and families can access the services they need, such as after-school tutoring, dental and health services, counseling, or clothing and food banks. [2010 c 235 § 701.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Chapter 28A.620 RCW

COMMUNITY EDUCATION PROGRAMS

Sections

28A.620.010	Purposes.
28A.620.020	Restrictions—Classes on parenting skills and child abuse prevention encouraged.
28A.620.030	Condensed compliance reports—Second-class districts.

28A.620.010 Purposes. The purposes of this section and RCW 28A.620.020 are to:

(1) Provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity;

(2) Promote a more efficient and expanded use of existing school buildings and equipment;

(3) Help provide personnel to work with schools, citizens and with other agencies and groups;

(4) Provide a wide range of opportunities for all citizens including programs, if resources are available, to promote parenting skills and promote awareness of the problem of child abuse and methods to avoid child abuse;

(5) As used in this section, "parenting skills" shall include: The importance of consistency in parenting; the value of providing children with a balance of love and firm discipline; the instruction of children in honesty, morality, ethics, and respect for the law; and the necessity of preserving and nurturing the family unit; and

(6) Help develop a sense of community in which the citizens cooperate with the public schools and community agencies and groups to resolve their school and community concerns and to recognize that the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the preschool through grade twelve program. [1990 c 33 § 510. Prior: 1985 c 344 § 1; 1985 c 341 § 12; 1979 ex.s. c 120 § 1. Formerly RCW 28A.58.246.]

28A.620.020 Restrictions—Classes on parenting skills and child abuse prevention encouraged. Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized and encouraged to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That school districts are encouraged to provide programs for prospective parents, prospective foster parents, and prospective adoptive parents on parenting skills, violence prevention, and on the problems of child abuse and methods to avoid child abuse situations: PROVIDED FURTHER, That community education programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community and technical colleges and shall be programs receiving the approval of said superintendent. [1994 sp.s. c 7 § 603; 1985 c 344 § 2; 1979 ex.s. c 120 § 2; 1973 c 138 § 1. Formerly RCW 28A.58.247.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.620.030 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 46.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

Chapter 28A.623 RCW MEAL PROGRAMS

Sections

28A.623.005	Condensed compliance reports—Second-class districts.
28A.623.010	Nonprofit program for elderly—Purpose.
28A.623.020	Nonprofit program for elderly—Authorized—Restrictions.
28A.623.030	Nonprofit program for certain children and students—Conditions and restrictions.

28A.623.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 47.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.623.010 Nonprofit program for elderly—Purpose. The legislature finds that many elderly persons suffer dietary deficiencies and malnutrition due to inadequate financial resources, immobility, lack of interest due to isolation and loneliness, and characteristics of the aging process, such as physiological, social, and psychological changes which result in a way of life too often leading to feelings of rejection, abandonment, and despair. There is a real need as a mat-

ter of public policy to provide the elderly citizens with adequate nutritionally sound meals, through which their isolation may be penetrated with the company and the social contacts of their own. It is the declared purpose of RCW 28A.235.120, 28A.623.010, and 28A.623.020 to raise the level of dignity of the aged population where their remaining years can be lived in a fulfillment equal to the benefits they have bestowed, the richness they have added, and the great part they have played in the life of our society and nation. [1990 c 33 § 511; 1973 c 107 § 1. Formerly RCW 28A.58.720.]

28A.623.020 Nonprofit program for elderly—Authorized—Restrictions. The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program for feeding elderly persons residing within the area served by such school district using school facilities, and may authorize the extension of any school food services for the purpose of feeding elderly persons, subject to the following conditions and restrictions:

(1) The charge to such persons for each meal shall not exceed the actual cost of such meal to the school.

(2) The program will utilize methods of administration which will assure that the maximum number of eligible individuals may have an opportunity to participate in such a program, and will coordinate, whenever possible, with the local area agency on aging.

(3) Any nonprofit meal program established pursuant to RCW 28A.235.120, 28A.623.010, and 28A.623.020 may not be operated so as to interfere with the normal educational process within the schools.

(4) No school district funds may be used for the operation of such a meal program.

(5) For purposes of RCW 28A.235.120, 28A.623.010, and 28A.623.020, "elderly persons" shall mean persons who are at least sixty years of age. [1990 c 33 § 512; 1973 c 107 § 3. Formerly RCW 28A.58.722.]

28A.623.030 Nonprofit program for certain children and students—Conditions and restrictions. The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program using school facilities for feeding children who are participating in educational programs or activities conducted by private, nonprofit organizations and entities and students who are attending private elementary and secondary schools, and may authorize the extension of any school food services for the purpose of feeding such children and students, subject to the following conditions and restrictions:

(1) The charge to such persons, organizations, entities or schools for each meal shall be not less than the actual cost of such meal to the school, inclusive of a reasonable charge for overhead and the value of the use of the facilities.

(2) The meal program shall not be operated so as to interfere with the educational process within the school district.

(3) The meal program shall not be operated so as to impair or reduce the provision of food services to students of the school districts. [1979 c 58 § 2. Formerly RCW 28A.58.724.]

Additional notes found at www.leg.wa.gov

Chapter 28A.625 RCW AWARDS

Sections

- 28A.625.005 Condensed compliance reports—Second-class districts.
EMPLOYEE SUGGESTION PROGRAM
- 28A.625.100 Board of directors of a school district may establish.
28A.625.110 Awards.
COMMENDABLE EMPLOYEE SERVICE
AND RECOGNITION AWARD
- 28A.625.150 Award program.

28A.625.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 48.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

EMPLOYEE SUGGESTION PROGRAM

28A.625.100 Board of directors of a school district may establish. The board of directors of any school district may establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by certificated and classified school employees. The program shall be designed to promote efficiency or economy in the performance of any function of the school district. Each board establishing an employee suggestion program shall establish procedures for the proper administration of the program. [1986 c 143 § 1. Formerly RCW 28A.02.320.]

Additional notes found at www.leg.wa.gov

28A.625.110 Awards. The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of RCW 28A.400.200 or chapter 41.40 RCW. [1990 c 33 § 519; 1987 1st ex.s. c 2 § 207; 1986 c 143 § 2. Formerly RCW 28A.02.325.]

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Additional notes found at www.leg.wa.gov

COMMENDABLE EMPLOYEE SERVICE AND RECOGNITION AWARD

28A.625.150 Award program. The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall

determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of RCW 28A.400.200 or chapter 41.32 RCW. [1990 c 33 § 520; 1987 1st ex.s. c 2 § 210; 1985 c 399 § 2. Formerly RCW 28A.58.842.]

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

Chapter 28A.630 RCW TEMPORARY PROVISIONS—SPECIAL PROJECTS

Sections

- 28A.630.002 Condensed compliance reports—Second-class districts.
PILOT PROJECT FOR CHILDREN IN FOSTER CARE
- 28A.630.005 Pilot project to assist school-age children in short-term foster care.
INNOVATION SCHOOLS AND ZONES
- 28A.630.080 Application—Process—Criteria for waivers.
28A.630.081 Application deadlines—Review—Approval—Duration of designation.
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- 28A.630.205 Teacher endorsement and certification help pilot project (TEACH pilot)—Rules—Reports.

DEVELOPMENT OF EDUCATIONAL PARAPROFESSIONAL TRAINING PROGRAM

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AT-RISK STUDENTS

- 28A.630.810 Rules.

28A.630.002 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 49.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

PILOT PROJECT FOR CHILDREN IN FOSTER CARE

28A.630.005 Pilot project to assist school-age children in short-term foster care. (1) The Nooksack Valley and Mount Vernon school districts shall implement a pilot project within existing resources to assist school-age children in foster care fewer than seventy-five days to continue attending the school where they were enrolled before entering foster care. The pilot project shall be implemented as provided in this section no later than April 30, 2002, and shall conclude June 30, 2003. Data from the pilot project shall be compiled and submitted to the working group established in RCW 28A.300.800 no later than July 30, 2002, and periodically thereafter.

(2) For the purposes of the pilot project in the two school districts, the department of social and health services and the school districts shall, as appropriate, undertake the following activities:

(a) A school-age child who enters foster care on or after April 30, 2002, shall, unless it is determined to be not in the best interest of the child, continue attending the school where she or he was enrolled before entering foster care, notwithstanding the physical location of the child's principal abode. The best interest of the child determination shall be made at the seventy-two hour shelter care hearing, and reviewed at any subsequent shelter care hearing.

(b) The department of social and health services, the school the child was attending prior to entering foster care, and the school that serves the child's foster home shall negotiate a plan for transporting the child to the school the child was attending prior to entering foster care. The department of social and health services shall not be responsible for the cost of transportation of the children in the pilot project.

(c) If the department of social and health services places a child in foster care, and the child does not continue to attend the school the child was attending prior to entering foster care, the department shall notify the school about the change. [2002 c 326 § 2.]

Additional notes found at www.leg.wa.gov

INNOVATION SCHOOLS AND ZONES

28A.630.080 Application—Process—Criteria for waivers. (Expires June 30, 2019.) (1) The office of the superintendent of public instruction shall develop a process for school districts to apply to have one or more schools within the district designated as an innovation school, with a priority on schools focused on the arts, science, technology, engineering, and mathematics (A-STEM) that actively partners with the community, business, industry, and higher education, and uses project-based or hands-on learning. A group of schools that share common interests, such as geographical location, or that sequentially serve classes of students as they progress through elementary and secondary grades may be designated as an innovation zone. An innovation zone may include all schools within a school district. Consortia of multiple districts may also apply for designation as an innovation zone, to include all schools within the participating districts.

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(2) Applications requesting designation of innovation schools or innovation zones must be developed by the school district in collaboration with educators, parents, businesses, industries, and the communities of participating schools. School districts must ensure that each school has substantial opportunity to participate in the development of the innovation plan under RCW 28A.630.082.

(3) The office of the superintendent of public instruction shall develop common criteria for reviewing applications and for evaluating the need for waivers of state statutes and administrative rules as provided under RCW 28A.630.083. [2011 c 260 § 2.]

Findings—Intent—2011 c 260: "(1) The legislature finds that:

(a) School district boards of directors are encouraged to support the expansion of innovative K-12 school or K-12 program models, with a priority on models focused on the arts, science, technology, engineering, and mathematics (A-STEM) that partner with business, industry, and higher education to increase A-STEM pathways that use project-based or hands-on learning for elementary, middle, and high school students; and

(b) Particularly in schools and communities that are struggling to improve student academic outcomes and close the educational opportunity gap, there is a critical need for innovative models of public education, with a priority on models that are tailored to A-STEM-related programs that implement interdisciplinary instructional delivery methods that are engaging, rigorous, and culturally relevant at each grade level.

(2) Therefore, the legislature intends to create a framework for change that includes:

(a) Leveraging community assets;

(b) Improving staff capacity and effectiveness;

(c) Developing family, school, business, industry, A-STEM professionals, and higher education partnerships in A-STEM education at all grade levels that can lead to industry certification or dual high school and college credit;

(d) Implementing evidence-based practices proven to be effective in reducing demographic disparities in student achievement; and

(e) Enabling educators and parents of selected schools and school districts to restructure school operations and develop model A-STEM programs that will improve student performance and close the educational opportunity gap." [2011 c 260 § 1.]

28A.630.081 Application deadlines—Review—Approval—Duration of designation. (Expires June 30, 2019.) (1) Applications to designate innovation schools and innovation zones must be submitted by school district boards of directors to their respective educational service districts by January 6, 2012, to be implemented beginning in the 2012-13 school year. Innovation plans must be able to be implemented without supplemental state funds.

(2) Each educational service district boards of directors shall review applications from within the district using the common criteria developed by the office of the superintendent of public instruction. Each educational service district shall recommend approval by the office of the superintendent of public instruction of no more than three applications from within each educational service district, no fewer than two of which must be focused on A-STEM-related innovations and no more than one of which may focus on other innovations. However, any educational service district with over three hundred fifty thousand full-time equivalent students may recommend approval of no more than ten applications from within the educational service district, no fewer than half of which must be focused on A-STEM-related innovations and no more than half of which may focus on other innovations. At least one of the recommended applications in each educational service district must propose an innovation zone, as long as the application meets the review criteria.

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(3) The office of the superintendent of public instruction shall approve the innovation plans of the applicants recommended by the educational service districts. School districts that have applied shall be notified by March 1, 2012, whether they were selected.

(4) Designation of innovation schools and innovation zones under this section shall be for a six-year period, beginning in the 2012-13 school year, unless the designation is revoked in accordance with RCW 28A.630.085. [2011 c 260 § 3.]

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

28A.630.082 Proposed plan—Plan approval. (Expires June 30, 2019.) (1) Each application for designation of an innovation school or innovation zone must include a proposed plan that:

(a) Defines the scope of the innovation school or innovation zone and describes why designation would enhance the ability of the school or schools to improve student achievement and close the educational opportunity gap including by implementing a program focused on the arts, science, technology, engineering, and mathematics themes that partner with the community, business, industry, and higher education and use project-based or hands-on learning;

(b) Enumerates specific, research-based activities and innovations to be carried out under the designation;

(c) Justifies each request for waiver of state statutes or administrative rules as provided under RCW 28A.630.083;

(d) Justifies any requests for waiver of state statutes or administrative rules that are in addition to the waivers authorized under RCW 28A.630.083 that are necessary to carry out the proposed innovations;

(e) Identifies the improvements in student achievement and the educational opportunity gap that are expected to be accomplished through the innovations;

(f) Includes budget plans and anticipated sources of funding, including private grants and contributions, if any;

(g) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, businesses, industries, or consultants available to provide such services;

(h) Identifies the multiple measures for evaluation and accountability to be used to measure improvement in student achievement, closure in the educational opportunity gap, and the overall performance of the innovation school or innovation zone, including but not limited to assessment scores, graduation rates, and dropout rates;

(i) Includes a written statement that school directors and administrators are willing to exempt the designated school or schools from specifically identified local rules, as needed;

(j) Includes a written statement that school directors and local bargaining agents will modify those portions of their local agreements as applicable for the designated school or schools;

(k) Includes written statements of support from the district's board of directors, the superintendent, the principal and staff of schools seeking designation, each local employee association affected by the proposal, the local parent organization, and statements of support, willingness to participate,

or concerns from any interested parent, business, institution of higher education, or community organization; and

(l) Commits all parties to work cooperatively during the term of the pilot project.

(2) A plan to designate an innovation school or innovation zone must be approved by a majority of the staff assigned to the school or schools participating in the plan. [2011 c 260 § 4.]

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

28A.630.083 Waivers for innovation schools and innovation zones. (Expires June 30, 2019.) (1)(a) The superintendent of public instruction and the state board of education, each within the scope of their statutory authority, may grant waivers of state statutes and administrative rules for designated innovation schools and innovation zones as follows:

(i) Waivers may be granted under RCW 28A.655.180 and 28A.305.140;

(ii) Waivers may be granted to permit the commingling of funds appropriated by the legislature on a categorical basis for such programs as, but not limited to, highly capable students, transitional bilingual instruction, and learning assistance; and

(iii) Waivers may be granted of other administrative rules that in the opinion of the superintendent of public instruction or the state board of education are necessary to be waived to implement an innovation school or innovation zone.

(b) State administrative rules dealing with public health, safety, and civil rights, including accessibility for individuals with disabilities, may not be waived.

(2) At the request of a school district, the superintendent of public instruction may petition the United States department of education or other federal agencies to waive federal regulations necessary to implement an innovation school or innovation zone.

(3) The state board of education may grant waivers for innovation schools or innovation zones of administrative rules pertaining to calculation of course credits for high school courses.

(4) Waivers may be granted under this section for a period not to exceed the duration of the designation of the innovation school or innovation zone.

(5) The superintendent of public instruction and the state board of education shall provide an expedited review of requests for waivers for designated innovation schools and innovation zones. Requests may be denied if the superintendent of public instruction or the state board of education conclude that the waiver:

(a) Is likely to result in a decrease in academic achievement in the innovation school or innovation zone;

(b) Would jeopardize the receipt of state or federal funds that a school district would otherwise be eligible to receive, unless the school district submits a written authorization for the waiver acknowledging that receipt of these funds could be jeopardized; or

(c) Would violate state or federal laws or rules that are not authorized to be waived. [2011 c 260 § 5.]

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

28A.630.084 Reports—Dissemination of information. (Expires June 30, 2019.) (1) The office of the superintendent of public instruction shall report to the education committees of the legislature on the progress of the designated innovation schools and innovation zones by January 15, 2013, and January 15th of each odd-numbered year thereafter. The report must include recommendations for waiver of state laws and administrative rules in addition to the waivers authorized under RCW 28A.630.083, as identified in innovation plans submitted by school districts.

(2) Each innovation school and innovation zone must submit an annual report to the office of the superintendent of public instruction on their progress.

(3) The office of the superintendent of public instruction, through the center for the improvement of student learning, must collect and disseminate to all school districts and other interested parties information about the innovation schools and innovation zones. [2011 c 260 § 6.]

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

28A.630.085 Revocation of designation. (Expires June 30, 2019.) After reviewing the annual reports of each innovation school and zone, if the office of the superintendent of public instruction determines that the school or zone is not increasing progress over time as determined by the multiple measures for evaluation and accountability provided in the school or zone plan in accordance with RCW 28A.630.082 then the superintendent shall revoke the designation. [2011 c 260 § 7.]

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

28A.630.089 Expiration date—2011 c 260. This act expires June 30, 2019. [2011 c 260 § 11.]

COLLABORATIVE SCHOOLS FOR INNOVATION AND SUCCESS PILOT PROJECT

28A.630.101 Findings—Intent—2012 c 53. (Expires June 30, 2019.) (1) The legislature finds that:

(a) There are more low-achieving schools in the state seeking assistance in improving the academic outcomes of students than are being assisted using current school improvement initiatives;

(b) Promising educator development programs provide intensive school-based, residency, and mentor experiences for those preparing for careers in teaching and educational leadership; and

(c) Collaboration among colleges of education, schools, and communities offers unique opportunities to leverage resources, foster innovation, disseminate best practices in educator preparation and professional development, and close the educational opportunity gap for students in low-achieving schools.

(2) Therefore, the legislature intends to authorize a pilot project where colleges of education collaborate with school districts to establish collaborative schools for innovation and success serving particularly at-risk and low-achieving stu-

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dents. Each collaboration is intended both to accelerate student achievement and deepen the knowledge and skills of current and future educators. The legislature intends that the initial collaborations occur in elementary schools. Pending the evaluation results of the initial pilot project, the legislature may expand the collaborations to include middle and high schools. [2012 c 53 § 1.]

28A.630.102 Definition. (Expires June 30, 2019.) As used in RCW 28A.630.103 through 28A.630.107, unless the context clearly requires otherwise, "college of education" means an institution of higher education in Washington state that has been approved by the professional educator standards board to offer educator preparation and certification programs. [2012 c 53 § 2.]

28A.630.103 Collaborative schools for innovation and success pilot project—Created—Purpose. (Expires June 30, 2019.) (1) The collaborative schools for innovation and success pilot project is created. Any school district in the state may enter an agreement with a college of education and submit an application to the office of the superintendent of public instruction and the professional educator standards board as provided in RCW 28A.630.104 to participate in the pilot project.

(2) The purpose of the pilot project is for colleges of education and school districts to collaborate to improve student and educator success by:

(a) Developing and implementing research-based models of instruction and services that have proven to be successful in closing the educational opportunity gap and improving student learning in low-performing schools; and

(b) Developing and implementing research-based models of educator preparation and professional development programs that have proven to be successful in building an educator workforce with the knowledge, skills, and background that aligns with the characteristics and needs of students in low-performing schools.

(3) For each proposed pilot project, the college of education and the school district shall collaborate to select an elementary school in the district to be the collaborative school for innovation and success. The school must be among the lowest-achieving schools in the district as measured by district, state, or federal criteria, including criteria that measure the educational opportunity gap in the school, and the school must not have received state, federal, or private funds for the purpose of implementing a school improvement plan. [2012 c 53 § 3.]

28A.630.104 Application of intent to participate—Requirements—Selection criteria—Grant allocation—Fiscal agent. (Expires June 30, 2019.) (1) Each school district and college of education seeking approval to participate in the collaborative schools for innovation and success pilot project must submit a joint application of intent to the office of the superintendent of public instruction and the professional educator standards board by July 1, 2012.

