

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 9, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Carrell, Fairley, Hargrove, Prentice, Ranker, Roach, Rockefeller and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Michael Roberts and Anna Laura Kastama, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1038,
SUBSTITUTE HOUSE BILL NO. 1418,
SECOND SUBSTITUTE HOUSE BILL NO. 1429,
HOUSE BILL NO. 1463,
HOUSE BILL NO. 1830,
SUBSTITUTE HOUSE BILL NO. 1838,
SUBSTITUTE HOUSE BILL NO. 1845,
HOUSE BILL NO. 1878,
HOUSE BILL NO. 1912,
SECOND SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1952,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1062,
SUBSTITUTE HOUSE BILL NO. 1357,
ENGROSSED HOUSE BILL NO. 1460,
HOUSE BILL NO. 1491,
SUBSTITUTE HOUSE BILL NO. 1761,
SUBSTITUTE HOUSE BILL NO. 1900,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
SUBSTITUTE HOUSE BILL NO. 2214,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1683,
SUBSTITUTE HOUSE BILL NO. 1733,
SECOND SUBSTITUTE HOUSE BILL NO. 1946,
SUBSTITUTE HOUSE BILL NO. 1953,
SUBSTITUTE HOUSE BILL NO. 1981,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1769,
SECOND SUBSTITUTE HOUSE BILL NO. 1899,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,
SUBSTITUTE HOUSE BILL NO. 1957,
SUBSTITUTE HOUSE BILL NO. 1972,
SUBSTITUTE HOUSE BILL NO. 2071,
SUBSTITUTE HOUSE BILL NO. 2157,
SUBSTITUTE HOUSE BILL NO. 2160,
HOUSE BILL NO. 2165,
SUBSTITUTE HOUSE BILL NO. 2196,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1090 by House Committee on General Government Appropriations (originally sponsored by Representatives McCoy, Appleton, Chase, Van De Wege, Hunt and Moeller)

AN ACT Relating to human remains; adding a new section to chapter 43.334 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9048, Litisha D. Hill, as a member of the Transportation Commission, be confirmed.

Senator Marr spoke in favor of the motion.

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MOTION

On motion of Senator Marr, Senators Fairley, McAuliffe, Prentice, Pridemore and Ranker were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Holmquist, Roach, Stevens and Zarelli were excused.

MOTION

On motion of Senator Hatfield, Senator Hargrove was excused.

APPOINTMENT OF LITISHA D. HILL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9048, Litisha D. Hill as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9048, Litisha D. Hill as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Regala, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Brown and Rockefeller

Excused: Senators Benton, Carrell, Fairley, Hargrove, Prentice, Ranker, Roach and Zarelli

Gubernatorial Appointment No. 9048, Litisha D. Hill, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

SECOND READING

SENATE BILL NO. 5177, by Senators Shin, Delvin, Kastama, King, Rockefeller, McAuliffe, Pridemore, Hobbs, Fraser, McDermott, Jarrett, Kilmer, Keiser, Hatfield and Roach

Creating a global Asia institute within the Henry M. Jackson School of International Studies.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5177.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Brown, Carrell, Fairley, Hargrove, Ranker, Roach and Zarelli

SUBSTITUTE SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5172, by Senators Shin, Hobbs, Kastama, McAuliffe, Jarrett, Pridemore, Brown, Keiser, Jacobsen, Kohl-Welles and Kline

Establishing a University of Washington center for human rights.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5172 was substituted for Senate Bill No. 5172 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5172.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 15; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Swecker

Excused: Senators Benton, Fairley, Hargrove, Ranker, Roach and Zarelli

SUBSTITUTE SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 5317, by Senators Shin, Kilmer, Jarrett, Delvin, Kastama and Jacobsen

Clarifying terms for workforce and economic development.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5317 was substituted for Senate Bill No. 5317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Fairley, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 9, 2009."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 9, 2009 by voice vote.

MOTION

At 9:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:50 a.m. by President Owen.

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SECOND READING

SENATE BILL NO. 5986, by Senators Kauffman, Kohl-Welles, Hargrove and Shin

Permitting certain higher education employees to engage in collective bargaining.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5986.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens and Swecker

Absent: Senator Kline

Excused: Senators Benton, Fairley, Ranker and Zarelli
SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5879, by Senators Kastama, Shin and Delvin

Concerning entrepreneurial education and training.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5879 was substituted for Senate Bill No. 5879 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5879.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5879 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens and Swecker

Absent: Senators Keiser and Tom

Excused: Senators Benton, Fairley, Kline, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5925, by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

Regarding insurance for higher education students participating in study or research abroad.