(2) An application of intent must contain:

(a) The school selected for inclusion in the pilot project and the rationale for its selection;

(b) The research basis and theory of action proposed to close the educational opportunity gap and improve student achievement in the selected school;

(c) The research basis and theory of action proposed to improve educator preparation and professional development in the selected school;

(d) A preliminary plan for involving parents, community members, and school staff in the development of the innovation and success plan under RCW 28A.630.105;

(e) The proposed roles and responsibilities of the college of education and school district in the pilot project; and

(f) A preliminary plan for using the results of the pilot project to improve educational programs throughout the school district and throughout the college of education.

(3) The office of the superintendent of public instruction and the professional educator standards board shall jointly review the applications and select up to six applications for participation in the pilot project no later than August 1, 2012. One of the selected applications must be from the largest school district in western Washington that submitted an application, and one must be from the largest school district in eastern Washington that submitted an application.

(4) The selection criteria shall include, but are not limited to, the quality of the research basis for the proposed collaboration; the efficacy of the proposed strategies for closing the educational opportunity gap, improving student achievement, and improving educator preparation in low-performing schools; and the degree of commitment displayed by the college of education and the school district to collaborate throughout the pilot project.

(5) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction shall allocate grants to three of the selected applications, to be used for development and implementation of an innovation and success plan under RCW 28A.630.105. The colleges of education and school districts from the remaining selected applications may participate in the collaborative schools for innovation and success pilot project by complying with the provisions of RCW 28A.630.105 through 28A.630.107, but without state funding support.

(6) The college of education shall serve as the fiscal agent for the pilot project, unless the college is an independent institution of higher education, in which case the school district shall serve as the fiscal agent. Each college of education and school district must seek private, foundation, community, or other grant funds to leverage any supplemental state funds that may be appropriated for the purposes of the pilot project. [2012 c 53 § 4.]

28A.630.105 Needs assessments—Innovation and success plans—Notification of approval. (Expires June 30, 2019.) (1) After receiving approval of an application of intent, each college of education and school district must conduct a comprehensive needs assessment of the students to be served by a collaborative school for innovation and success. The needs assessment must use disaggregated student data and include a thorough evaluation of student needs as identified by the parents of the students served by the school, as well as the levels of support within the school community and in the external community at large for students' academic and social emotional needs. The needs assessment must also

examine elements included in an academic performance audit under RCW 28A.657.040.

(2) The college of education and the school district must develop an innovation and success plan for the school in collaboration with school staff, parents, and community members.

(3) The innovation and success plan must include:

(a) The proposed program for instruction, wraparound support services, resource deployment, and professional development that has been developed based on the comprehensive needs assessment;

(b) A family and community engagement strategy that builds support among students and parents for high achievement for all students in culturally appropriate ways;

(c) Professional learning communities among school staff and higher education faculty that are focused on identifying and responding to emergent student learning needs;

(d) Intensive preparation of teacher and principal candidates using research-based practices and a particular focus on cultural competency and skill development to improve learning for English language learners, highly mobile and homeless students, students with disabilities, and other students with special learning needs;

(e) Identification of the metrics that will be used to assess student achievement and skill development, both while the students are enrolled in elementary school and after they continue into middle school, and specific goals for improvement of these outcomes over the term of the pilot project, including but not limited to such metrics as attendance, grade-level retention, student growth, disciplinary incidents, course completion and grades, and performance on classroom-based assessments;

(f) Identification of the metrics that will be used to assess educator skill development, both for preservice and certificated educators, and specific goals for improvement of these outcomes over the term of the pilot project;

(g) Identification of private and community partners to provide wraparound services, technology, mentoring, or other enhancements for the students in the school;

(h) Identification of waivers to be requested from the state board of education under RCW 28A.305.140 or from the superintendent of public instruction under RCW 28A.655.180;

(i) Identification of any modifications to approved educator preparation programs or other waivers to be requested from the professional educator standards board;

(j) Identification and completion of any modifications to school district collective bargaining agreements necessary to implement the innovation and success plan, using the procedures under RCW 28A.657.050(3); and

(k) A proposed budget based on funding and resources available to the pilot project.

(4) Each college of education and school district must submit a completed innovation and success plan to the office of the superintendent of public instruction and the professional educator standards board by March 15, 2013.

(5) The office of the superintendent of public instruction and the professional educator standards board must notify each college of education and school district by May 1, 2013, whether the innovation and success plan has been approved. If the plan is not approved, the reasons must be specified in

writing and the college of education and school district must be provided an opportunity to revise and resubmit the plan within thirty days. The office and the board may provide technical assistance in revising a plan.

(6) School districts are encouraged to assign teachers, principals, and other staff to a collaborative school for innovation and success who express an interest, commitment, and qualifications to participate in the pilot project. School districts are also encouraged to permit the transfer of existing school staff to another school in the district if the staff do not wish to participate in the pilot project. [2012 c 53 § 5.]

28A.630.106 Implementation of innovation and success plans—Progress reports. (Expires June 30, 2019.) (1) Approved innovation and success plans shall be implemented in each collaborative school for innovation and success pilot project over a five-year period beginning in the 2013-14 school year through the 2017-18 school year.

(2) Each pilot project shall submit an annual progress report to the office of the superintendent of public instruction and the professional educator standards board by December 1st. The report must describe the best practices and new approaches being used at the collaborative school for innovation and success, lessons learned, adjustments planned and implemented, suggestions for expanding use of best practices to a larger scale, and other results from the collaborative experience of the pilot project. The office and board shall compile and summarize the reports in a standard format and forward them to the governor and the appropriate committees of the legislature. [2012 c 53 § 6.]

28A.630.107 Evaluation of pilot project—Recommendations—Report. (Expires June 30, 2019.) (1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction shall contract with a northwest educational research organization to conduct an evaluation of the collaborative schools for innovation and success pilot project using quantitative and qualitative analysis to identify successful practices in improving student and educator outcomes. The organization shall submit a preliminary evaluation by December 1, 2015, and a final evaluation by September 1, 2018, to the superintendent of public instruction and the professional educator standards board.

(2) Based on the experience of the participants and the evaluation results, the office of the superintendent of public instruction and the professional educator standards board shall recommend whether the pilot project should be modified, continued, and expanded to include other elementary schools in the state, or expanded to include middle and high schools. The office and the board shall submit their recommendations and the final report of the pilot project to the governor and the appropriate committees of the legislature by December 1, 2018. [2012 c 53 § 7.]

28A.630.109 Expiration date—2012 c 53. Sections 1 through 12 of this act expire June 30, 2019. [2012 c 53 § 13.]

EXPANDED LEARNING OPPORTUNITIES

28A.630.121 Findings—Intent—2014 c 219. (Expires August 31, 2019.) (1) The legislature finds that studies have (2016 Ed.)

documented that many students experience learning losses when they do not engage in educational activities during the summer. The legislature further finds that research shows that summer learning loss contributes to educational opportunity gaps between students, and that falling behind in academics can be a predictor of whether a student will drop out of school. The legislature recognizes that such academic regression has a disproportionate impact on low-income students.

(2) The legislature further finds that expanded learning opportunities, including those offered by partnerships between schools and community-based organizations, create enriching experiences for youth, with activities that complement and support classroom-based instruction. The legislature acknowledges that access to quality expanded learning opportunities during the school year and summer helps mitigate summer learning loss and improves academic performance, attendance, on-time grade advancement, and classroom behaviors.

(3) Therefore the legislature intends to build capacity, identify best practices, leverage local resources, and promote a sustainable expanded learning opportunities system by providing an infrastructure that helps coordinate expanded learning opportunities throughout the state. To the extent funds are provided for this purpose, the legislature also intends to authorize a pilot program specifically to combat summer learning loss through expanded learning opportunities, which will provide the opportunity to evaluate the effectiveness of an extended school year in improving student achievement, closing the educational opportunity gap, and providing successful models for other districts to follow. [2014 c 219 § 1.]

28A.630.122 Definitions. (Expires August 31, 2019.) As used in this section and RCW 28A.630.123 through 28A.630.127, "expanded learning opportunities" means:

(1) Culturally responsive enrichment and learning activities, which may focus on academic and nonacademic areas; the arts; civic engagement; service-learning; science, technology, engineering, and mathematics; and competencies for college and career readiness;

(2) School-based programs that provide extended learning and enrichment for students beyond the traditional school day, week, or calendar; and

(3) Structured, intentional, and creative learning environments outside the traditional school day that are provided by community-based organizations in partnership with schools and align in-school and out-of-school learning through activities that complement classroom-based instruction. [2014 c 219 § 2.]

28A.630.123 Expanded learning opportunities council. (Expires August 31, 2019.) (1) The expanded learning opportunities council is established to advise the governor, the legislature, and the superintendent of public instruction regarding a comprehensive expanded learning opportunities system, with particular attention paid to solutions to summer learning loss.

(2) The council shall provide a vision, guidance, assistance, and advice related to potential improvement and expansion of summer learning opportunities, school year calendar modifications that will help reduce summer learning loss, increasing partnerships between schools and commu-

nity-based organizations to deliver expanded learning opportunities, and other current or proposed programs and initiatives across the spectrum of early elementary through secondary education that could contribute to a statewide system of expanded learning opportunities.

(3) The council shall identify fiscal, resource, and partnership opportunities; coordinate policy development; set quality standards; promote evidence-based strategies; and develop a comprehensive action plan designed to implement expanded learning opportunities, address summer learning loss, provide academic supports, build strong partnerships between schools and community-based organizations, and track performance of expanded learning opportunities in closing the opportunity gap.

(4) When making recommendations regarding evidence-based strategies, the council shall consider the best practices on the state menus developed in accordance with RCW 28A.165.035 and 28A.655.235.

(5) The superintendent of public instruction shall convene the expanded learning opportunities council. The members of the council must have experience with expanded learning opportunities and include groups and agencies representing diverse student interests and geographical locations across the state. Other participants, agencies, organizations, or individuals may be invited to participate in the council, but the membership shall include the following:

(a) Three representatives from nonprofit community-based organizations;

(b) One representative from regional workforce development councils;

(c) One representative from each of the following organizations or agencies:

(i) The Washington state school directors' association;

(ii) The state-level association of school administrators;

(iii) The state-level association of school principals;

(iv) The state board of education;

(v) The statewide association representing certificated classroom teachers and educational staff associates;

(vi) The office of the superintendent of public instruction;

(vii) The state-level parent-teacher association;

(viii) Higher education;

(ix) The statewide association of public libraries;

(x) A person selected by the office of the superintendent of public instruction to represent low-income communities or communities of color;

(xi) A person selected by the educational opportunity gap oversight and accountability committee; and

(xii) A nonprofit organization with statewide experience in expanded learning opportunities frameworks.

(6) Staff support for the expanded learning opportunity council shall be provided by the office of the superintendent of public instruction and other state agencies as necessary. Appointees of the council shall be selected by May 30, 2014. The council shall hold its first meeting before August 1, 2014. At the first meeting, the council shall determine regularly scheduled meeting times and locations. [2015 c 163 § 1; 2014 c 219 § 3.]

Expiration date—2015 c 163 § 1: "Section 1 of this act expires August 31, 2019." [2015 c 163 § 2.]

28A.630.124 Reports—Monitoring progress. (Expires August 31, 2019.) (1) The expanded learning opportunities council shall provide a report to the governor and the legislature by December 1, 2014, and each December 1st thereafter until December 1, 2018, that summarizes accomplishments, measures progress, and contains recommendations regarding continued development of an expanded learning opportunities system and reducing summer learning loss.

(2) If funds are appropriated for a summer knowledge improvement pilot program as provided under RCW 28A.630.125 through 28A.630.127 or other initiatives to reduce summer learning loss or increase expanded learning opportunities, the expanded learning opportunities council shall monitor the progress of the program or initiative and serve as a resource for participating schools and community-based organizations. The council shall also oversee an evaluation of the effectiveness of the program or initiative in reducing summer learning loss and improving student academic progress.

(3) If new funds are not appropriated for a summer knowledge improvement pilot program or other initiatives to reduce summer learning loss, the first report from the council, and any subsequent reports as necessary, shall include recommendations for a framework and action plan for a program to reduce summer learning loss through the provision of state funds for additional student learning days in elementary schools with significant populations of low-income students. The council may also recommend additional strategies to reduce summer learning loss, including through expanded learning opportunities offered in partnership between schools and community-based organizations. [2014 c 219 § 4.]

28A.630.125 Summer knowledge improvement pilot program. (Expires August 31, 2019.) (1) Subject to funds being appropriated for this specific purpose, the summer knowledge improvement pilot program is created to provide state funding for an additional twenty student learning days for three consecutive school years in selected schools for students to receive academic instruction outside of the school year established for other schools in the school district.

(2) If appropriated, state funding for each school in the pilot program shall be equal to twenty days of the average daily per student amount of all basic education and nonbasic education funding provided by the state to the school for the regular one hundred eighty-day school year, including for pupil transportation. Nonstate-provided funds may also be used to support the pilot program.

(3) The purpose of the pilot program is to implement an extended school year to combat summer learning loss and provide an opportunity to evaluate the effectiveness of an extended school year in improving student achievement, closing the educational opportunity gap, and providing successful models for other districts to follow. [2014 c 219 § 5.]

28A.630.126 Applications for participation in the summer knowledge improvement pilot program—"Eligible schools"—Plan requirements. (Expires August 31, 2019.) (1) Any school district with an eligible school may submit a plan to the office of the superintendent of public instruction to participate in the summer knowledge improve-

ment pilot program. A plan may address one or more eligible schools. The office shall establish timelines for submitting and reviewing applications.

(2) For the purposes of this section, "eligible school" means any school that provides instruction to students in at least grades kindergarten through five where at least seventy-five percent of the enrolled students qualify for free and reduced-price meals.

(3) The school district board of directors must solicit input on the design of the plan from staff at the school, parents, and the community, including at an open public meeting. The final plan must be adopted by the school district board of directors at a subsequent open public meeting before the plan is submitted to the office of the superintendent of public instruction.

(4) A plan must include, but is not limited to, the following components:

(a) Proposed best practices and evidence-based strategies, curriculum, and materials for improving student achievement and closing the educational opportunity gap to be implemented over the extra twenty days for all students enrolled in the school. The best practices and evidence-based strategies, curriculum, and materials must be comparable to or higher in academic rigor than those used during the regular school year;

(b) A description of when the additional twenty days will be provided;

(c) Identification of the measures that the school district will use in assessing student achievement;

(d) Evidence that the principal of the school and at least seventy percent of the certificated and classified staff who work in the school at least two days per week agree to the plan;

(e) Whether the school will collaborate with community-based organizations to provide support for students during the additional twenty days and for the rest of the summer, and if so, the details of this collaboration; and

(f) An agreement to provide information necessary for a program evaluation. [2014 c 219 § 6.]

28A.630.127 Plan review and selection—Criteria. (Expires August 31, 2019.) (1) The office of the superintendent of public instruction must review the plans submitted in accordance with RCW 28A.630.126 and select up to ten schools for participation in the pilot program, or as many schools as can be supported through the appropriated funds. To the extent practicable, the selected school districts shall be from diverse geographic regions of the state and include different sizes of school districts and schools.

(2) The selection criteria must include, but are not limited to, the following determinations:

(a) All of the required plan components are completed;

(b) The likelihood that the proposed best practices and evidence-based strategies, curriculum, and materials will improve student achievement and close the educational opportunity gap; and

(c) Any additional criteria that the office of the superintendent of public instruction deems necessary to ensure a high quality pilot program. [2014 c 219 § 7.]

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28A.630.129 Expiration date—2014 c 219. This act expires August 31, 2019. [2014 c 219 § 9.]

TEACHER ENDORSEMENT AND CERTIFICATION HELP PILOT PROJECT (TEACH PROJECT)

28A.630.205 Teacher endorsement and certification help pilot project (TEACH pilot)—Rules—Reports. (Expires July 1, 2021.) (1) Subject to the availability of amounts appropriated for this specific purpose, the teacher endorsement and certification help pilot project, known as the TEACH pilot, is created. The scale of the TEACH pilot is dependent on the level of funding appropriated.

(2) The student achievement council, after consultation with the professional educator standards board, shall have the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the pilot project described in this section. The rules, which must be adopted by August 1, 2016, must include:

(a) A TEACH pilot grant application process;

(b) A financial need verification process;

(c) The order of priority in which the applications will be approved; and

(d) A process for disbursing TEACH pilot grant awards to selected applicants.

(3) A student seeking a TEACH pilot grant to cover the costs of basic skills and content tests required for teacher certification and endorsement must submit an application to the student achievement council, following the rules developed under this section.

(4) To qualify for financial assistance, an applicant must meet the following criteria:

(a) Be enrolled in, have applied to, or have completed a professional educator standards board-approved teacher preparation program;

(b) Demonstrate financial need, as defined by the office of student financial assistance and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW;

(c) Apply for a TEACH pilot grant under this section; and

(d) Register for an endorsement competency test in one or more endorsement shortage areas.

(5) Beginning September 1, 2016, the student achievement council, in collaboration with the professional educator standards board, shall award a TEACH pilot grant to a student who meets the qualifications listed in this section and in rules developed under this section. The TEACH pilot grant award must cover the costs of basic skills and content tests required for teacher certification. The council shall prioritize TEACH pilot grant awards first to applicants registered for competency tests in endorsement shortage areas and second to applicants with greatest financial need. The council shall scale the number of TEACH pilot grant awards to the amount of funds appropriated for this purpose.

(6) The student achievement council and the professional educator standards board shall include information about the TEACH pilot in materials distributed to schools and students.

(7) By December 31, 2018, and in compliance with RCW 43.01.036, the student achievement council, in collab-

oration with the professional educator standards board, shall submit a preliminary report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. The preliminary report must (a) compare the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the pilot project, and (b) determine the amount of TEACH pilot grant award financial assistance awarded each pilot year and per student.

(8) By December 31, 2020, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a final report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. In addition to updating the preliminary report, the final report must (a) compare the numbers and demographic information of students obtaining teaching certificates with endorsement competencies in the endorsement shortage areas before and after implementation of the pilot project, and (b) recommend whether the pilot project should be modified, continued, and expanded.

(9) This section expires July 1, 2021. [2016 c 233 § 16.]

DEVELOPMENT OF EDUCATIONAL PARAPROFES- SIONAL TRAINING PROGRAM

28A.630.400 Paraeducator associate of arts degree.

(1) The professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities. [2011 1st sp.s. c 11 § 132; 2006 c 263 § 815. Prior: 1995 c 335 § 202; 1995 c 77 § 27; 1991 c 285 § 2; 1989 c 370 § 1. Formerly RCW 28A.04.180.]

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

[Title 28A RCW—page 332]

Additional notes found at www.leg.wa.gov

AT-RISK STUDENTS

28A.630.810 Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of chapter 233, Laws of 1989. [1989 c 233 § 17. Formerly RCW 28A.120.800.]

Chapter 28A.635 RCW

OFFENSES RELATING TO SCHOOL PROPERTY AND PERSONNEL

Sections

28A.635.010	Abusing or insulting teachers, liability for—Penalty.
28A.635.020	Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.
28A.635.030	Disturbing school, school activities or meetings—Penalty.
28A.635.040	Examination questions—Disclosing—Penalty.
28A.635.050	Certain corrupt practices of school officials—Penalty.
28A.635.060	Defacing or injuring school property—Liability of pupil, parent, or guardian—Withholding grades, diploma, or transcripts—Suspension and restitution—Voluntary work program as alternative—Rights protected.
28A.635.070	Property, failure of officials or employees to account for—Mutilation by—Penalties.
28A.635.080	Director's connivance to employ uncertified teachers—Liability.
28A.635.090	Interference by force or violence—Penalty.
28A.635.100	Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty.
28A.635.110	Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception.

Educational employment relations act: Chapter 41.59 RCW.

28A.635.010 Abusing or insulting teachers, liability for—Penalty. Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his or her official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars. [1990 c 33 § 536; 1984 c 258 § 314; 1969 ex.s. c 199 § 55; 1969 ex.s. c 223 § 28A.87.010. Prior: 1909 c 97 p 360 § 11; RRS § 5054; prior: 1903 c 156 § 11; 1897 c 118 § 169; 1890 p 383 § 86. Formerly RCW 28A.87.010, 28.87.010.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty. (1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or

(2016 Ed.)

designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

(4) Any person guilty of violating this section shall be deemed guilty of a gross misdemeanor punishable as provided in chapter 9A.20 RCW. [1997 c 266 § 6; 1981 c 36 § 1; 1975-'76 2nd ex.s. c 100 § 1. Formerly RCW 28A.87.055.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Additional notes found at www.leg.wa.gov

28A.635.030 Disturbing school, school activities or meetings—Penalty. Any person who shall willfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars. [1984 c 258 § 315; 1969 ex.s. c 199 § 57; 1969 ex.s. c 223 § 28A.87.060. Prior: 1909 c 97 p 361 § 12; RRS § 5055; prior: 1903 c 156 § 12; 1897 c 118 § 170; 1890 p 383 § 87. Formerly RCW 28A.87.060, 28.87.060.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.040 Examination questions—Disclosing—Penalty. Any person having access to any question or questions prepared for the examination of teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars. [1984 c 258 § 316; 1969 ex.s. c 199 § 58; 1969 ex.s. c 223 § 28A.87.070. Prior: 1909 c 97 p 357 § 1; RRS § 5043; prior: 1903 c 156 § 1; 1897 c 118 § 159. Formerly RCW 28A.87.070, 28.87.070.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.050 Certain corrupt practices of school officials—Penalty. (1) Except as otherwise provided in chapter 42.23 RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of the superintendent's office, any educational service district superintendent, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, anything of value for or on account of his or her influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of educational service district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

(2) Any willful violation of this section is a misdemeanor. [2003 c 53 § 168; 1990 c 33 § 537; 1975 1st ex.s. c 275 § 143; 1969 ex.s. c 176 § 150; 1969 ex.s. c 223 § 28A.87.090. Prior: 1917 c 126 § 1; RRS § 5050. Formerly RCW 28A.87.090, 28.87.090.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Additional notes found at www.leg.wa.gov

28A.635.060 Defacing or injuring school property—Liability of pupil, parent, or guardian—Withholding grades, diploma, or transcripts—Suspension and restitution—Voluntary work program as alternative—Rights protected. (1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason. [1997 c 266 § 13; 1994 c 304 § 1; 1993 c 347 § 3; 1989 c 269 § 6; 1982 c 38 §

1; 1969 ex.s. c 223 § 28A.87.120. Prior: 1909 c 97 p 361 § 41; RRS § 5057; prior: 1903 c 156 § 14; 1897 c 118 § 172; 1890 p 372 § 48. Formerly RCW 28A.87.120, 28.87.120.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Action against parent for willful injury to property by minor—Monetary limitation—Common law liability preserved: RCW 4.24.190.

Additional notes found at www.leg.wa.gov

28A.635.070 Property, failure of officials or employees to account for—Mutilation by—Penalties. Any school district official or employee who shall refuse or fail to deliver to his or her qualified successor all books, papers, and records pertaining to his or her position, or who shall willfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred. [1990 c 33 § 538; 1984 c 258 § 317; 1969 ex.s. c 199 § 60; 1969 ex.s. c 223 § 28A.87.130. Prior: 1909 c 97 p 359 § 7, part; RRS § 5049, part; prior: 1907 c 240 § 16, part; 1903 c 156 § 7, part; 1897 c 118 § 165, part. Formerly RCW 28A.87.130, 28.87.130, part.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.080 Director's connivance to employ uncertified teachers—Liability. Any school district director who shall aid in or give his or her consent to the employment of a teacher who is not the holder of a valid teacher's certificate issued under authority of chapter 28A.410 RCW authorizing him or her to teach in the school district by which employed shall be personally liable to his or her district for any loss which it may sustain by reason of the employment of such person. [1990 c 33 § 539; 1969 ex.s. c 223 § 28A.87.135. Prior: 1909 c 97 p 359 § 7, part; RRS § 5049, part; prior: 1907 c 240 § 16, part; 1903 c 156 § 7, part; 1897 c 118 § 165, part. Formerly RCW 28A.87.135, 28.87.130, part, 28.87.160.]

28A.635.090 Interference by force or violence—Penalty. (1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment. [2003 c 53 § 169; 1996 c 321 § 3; 1990 c 33 § 540; 1988 c 2 § 1; 1971 c 45 § 3. Formerly RCW 28A.87.230.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty. (1) It shall be unlawful for

any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment. [2003 c 53 § 170; 1990 c 33 § 541; 1988 c 2 § 2; 1971 c 45 § 4. Formerly RCW 28A.87.231.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception. The crimes defined in RCW 28A.635.090 and 28A.635.100 shall not apply to school administrators, teachers, or classified employees who are engaged in the reasonable exercise of their disciplinary authority. [1990 c 33 § 542; 1988 c 2 § 3; 1971 c 45 § 5. Formerly RCW 28A.87.232.]

Chapter 28A.640 RCW SEXUAL EQUALITY

Sections

- 28A.640.010 Purpose—Discrimination prohibited.
- 28A.640.020 Regulations, guidelines to eliminate discrimination—
Scope—Sexual harassment policies.
- 28A.640.030 Administration.
- 28A.640.040 Civil relief for violations.
- 28A.640.050 Enforcement—Superintendent's orders, scope.
- 28A.640.900 Chapter supplementary.

Discrimination—Separation of sexes in dormitories, residence halls, etc.: RCW 49.60.222.

28A.640.010 Purpose—Discrimination prohibited. Inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state is a breach of Article XXXI, section 1, Amendment 61, of the Washington state Constitution, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited. [1975 1st ex.s. c 226 § 1. Formerly RCW 28A.85.010.]

Additional notes found at www.leg.wa.gov

28A.640.020 Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies. (1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audiovisual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent

of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment. [1994 c 213 § 1; 1975 1st ex.s. c 226 § 2. Formerly RCW 28A.85.020.]

Additional notes found at www.leg.wa.gov

28A.640.030 Administration. The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts. [1975 1st ex.s. c 226 § 3. Formerly RCW 28A.85.030.]

Additional notes found at www.leg.wa.gov

28A.640.040 Civil relief for violations. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any regulation or guideline adopted hereunder, shall have a right of action in superior court for civil damages and such equitable relief as the court shall determine. [1975 1st ex.s. c 226 § 4. Formerly RCW 28A.85.040.]

Additional notes found at www.leg.wa.gov

28A.640.050 Enforcement—Superintendent's orders, scope. The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.05 RCW, which order, by way of illustration, may include, the termination of all or part of state apportionment or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved. [1975 1st ex.s. c 226 § 5. Formerly RCW 28A.85.050.]

Additional notes found at www.leg.wa.gov

28A.640.900 Chapter supplementary. This chapter shall be supplementary to, and shall not supersede, existing law and procedures and future amendments thereto relating to unlawful discrimination based on sex. [1975 1st ex.s. c 226 § 6. Formerly RCW 28A.85.900.]

Additional notes found at www.leg.wa.gov

Chapter 28A.642 RCW DISCRIMINATION PROHIBITION

Sections

28A.642.005	Findings.
28A.642.010	Discrimination prohibited—Definitions.
28A.642.020	Rules and guidelines.
28A.642.030	Compliance—Monitoring—Compliance enforcement.
28A.642.040	Individual right of action.
28A.642.050	Authority of superintendent of public instruction—Administrative orders.
28A.642.060	Chapter supplementary.
28A.642.070	Schools established under state-tribal education compacts.

28A.642.005 Findings. The legislature finds that in 1975 legislation was adopted, codified as chapter 28A.640 RCW, recognizing the deleterious effect of discrimination on the basis of sex, specifically prohibiting such discrimination in Washington public schools, and requiring the office of the superintendent of public instruction to monitor and enforce compliance. The legislature further finds that, while numerous state and federal laws prohibit discrimination on other bases in addition to sex, the common school provisions in Title 28A RCW do not include specific acknowledgment of the right to be free from discrimination because of race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, nor do any common school provisions specifically direct the office of the superintendent of public instruction to monitor and enforce compliance with these laws. The legislature finds that one of the recommendations made to the legislature by the *achievement gap oversight and accountability committee created in chapter 468, Laws of 2009, was that the office of the superintendent of public instruction should be specifically authorized to take affirmative steps to ensure that school districts comply with all civil rights laws, similar to what has already been authorized in chapter 28A.640 RCW with

respect to discrimination on the basis of sex. [2010 c 240 § 1.]

*Reviser's note: The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

28A.642.010 Discrimination prohibited—Definitions. Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter unless the context clearly requires otherwise. [2010 c 240 § 2.]

28A.642.020 Rules and guidelines. The superintendent of public instruction shall develop rules and guidelines to eliminate discrimination prohibited in RCW 28A.642.010 as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students. [2010 c 240 § 3.]

28A.642.030 Compliance—Monitoring—Compliance enforcement. The office of the superintendent of public instruction shall monitor local school districts' compliance with this chapter, and shall establish a compliance timetable, rules, and guidelines for enforcement of this chapter. [2010 c 240 § 4.]

28A.642.040 Individual right of action. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any rule or guideline adopted under this chapter, has a right of action in superior court for civil damages and such equitable relief as the court determines. [2010 c 240 § 5.]

28A.642.050 Authority of superintendent of public instruction—Administrative orders. The superintendent of public instruction has the power to enforce and obtain compliance with the provisions of this chapter and the rules and guidelines adopted under this chapter, by appropriate order made pursuant to chapter 34.05 RCW. The order may include, but is not limited to, termination of all or part of state apportionment or categorical moneys to the offending school district, termination of specified programs in which violations may be flagrant within the offending school district, institution of corrective action, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved. [2010 c 240 § 6.]

28A.642.060 Chapter supplementary. This chapter is supplementary to, and does not supersede, existing law and procedures and future amendments to those laws and procedures relating to unlawful discrimination. [2010 c 240 § 7.]

28A.642.070 Schools established under state-tribal education compacts. Nothing in this chapter prohibits schools established under chapter 28A.715 RCW from:

- (1) Implementing a policy of Indian preference in employment; or
- (2) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand. [2013 c 242 § 6.]

**Chapter 28A.645 RCW
APPEALS FROM BOARD**

Sections

- 28A.645.010 Appeals—Notice of—Scope—Time limitation.
- 28A.645.020 Transcript filed, certified.
- 28A.645.030 Appeal to be heard de novo and expeditiously.
- 28A.645.040 Certified copy of decision to county assessor when school district boundaries changed.

Educational employment relations act: Chapter 41.59 RCW.

28A.645.010 Appeals—Notice of—Scope—Time limitation. (1) Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

(2)(a) Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapters 28A.400 and 28A.405 RCW therefor and in all other cases shall be governed by chapter 28A.645 RCW.

(b) Appeals from nonrenewal or discharge by employees of school districts that are dissolved due to financial insolvency shall be as provided in RCW 28A.315.229. [2012 c 186 § 22; 1990 c 33 § 544; 1971 ex.s. c 282 § 40; 1969 ex.s. c 34 § 17; 1969 ex.s. c 223 § 28A.88.010. Prior: 1961 c 241 § 9; 1909 c 97 p 362 § 1; RRS § 5064. Formerly RCW 28A.88.010, 28.88.010.] [SLC-RO-1.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

RCW 28A.645.010 not applicable to contract renewal of school superintendent: RCW 28A.400.010.

Additional notes found at www.leg.wa.gov

28A.645.020 Transcript filed, certified. Within twenty days of service of the notice of appeal, the school board, at its expense, or the school official, at such official's expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct. [1971 ex.s. c 282 § 41. Formerly RCW 28A.88.013.]

Additional notes found at www.leg.wa.gov

28A.645.030 Appeal to be heard de novo and expeditiously. Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously. [1971 ex.s. c 282 § 42. Formerly RCW 28A.88.015.]

Additional notes found at www.leg.wa.gov

28A.645.040 Certified copy of decision to county assessor when school district boundaries changed. In cases of appeal resulting in the change of any school district boundaries the decision shall within five days thereafter be also certified by the proper officer to the county assessor of the county, or to the county assessors of the counties, wherein the territory may lie. [1969 ex.s. c 223 § 28A.88.090. Prior: 1909 c 97 p 364 § 8; RRS § 5071. Formerly RCW 28A.88.090, 28.88.090.]

**Chapter 28A.650 RCW
EDUCATION TECHNOLOGY**

Sections

- 28A.650.005 Findings—Intent.
- 28A.650.010 Definitions.
- 28A.650.015 Education technology plan—Educational technology advisory committee.
- 28A.650.020 Regional educational technology support centers—Advisory councils.
- 28A.650.025 Distribution of funds for regional educational technology support centers.
- 28A.650.030 Distribution of funds to expand the education statewide network.
- 28A.650.035 Gifts, grants, and endowments.
- 28A.650.040 Rules.
- 28A.650.045 Digital citizenship—Best practices and recommendations—Annual review.
- 28A.650.900 Findings—Intent—Part headings not law—1993 c 336.
- 28A.650.901 Findings—1993 c 336.

28A.650.005 Findings—Intent. The legislature recognizes that up-to-date tools will help students learn. Workplace technology requirements will continue to change and students should be knowledgeable in the use of technologies.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. An important component of the systemic initiative is the universal electronic access to information by students. It is the intent of the legislature that components of RCW 28A.650.010 through 28A.650.025 will support the statewide systemic reform effort in mathematics, science, and technology as envisioned by the Washington systemic initiative. [1993 c 336 § 701.]

28A.650.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Education technology" or "technology" means the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in helping students learn.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these. [1993 c 336 § 702.]

28A.650.015 Education technology plan—Educational technology advisory committee. (1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The office of the chief information officer, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund. [2011 1st sp.s. c 43 § 725; 2011 1st sp.s. c 11 § 133; 2009 c 556 § 17; 2006 c 263 § 917; 1995 c 335 § 507; 1994 c 245 § 2; 1993 c 336 § 703.]

Reviser's note: This section was amended by 2011 1st sp.s. c 11 § 133 and by 2011 1st sp.s. c 43 § 725, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.650.020 Regional educational technology support centers—Advisory councils. Educational service districts shall establish, subject to available funding, regional educational technology support centers for the purpose of providing ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and programmatic support. Each educational service district shall establish a representative advisory council to advise the edu-

ational service district in the expenditure of funds provided to the technology support centers. [1993 c 336 § 705.]

28A.650.025 Distribution of funds for regional educational technology support centers. The superintendent of public instruction, to the extent funds are appropriated, shall distribute funds to educational service districts on a grant basis for the regional educational technology support centers established in RCW 28A.650.020. [1993 c 336 § 706.]

28A.650.030 Distribution of funds to expand the education statewide network. The superintendent of public instruction, to the extent funds are appropriated, shall distribute funds to the Washington school information processing cooperative and to school districts on a grant basis, from moneys appropriated for the purposes of this section, for equipment, networking, and software to expand the current K-12 education statewide network. [1993 c 336 § 707.]

28A.650.035 Gifts, grants, and endowments. The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of educational technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments. [2010 1st sp.s. c 9 § 3; 1993 c 336 § 708.]

Effective date—2010 1st sp.s. c 9: "This act takes effect July 1, 2010." [2010 1st sp.s. c 9 § 11.]

28A.650.040 Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW governing the operation and scope of this chapter. [1993 c 336 § 709.]

28A.650.045 Digital citizenship—Best practices and recommendations—Annual review. (1) For the purposes of this section, "digital citizenship" includes the norms of appropriate, responsible, and healthy behavior related to current technology use, including digital and media literacy, ethics, etiquette, and security. The term also includes the ability to access, analyze, evaluate, develop, produce, and interpret media, as well as internet safety and cyberbullying prevention and response.

(2)(a) By December 1, 2016, the office of the superintendent of public instruction shall develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy, and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on strategies to implement the best practices and recommendations statewide. The best practices and recommendations must be developed in consultation with an advisory committee as specified in (b) of this subsection. Best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information.

(b) The office of the superintendent of public instruction must convene and consult with an advisory committee when developing best practices and recommendations for instruc-

tion in digital citizenship, internet safety, and media literacy. The advisory committee must include: Representatives from the Washington state school directors' association; experts in digital citizenship, internet safety, and media literacy; teacher-librarians as defined in RCW 28A.320.240; and other stakeholders, including parent associations, educators, and administrators. Recommendations produced by the committee may include, but are not limited to:

(i) Revisions to the state learning standards for educational technology, required under RCW 28A.655.075;

(ii) Revisions to the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(iii) School district processes necessary to develop customized district policies and procedures on electronic resources and internet safety;

(iv) Best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and

(v) Strategies that will support school districts in local implementation of the best practices and recommendations developed by the office of the superintendent of public instruction under (a) of this subsection.

(3) Beginning in the 2017-18 school year, a school district shall annually review its policy and procedures on electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:

(a) Involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;

(b) Consider customizing the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(c) Consider existing school district resources; and

(d) Consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents. [2016 c 59 § 2.]

Intent—2016 c 59: "The legislature recognizes that as technology becomes more prevalent, students must learn how to safely, ethically, responsibly, and effectively use technology. The legislature intends to provide a process in which students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives will engage in an ongoing discussion on safe technology use, internet use, digital citizenship, and media literacy as part of implementing the state's basic education goal outlined in RCW 28A.150.210(3) and essential academic learning requirements for technology outlined in RCW 28A.655.075." [2016 c 59 § 1.]

28A.650.900 Findings—Intent—Part headings not law—1993 c 336. See notes following RCW 28A.150.210.

28A.650.901 Findings—1993 c 336. See note following RCW 28A.150.210.

**Chapter 28A.655 RCW
ACADEMIC ACHIEVEMENT AND
ACCOUNTABILITY**

Sections

- 28A.655.005 Findings.
- 28A.655.006 Condensed compliance reports—Second-class districts.

(2016 Ed.)

- 28A.655.010 Washington commission on student learning—Definitions.
- 28A.655.061 High school assessment system—Certificate of academic achievement—Exemptions—Options to retake high school assessment—Objective alternative assessment—Student learning plans.
- 28A.655.063 Objective alternative assessments—Reimbursement of costs—Testing fee waivers.
- 28A.655.065 Objective alternative assessment methods—Appeals from assessment scores—Waivers and appeals from assessment requirements—Rules.
- 28A.655.066 Statewide end-of-course assessments for high school mathematics.
- 28A.655.068 Statewide high school assessment in science.
- 28A.655.070 Essential academic learning requirements and assessments—Duties of the superintendent of public instruction.
- 28A.655.071 Revised essential academic learning requirements—Legislative review—Implementation.
- 28A.655.075 Essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency—Assessments—Reports.
- 28A.655.080 Washington kindergarten inventory of developing skills—Implementation and administration—Work group—Reports—Grants—Waivers.
- 28A.655.090 Washington assessment of student learning—Reporting requirements.
- 28A.655.095 Students with cognitive disabilities—Alternative assessment system.
- 28A.655.100 Performance goals—Reporting requirements.
- 28A.655.110 Annual school performance report—Model report form.
- 28A.655.115 Outreach and feedback—Working group—Model feedback tools and strategies.
- 28A.655.130 Accountability implementation funds.
- 28A.655.140 Technical assistance.
- 28A.655.150 Consolidation of requirements for categorical grant programs—Use of electronic applications and reporting.
- 28A.655.180 Waivers for educational restructuring programs.
- 28A.655.185 Intent—Apple award program.
- 28A.655.200 Norm-referenced assessments—Diagnostic assessments.
- 28A.655.210 K-12 education data improvement system.
- 28A.655.220 Washington kindergarten inventory of developing skills—Fairness and bias review.
- 28A.655.230 Reading skills—Meeting for grade placement and strategies for student improvement—Exemptions.
- 28A.655.235 Reading skills—Intensive reading and literacy improvement strategy—Calculation of tested students at or below basic on third grade student assessment—State menu of best practices.

28A.655.005 Findings. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on student achievement and continuous improvement at all levels of Washington's education system and on a fundamental principle that all public school students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with schools needing assistance.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system

should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students. [1999 c 388 § 1.]

28A.655.006 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 50.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

28A.655.010 Washington commission on student learning—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW *28A.630.885 and 28A.300.130.

(1) "Commission" means the commission on student learning created in *RCW 28A.630.885.

(2) "Student learning goals" mean[s] the goals established in RCW 28A.150.210.

(3) "Essential academic learning requirements" means more specific academic and technical skills and knowledge, based on the student learning goals, as determined under *RCW 28A.630.885(3)(a). Essential academic learning requirements shall not limit the instructional strategies used by schools or school districts or require the use of specific curriculum.