The measure was read the second time.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug, Kilmer and Shin be adopted.

On page 2, line 14, after "insurance," insert "A student shall not be required to purchase insurance if the student is covered under an insurance policy that will provide coverage for expenses incurred as a result of injury, illness, or death sustained while participating in the study or research abroad."

Senator Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug, Kilmer and Shin on page 2, line 14 to Senate Bill No. 5925.

The motion by Senator Pflug carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5925.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Holmquist, Honeyford, Roach and Zarelli

Excused: Senators Benton, Fairley and Ranker

ENGROSSED SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:12 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:02 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION

8642

By Senator Haugen

WHEREAS, Floyd Jones comes from humble beginnings as a cotton picker in Arkansas, served honorably in the United States Army, and became a successful businessman and philanthropist; and

WHEREAS, Floyd Jones' life and commitment to the arts, the environment, and his community exemplify the ideals of the American Dream and its spirit of self-reliance and service; and

WHEREAS, Floyd Jones and his late wife, Delores Jones, lived frugally together, but gave generously, and while Floyd continues to support the arts, Delores' love for the arts will live forever in the form of their considerable contributions; and

WHEREAS, Floyd and Delores created the Floyd and Delores Jones Foundation and have funded causes such as the endowed chair for the arts at the University of Washington, the Floyd and Delores Jones Playhouse, and KCTS, the Seattle public television station; and

WHEREAS, Floyd and Delores also created the Floyd and Delores Jones Cancer Institute in Virginia Mason Hospital, which provides comprehensive and centralized care for cancer patients and is one of the most preeminent cancer care providers in the country; and

WHEREAS, Floyd Jones has made a strong commitment to preserving the sanctity of Livingston Bay, located on the northeast side of Camano Island, and has played a vital role in efforts to conserve and protect the bay that plays a key role in the lives of dozens of species; and

WHEREAS, Vast numbers of migrating waterfowl such as Wrangell Island snow geese, trumpeter and tundra swans, winter raptors, and falcon species rely on beautiful Livingston Bay for winter habitats and the bay's 3,160 acres of biodiverse tidelands are also home to a wonderful habitat for juvenile salmon, adult salmon, and bull trout, as well as spawning areas for Pacific sand lance and surf smelt; and

WHEREAS, Floyd Jones' support and contributions have helped preserve and fortify Livingston Bay in perpetuity, benefitting this precious body of water, its fish and wildlife, and all the people of Washington; and

WHEREAS, Floyd Jones' magnanimous attitude toward his community has driven him to donate benevolently to many

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meritorious organizations, including the Seattle Symphony, the Union Gospel Mission, the Seattle Milk Fund, and the Whidbey Camano Land Trust; and

WHEREAS, Floyd Jones is a modest man and a model of selflessness, has risen out of poverty to riches, only to give his wealth back tirelessly, and is deserving of recognition for his hard work and generosity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Floyd Jones for a life of selflessness, generosity, and compassion; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Floyd Jones and his family.

Senators Haugen and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Floyd Jones; friend Alene Moris; Pat Powell, Executive Director, Whidbey Camano Land Trust; and Elizabeth Guss, Director of Outreach & Development, Whidbey Camano Land Trust who were seated in the gallery.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate was recessed until 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5873, by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin

Regarding apprenticeship utilization.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5873 was substituted for Senate Bill No. 5873 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senator King be adopted.

On page 4, after line 32, insert the following:

(8) For the purposes of this section, "apprentice" includes workers participating in a formal training program conducted by an employer and approved by the awarding agency, a private vocational school licensed under RCW Chapter 28C.10, or an institution of higher education as defined in RCW 28B.10.016."

WITHDRAWAL OF AMENDMENT

On motion of Senator King, the amendment by Senator King on page 4, line after 32 to Substitute Senate Bill No. 5873 was withdrawn.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted.

On page 6, after line 29, insert the following:

"NEW SECTION. **Sec. 4.** The Washington state apprenticeship and training council shall adopt rules necessary to implement section 2 and 3 of this act. Rules shall address due process protections for all parties and shall strengthen the accountability for apprenticeship committees approved under chapter 49.04 RCW in enforcing the apprenticeship program standards adopted by the council."