(4) "Performance standards" or "standards" means the criteria used to determine if a student has successfully learned the specific knowledge or skill being assessed as determined under *RCW 28A.630.885(3)(b). The standards should be set at internationally competitive levels.

(5) "Assessment system" or "student assessment system" means a series of assessments used to determine if students have successfully learned the essential academic learning requirements. The assessment system shall be developed under *RCW 28A.630.885(3)(b).

(6) "Performance-based education system" means an education system in which a significantly greater emphasis is placed on how well students are learning, and significantly less emphasis is placed on state-level laws and rules that dictate how instruction is to be provided. The performance-based education system does not require that schools use an outcome-based instructional model. Decisions regarding how instruction is provided are to be made, to the greatest extent possible, by schools and school districts, not by the state. [1993 c 336 § 201. Formerly RCW 28A.630.883.]

***Reviser's note:** RCW 28A.630.885 was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607. RCW 28A.655.060 was subsequently repealed by 2004 c 19 § 206.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.630.879.

28A.655.061 High school assessment system—Certificate of academic achievement—Exemptions—Options to retake high school assessment—Objective alternative assessment—Student learning plans. (1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the stu-

dent was not successful, and, if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or *28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008 through the graduating class of 2015, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics high school statewide student assessment shall earn a certificate of academic achievement. The mathematics assessment shall be the end-of-course assessment for the first year of high school mathematics that assesses the standards common to algebra I and integrated mathematics I or the end-of-course assessment for the second year of high school mathematics that assesses standards common to geometry and integrated mathematics II.

(b) As the state transitions from reading and writing assessments to an English language arts assessment and from end-of-course assessments to a comprehensive assessment for high school mathematics, a student in a graduating class of 2016 through 2018 shall earn a certificate of academic achievement if the student meets the state standard as follows:

(i) Students in the graduating class of 2016 may use the results from:

(A) The reading and writing assessment or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(ii) Students in the graduating classes of 2017 and 2018 may use the results from:

(A) The tenth grade English language arts assessment developed by the superintendent of public instruction using resources from the multistate consortium or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(c) Beginning with the graduating class of 2019, a student who meets the state standards on the high school English language arts assessment developed with the multistate consortium and the comprehensive mathematics assessment

developed with the multistate consortium shall earn a certificate of academic achievement.

(d) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area at least twice a year at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2017, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment, a retake, or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any

objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(iii) A student who scores at least a four on selected externally administered international baccalaureate (IB) examinations may use the score as an objective alternative assessment under this section for demonstrating that the student has met or exceeded state standards for the certificate of academic achievement. A score of four on the higher level IB examinations for any of the IB English language and literature courses or for any of the IB individuals and societies courses may be used as an alternative assessment for the reading, writing, or English language arts portions of the statewide student assessment. A score of four on the higher level IB examinations for any of the IB mathematics courses

may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of four on the higher level IB examinations for IB biology, chemistry, or physics may be used as an alternative assessment for the science portion of the statewide student assessment.

(11) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535. [2015 3rd sp.s. c 42 § 2; 2013 2nd sp.s. c 22 § 2; 2011 1st sp.s. c 22 § 2; 2010 c 244 § 1; 2009 c 524 § 5; 2008 c 321 § 2. Prior: 2007 c 355 § 5; 2007 c 354 § 2; 2006 c 115 § 4; 2004 c 19 § 101.]

*Reviser's note: RCW 28A.655.0611 expired August 31, 2013.

Finding—Purpose—2015 3rd sp.s. c 42: "The legislature finds that the graduating class of 2015 is the first class required to meet the state standard on the state science assessment. The legislature recognizes that the educational system needs more time before this graduation requirement is implemented. Therefore, the sole purpose of the legislature with this legislation is to delay for no more than two years, but not eliminate, the requirement that students must meet the state standard on the science assessment." [2015 3rd sp.s. c 42 § 1.]

Retroactive application—2015 3rd sp.s. c 42 § 2: "Section 2 of this act applies retroactively to students in the graduating class of 2015, and prospectively beginning with students in the graduating class of 2016." [2015 3rd sp.s. c 42 § 3.]

Findings—Intent—2013 2nd sp.s. c 22: "The legislature finds that the superintendent of public instruction was authorized to align the state essen-

tial academic learning requirements for mathematics, reading, writing, and communication with the common set of standards for students in grades kindergarten through twelve, known as the common core state standards, which were initiated by the governors and chief school officers of forty-five states, including Washington. The legislature further finds that Washington has joined one of two multistate consortia using a federal grant to develop new English language arts and mathematics assessments in grades three through eight and grade eleven that are, among other factors, aligned with the common core state standards and intended to demonstrate a student's career and college readiness. The legislature further finds that the assessments are required to be ready for use by the 2014-15 school year.

The legislature intends to reduce the overall costs of the state assessment system by implementing the eleventh grade English language arts and mathematics assessments being developed by a multistate consortium in which Washington is participating, maximize use of the consortium assessments by developing a tenth grade high school English language arts assessment and modifying the algebra I and geometry end-of-course assessment to be used only during the transition to the consortium-developed assessments, and reduce to three the number of assessments that will be required for students to graduate beginning with the class of 2019.

The legislature further intends that the eleventh grade consortium-developed assessments have two different student performance standards: One for the purposes of high school graduation that will be established by the state board of education and one that is intended to demonstrate a student's career and college readiness." [2013 2nd sp.s. c 22 § 1.]

Finding—Intent—2011 1st sp.s. c 22: "(1) The legislature continues to support end-of-course assessments as a fair and practical way to measure students' knowledge and skills in high school science, but the legislature also recognizes that there are important scientific concepts, principles, and content that are not able to be captured in a single course or a single assessment. The legislature also does not wish to narrow the high school science curriculum to a singular focus on biology.

(2) However, the legislature finds that the financial resources for developing additional end-of-course assessments for high school science are not available in the 2011-2013 biennium. Nevertheless, the legislature intends to revisit this issue in the future and further intends at an appropriate time to direct the superintendent of public instruction to develop one or more end-of-course assessments in additional science subjects." [2011 1st sp.s. c 22 § 1.]

Intent—2009 c 524: See note following RCW 28B.50.535.

Findings—2008 c 321: "The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in 1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements." [2008 c 321 § 1.]

Finding—Intent—2007 c 355: See note following RCW 28B.50.535.

Findings—Intent—2007 c 354: "(1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make

these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented." [2007 c 354 § 1.]

Additional notes found at www.leg.wa.gov

28A.655.063 Objective alternative assessments—Reimbursement of costs—Testing fee waivers. Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall provide funds to school districts to reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the results as an objective alternative assessment. The office of the superintendent of public instruction may, as an alternative to providing funds to school districts, arrange for students to receive a testing fee waiver or make other arrangements to compensate the students. [2007 c 354 § 7; 2006 c 115 § 5.]

Findings—Intent—2007 c 354: See note following RCW 28A.655.061.

28A.655.065 Objective alternative assessment methods—Appeals from assessment scores—Waivers and appeals from assessment requirements—Rules. (1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall

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determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant. Effective September 1, 2009, collection of work samples may be submitted only in content areas where meeting the state standard on the high school assessment is required for purposes of graduation.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of

work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28A.700.030, the superintendent of public instruction shall develop additional guidelines for collections of work samples that are tailored to different career and technical programs. The additional guidelines shall:

(i) Provide multiple examples of work samples that are related to the particular career and technical program;

(ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and

(iii) Provide multiple examples of work samples drawn from career and technical courses.

(b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create appropriate guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in

languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section. [2009 c 556 § 19; 2008 c 170 § 205; 2007 c 354 § 6; 2006 c 115 § 1.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

Findings—Intent—2007 c 354: See note following RCW 28A.655.061.

28A.655.066 Statewide end-of-course assessments for high school mathematics. (Effective until September 1, 2019.)

(1)(a) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The assessments shall be implemented statewide in the 2010-11 school year.

(b) The superintendent shall develop end-of-course assessments for the first year of high school mathematics that include the standards common to algebra I and integrated mathematics I and for the second year of high school mathematics that include the standards common to geometry and integrated mathematics II. The assessments under this subsection (1)(b) shall be used to demonstrate that a student meets the state standard on the mathematics content area of the high school statewide student assessment for purposes of RCW 28A.655.061.

(c) The superintendent of public instruction shall also develop subtests for the end-of-course assessments that measure standards for the first two years of high school mathematics that are unique to algebra I, integrated mathematics I, geometry, and integrated mathematics II. The results of the subtests shall be reported at the student, teacher, school, and district level.

(2) All of the objective alternative assessments available to students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken an end-of-course assessment once but does not meet the state mathematics standard on an end-of-course assessment.

(3) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section. [2013 2nd sp.s. c 22 § 3; 2011 c 25 § 2; 2009 c 310 § 3; 2008 c 163 § 3.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

Findings—Intent—2011 c 25: "The legislature finds that acquiring mathematical skills and knowledge is critical for the future financial and personal success of public school graduates. However, the legislature finds that requiring students in the classes of 2013 and 2014 to meet the standards on two high school mathematics end-of-course assessments to graduate would not be fair to students or a valid use of the new end-of-course assessments. Specifically, a majority of these students will have taken algebra I or integrated mathematics one or more years before taking the end-of-course assessments. In addition, teachers need more time to incorporate the new 2008 mathematics standards into their instruction to properly prepare students for the new assessment requirements. Instead, the legislature intends to provide a reasonable transition period and require students in the classes of 2013 and 2014 to meet the standard on only one assessment. Students in subsequent classes will be required to meet the standards on both assessments." [2011 c 25 § 1.]

Findings—2008 c 163: "The legislature finds that, according to a recent report from a consultant retained by the state board of education, end-of-course assessments have certain advantages over comprehensive assessments such as the current form of the Washington assessment of student learning, and in most other areas end-of-course assessments are comparable to comprehensive assessments in meeting public policy objectives for a statewide assessment system. The legislature further finds that because the state's assessment contract will be renegotiated before the end of 2008, the 2008 legislature has an opportunity to provide policy direction in the design of the state assessment system and the design of the Washington assessment of student learning." [2008 c 163 § 1.]

28A.655.068 Statewide high school assessment in science. (1) Beginning in the 2011-12 school year, the statewide high school assessment in science shall be an end-of-course assessment for biology that measures the state standards for life sciences, in addition to systems, inquiry, and application as they pertain to life sciences.

(2)(a) The superintendent of public instruction may develop or adopt science end-of-course assessments or a comprehensive science assessment that includes subjects in addition to biology for purposes of RCW 28A.655.061, when so directed by the legislature. The legislature intends to transition from a biology end-of-course assessment to a more comprehensive science assessment in a manner consistent with the way in which the state transitioned to an English language arts assessment and a comprehensive mathematics assessment. The legislature further intends that the transition will include at least two years of using the student assessment results from either the biology end-of-course assessment or the more comprehensive assessment in order to provide students with reasonable opportunities to demonstrate high school competencies while being mindful of the increasing rigor of the new assessment.

(b) The superintendent of public instruction shall develop or adopt a science assessment in accordance with RCW 28A.655.070(10) that is not biased toward persons

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with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(c) Before the next subsequent school year after the legislature directs the superintendent to develop or adopt a new science assessment, the superintendent of public instruction shall review the objective alternative assessments for the science assessment and make recommendations to the legislature regarding additional objective alternatives, if any.

(3) The superintendent of public instruction may participate with consortia of multiple states as common student learning standards and assessments in science are developed. The superintendent of public instruction, in consultation with the state board of education, may modify the essential academic learning requirements and statewide student assessments in science, including the high school assessment, according to the multistate common student learning standards and assessments as long as the education committees of the legislature have opportunities for review before the modifications are adopted, as provided under RCW 28A.655.070.

(4) The statewide high school assessment under this section shall be used to demonstrate that a student meets the state standards in the science content area of the statewide student assessment for purposes of RCW 28A.655.061. [2013 2nd sp.s. c 22 § 4; 2011 1st sp.s. c 22 § 3.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

Finding—Intent—2011 1st sp.s. c 22: See note following RCW 28A.655.061.

28A.655.070 Essential academic learning requirements and assessments—Duties of the superintendent of public instruction. (1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days,

shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c)(i) of this subsection shall be used for the purposes of earning a certificate of academic achievement for high school graduation under the timeline established in RCW 28A.655.061 and for assessing student career and college readiness.

(iii) During the transition period specified in RCW 28A.655.061, the superintendent of public instruction shall use test items and other resources from the consortium assessment to develop and administer a tenth grade high school English language arts assessment, an end-of-course mathematics assessment to assess the standards common to algebra I and integrated mathematics I, and an end-of-course mathematics assessment to assess the standards common to geometry and integrated mathematics II.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mas-

tered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

(14) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d). [2015 c 211 § 3; 2013 2nd sp.s. c 22 § 5; 2008 c 163 § 2; 2007 c 354 § 5; 2005 c 497 § 106; 2004 c 19 § 204; 1999 c 388 § 501.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

Findings—2008 c 163: See note following RCW 28A.655.066.

Findings—Intent—2007 c 354: See note following RCW 28A.655.061.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.655.071 Revised essential academic learning requirements—Legislative review—Implementation. (1) By August 2, 2010, the superintendent of public instruction may revise the state essential academic learning requirements authorized under RCW 28A.655.070 for mathematics, read-

ing, writing, and communication by provisionally adopting a common set of standards for students in grades kindergarten through twelve. The revised state essential academic learning requirements may be substantially identical with the standards developed by a multistate consortium in which Washington participated, must be consistent with the requirements of RCW 28A.655.070, and may include additional standards if the additional standards do not exceed fifteen percent of the standards for each content area. However, the superintendent of public instruction shall not take steps to implement the provisionally adopted standards until the education committees of the house of representatives and the senate have an opportunity to review the standards.

(2) By January 1, 2011, the superintendent of public instruction shall submit to the education committees of the house of representatives and the senate:

(a) A detailed comparison of the provisionally adopted standards and the state essential academic learning requirements as of June 10, 2010, including the comparative level of rigor and specificity of the standards and the implications of any identified differences; and

(b) An estimated timeline and costs to the state and to school districts to implement the provisionally adopted standards, including providing necessary training, realignment of curriculum, adjustment of state assessments, and other actions.

(3) The superintendent may implement the revisions to the essential academic learning requirements under this section after the 2011 legislative session unless otherwise directed by the legislature. [2010 c 235 § 601.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.655.075 Essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency—Assessments—Reports. (1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize

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technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments. [2007 c 396 § 16; (2009 c 556 § 15 expired July 1, 2011).]

Expiration date—2009 c 556 §§ 11, 13, and 15: See note following RCW 28A.300.525.

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

Essential academic learning requirements and grade level expectations—Revised standards and curricula for mathematics and science—Duties of the state board of education and the superintendent of public instruction: RCW 28A.305.215.

28A.655.080 Washington kindergarten inventory of developing skills—Implementation and administration—Work group—Reports—Grants—Waivers. (1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of early learning, shall convene a work group to provide:

(i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills;

(ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in *RCW 28A.150.205; and

(iii) Recommendations with respect to achieving the goal of replacing assessments currently required by school districts with the Washington kindergarten inventory of developing skills.

(b) The work group shall include:

(i) One representative from the office of the superintendent of public instruction;

(ii) One representative from the department of early learning;

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

(iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children and family services organization with a main campus in North Bend, Washington.

(c) The work group may solicit input from people who are recent implementers of the Washington kindergarten inventory of developing skills.

(d) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(e) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of [the] superintendent of public instruction, in consultation with the department of early learning.

(4) Until full statewide implementation of all-day kindergarten programs, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. [2012 c 51 § 2.]

*Reviser's note: The reference to RCW 28A.150.205, which contains the definition of "instructional hours," appears to be erroneous.

28A.655.090 Washington assessment of student learning—Reporting requirements. (1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall report to schools, school districts, and the legislature on the results of the Washington

assessment of student learning and state-mandated norm-referenced standardized tests.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the Washington assessment of student learning, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment;

(c) Disaggregation of results by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and, beginning with the 2009-10 school year, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794); and

(d) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet web site.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of statewide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines. [2008 c 165 § 3; 1999 c 388 § 301; 1998 c 319 § 301. Formerly RCW 28A.630.889.]

Additional notes found at www.leg.wa.gov

28A.655.095 Students with cognitive disabilities—Alternative assessment system. The office of the superintendent of public instruction shall continue to actively collaborate with teachers and directors of special education programs in the development and implementation of a process to transition from the current portfolio system of assessment of students with significant cognitive challenges to a performance task-based alternative assessment system based on state standards. Before such time as a new assessment becomes available, and within existing resources, the office

of the superintendent of public instruction shall coordinate efforts to: Align academic goals in a student's individualized education program with the current statewide assessment system by identifying detailed statewide alternate achievement benchmarks for use by teachers in the current portfolio system; develop a transparent and reliable scoring process; efficiently use technology; and develop a sensible approval process to shorten the time involved in developing and collecting current assessment data for students with significant cognitive disabilities. [2011 c 75 § 2.]

Findings—2011 c 75: "The legislature finds that:

(1) One of the difficult issues facing states and school districts throughout the country is the meaningful inclusion of students with significant cognitive challenges in their current state assessment and accountability systems.

(2) Assessment and accountability systems provide valuable information to parents and educators, and all students deserve a system that encourages them to meaningfully access and make progress in the general education curriculum. Nevertheless, assessing the academic knowledge and skills of students with unique and significant cognitive disabilities can be challenging concerning the student's access to and progress in the general education curriculum. Furthermore, the development of meaningful assessment portfolios in the current system can be extremely time-consuming for both teachers and students, provide limited information for parents, and include questionable test and measurement practices." [2011 c 75 § 1.]

28A.655.100 Performance goals—Reporting requirements. Each school district board of directors shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level performance improvement goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.655.110.

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement. [1999 c 388 § 302.]

28A.655.110 Annual school performance report—Model report form. (1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from

the assessments in *RCW 28A.655.060 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years, student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the learning improvement plans for the school; (i) a summary of the feedback from parents and community members obtained under RCW 28A.655.115; and (j) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site. [2010 c 235 § 703; 1999 c 388 § 303; 1993 c 336 § 1006. Formerly RCW 28A.320.205.]

*Reviser's note: RCW 28A.655.060 was repealed by 2004 c 19 § 206.

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.655.115 Outreach and feedback—Working group—Model feedback tools and strategies. (1) Beginning with the 2010-11 school year, each school shall conduct outreach and seek feedback from a broad and diverse range of parents, other individuals, and organizations in the community regarding their experiences with the school. The school shall summarize the responses in its annual report under RCW 28A.655.110.

(2) The office of the superintendent of public instruction shall create a working group with representatives of organizations representing parents, teachers, and principals as well as diverse communities. The working group shall also include a representative from the *achievement gap oversight and accountability committee. By September 1, 2010, the working group shall develop model feedback tools and strategies that school districts may use to facilitate the feedback process required in subsection (1) of this section. The model tools and strategies are intended to provide assistance to school districts. School districts are encouraged to adapt the

models or develop unique tools and strategies that best fit the circumstances in their communities. [2010 c 235 § 702.]

***Reviser's note:** The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.655.130 Accountability implementation funds.

(1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) The amount of allocations shall be determined in the omnibus appropriations act.

(4) The state schools for the deaf and blind are eligible to receive allocations under this section.

(5) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds. [1999 c 388 § 402.]

28A.655.140 Technical assistance. (1) In order to increase the availability and quality of technical assistance statewide, the superintendent of public instruction, subject to available funding, may employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

(a) Assistance to schools to use student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning. [1999 c 388 § 403.]

28A.655.150 Consolidation of requirements for categorical grant programs—Use of electronic applications and reporting. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting. [1999 c 388 § 602.]

28A.655.180 Waivers for educational restructuring programs. (Effective until June 30, 2019.) (1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district or to implement an innovation school or innovation zone designated under RCW 28A.630.081 or to implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104.

(2) School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section. [2012 c 53 § 9; 2011 c 260 § 9; 2009 c 543 § 3; 1995 c 208 § 1; (1997 c 431 § 23 expired June 30, 1999). Formerly RCW 28A.630.945.]

Findings—Intent—Expiration date—2012 c 53: See RCW 28A.630.101 and 28A.630.109.

Findings—Intent—2011 c 260: See note following RCW 28A.630.080.

Expiration date—2011 c 260: See RCW 28A.630.089.

Finding—Intent—2009 c 543: See note following RCW 28A.305.141.

28A.655.180 Waivers for educational restructuring programs. (Effective June 30, 2019.) (1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section. [2009 c 543 § 3; 1995 c 208 § 1; (1997 c 431 § 23 expired June 30, 1999). Formerly RCW 28A.630.945.]

Finding—Intent—2009 c 543: See note following RCW 28A.305.141.

28A.655.185 Intent—Apple award program. (1) It is the intent of the legislature, through the creation of the apple award, to honor and reward students in Washington's public elementary schools who have shown significant improvement in their school's results on the statewide student assessment.

(2) The apple award program is created to honor and reward public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the statewide student assessment each school year. Beginning in the 2014-15 school year, the award shall be based on the percentage of students meeting the fourth grade English language arts and mathematics standards. The program shall be administered by the superintendent of public instruction.

(3) Within the amounts appropriated for this purpose, each school that receives an apple award shall be provided with a twenty-five thousand dollar grant to be used for capital construction purposes that have been selected by students in the school and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located. [2013 2nd sp.s. c 22 § 9; 2005 c 495 § 1.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

28A.655.200 Norm-referenced assessments—Diagnostic assessments. (1) The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Subject to the availability of amounts appropriated for this purpose, beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary, middle, and high school grades available to school districts. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment

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of student learning. To the greatest extent possible, the assessments shall be:

- (a) Aligned to the state's grade level expectations;
 - (b) Individualized to each student's performance level;
 - (c) Administered efficiently to provide results either immediately or within two weeks;
 - (d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;
 - (e) Readily available to parents; and
 - (f) Cost-effective.
- (5) The office of the superintendent of public instruction shall offer training at statewide and regional staff development activities in:
- (a) The interpretation of diagnostic assessments; and
 - (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data. [2009 c 539 § 1; 2007 c 354 § 8; 2006 c 117 § 4; 2005 c 217 § 2.]

Effective date—2009 c 539: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 539 § 7.]

Findings—Intent—2007 c 354: See note following RCW 28A.655.061.

Intent—2006 c 117: See note following RCW 28A.600.045.

28A.655.210 K-12 education data improvement system. (1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and evaluation of a comprehensive K-12 education data improvement system by assigning the review and monitoring responsibilities to the education data center and the legislative evaluation and accountability program committee.

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

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

- (a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources

available for curriculum and other classroom needs, and number and type of instructional support staff in the building;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under RCW 28A.300.507 available.

(6) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400, this section, and RCW 28A.300.507, only to the extent funds are available for this purpose. [2009 c 548 § 202.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.655.220 Washington kindergarten inventory of developing skills—Fairness and bias review. Before implementing the Washington kindergarten inventory of developing skills as provided under RCW 28A.150.315, the superintendent of public instruction and the department of early learning must assure that a fairness and bias review of

the assessment process has been conducted, including providing an opportunity for input from the *achievement gap oversight and accountability committee under RCW 28A.300.136 and from an additional diverse group of community representatives, parents, and educators to be convened by the superintendent and the director of the department. [2011 c 340 § 2.]

*Reviser's note: The achievement gap oversight and accountability committee was renamed the educational opportunity gap oversight and accountability committee by 2011 1st sp.s. c 21 § 33.

28A.655.230 Reading skills—Meeting for grade placement and strategies for student improvement—Exemptions. (1) The definitions in this subsection apply throughout this section and RCW 28A.655.235 unless the context clearly requires otherwise.

(a) "Basic" means a score on the statewide student assessment at a level two in a four-level scoring system.

(b) "Below basic" means a score on the statewide student assessment at a level one in a four-level scoring system.

(c) "Not meet the state standard" means a score on the statewide student assessment at either a level one or a level two in a four-level scoring system.

(2) Prior to the return of the results of the statewide student assessment in English language arts, elementary schools shall require meetings between teachers and parents of students in third grade who are reading below grade-level or who, based on formative or diagnostic assessment, and other indicators, are likely to score in the below basic level on the third grade statewide student assessment in English language arts. At the meeting, the teacher shall inform the parents or guardians of the requirements of this section and the intensive reading improvement strategies that will be available to students before fourth grade. The teacher also shall inform the parents and guardians of the school district's grade placement policy for the following year. Schools that have regularly scheduled parent teacher conferences may use those meetings to comply with this section.

(3) For students to be placed in fourth grade, the strategies provided by the school district must include an intensive improvement strategy provided, supported, or contracted by the school district that includes a summer program or other options developed to meet the needs of students to prepare for fourth grade.

(4) If a student in third grade scores below grade level on the third grade statewide student assessment in English language arts, and there was no meeting under subsection (2) of this section, the principal or his or her designee shall notify the student's parents or guardians of the following:

(a) The below basic score;

(b) An explanation of the requirements of this section;

(c) The intensive improvement strategy options that are available;

(d) The school district's grade placement policy;

(e) Contact information for a school district employee who can respond to questions and provide additional information; and

(f) A reasonable deadline for obtaining the parent's consent regarding the student's intensive improvement strategies that will be implemented and the student's grade placement.

(5) The parent's or guardian's consent must be obtained regarding the appropriate grade placement and the intensive improvement strategy to be implemented. The school district must implement the strategy selected in consultation with the student's parents or guardians. If the school district does not receive a response from a parent by the deadline or a reasonable time thereafter, the principal or his or her designee shall make a decision on the student's grade placement for the following year and the intensive improvement strategies that will be implemented during the following school year.

(6) If the school principal and parent cannot agree on the appropriate grade placement and improvement strategies from the list of available options, the parent's request will be honored.

(7) If a student does not have a score in English language arts on the third grade statewide student assessment but the district determines, or is able to anticipate from, using district or classroom-based formative or diagnostic assessments or another standardized assessment, that the student's performance is equivalent to below basic in English language arts, the policy in subsections (2) through (6) of this section applies.

(8) Students participating in the transitional bilingual instruction program are exempt from the policy in subsections (2) through (6) of this section, unless the student has participated in the transitional bilingual instruction program for three school years and receives a score of below basic on the third grade statewide student assessment in English language arts.

(9) Students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts are exempt from subsections (2) through (8) of this section. Communication and consultation with parents or guardians of such students shall occur through the individualized education program process required under chapter 28A.155 RCW and associated administrative rules. [2015 c 125 § 1; 2013 2nd sp.s. c 18 § 105.]

Effective date—2015 c 125: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 2015]." [2015 c 125 § 2.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

28A.655.235 Reading skills—Intensive reading and literacy improvement strategy—Calculation of tested students at or below basic on third grade student assessment—State menu of best practices. (1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or

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English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students. [2013 2nd sp.s. c 18 § 106.]

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Chapter 28A.657 RCW ACCOUNTABILITY SYSTEM

Sections

28A.657.005 Findings.

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- 28A.657.120 Rules.
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- 28A.657.140 Cultural competence professional development and training.
- 28A.657.150 Identification of schools with highest growth in English language learner students—Cultural competence professional development and training.

28A.657.005 Findings. (1) The legislature finds that an effective educational accountability system is premised on creating and maintaining partnerships between the state and local school district boards of directors. The legislature also recognizes it takes time to make significant changes that are sustainable over the long term in an educational system that serves more than one million students from diverse communities.

(2) The legislature further finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement of all schools and school districts. This system must provide an excellent and equitable education for all students, an aligned federal and state accountability system, and the tools necessary for schools and school districts to be accountable. These tools include accounting and data reporting systems, assessment systems to monitor student achievement, and a comprehensive system of differentiated support, targeted assistance, and, if necessary, intervention.

(3) The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support.

(4) For a specific group of persistently lowest-achieving schools and their districts, it is necessary to provide a required action process that creates a partnership between the

state and local district to target funds and assistance to turn around the identified schools. The legislature finds that state takeover of persistently lowest-achieving schools is unlikely to produce long-term improvement in student achievement because takeover is an unsustainable approach to school governance and an inadequate response to addressing the underlying barriers to improved outcomes for all students. However, in the rare case of a persistently lowest-achieving school that continues to fail to improve even after required action and supplemental assistance, it is appropriate and necessary to assign the superintendent of public instruction the responsibility to intercede, provide robust technical assistance, and direct the necessary interventions. Even though the superintendent of public instruction continues to work in partnership with the local school board, the superintendent of public instruction is accountable for assuring that adequate steps are taken to improve student achievement in these schools.

(5) Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the Washington achievement index adopted by the state board of education. The state board of education shall have ongoing collaboration with the educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

(6) Phase II of this accountability system will work toward implementing the Washington achievement index for identification of challenged schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and federal and state funds through a comprehensive system of differentiated support, targeted assistance, and intervention beginning in the 2014-15 school year. If federal approval of the Washington achievement index is not obtained, the federal guidelines for identifying schools will continue to be used. If it ever becomes necessary, a process is established to assign responsibility to the superintendent of public instruction to intervene in persistently lowest-achieving schools that have failed to improve despite required action.

(7) The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century. [2013 c 159 § 1; 2010 c 235 § 101.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "All students group" means those students in grades three through eight and high school who take the state's assessment in reading or English language arts and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

(2) "Title I" means Title I, part A of the federal elementary and secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

(3) "Turnaround principles" include but are not limited to the following:

- (a) Providing strong leadership;
- (b) Ensuring teachers are effective and able to improve instruction;
- (c) Increasing learning time;
- (d) Strengthening the school's instructional program;
- (e) Using data to inform instruction;
- (f) Establishing a safe and supportive school environment; and
- (g) Engaging families and communities. [2013 c 159 § 2; 2010 c 235 § 112.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.020 Persistently lowest-achieving schools—Challenged schools—Identification—Criteria—Washington achievement index. (1) Beginning in 2010, and each year thereafter through December 1, 2012, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

(2) The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1) of this section shall be established by the superintendent of public instruction. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account both:

(a) The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and

(b) The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.

(3)(a) Beginning February 1, 2014, and each February thereafter, the superintendent of public instruction shall annually identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state.

(b) The criteria for determining whether a school is a challenged school in need of improvement shall be adopted by the superintendent of public instruction in rule. The criteria must meet all applicable federal requirements under Title I of the elementary and secondary education act of 1965 and other federal rules or guidance, including applicable requirements for the receipt of federal school improvement funds if available, but shall apply equally to Title I, Title I-eligible, and non-Title I schools in the state. The criteria must take into account the academic achievement of the "all students" group and subgroups of students in a school in terms of proficiency on the state assessments in reading or English language arts and mathematics and a high school's graduation rate for all students and subgroups of students. The superintendent may

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establish tiered categories of challenged schools based on the relative performance of all students, subgroups of students, and other factors.

(c) The superintendent of public instruction shall also adopt criteria in rule for determining whether a challenged school in need of improvement is also a persistently lowest-achieving school for purposes of the required action district process under this chapter, which shall include the school's lack of progress for all students and subgroups of students over a number of years. The criteria for identifying persistently lowest-achieving schools shall also take into account the level of state or federal resources available to implement a required action plan.

(d) If the Washington achievement index is approved by the United States department of education for use in identifying schools for federal purposes, the superintendent of public instruction shall use the approved index to identify schools under (b) and (c) of this subsection. [2014 c 191 § 1; 2013 c 159 § 3; 2010 c 235 § 102.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.030 Required action districts—Recommendation for designation—Reconsideration—Designation—Notice. (1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest-achieving school according to the criteria established by the superintendent of public instruction under RCW 28A.657.020 shall be designated as a required action district. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 or 2011 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 or 2011 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

(2) The superintendent of public instruction shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within ten days of service of the notice of the superintendent's recommendation.

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsection (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the

state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in RCW 28A.657.040 through 28A.657.100. [2013 c 159 § 4; 2010 c 235 § 103.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.040 Academic performance audits of lowest-achieving schools in required action districts—External review teams—Audit findings. (1) The superintendent of public instruction shall contract with an external review team to conduct an academic performance audit of the district and each persistently lowest-achieving school in a required action district to identify the potential reasons for the school's low performance and lack of progress. The review team must consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and may not include staff from the agency, the school district that is the subject of the audit, or members or staff of the state board of education.

(2) The audit must be conducted based on criteria developed by the superintendent of public instruction and must include but not be limited to an examination of the following:

- (a) Student demographics;
- (b) Mobility patterns;
- (c) School feeder patterns;
- (d) The performance of different student groups on assessments;
- (e) Effective school leadership;
- (f) Strategic allocation of resources;
- (g) Clear and shared focus on student learning;
- (h) High standards and expectations for all students;
- (i) High level of collaboration and communication;
- (j) Aligned curriculum, instruction, and assessment to state standards;
- (k) Frequency of monitoring of learning and teaching;
- (l) Focused professional development;
- (m) Supportive learning environment;
- (n) High level of family and community involvement;
- (o) Alternative secondary schools best practices; and
- (p) Any unique circumstances or characteristics of the school or district.

(3) Audit findings must be made available to the local school district, its staff, the community, and the state board of education. [2010 c 235 § 104.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.050 Required action plans—Development—Publication of guidelines, research, and models—Submission—Contents—Effect on existing collective bargaining agreements. (Effective until June 30, 2019.) (1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

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

(a) Implementation of an approved school improvement model required for the receipt of federal or state funds for school improvement for those persistently lowest-achieving schools that the district will be focusing on for required action. The approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for federal or state funds for school improvement to the superintendent of public instruction;

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

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

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and condi-

tions of employment that are necessary to implement a required action plan. For any district applying to participate in a collaborative schools for innovation and success pilot project under RCW 28A.630.104, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 7, 2012, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement an innovation and success plan.

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

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

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

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

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

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

(C) A description of the bargaining units involved;

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

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district in the case of a required action district, or the comprehensive needs assessment in the case of a collaborative schools for innovation and success pilot project.

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

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing

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on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement an approved school improvement model. In the case of an innovation and success plan, the court must enter an order selecting the proposal for inclusion in the plan that best responds to the issues raised in the school's comprehensive needs assessment. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of federal or state funds for school improvement by the superintendent of public instruction.

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement an approved school improvement model in a required action plan. [2013 c 159 § 5; 2012 c 53 § 10; 2010 c 235 § 105.]

Expiration date—2013 c 159 § 5: "Section 5 of this act expires June 30, 2019." [2013 c 159 § 15.]

Findings—Intent—Expiration date—2012 c 53: See RCW 28A.630.101 and 28A.630.109.

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.050 Required action plans—Development—Publication of guidelines, research, and models—Submission—Contents—Effect on existing collective bargaining agreements. (Effective June 30, 2019.) (1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turn-

around principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

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

(a) Implementation of an approved school improvement model required for the receipt of federal or state funds for school improvement for those persistently lowest-achieving schools that the district will be focusing on for required action. The approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for federal or state funds for school improvement to the superintendent of public instruction;

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

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

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

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

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment

relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

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

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

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

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

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

(C) A description of the bargaining units involved;

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

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

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

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

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement an approved school improvement model. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the

award of federal or state funds for school improvement by the superintendent of public instruction.

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement an approved school improvement model in a required action plan. [2013 c 159 § 6; 2010 c 235 § 105.]

Effective date—2013 c 159 § 6: "Section 6 of this act takes effect June 30, 2019." [2013 c 159 § 16.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.060 Required action plans—Approval or nonapproval by state board of education—Resubmission or reconsideration—Implementation. A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in RCW 28A.657.050. The state board of education shall approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement. Any addendum or modification to an existing collective bargaining agreement, negotiated under RCW 28A.657.050 or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under RCW 28A.657.080. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall either: (1) Submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected, or (2) submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. If federal or state funds for school improvement are not available, the plan is not required to be implemented until such funding becomes available. If federal or state funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district. [2013 c 159 § 7; 2010 c 235 § 106.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.070 Required action plan review panel—Membership—Duties—Timelines and procedures for

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deliberations. (1) A required action plan review panel shall be established to offer an objective, external review of a request from a school district for reconsideration of the state board of education's rejection of the district's required action plan or reconsideration of a level two required action plan developed only by the superintendent of public instruction as provided under RCW 28A.657.105. The review and reconsideration by the panel shall be based on whether the state board of education or the superintendent of public instruction gave appropriate consideration to the unique circumstances and characteristics identified in the academic performance audit or level two needs assessment and review of the local school district.

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

(b) The speaker of the house of representatives, president of the senate, and governor shall solicit recommendations for possible panel members from the Washington association of school administrators, the Washington state school directors' association, the association of Washington school principals, the educational opportunity gap oversight and accountability committee, and associations representing certificated teachers, classified school employees, and parents.

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

(3)(a) In the case of a rejection of a required action plan, the required action plan review panel may reaffirm the decision of the state board of education, recommend that the state board reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and the state board of education to secure approval of the plan. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within forty days of the board's decision.

(b) In the case of a level two required action plan where the local school district and the superintendent of public instruction have not come to agreement, the required action plan review panel may reaffirm the level two required action plan submitted by the superintendent of public instruction or recommend changes to the plan that should be considered by the state board of education, the superintendent of public instruction, and the local school district. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district, the superintendent of public instruction, and the panel.

(4) The state board of education and superintendent of public instruction must develop timelines and procedures for

the deliberations under this section so that school districts can implement a required action plan within the time frame required under RCW 28A.657.060. [2013 c 159 § 8; 2010 c 235 § 107.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.080 Redirecting Title I funds based on academic performance audit findings. The state board of education may direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings. [2010 c 235 § 108.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.090 Required action plans—Implementation—Technical assistance and funds—Progress report. A school district must implement a required action plan upon approval by the state board of education. The office of the superintendent of public instruction must provide the required action district with technical assistance and federal or state funds for school improvement, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan. [2013 c 159 § 9; 2010 c 235 § 109.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.100 Required action districts—Progress reports—Release from designation—Assignment to level two of the required action process. (1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria adopted under RCW 28A.657.020 including progress in closing the educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release after at least three years of implementing a required action plan, the board may recommend that the district remain in required action and submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in RCW 28A.657.105. If

the required action district received a federal school improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress. Before making a determination of whether to recommend that a school district that is not making progress remain in required action or be assigned to level two of the required action process, the state board of education must submit its findings to the education accountability system oversight committee under RCW 28A.657.130 and provide an opportunity for the oversight committee to review and comment. [2013 c 159 § 10; 2010 c 235 § 110.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.105 Required action process—Level two schools and plans. (1) School districts assigned by the state board of education to level two of the required action process under this chapter are those with one or more schools that have remained as persistently lowest-achieving for more than three years and have not demonstrated recent and significant improvement or progress toward exiting persistently lowest-achieving status, despite implementation of a required action plan.

(2) Within ninety days following assignment of a school district to level two of the required action process, the superintendent of public instruction shall direct that a needs assessment and review be conducted to determine the reasons why the previous required action plan did not succeed in improving student achievement.

(3)(a) Based on the results of the needs assessment and review, the superintendent of public instruction shall work collaboratively with the school district board of directors to develop a revised required action plan for level two.

(b) The level two required action plan must explicitly address the reasons why the previous plan did not succeed and must specify the interventions that the school district must implement, which may include assignment or reassignment of personnel, reallocation of resources, use of specified curriculum or instructional strategies, use of a specified school improvement model, or any other conditions determined by the superintendent of public instruction to be necessary for the level two required action plan to succeed, which conditions shall be binding on the school district. The level two required action plan shall also include the specific technical assistance and support to be provided by the office of the superintendent of public instruction, which may include assignment of school improvement specialists to have a regular on-site presence in the school and technical assistance provided through the educational service district. Individuals assigned as on-site school improvement specialists must have demonstrated experience in school turnaround and cultural competence.

(c) The level two required action plan must be submitted to the state board of education for approval.

(4) If the superintendent of public instruction and the school district board of directors are unable to come to an agreement on a level two required action plan within ninety days of the completion of the needs assessment and review conducted under subsection (2) of this section, the superin-

tendent of public instruction shall complete and submit a level two required action plan directly to the state board of education for approval. The school district board of directors may submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the superintendent's level two required action plan within ten days of the submission of the plan to the state board of education. After the state board of education considers the recommendations of the required action plan review panel, the decision of the board regarding the level two required action plan is final and not subject to further reconsideration.

(5) If changes to a collective bargaining agreement are necessary to implement a level two required action plan, the parties must reopen the agreement, or negotiate an addendum, using the process outlined under RCW 28A.657.050. If the level two required action plan is developed by the superintendent of public instruction under subsection (4) of this section, a designee of the superintendent shall participate in the discussions among the parties to the collective bargaining agreement.