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 6, after line 29 to Substitute Senate Bill No. 5873.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Kohl-Welles spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senators Hargrove and Jarrett

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5229, by Senators McAuliffe, Hobbs, Franklin, Tom, King, Pridemore, Kohl-Welles, Jacobsen, Kilmer and Shin

Regarding the legislative youth advisory council.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5229 was substituted for Senate Bill No. 5229 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Jarrett was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5229.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Honeyford and Zarelli

Absent: Senator Murray

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5410, by Senators Oemig, Morton, McAuliffe, Tom and Eide

Regarding the digital learning commons. Revised for 1st Substitute: Regarding online learning.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5410 was substituted for Senate Bill No. 5410 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and McAuliffe spoke in favor of passage of the bill.

Senators King and Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5410.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5410 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Swecker

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5449, by Senators McAuliffe, Hobbs, McDermott, Oemig, Jarrett and Kohl-Welles

Regarding establishing and meeting graduation and reengagement goals.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and King be adopted.

On page 3, beginning on line 9, after "instruction" strike all material through "28A.175.075" on line 10

Senators McAuliffe and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and King on page 3, line 9 to Substitute Senate Bill No. 5449.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5487, by Senator Brandland

Changing the notification date for nonrenewal of a certificated employee's contract.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5487.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

SENATE BILL NO. 5498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5498, by Senators Jarrett, King and McAuliffe

Changing the requirements for graduating without a certificate of academic achievement or a certificate of individual achievement.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5498.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5498 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler,

Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford, Kastama, Kohl-Welles and Murray

Absent: Senator Brown

Excused: Senator Ranker

SENATE BILL NO. 5498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5617, by Senators Kauffman and McAuliffe

Changing early learning advisory council provisions.

The measure was read the second time.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and McAuliffe be adopted.

On page 1, line 18, after "legislature" strike "and the P-20 council"

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and McAuliffe on page 1, line 18 to Senate Bill No. 5617.

The motion by Senator Kauffman carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Senate Bill No. 5617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and King spoke in favor of passage of the bill.

MOTION

On motion of Senator Hatfield, Senator Kline was excused.

MOTION

On motion of Senator Eide, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5617.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5617 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kline and Ranker

ENGROSSED SENATE BILL NO. 5617, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5676, by Senators McAuliffe, Rockefeller, Jarrett, Fairley, Hobbs, Schoesler and Shin

Providing for career and technical education opportunities for middle school students.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Regala, Stevens, Swecker and Zarelli

Excused: Senator Ranker

SECOND SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5714, by Senators Tom, Jarrett and Shin

Providing conditional funding for teachers to pursue national board for professional teaching standards certification.

The measure was read the second time.

MOTION

Senator Tom moved that the following amendment by Senators Tom and King be adopted:

On page 2, beginning on line 7, after "conditional" strike all material through "fee" on line 8 and insert "two thousand dollars or the amount set by the office of the superintendent of public instruction to reflect the current assessment fee, not including the initial up-front candidacy payment"

On page 2, line 16, after "the" strike "twenty-five hundred dollars" and insert "assessment fee, not including the initial up-front candidacy payment, as set by the national board for professional teaching standards and administered by the office

of the superintendent of public instruction"

On page 2, line 18, after "the terms for" insert "initial grant of the assessment fee and"

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and King on page 2, line 7 to Senate Bill No. 5714.

The motion by Senator Tom carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Zarelli

Excused: Senator Ranker

ENGROSSED SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5941, by Senators Oemig, Kastama, Jarrett, McAuliffe, Marr, Hobbs and Tom

Regarding comprehensive education data improvement systems. Revised for 2nd Substitute: Regarding a comprehensive education data improvement system.

MOTION

On motion of Senator Oemig, Second Substitute Senate Bill No. 5941 was substituted for Senate Bill No. 5941 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Oemig moved that the following striking amendment by Senator Oemig be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative (~~education [evaluation]~~) evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs

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and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

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

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

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

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

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

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

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

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

(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and sections 2 and 3 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical

colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 2. A new section is added to chapter 43.41 RCW to read as follows:

(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 section 3 of this act 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 section 3 of this act, only to the extent funds are available for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 43.41 RCW to read as follows:

(1) A K-12 data governance group shall be established within the educational data center 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 section 2 of this act;

(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 transformed

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 section 2 of this act 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 that support any component of which makes up more than five percent;

(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; and

(i) 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, RCW 43.41.400, and section 2 of this act 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.

NEW SECTION. Sec. 4. The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement this act."

Senator Oemig spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Oemig to Second Substitute Senate Bill No. 5941.