(6) While a school district is assigned to level two of the required action process under this chapter, the superintendent of public instruction is responsible and accountable for assuring that the level two required action plan is implemented with fidelity. The superintendent of public instruction shall defer to the school district board of directors as the governing authority of the school district and continue to work in partnership with the school district to implement the level two required action plan. However, if the superintendent of public instruction finds that the level two required action plan is not being implemented as specified, including the implementation of any binding conditions within the plan, the superintendent may direct actions that must be taken by school district personnel to implement the level two required action plan or the binding conditions. If necessary, the superintendent of public instruction may exercise authority under RCW 28A.505.120 regarding allocation of funds.

(7) The superintendent of public instruction shall include in the budget estimates and information submitted to the governor under RCW 28A.300.170 a request for sufficient funds to support implementation of the level two required action plans established under this section.

(8) The superintendent of public instruction must recommend to the state board of education that a school district be released from assignment to level two of the required action process after the district implements the level two required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria established under RCW 28A.657.020; and no longer has a school within the district identified as persistently lowest-achieving. The state board of education shall release a school district from the level two assignment upon confirmation that the school district has met the requirements for a release. [2013 c 159 § 11.]

28A.657.110 Accountability framework for system of support for challenged schools—Washington achievement index—Recognition of schools for exemplary performance—Use of state system to replace federal accountability system. (1) By November 1, 2013, the state board of education shall propose rules for adoption establishing an

accountability framework that creates a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. The board must seek input from the public and interested groups in developing the framework. Based on the framework, the superintendent of public instruction shall design a comprehensive system of specific strategies for recognition, provision of differentiated support and targeted assistance, and, if necessary, requiring intervention in schools and school districts. The superintendent shall submit the system design to the state board of education for review. The state board of education shall recommend approval or modification of the system design to the superintendent no later than January 1, 2014, and the system must be implemented statewide no later than the 2014-15 school year. To the extent state funds are appropriated for this purpose, the system must apply equally to Title I, Title I-eligible, and non-Title I schools in the state.

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

(3) The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the Washington achievement index. The state board of education shall have ongoing collaboration with the educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.

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

(5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in *RCW 28A.290.020 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and school districts but also as a tool for schools and school districts to report to the state legislature and the state board of education on how the state resources received are being used. [2013 c 159 § 12; 2010 c 235 § 111; 2009 c 548 § 503. Formerly RCW 28A.305.225.]

*Reviser's note: RCW 28A.290.020 was repealed by 2016 c 162 § 5.

Finding—2010 c 235: See note following RCW 28A.405.245.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

28A.657.120 Rules. The superintendent of public instruction and the state board of education may each adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter. [2010 c 235 § 113.]

Finding—2010 c 235: See note following RCW 28A.405.245.

28A.657.130 Education accountability system oversight committee—Membership—Duties—Reports. (1) The education accountability system oversight committee is established to provide ongoing monitoring of the outcomes of the comprehensive system of recognition, support, and intervention for schools and school districts established under this chapter.

(2) The oversight committee shall be composed of the following members:

(a) Two members from each of the largest caucuses of the house of representatives, to be appointed by the speaker of the house of representatives;

(b) Two members from each of the largest caucuses of the senate, to be appointed by the president of the senate;

(c) Two members appointed by the governor; and

(d) One nonlegislative member of the educational opportunity gap oversight and accountability committee.

(3) The oversight committee shall choose a chair from among its membership who shall serve as chair for no more than one consecutive year.

(4) The committee shall:

(a) Monitor the progress and outcomes of the education accountability system established under this chapter, including but not limited to the effectiveness in improving student achievement of the tiered system of assistance and intervention provided to challenged schools in need of improvement, persistently lowest-achieving schools in required action districts, and level two required action districts;

(b) Review and make recommendations to the state board of education regarding the proposed assignment of a required action district to level two of the required action process under RCW 28A.657.105;

(c) Make recommendations to the state board of education, the superintendent of public instruction, the governor, and the legislature as necessary if the oversight committee finds that changes to the accountability system should be made; and

(d) Report biennially to the education committees of the legislature.

(5) Staff support for the oversight committee must be provided by the senate committee services and the house of representatives office of program research.

(6) Legislative members of the oversight committee may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. [2013 c 159 § 13.]

28A.657.140 Cultural competence professional development and training. Required action districts as provided in RCW 28A.657.030, and districts with schools that

receive the federal school improvement grant under the American recovery and reinvestment act of 2009, and districts with schools identified by the superintendent of public instruction as priority or focus are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and 28A.415.420 for classified, certificated instructional, and administrative staff of the school. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community. [2016 c 72 § 205.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

28A.657.150 Identification of schools with highest growth in English language learner students—Cultural competence professional development and training. At the beginning of each school year, the office of the superintendent of public instruction shall identify schools in the top five percent of schools with the highest percent growth during the previous two school years in enrollment of English language learner students as compared to previous enrollment trends. The office shall notify the identified schools, and the school districts in which the schools are located are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and 28A.415.420 for classified, certificated instructional, and administrative staff of the schools. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community. [2016 c 72 § 402.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Chapter 28A.660 RCW ALTERNATIVE ROUTE TEACHER CERTIFICATION

Sections

28A.660.005	Findings—Declaration.
28A.660.020	Proposals—Funding.
28A.660.035	Partnership grant programs—Priority assistance in advancing cultural competency skills.
28A.660.040	Alternative route programs.
28A.660.042	Pipeline for paraeducators conditional scholarship program.
28A.660.045	Educator retooling conditional scholarship program.
28A.660.050	Conditional scholarship programs—Requirements—Recipients.
28A.660.055	Eligible veteran or national guard member—Definition.
28A.660.060	Employment of certain personnel not affected.
28A.660.070	Waivers from educator preparation and certification program statutes or rules to implement collaborative schools for innovation and success pilot projects.

28A.660.005 Findings—Declaration. (1) The legislature finds and declares:

(a) Teacher qualifications and effectiveness are the most important influences on student learning in schools;

(b) Preparation of individuals to become well-qualified, effective teachers must be high quality;

(c) Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs;

(d) High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching;

(e) High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location;

(f) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state; and

(g) Teachers need an adequate background in subject matter content if they are to teach it well, and should hold full, appropriate credentials in those subject areas.

(2) The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools, current certificated staff, and unemployed certificate holders represent a great untapped resource for recruiting more teachers in critical shortage areas. [2007 c 396 § 5; 2001 c 158 § 1.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.660.020 Proposals—Funding. (1) The professional educator standards board shall transition the alternative route partnership grant program from a separate competitive grant program to a preparation program model to be expanded among approved preparation program providers. Alternative routes are partnerships between professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate.

(2) Each prospective teacher preparation program provider, in cooperation with a Washington school district or consortia of school districts applying to operate [an] alternative route certification program shall include in its proposal to the Washington professional educator standards board:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The estimated number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs and partnering district or consortia of districts;

(d) An assurance that the district or approved preparation program provider will provide adequate training for mentor teachers specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040;

(g) A summary of procedures that provide flexible completion opportunities for candidates to achieve a residency certificate; and

(h) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship during field experience, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. Before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year;

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program; and

(vii) A description of how the district intends for the alternative route program to support its workforce development plan and how the presence of alternative route interns will advance its school improvement plans.

(3) To the extent funds are appropriated for this purpose, alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars. [2010 c 235 § 503; 2006 c 263 § 816; 2004 c 23 § 2; 2003 c 410 § 1; 2001 c 158 § 3.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.660.035 Partnership grant programs—Priority assistance in advancing cultural competency skills. The office of the superintendent of public instruction shall identify school districts that have the most significant achievement gaps among subgroups of students and for large numbers of those students, and districts that should receive priority for assistance in advancing cultural competency skills in their workforce. The professional educator standards board shall provide assistance to the identified school districts to develop partnership grant programs between the districts and teacher preparation programs to provide one or more of the four alternative route programs under RCW 28A.660.040 and to recruit paraeducators and other individuals in the local

community to become certified as teachers. A partnership grant program proposed by an identified school district shall receive priority eligibility for partnership grants under RCW 28A.660.020. To the maximum extent possible, the board shall coordinate the recruiting Washington teachers program under RCW 28A.415.370 with the alternative route programs under this section. [2009 c 468 § 6.]

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.660.040 Alternative route programs. Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate has successfully completed the program.

(1) Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

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

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

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

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

(e) Successful passage of statewide basic skills exam.

(5) Applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program for which application is made shall be given preference in admission. [2010 c 235 § 504. Prior: 2009 c 192 § 1; 2009 c 166 § 1; 2006 c 263 § 817; 2004 c 23 § 4; 2001 c 158 § 5.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

28A.660.042 Pipeline for paraeducators conditional scholarship program. (1) The pipeline for paraeducators conditional scholarship program is created. Participation is limited to paraeducators without a college degree who have at least three years of classroom experience. It is anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college in two years or less and become eligible for a mathematics, special education, or English as a second language endorsement via route one in the alternative routes to teacher certification program provided in this chapter.

(2) Entry requirements for candidates include district or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee. [2007 c 396 § 6.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.660.045 Educator retooling conditional scholarship program. (1) The educator retooling conditional scholarship program is created. Participation is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate. It is anticipated that candidates enrolled in this program will complete the requirements for an endorsement in two years or less.

(2) Entry requirements for candidates include:

(a) Current K-12 teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to, mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education.

(b) Individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to, mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education. [2015 3rd sp.s. c 9 § 1; 2015 1st sp.s. c 3 § 3; 2007 c 396 § 7.]

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.660.050 Conditional scholarship programs—Requirements—Recipients. Subject to the availability of amounts appropriated for this specific purpose, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

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

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

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

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

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

(i) Be accepted and maintain enrollment in an alternative route teacher certification program through a professional educator standards board-approved program;

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

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

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

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

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative route teacher certification program for an early childhood education, elementary education, mathematics, computer science, special education, bilingual education, or English as a second language endorsement; and

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

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to mathematics, science, special education, bilingual

education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

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

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

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

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080. [2016 c 233 § 14; 2015 3rd sp.s. c 9 § 2; 2015 1st sp.s. c 3 § 4; 2012 c 229 § 507; 2011 1st sp.s. c 11 § 134; 2010 c 235 § 505. Prior: 2009 c 539 § 3; 2009 c 192 § 2; 2007 c 396 § 8; 2004 c 23 § 5; 2003 c 410 § 3; 2001 c 158 § 6.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Effective date—2011 1st sp.s. c 11 §§ 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 539: See note following RCW 28A.655.200.

Captions not law—2007 c 396: See note following RCW 28A.305.215.

Finding—Intent—2007 c 396: See note following RCW 28A.300.515.

28A.660.055 Eligible veteran or national guard member—Definition. As used in this chapter, "eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge. [2009 c 192 § 3.]

28A.660.060 Employment of certain personnel not affected. School districts or approved private schools' ability to employ personnel under certification for emergency or temporary, substitute, or provisional duty as authorized by chapter 28A.410 RCW are not affected by the provisions of this chapter. [2001 c 158 § 10.]

28A.660.070 Waivers from educator preparation and certification program statutes or rules to implement collaborative schools for innovation and success pilot projects. (Expires June 30, 2019.) The professional educator standards board may grant waivers from the provisions of statutes or rules adopted under this chapter on the basis that such waiver or waivers are necessary to implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104. [2012 c 53 § 12.]

Findings—Intent—Expiration date—2012 c 53: See RCW 28A.630.101 and 28A.630.109.

Chapter 28A.690 RCW AGREEMENT ON QUALIFICATIONS OF PERSONNEL

Sections

28A.690.010	Compact entered into—Terms.
28A.690.020	Superintendent as "designated state official," compact administrator—Professional educator standards board to approve text of contracts.
28A.690.030	True copies of contracts filed in office of superintendent—Publication.

28A.690.010 Compact entered into—Terms. The Interstate Agreement on Qualifications of Educational Personnel is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

Article I

1. The states party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society,

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of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states or origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his or her state, contracts pursuant to this Agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

1. The designated state official of a party state may make one or more contracts on behalf of his or her state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with states in which he or she finds that there are programs of edu-

cation, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his or her own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with

agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII

1. This Agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this Agreement.

2. Any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters. [1990 c 33 § 545; 1969 ex.s. c 283 § 4. Formerly RCW 28A.93.010, 28.93.010.]

Additional notes found at www.leg.wa.gov

28A.690.020 Superintendent as "designated state official," compact administrator—Professional educator standards board to approve text of contracts. The "designated state official" for this state under Article II of RCW 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to adopt rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the professional educator standards board. [2006 c 263 § 818; 1990 c 33 § 546; 1969 ex.s. c 283 § 5. Formerly RCW 28A.93.020, 28.93.020.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.690.030 True copies of contracts filed in office of superintendent—Publication. True copies of all contracts made on behalf of this state pursuant to the Agreement as provided in RCW 28A.690.010 shall be kept on file in the office of the superintendent of public instruction. The superintendent of public instruction shall publish all such contracts in convenient form. [1990 c 33 § 547; 1969 ex.s. c 283 § 6. Formerly RCW 28A.93.030, 28.93.030.]

Additional notes found at www.leg.wa.gov

Chapter 28A.700 RCW SECONDARY CAREER AND TECHNICAL EDUCATION

Sections

28A.700.005	Findings—Intent—2008 c 170.
28A.700.010	Career and technical education—Plans—Standards—Technical assistance—Leadership development.
28A.700.020	List of statewide high-demand programs—Definitions.
28A.700.030	Preparatory secondary career and technical education programs—Criteria.
28A.700.040	Performance measures and targets—Improvement plans—Denial of approval or reapproval of program.
28A.700.050	Grants to develop or upgrade high-demand career and technical education programs.
28A.700.060	Model career and technical education programs.
28A.700.070	Course equivalencies for career and technical courses—Curriculum frameworks and course lists—Grants to increase academic rigor.
28A.700.080	Awareness campaign for career and technical education.
28A.700.090	Grants for state or industry certification testing fees.
28A.700.100	Entry-level aerospace assembler training program—Grants to high schools—Selection criteria—Data collection by education data center—Reports.
28A.700.110	Enhanced manufacturing skills programs—Grants to skill centers—Selection criteria—Data collection by education data center—Reports.
28A.700.900	Short title.

28A.700.005 Findings—Intent—2008 c 170. (1) The legislature finds that many secondary career and technical education programs have made progress in retooling for the twenty-first century by aligning with state and nationally certified programs that meet industry standards and by increasing the rigor of academic content in core skills such as reading, writing, mathematics, and science.

(2) However, the legislature also finds that increased expectations for students to meet the state's academic learning standards require students to take remedial courses. The state board of education is considering increasing credit requirements for high school graduation. Together these policies could restrict students from pursuing high quality career and technical education programs because students would not have adequate time in their schedules to enroll in a progressive sequence of career and technical courses.

(3) The legislature further finds that teachers, counselors, students, and parents are not well-informed about the opportunities presented by high quality career and technical education. Secondary career and technical education is not a stopping point but a beginning point for further education, including through a bachelor's degree. Secondary preapprenticeships and courses aligned to industry standards can lead directly to workforce entry as well as to additional education.

Career and technical education is a proven strategy to engage and motivate students, including students at risk of dropping out of school entirely.

(4) Finally, the legislature finds that state policies have been piecemeal in support of career and technical education. Laws exist to require state approval of career and technical programs, but could be strengthened by requiring alignment with industry standards and focusing on high-demand fields. Tech prep consortia have developed articulation agreements for dual credit and smooth transitions between high schools and colleges, but agreements remain highly decentralized between individual faculty and individual schools. Laws require school districts to create equivalences between academic and career and technical courses, but more support and professional development is needed to expand these opportunities.

(5) Therefore it is the legislature's intent to identify the gaps in current laws and policies regarding secondary career and technical education and fill those gaps in a comprehensive fashion to create a coherent whole. This act seeks to increase the quality and rigor of secondary career and technical education, improve links to postsecondary education, encourage and facilitate academic instruction through career and technical courses, and expand access to and awareness of the opportunities offered by high quality career and technical education. [2008 c 170 § 1.]

28A.700.010 Career and technical education—Plans—Standards—Technical assistance—Leadership development. (1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall periodically review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall develop a schedule for career and technical education plan reapproval under this section that includes an abbreviated review process for programs reapproved after 2005, but before June 12, 2008. All school district career and technical education programs must meet the requirements of this section by August 31, 2010.

(2) To receive approval, school district plans must:

(a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education;

(b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district career and technical program planning requirements that include:

(i) An assessment of equipment and technology needs to support the skills training of technical students;

(ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;

(iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community;

(iv) A description of the leadership activities to be provided for technical education students; and

(v) Annual local school board approval;

(c) Demonstrate that all preparatory career and technical education courses offered by the district meet the requirements of RCW 28A.700.030;

(d) Demonstrate progress toward meeting or exceeding the targets established under RCW 28A.700.040 of an increased number of career and technical programs in high-demand fields; and

(e) Demonstrate that approved career and technical programs maximize opportunities for students to earn dual credit for high school and college.

(3) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

(4) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington SkillsUSA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

(5) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education. [2008 c 170 § 101; 2001 c 336 § 2. Formerly RCW 28C.04.100.]

28A.700.020 List of statewide high-demand programs—Definitions. (1) The office of the superintendent of public instruction, in consultation with the workforce training and education coordinating board, the Washington state apprenticeship and training council, and the state board for community and technical colleges, shall develop a list of statewide high-demand programs for secondary career and technical education. The list shall be developed using the high-demand list maintained by workforce development councils in consultation with the employment security department, and the high employer demand programs of study identified by the workforce training and education coordinating board. Local school districts may recommend additional high-demand programs in consultation with local career and technical education advisory committees by submitting evidence of local high demand.

(2) As used in this section and in RCW 28A.700.040, 28A.700.050, and 28A.700.060, and *section 307 of this act:

(a) "High-demand program" means a career and technical education program that prepares students for either a high employer demand program of study or a high-demand occupation, or both.

(b) "High employer demand program of study" means an apprenticeship or an undergraduate or graduate certificate or degree program in which the number of students per year prepared for employment from in-state programs is substantially fewer than the number of projected job openings per year in that field, either statewide or in a substate region.

(c) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities. [2012 c 229 § 802; 2008 c 170 § 102.]

*Reviser's note: Section 307 of this act was vetoed.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.700.030 Preparatory secondary career and technical education programs—Criteria. All approved preparatory secondary career and technical education programs must meet the following minimum criteria:

(1) Either:

(a) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field; or

(b) Allow students to earn dual credit for high school and college through tech prep, advanced placement, or other agreements or programs;

(2) Be comprised of a sequenced progression of multiple courses that are technically intensive and rigorous; and

(3) Lead to workforce entry, state or nationally approved apprenticeships, or postsecondary education in a related field. [2008 c 170 § 103; 2006 c 115 § 2. Formerly RCW 28C.04.110.]

28A.700.040 Performance measures and targets—Improvement plans—Denial of approval or reapproval of program. (1) The office of the superintendent of public instruction shall establish performance measures and targets and monitor the performance of career and technical education programs in at least the following areas:

(a) Student participation in and completion of high-demand programs as identified under RCW 28A.700.020;

(b) Students earning dual credit for high school and college; and

(c) Performance measures and targets established by the workforce training and education coordinating board, including but not limited to student academic and technical skill attainment, graduation rates, postgraduation employment or enrollment in postsecondary education, and other measures and targets as required by the federal Carl Perkins act, as amended.

(2) If a school district fails to meet the performance targets established under this section, the office of the superintendent of public instruction may require the district to submit an improvement plan. If a district fails to implement an improvement plan or continues to fail to meet the performance targets for three consecutive years, the office of the superintendent of public instruction may use this failure as the basis to deny the approval or reapproval of one or more of the district's career and technical education programs. [2008 c 170 § 104.]

[Title 28A RCW—page 370]

28A.700.050 Grants to develop or upgrade high-demand career and technical education programs. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to middle schools, high schools, or skill centers, to develop or upgrade high-demand career and technical education programs as identified under RCW 28A.700.020. Grant funds shall be allocated on a one-time basis and may be used to purchase or improve curriculum, create preapprenticeship programs, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new program or improve the rigor and quality of a high-demand program. Priority in allocating the funds shall be given to programs that are also considered high cost due to the types of technology and equipment necessary to maintain industry certification. Priority shall also be given to programs considered in most high demand in the state or applicable region. [2008 c 170 § 105.]

28A.700.060 Model career and technical education programs. (1) The office of the superintendent of public instruction, the workforce training and education coordinating board, the state board for community and technical colleges, and the council of presidents shall work with local school districts, workforce education programs in colleges, tech prep consortia, and four-year institutions of higher education to develop model career and technical education programs of study as described by this section.

(2) Career and technical education programs of study:

(a) Incorporate secondary and postsecondary education elements;

(b) Include coherent and rigorous academic content aligned with state learning standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that are aligned with postsecondary education in a related field;

(c) Include opportunities for students to earn dual high school and college credit; and

(d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

(3) During the 2008-09 school year, model career and technical education programs of study shall be developed for the following high-demand programs: Construction, health care, and information technology. Each school year thereafter, the office of the superintendent of public instruction, the state board for community and technical colleges, and the workforce training and education coordinating board shall select additional programs of study to develop, with a priority on high-demand programs as identified under RCW 28A.700.020. [2012 c 229 § 803; 2008 c 170 § 107.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.700.070 Course equivalencies for career and technical courses—Curriculum frameworks and course lists—Grants to increase academic rigor. (1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

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(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The office of the superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose content in science, technology, engineering, and mathematics is considered equivalent in full or in part to science or mathematics courses that meet high school graduation requirements. The content of the courses must be aligned with state essential academic learning requirements in mathematics as adopted by the superintendent of public instruction in July 2011 and the essential academic learning requirements in science as adopted in October 2013, and industry standards. The office shall submit the list of equivalent career and technical courses and their curriculum frameworks to the state board of education for review, an opportunity for public comment, and approval. The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the office may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The office of the superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources. [2014 c 217 § 101; 2008 c 170 § 201.]

Finding—Intent—2014 c 217: See note following RCW 28A.150.220.

28A.700.080 Awareness campaign for career and technical education. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall develop and conduct an ongoing campaign for career and technical education to increase awareness among teachers, counselors, students, parents, principals, school administrators, and the general public about the opportunities offered by rigorous career and technical education programs. Messages in the campaign shall emphasize career and technical education as a high quality educational pathway for students, including for students who seek advanced education that includes a bachelor's degree or

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beyond. In particular, the office shall provide information about the following:

(a) The model career and technical education programs of study developed under RCW 28A.700.060;

(b) Career and technical education course equivalencies and dual credit for high school and college;

(c) The career and technical education alternative assessment guidelines under RCW 28A.655.065;

(d) The availability of scholarships for postsecondary workforce education, including the Washington award for vocational excellence, and apprenticeships through the opportunity grant program under RCW 28B.50.271, grants under RCW 28A.700.090, and other programs; and

(e) Education, apprenticeship, and career opportunities in emerging and high-demand programs.

(2) The office shall use multiple strategies in the campaign depending on available funds, including developing an interactive web site to encourage and facilitate career exploration; conducting training and orientation for guidance counselors and teachers; and developing and disseminating printed materials.

(3) The office shall seek advice, participation, and financial assistance from the workforce training and education coordinating board, higher education institutions, foundations, employers, apprenticeship and training councils, workforce development councils, and business and labor organizations for the campaign. [2008 c 170 § 301.]

28A.700.090 Grants for state or industry certification testing fees. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide grants to eligible students to offset the costs of required examination or testing fees associated with obtaining state or industry certification in the student's career and technical education program.

(2) The office shall establish maximum grant amounts and a process for students to apply for the grants.

(3) For the purposes of this section, "eligible student" means:

(a) A student enrolled in a secondary career and technical education program where state or industry certification can be obtained without additional postsecondary work or study; or

(b) A student who completed a secondary career and technical education program in a Washington public school and is seeking state or industry certification in a program requiring additional postsecondary work or study or where there are age limitations on certification.

(4) Eligible students must have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services. [2008 c 170 § 302.]

28A.700.100 Entry-level aerospace assembler training program—Grants to high schools—Selection criteria—Data collection by education data center—Reports. (1)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to high schools to implement a training program to prepare students for employment as entry-level aerospace

assemblers. Grant funds must be allocated on a one-time basis and may be used to purchase or improve course curriculum, purchase course equipment, and support professional development for course teachers. The office of the superintendent of public instruction shall consult and team with the community and technical colleges' center of excellence for aerospace and advanced materials manufacturing regarding the developing aerospace program of study and industry career needs. This information must assist the office of the superintendent of public instruction in refining specific aspects to the criteria in (b) of this subsection and leveraging advantages and opportunities for students in selected high schools.

(b) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (1)(b). This is a competitive grant process. Successful high school applicants must:

(i) Demonstrate engaged and committed high school and district leadership and faculty in support of the aerospace assembler program;

(ii) Demonstrate capacity to offer the program and maximize the use of grant resources addressing: Availability of appropriate physical space, meeting program technology requirements, providing projected enrollment from the high school as well as from other area high schools as appropriate, planned hours and days each week the program is to be offered, and other specific program requirements set forth by the office of the superintendent of public instruction;

(iii) Demonstrate linkages to programs at local community and technical colleges and private technical schools to provide a seamless pathway for students to continue their education and career preparation beyond high school;

(iv) Demonstrate a history of successful partnerships within the community and partner support for implementing an entry-level aerospace assembler program that includes one or more of the following: Apprenticeships, supplying materials, instruction support, internships, mentorships, and other program components;

(v) Provide the plan for program implementation that includes a beginning date for first classes as well as plans for recruiting and retaining students in the course; and

(vi) Demonstrate capacity to continue the program in years succeeding the initial grant year.

(2) The education data center in the office of financial management must collect aerospace assembler program student participation and completion data for grant recipient high schools. The center must follow students to employment or further training and education in the two years following the students' completion of the program. Findings must be reported beginning in January 2014 and each January thereafter through January 2018 to the governor, the office of the superintendent of public instruction, other appropriate state agencies, and the appropriate education and fiscal committees of the legislature. [2011 2nd sp.s. c 1 § 2.]

Findings—Intent—2011 2nd sp.s. c 1: "The legislature finds that careers in science, technology, engineering, and mathematics (STEM) are critically important to the state's economy and will grow in importance in the future. The vitality of STEM product and process development, manufacturing, international trade, and research are dependent on a well-educated, trained, creative workforce. The legislature also finds that there are current employment opportunities and projected high employer demands in STEM careers. The legislature further finds that the interdisciplinary connections of

science, technology, engineering, and mathematics taught in integrated, applied, and hands-on courses not only deepens content understanding but also extends and expands that learning to thoughtful and creative problem-solving practices on the assembly line, in the laboratory, and at the drawing board.

It is the intent of the legislature to support STEM education programs to help increase the number of Washingtonians prepared to enter STEM career fields. It is also the intent of the legislature to support courses and programs that begin in high school and build upon one another so that technical certifications and degrees are connected from high schools and skill centers to community and technical colleges and four-year universities." [2011 2nd sp.s. c 1 § 1.]

28A.700.110 Enhanced manufacturing skills programs—Grants to skill centers—Selection criteria—Data collection by education data center—Reports. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to skill centers to implement enhanced manufacturing skills programs. Grant funds must be allocated on a one-time basis and may be used to purchase or improve program curriculum, purchase course equipment, and support professional development for program teachers. The office of the superintendent of public instruction shall consult and team with the community and technical colleges' center of excellence for aerospace and advanced materials manufacturing regarding the developing aerospace program of study and industry career needs as well as other community and technical college manufacturing programs. This information must assist the office of the superintendent of public instruction in refining specific aspects to the criteria in subsection (2) of this section and leveraging advantages and opportunities for students in selected skill centers.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (2). This is a competitive grant process. Successful skill center applicants must:

(a) Demonstrate that enhanced manufacturing skills programs meet industry certification standards;

(b) Demonstrate engaged and committed skill center and school district leadership and faculty in support of the program;

(c) Demonstrate capacity to offer the enhanced manufacturing skills programs and maximize the use of grant resources addressing: Availability of appropriate physical space, meeting program technology requirements, providing projected enrollment from area high schools and students from area community and technical colleges if space is available, planned hours and days each week the program is to be offered, and other specific program requirements set forth by the office of the superintendent of public instruction;

(d) Demonstrate linkages to programs at local community and technical colleges and private technical schools to provide a seamless pathway for students to continue their education and career preparation beyond high school;

(e) Demonstrate a history of successful partnerships within the community and partner support for implementing an enhanced manufacturing skills program that includes one or more of the following: Apprenticeships, supplying materials, instruction support, internships, mentorships, and other program components;

(f) Provide the plan for program implementation that includes a beginning date for first classes as well as plans for recruiting and retaining students in the program; and

(g) Demonstrate capacity to continue the program in years succeeding the initial grant year.

(3) The education research center in the office of financial management must collect enhanced manufacturing skills programs student participation and completion data for grant recipient skill centers. The center must follow students to employment or further training and education in the two years following the students' completion of the program. Findings must be reported beginning in January 2014 and each January thereafter through January 2018 to the governor, the office of the superintendent of public instruction, other appropriate state agencies, and the appropriate education and fiscal committees of the legislature. [2011 2nd sp.s. c 1 § 3.]

Findings—Intent—2011 2nd sp.s. c 1: See note following RCW 28A.700.100.

28A.700.900 Short title. This chapter may be known and cited as the career and technical education act. [2008 c 170 § 406.]

Chapter 28A.705 RCW

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Sections

28A.705.010 Compact provisions.

28A.705.020 Review of implementation—Recommendation.

28A.705.010 Compact provisions.

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

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G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

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K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided in section A of this article;
3. Veterans of the uniformed services, except as provided in section A of this article; and

4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations - On or before the first day of attendance, the parent or guardian must meet the immunization documentation requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

ARTICLE V PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the

sending state if the courses are offered and if space is available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed

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in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year - Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council,

its membership must include at least: The state superintendent of public instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K-12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials,

parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in

connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. Establishing an executive committee, and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start-up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the inter-

state commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employ-

ment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United State[s] District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the

interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. [2009 c 380 § 1.]

28A.705.020 Review of implementation—Recommendation. By December 1, 2014, the state council, created in accordance with RCW 28A.705.010, shall conduct a review of the implementation of the interstate compact on educational opportunity for military children and recommend to the state legislature whether Washington should continue to be a member of the compact and whether any other actions should be taken. [2009 c 380 § 9.]

Chapter 28A.710 RCW CHARTER SCHOOLS

Sections

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28A.710.901	Effective date—2016 c 241.

28A.710.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(9) "Student" means a child eligible to attend a public school in the state. [2016 c 241 § 101. Prior: 2013 c 2 § 201 (Initiative Measure No. 1240, approved November 6, 2012).]

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28A.710.020 Charter schools—Parameters. A charter school established under this chapter:

- (1) Is a public school that is:
 - (a) Open to all children free of charge and by choice; and
 - (b) Operated separately from the common school system as an alternative to traditional common schools;
- (2) May offer any program or course of study that any other public school may offer, including one or more of grades kindergarten through twelve;
- (3) Is governed by a charter school board according to the terms of a renewable, five-year charter contract executed under RCW 28A.710.160;
- (4) Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), the McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431 et seq.), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.). [2016 c 241 § 102. Prior: 2013 c 2 § 202 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.030 Charter school boards—Powers. (1) To fulfill its duty to manage and operate the charter school, and to execute the terms of its charter contract, a charter school board may:

- (a) Hire, manage, and discharge charter school employees in accordance with the terms of this chapter and the school's charter contract;
- (b) Receive and disburse funds for the purposes of the charter school;
- (c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services, pupil transportation services, and for the management and operation of the charter school, provided the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;
- (d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;
- (e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or equipment. However, the charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. Debt issued under this subsection (1)(e) is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, or any

political subdivision or agency of the state, may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding sectarian or religious organizations. A charter school board may not accept any gifts or donations that violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board must contract for an independent performance audit of the school to be conducted: (a) The second year immediately following the school's first full school year of operation; and (b) every three years thereafter. The performance audit must be conducted in accordance with United States general accounting office government auditing standards. A performance audit in compliance with this section does not inhibit the state auditor's office from conducting a performance audit of the school.

(3) A charter school board may not levy taxes or issue tax-backed bonds.

(4) A charter school board may not acquire property by eminent domain.

(5) A charter school board, through web site postings and written notice with receipt acknowledged by signature of the recipient, must advise families of new, ongoing, and prospective students of any ongoing litigation challenging the constitutionality of charter schools or that may require charter schools to cease operations. [2016 c 241 § 103. Prior: 2013 c 2 § 203 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.040 Charter schools—Requirements. (1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire non-certificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter. [2016 c 241 § 104. Prior: 2013 c 2 § 204 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.050 Admission and enrollment of students—Capacity—Specialized learning environments.

(1) Except as provided in subsection (3) of this section, a charter school may not limit admission on any basis other than age group, grade level, or enrollment capacity. A charter school is open to any student regardless of his or her location of residence.

(2) A charter school may not charge tuition, but may charge fees for participation in optional extracurricular events and activities in the same manner and to the same extent as do other public schools.

(3) If capacity is insufficient to enroll all students who apply to a charter school, the charter school must grant an enrollment preference to siblings of enrolled students, with any remaining enrollments allocated through a lottery. A charter school may offer, pursuant to an admissions policy approved by the commission, a weighted enrollment preference for at-risk students or to children of full-time employees of the school if the employees' children reside within the state.

(4) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the charter authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

(5) Nothing in this section prevents formation of a charter school whose mission is to offer a specialized learning

environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract. [2016 c 241 § 105. Prior: 2013 c 2 § 205 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.060 Enrollment options information—Earned credits—Participation in district-sponsored interscholastic programs. (1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

(2) If a student who was previously enrolled in a charter school enrolls in another public school in the state, the student's new school must accept credits earned by the student in the charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

(3) A charter school may participate in state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools. [2016 c 241 § 106. Prior: 2013 c 2 § 206 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.070 Washington state charter school commission. (1) The Washington state charter school commission is established as an independent state agency whose mission is to authorize high quality charter public schools throughout the state, especially schools that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the charter schools it authorizes in the same manner as a school district board of directors administers other schools.

(3)(a) The commission shall consist of:

- (i) Nine appointed members;
- (ii) The superintendent of public instruction or the superintendent's designee; and
- (iii) The chair of the state board of education or the chair's designee.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the senate, with two members appointed by the leader of the largest caucus of the senate and one member appointed by the leader of the minority caucus of the senate; and three members shall be appointed by the house of representatives, with two members appointed by the speaker of the house of representatives and one member appointed by the leader of the minority caucus of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is the parent of a Washington public school student.

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(4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All appointed members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(5) Appointed members shall serve four-year, staggered terms. The initial appointments from each of the appointing authorities must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No appointed member may serve more than two consecutive terms. Initial appointments must be made by July 1, 2016.

(6) Whenever a vacancy on the commission exists among its appointed membership, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

(7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(8) The commission shall reside within the office of the superintendent of public instruction for administrative purposes only.

(9) RCW 28A.710.090 and 28A.710.120 do not apply to the commission. [2016 c 241 § 107. Prior: 2013 c 2 § 208 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.080 Charter school authorizers. The following entities may be authorizers of charter schools:

(1) The commission may exercise the authority granted under this section for charter schools located anywhere in the state; and

(2) A school district board of directors may exercise the authority granted under this section only after receiving approval from the state board of education under RCW 28A.710.090, and only for charter schools located within the school district's boundaries. [2016 c 241 § 108. Prior: 2013 c 2 § 207 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.090 Charter school authorizers—Approval process. (1) The state board of education shall establish an annual application and approval process and timelines for school districts seeking approval to become charter school authorizers. The initial process and timelines must be established by July 1, 2016.

(2) At a minimum, each applicant district must submit to the state board of education:

- (a) The applicant's strategic vision for chartering;
- (b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;
- (c) A draft or preliminary outline of the annual charter school application process that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;
- (d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the

establishment of a charter contract and use for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200;

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that, if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the state board of education.

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the applicant district. The initial term of an authorizing contract must be six years. The authorizing contract must specify each approved applicant district's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering.

(5) No approved school district may commence charter authorizing without an authorizing contract in effect. [2016 c 241 § 109. Prior: 2013 c 2 § 209 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.100 Charter school authorizers—Powers and duties—Delegation of authority—Annual report—Liability. (1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

(b) Approving charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Denying charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

(d) Negotiating and executing charter contracts with each authorized charter school;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; and

(f) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

(d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board that includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools under its jurisdiction, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: (i) Approved but not yet open; (ii) operating; (iii) renewed; (iv) transferred; (v) revoked; (vi) not renewed; (vii) voluntarily closed; or (viii) never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer. [2016 c 241 § 110. Prior: 2013 c 2 § 210 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.110 Authorizer oversight fee—Establishment—Use. (1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which must be calculated as a percentage of the state operating funding distributed to charter schools under RCW 28A.710.220 to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding.

(2) The state board of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of years of authorizing or after a certain number of charter schools have been authorized.

(3) The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's distribution under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.

(4) An authorizer must use its oversight fee exclusively for the purpose of fulfilling its duties under RCW 28A.710.100.

(5) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under RCW 28A.710.100. An authorizer may not charge more than market rates for the contracted services provided. An authorizer may not require a charter school to purchase contracted services provided by an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually

to the state board of education. [2016 c 241 § 111. Prior: 2013 c 2 § 211 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.120 Oversight of authorizers—Notification of identified problems—Process for revocation of authorizer's authority—Timelines for actions. (1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers approved under RCW 28A.710.090.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the state board of education must apply nationally recognized principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with these principles and standards constitutes grounds for revocation of the authorizing contract by the state board of education, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, the board must notify the authorizer in writing of the identified problems, and the authorizer must have reasonable opportunity to respond and remedy the problems.

(5) If, after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer. [2016 c 241 § 112. Prior: 2013 c 2 § 212 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.130 Charter school applications—Solicitation for proposals, content—Charter school application, content. (1)(a) Each authorizer must annually issue and broadly publicize a solicitation for proposals for charter school applicants by the date established by the state board of education under RCW 28A.710.140.

(b) Each authorizer's solicitation for proposals must:

(i) Present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer

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wishes to grant to applications that employ proven methods for educating at-risk students or students with special needs;

(ii) Include or otherwise direct applicants to the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with RCW 28A.710.170;

(iii) Provide the criteria that will guide the authorizer's decision to approve or deny a charter application; and

(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(2) A charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the student population and community the school hopes to serve;

(c) The location or geographic area proposed for the school and the school district within which the school will be located;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned, and maximum enrollment per grade per year for the full term of the charter contract;

(f) Evidence of need and parent and community support for the proposed charter school;

(g) Background information on the proposed founding charter school board members and, if identified, the proposed school leadership and management team;

(h) The school's proposed calendar and sample daily schedule;

(i) A description of the academic program aligned with state standards;

(j) A description of the school's proposed instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;

(k) Evidence that the educational program is based on proven methods;

(l) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with RCW 28A.710.170;

(m) The school's plans for identifying, successfully serving, and complying with applicable laws and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(n) A description of cocurricular or extracurricular programs and how those programs will be funded and delivered;

(o) Plans and timelines for student recruitment and enrollment, including targeted plans for recruiting at-risk students and including lottery procedures;

(p) The school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher coun-

cils, and any external organizations that will play a role in managing the school;

(r) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

(s) A staffing plan for the school's first year and for the term of the charter;

(t) Plans for recruiting and developing school leadership and staff;

(u) The school's leadership and teacher employment policies, including performance evaluation plans;

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale, and other items;

(x) Explanations of any other partnerships or contractual relationships central to the school's operations or mission;

(y) Plans for providing transportation, food service, and all other significant operational or ancillary services;

(z) Opportunities and expectations for parent involvement;

(aa) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(bb) A description of the school's financial plan and policies, including financial controls and audit requirements;

(cc) A description of the insurance coverage the school will obtain;

(dd) Start-up and five-year cash flow projections and budgets with clearly stated assumptions;

(ee) Evidence of anticipated fund-raising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(3) If an applicant intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

(a) Provide evidence of the nonprofit education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(b) Provide a term sheet setting forth: (i) The proposed duration of the service contract; (ii) the roles and responsibilities of the governing board, the school staff, and the service provider; (iii) the scope of services and resources to be provided by the service provider; (iv) performance evaluation measures and timelines; (v) the compensation structure, including clear identification of all fees to be paid to the service provider; (vi) methods of contract oversight and enforcement; (vii) investment disclosure; and (viii) conditions for renewal and termination of the contract; and

(c) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

(4) If an applicant operates one or more schools in any state or nation, the applicant must provide evidence of the performance of those schools, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

(5) Applicants may submit a proposal for a particular charter public school to no more than one authorizer at a time. [2016 c 241 § 113. Prior: 2013 c 2 § 213 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.140 Charter applications—Submission—Approval or denial. (1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial that must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations. However, nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students, or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity to learn about and provide input on each application in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff.

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful charter public school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest, whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state. [2016 c 241 § 114. Prior: 2013 c 2 § 214 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.150 Maximum number of charter public schools—Process—Certification—Lottery—Notice. (1) A maximum of forty charter public schools may be established under this chapter over the five-year period commencing with April 3, 2016. No more than eight charter schools may be established in any year during the five-year period, except that if in any year fewer than eight charter schools are established, additional charter schools, equal in number to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

(2)(a) To ensure compliance with the limits for establishing new charter schools, certification from the state board of education must be obtained before final authorization of a charter school.

(b) Within ten days of taking action to approve or deny an application under RCW 28A.710.140, an authorizer must submit a report of the action to the applicant and the state board of education. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements and application elements under RCW 28A.710.130 and 28A.710.140. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to RCW 28A.710.140, the latest annual date by which the authorizer may submit the report. The state board of education must send to each authorizer notice of the date by which a report must be submitted at least six months before the date established by the board.

(3) Upon the receipt of notice from an authorizer that a charter school has been approved, the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters allowed under subsection (1) of this section. If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached. [2016 c 241 § 115. Prior: 2013 c 2 § 215 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.160 Charter contracts—Contracts with charter schools existing on or before December 1, 2015.

(1) The purposes of the charter application submitted under RCW 28A.710.130 are to present the proposed charter school's academic and operational vision and plans, and to demonstrate and provide the authorizer with a clear basis for evaluating the applicant's capacities to execute the proposed vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract. The contract must establish the terms by which the charter school agrees to provide educational services that, at a minimum, meet basic education standards, in return for a distribution of public funds that will be used for the purposes established in the contract and in this and other applicable statutes. The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be evaluated and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be

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refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(3) If the charter school is authorized by a school district board of directors, the charter contract must be signed by the president of the applicable school district board of directors and the president of the charter school board. If the charter school is authorized by the commission, the charter contract must be signed by the chair of the commission and the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract.

(5) An initial charter contract must be granted for a term of five operating years. The contract term must commence on the charter school's first day of operation. An approved charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the contract extension depending on the school's circumstances.

(6) Authorizers shall establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools, ensure that they are prepared to open smoothly on the date agreed, and ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

(7) No charter school may commence operations without a charter contract executed in accordance with this section.

(8) In accordance with RCW 28A.710.900(3):

(a) The state board of education must take reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect or that had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015; and

(b) Each authorizer must take reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect or that had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015.

(9) Contracts executed pursuant to subsection (8) of this section do not count against the annual cap established in RCW 28A.710.150(1).

(10) For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of this chapter or other applicable law. [2016 c 241 § 116. Prior: 2013 c 2 § 216 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.170 Charter contracts—Performance framework. (1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide an authorizer's evaluations of a charter school within its jurisdiction.

(2) At a minimum, the performance framework must include indicators, measures, and metrics for:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) Achievement gaps in both proficiency and growth between major student subgroups;
- (d) Attendance;
- (e) Recurrent enrollment from year to year;
- (f) High school graduation rates and student postsecondary readiness;
- (g) Financial performance and sustainability; and
- (h) Charter school board performance and stewardship, including compliance with all applicable laws, rules, and terms of the charter contract.

(3) Annual performance targets must be set by each charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal, state, and authorizer expectations.

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the charter school's performance.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(6) Multiple schools operating under a single charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance. [2016 c 241 § 117. Prior: 2013 c 2 § 217 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.180 Charter schools—Oversight—Corrective action. (1) Each authorizer must continually monitor the performance and legal compliance of the charter schools under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer must

promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem. However, if the problem warrants revocation of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame. [2016 c 241 § 118. Prior: 2013 c 2 § 218 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.190 Charter contracts—Renewal. (1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal. The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;
- (b) Describe improvements undertaken or planned for the school; and
- (c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision. [2016 c 241 § 119. Prior: 2013 c 2 § 219 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.200 Charter contracts—Revocation or refusal to renew. (1) An authorizer may revoke a charter contract at any time, or may refuse to renew it, if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) Except as provided otherwise by this subsection (2), an authorizer may not renew a charter contract if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the Washington achievement index developed by the state board of education under RCW 28A.657.110. A contract may be renewed without violating this subsection (2), however, if the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school;

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter contract, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the charter school and the state board of education. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section. [2016 c 241 § 120. Prior: 2013 c 2 § 220 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.210 Charter school termination protocol—Dissolution of nonprofit corporation applicant—Transfer of charter contract. (1) Before making a decision to not renew or to revoke a charter contract, an authorizer must develop a charter school termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The

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protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer.

(2) If the nonprofit corporation operator of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the charter school that have been provided pursuant to RCW 28A.710.220 must be returned to the state or local account from which the public funds originated. If the charter school has commingled the funds, the funds must be returned in proportion to the proportion of those funds received by the charter school from the public accounts in the last year preceding the dissolution. The dissolution of a nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students. [2016 c 241 § 121. Prior: 2013 c 2 § 221 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.220 Student enrollment reporting—Funding—Distribution and reconciling of funding in school's first year of operation. (1) Charter schools must report student enrollment in the same manner, and based on the same definitions of enrolled students and annual average full-time equivalent enrollment, as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is distributed based on student characteristics.

(2) In accordance with appropriations made under RCW 28A.710.270 and 28A.710.280, the superintendent of public instruction shall distribute state funding to charter schools according to the schedule established in RCW 28A.510.250.

(3) Amounts distributed to a charter school under RCW 28A.710.280 in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts distributed in the first year of operation to the amounts that would have been distributed based on actual student enrollment and make adjustments to the charter school's distributions over the course of the second year of operation.

(4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of a budget year must remain in the school's accounts for use by the school during subsequent budget years. [2016 c 241 § 122. Prior: 2013 c 2 § 222 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.230 Facilities—State funding for common school construction. (1) Charter schools are eligible for state funding for school construction. However, such appropriations may not be made from the common school construction fund.

(2) If a school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120, a charter school located within the boundaries of the district has a right of first refusal to purchase or lease at fair market value a closed public school facility or property or unused portions of a public school facility or property by negotiated agreement with mutual consideration. The consideration may include the provision of educational services by the charter school.

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at fair market rent.

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations. [2016 c 241 § 123. Prior: 2013 c 2 § 223 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.240 Calculation of certificated instructional staff service years. Years of service in a charter school by certificated instructional staff shall be included in the years of service calculation for purposes of the statewide salary allocation schedule under RCW 28A.150.410. This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school. [2016 c 241 § 124. Prior: 2013 c 2 § 224 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.250 Annual reports—Recommendation regarding additional schools. (1) By December 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue a report on the performance of the state's charter schools during the preceding school year to the governor, the legislature, and the public at large.

(2) The annual report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the state board of education. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in other public schools. In addition, the annual report must include the state board of education's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for charter schools, the efficacy of the formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional charter public schools. [2016 c 241 § 125. Prior: 2013 c 2 § 225 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.260 Charter schools oversight account. The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter. [2016 c 241 § 126. Prior: 2014 c 221 § 911.]

Effective date—2014 c 221: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 4, 2014]." [2014 c 221 § 927.]

28A.710.270 Appropriations from Washington opportunity pathways account. The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account for the current use of charter public schools amounts as determined in accordance with RCW 28A.710.280, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium. [2016 c 241 § 127.]

28A.710.280 Distribution of funding—Rules. (1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average staff mix factor for certificated instructional staff, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

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

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

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

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a

per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements. [2016 c 241 § 128.]

28A.710.290 Personal financial affairs statements—Commission members—Charter school board members.

(1) Members of the commission must file personal financial affairs statements with the public disclosure commission.

(2) Members of a charter school board must file personal financial affairs statements with the public disclosure commission. [2016 c 241 § 130.]

28A.710.300 Interschool athletic activities—Washington interscholastic activities association rules.

(1) The eligibility of a charter school student to participate in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association. The rules must provide that, unless approved by a nonresident school district or the Washington interscholastic activities association, a student attending a charter school may only participate in interschool athletic activities or other interschool extracurricular activities offered by the student's resident school district.

(2) A proposal by a charter school to regulate the conduct of interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association.

(3) The rules adopted by the Washington interscholastic activities association under this section must provide that it is the responsibility of the charter school to pay the full cost, minus any student participation fee, for any student who participates in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association. [2016 c 241 § 129.]

28A.710.900 Application of chapter 241, Laws of 2016—Contracts for charter schools established before April 3, 2016. (1) Sections 101 through 139 of this act are remedial and curative in nature and apply to the Washington state charter school commission, school district authorizers, and charter schools established before April 3, 2016.

(2) The Washington state charter school commission and school district authorizers, and actions related to their establishment and operation that were in compliance with the laws of the state of Washington before April 3, 2016, or that substantially complied with the provisions of chapter 241, Laws of 2016 before April 3, 2016, are declared to be valid.

(3) Contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect on December 1, 2015, may, with the agreement of all parties and within sixty days after April 3, 2016, be executed as new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015. For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply

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with the provisions of chapter 241, Laws of 2016 or other applicable law.

(4) Nothing in this section entitles a charter school to retroactive payments under chapter 241, Laws of 2016 for services that were rendered after December 1, 2015, and before execution of new contracts pursuant to subsection (3) of this section. [2016 c 241 § 140.]

28A.710.901 Effective date—2016 c 241. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 3, 2016]. [2016 c 241 § 302.]

Chapter 28A.715 RCW

**STATE-TRIBAL EDUCATION COMPACTS
AUTHORITY**

Sections

28A.715.005	Findings—Intent—Purpose.
28A.715.010	Authority to enter into compacts—Process—Rules.
28A.715.020	Operation of schools.
28A.715.030	Tuition—Fees—Admission—Enrollment priorities.
28A.715.040	Student enrollment reporting—Funding apportionment and allocations—Retention of moneys in accounts.

28A.715.005 Findings—Intent—Purpose. (1) The legislature finds that:

(a) American Indian and Alaska Native students make up 2.5 percent of the total student population in the state and twenty-five percent or more of the student population in fifty-seven schools across the state.

(b) American Indian students in Washington have the highest annual dropout rate at 9.5 percent, compared to 4.6 percent of all students in each of grades nine through twelve. Of the students expected to graduate in 2010 because they entered the ninth grade in 2006, the American Indian on-time graduation rate was only fifty-eight percent, compared to 76.5 percent of all students.

(c) The teaching of American Indian language, culture, and history are [is] important to American Indian people and critical to the educational attainment and achievement of American Indian children.

(d) The state-tribal education compacts authorized under this chapter reaffirm the state's important commitment to government-to-government relationships with the tribes that has been recognized by proclamation, and in the centennial accord and the millennium agreement. These state-tribal education compacts build upon the efforts highlighted by the office of the superintendent of public instruction in its 2012 Centennial Accord Agency Highlights, including: The Since Time Immemorial (STI): Tribal Sovereignty in Washington State Curriculum Project that imbeds the history surrounding sovereignty and intergovernmental responsibilities into this state's classrooms; the agency's regular meetings with the superintendents of the seven current tribal schools, as well as the federal bureau of Indian education representatives at the regional and national level on issues relating to student academic achievement, accessing of funding for tribal schools, and connecting tribal schools to the K-20 network; and the recent establishment, in statute, of the office of native educa-

tion within the office of the superintendent of public instruction.

(e) School funding should honor tribal sovereignty and reflect the government-to-government relationship between the state and the tribes, however the current structure that requires negotiation of an interlocal agreement between a school district and a tribal school ignores tribal sovereignty and results in a siphoning of funds for administration that could be better used for teaching and learning.

(2) The legislature further finds that:

(a) There is a preparation gap among entering kindergartners with many children, especially those from low-income homes, arriving at kindergarten without the knowledge, skills, and good health necessary to succeed in school;

(b) Upon entry into the K-12 school system, the educational opportunity gap becomes more evident, with children of color and from low-income homes having lower scores on math, reading, and writing standardized tests, as well as lower graduation rates and higher rates of dropping out of school; and

(c) Comprehensive, culturally competent early learning and greater collaboration between the early learning and K-12 school systems will ensure appropriate connections and smoother transitions for children, and help eliminate or bridge gaps that might otherwise develop.

(3) In light of these findings, it is the intent and purpose of the legislature to authorize the superintendent of public instruction to enter into state-tribal education compacts. [2013 c 242 § 1.]

28A.715.010 Authority to enter into compacts—Process—Rules. (1) The superintendent of public instruction is authorized to enter into state-tribal education compacts.

(2) No later than six months after July 28, 2013, the superintendent of public instruction shall establish an application and approval process, procedures, and timelines for the negotiation, approval or disapproval, and execution of state-tribal education compacts.

(3) The process may be initiated by submission, to the superintendent of public instruction, of a resolution by:

(a) The governing body of a tribe in the state of Washington; or

(b) The governing body of any of the schools in Washington that are currently funded by the federal bureau of Indian affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

(4) The resolution must be accompanied by an application that indicates the grade or grades from kindergarten through twelve that will be offered and that demonstrates that the school will be operated in compliance with all applicable laws, the rules adopted thereunder, and the terms and conditions set forth in the application.

(5) Within ninety days of receipt of a resolution and application under this section, the superintendent must convene a government-to-government meeting for the purpose of considering the resolution and application and initiating negotiations.

(6) State-tribal education compacts must include provisions regarding:

(a) Compliance;

(b) Notices of violation;

(c) Dispute resolution, which may include nonjudicial processes such as mediation;

(d) Recordkeeping and auditing;

(e) The delineation of the respective roles and responsibilities;

(f) The term or length of the contract, and whether or not it is renewable; and

(g) Provisions for compact termination.

(7) The superintendent of public instruction shall adopt such rules as are necessary to implement this chapter. [2013 c 242 § 2.]

28A.715.020 Operation of schools. (1) A school that is the subject of a state-tribal education compact must operate according to the terms of its compact executed in accordance with RCW 28A.715.010.

(2) Schools that are the subjects of state-tribal education compacts are exempt from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules made applicable under this chapter and in the state-tribal education compact executed under RCW 28A.715.010.

(3) Each school that is the subject of a state-tribal education compact must:

(a) Provide a curriculum and conduct an educational program that satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and 28A.230.010 through 28A.230.195;

(b) Employ certificated instructional staff as required in RCW 28A.410.010, however such schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(c) Comply with the employee record check requirements in RCW 28A.400.303 and the mandatory termination and notification provisions of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

(d) Comply with nondiscrimination laws;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(f) Be subject to and comply with legislation enacted after July 28, 2013, governing the operation and management of schools that are the subject of a state-tribal education compact.

(4) No such school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Nothing in this chapter may limit or restrict any enrollment or school choice options otherwise available under Title 28A RCW. [2013 c 242 § 3.]

28A.715.030 Tuition—Fees—Admission—Enrollment priorities. (1) A school that is the subject of a state-tribal education compact may not charge tuition except to the same extent as school districts may be permitted to do so with respect to out-of-state and adult students pursuant to chapter 28A.225 RCW, but may charge fees for participation in optional extracurricular events and activities.

(2) Such schools may not limit admission on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply.

(3) If capacity is insufficient to enroll all students who apply, a school that is the subject of a state-tribal education compact may prioritize the enrollment of tribal members and siblings of already enrolled students. [2013 c 242 § 4.]

28A.715.040 Student enrollment reporting—Funding apportionment and allocations—Retention of moneys in accounts. (1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the average staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located, subject to conditions and limitations established by the omnibus appropriations act. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years. [2013 c 242 § 5.]

Chapter 28A.900 RCW CONSTRUCTION

Sections

28A.900.010	Repeals and savings.
28A.900.030	Continuation of existing law.
28A.900.040	Provisions to be construed in <i>pari materia</i> .
28A.900.050	Title, chapter, section headings not part of law.
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28A.900.070	"This code" defined.
28A.900.080	Effective date—1969 ex.s. c 223.
28A.900.100	Purpose—1990 c 33.
28A.900.101	Statutory references—1990 c 33.
28A.900.102	Severability—1990 c 33.
28A.900.105	Effect of repeal—1995 c 335.

28A.900.010 Repeals and savings. See 1969 ex.s. c 223 § 28A.98.010. Formerly RCW 28A.98.010.

(2016 Ed.)

28A.900.030 Continuation of existing law. The provisions of this title, Title 28A RCW, insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1969 code revision of Title 28 RCW shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this 1969 act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this 1969 act shall not operate to terminate, extend or otherwise affect any appropriation for the biennium commencing July 1, 1967, and ending June 30, 1969. [1969 ex.s. c 223 § 28A.98.030. Formerly RCW 28A.98.030.]

28A.900.040 Provisions to be construed in *pari materia*. The provisions of this title, Title 28A RCW, shall be construed in *pari materia* even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in *pari materia* with the provisions of Title 28B RCW, and with other laws relating to education. This section shall not operate retroactively. [1969 ex.s. c 223 § 28A.98.040. Formerly RCW 28A.98.040.]

28A.900.050 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title, Title 28A RCW, do not constitute any part of the law. [1969 ex.s. c 223 § 28A.98.050. Formerly RCW 28A.98.050.]

28A.900.060 Invalidity of part of title not to affect remainder. If any provision of this title, Title 28A RCW, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1969 ex.s. c 223 § 28A.98.060. Formerly RCW 28A.98.060.]

28A.900.070 "This code" defined. As used in this title, Title 28A RCW, "this code" means Titles 28A and 28B RCW. [1969 ex.s. c 223 § 28A.98.070. Formerly RCW 28A.98.070.]

28A.900.080 Effective date—1969 ex.s. c 223. Title 28A RCW shall be effective July 1, 1970. [1969 ex.s. c 223 § 28A.98.080. Formerly RCW 28A.98.080.]

28A.900.100 Purpose—1990 c 33. (1) The purpose of chapter 33, Laws of 1990 is to reorganize Title 28A RCW. There are three goals to this reorganization: (a) To place related sections in chapters organized by subject matter; (b) to make all terms gender neutral; and (c) to clarify existing language. Chapter 33, Laws of 1990 is technical in nature and is not intended to make substantive changes in the meaning,

interpretation, court construction, or constitutionality of any provision of Title 28A RCW or other statutory provisions included in chapter 33, Laws of 1990 and rules adopted under those provisions.

(2) Chapter 33, Laws of 1990 shall not have the effect of terminating or in any way modifying any proceedings or liability, civil or criminal, which exists on June 7, 1990. [1990 c 33 § 1.]

28A.900.101 Statutory references—1990 c 33. (1)

The code reviser shall correct all statutory references to code sections recodified by *section 4 of this act.

(2)(a) References to "RCW 28A.47.732 through 28A.47.748" in Title 28A RCW have intentionally not been changed since those code sections were repealed by chapter 189, Laws of 1983. These references are not being eliminated because it is not the purpose of this act to correct obsolete references.

(b) References to "RCW 28A.58.095" in Title 28A RCW have intentionally not been changed since that code section was repealed by chapter 2, Laws of 1987 1st ex. sess. These references are not being eliminated because it is not the purpose of this act to correct obsolete references. [1990 c 33 § 2.]

*Reviser's note: Section 4 of this act is an uncodified section that recodifies sections in Title 28A RCW.

28A.900.102 Severability—1990 c 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1990 c 33 § 603.]

28A.900.105 Effect of repeal—1995 c 335. The repeal of any programs that are not funded as of July 23, 1995, is not intended to comment on the value of the services provided by the programs. The repeal of statutes in chapter 335, Laws of 1995 does not affect the general authority of school districts to provide services to accomplish the purposes of these programs. The deletion or repeal of language that permitted school districts to carry out specific activities that would be within their general authority is not intended to affect the general authority of school districts to continue to carry out those activities. [1995 c 335 § 801.]

Additional notes found at www.leg.wa.gov