The motion by Senator Oemig carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "data;" strike the remainder of the title and insert "amending RCW 43.41.400; adding new sections to chapter 43.41 RCW; and creating a new section."

MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5941 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5941.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5941 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Holmquist, King, McCaslin, Parlette, Pflug, Regala, Stevens, Swecker and Zarelli

Excused: Senator Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5763, by Senators King, McAuliffe, Brandland, Haugen, Kastama, Kauffman, Oemig, Holmquist, Berkey, Eide, Shin and Tom

Requiring the adoption of policies for the management of concussion and head injury in youth sports.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Eide moved that the following striking amendment by Senators King and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.24.660 and 1999 c 316 s 3 are each amended to read as follows:

(1) A school district shall not be liable for an injury to or the death of a person due to action or inaction of persons employed by, or under contract with, a youth program if:

(a) The action or inaction takes place on school property and during the delivery of services of the youth program;

(b) The private nonprofit group provides proof of being insured, under an accident and liability policy issued by an insurance company authorized to do business in this state, that covers any injury or damage arising from delivery of its services. Coverage for a policy meeting the requirements of this section must be at least fifty thousand dollars due to bodily injury or death of one person, or at least one hundred thousand dollars due to bodily injury or death of two or more persons in any incident. The private nonprofit shall also provide a statement of compliance with the policies for the management of concussion and head injury in youth sports as set forth in section 2 of this act; and

(c) The group provides proof of such insurance before the first use of the school facilities. The immunity granted shall last only as long as the insurance remains in effect.

(2) Immunity under this section does not apply to any school district before January 1, 2000.

(3) As used in this section, "youth programs" means any program or service, offered by a private nonprofit group, that is

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operated primarily to provide persons under the age of eighteen with opportunities to participate in services or programs.

(4) This section does not impair or change the ability of any person to recover damages for harm done by: (a) Any contractor or employee of a school district acting in his or her capacity as a contractor or employee; or (b) the existence of unsafe facilities or structures or programs of any school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(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 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.

(3) On a yearly basis, prior to participating in an interscholastic athletic activity a concussion and head injury information sheet shall be signed by the youth athlete and the athlete's parent and/or guardian and returned to the school district.

(4)(a) 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.

(b) A youth athlete who has been removed from play for a suspected concussion or head injury may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussions and receives written clearance to return to play from that person.

(c) The licensed health care provider trained in the evaluation and management of concussions 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."

Senators King and McAuliffe spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Benton: "Would Senator King yield to a question?"

REPLY BY THE PRESIDENT

President Owen: "The Senator does not yield."

POINT OF INQUIRY

Senator Benton: "Would Senator McAuliffe yield to a question?"

REPLY BY THE PRESIDENT

President Owen: "The Senator does not yield."

Senator Roach spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators King and McAuliffe to Substitute Senate Bill No. 5763.

The motion by Senator Eide carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "sports;" strike the remainder of the title and insert "amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW."

MOTION

On motion of Senator King, the rules be suspended, Engrossed Substitute Senate Bill No. 5763 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator King spoke in favor of passage of the bill.

Senator Benton spoke against the motion to advance the bill to third reading and final passage.

The President declared the question before the Senate to be the motion by Senator King that the rules be suspended and Engrossed Substitute Senate Bill No. 5763 be advanced to third reading, the second considered the third and the bill be placed on final passage.

The motion by Senator King carried and the motion to advance the bill to third reading and final passage was adopted by voice vote.

MOTION

On motion of Senator Pridemore, Senator Hobbs was excused.

Senator Roach spoke against passage of the bill.

Senators Pflug, Haugen and Holmquist spoke in favor of passage of the bill.

Senator Benton spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5763.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

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Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Morton

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

Concerning methicillin-resistant staphylococcus aureus.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5763 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5501, by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

Concerning the secure exchange of health information.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5501 was substituted for Senate Bill No. 5501 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Ranker and Rockefeller

SUBSTITUTE SENATE BILL NO. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5502, by Senators Keiser, Pflug, Franklin, Murray, Roach, Marr, Kohl-Welles and Shin

Establishing the primary care physician conditional tuition waiver program.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 INTENT. The legislature finds that there is a critical shortage of primary care physicians in the state especially in rural areas. Primary care physicians operate as the entry point into the health care system and as such play a vital role in improving quality and controlling the costs of health care. It is the legislature's intent to create incentives for medical school students to choose primary care practice for their medical careers.

NEW SECTION. Sec. 2 DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conditional tuition waiver" means a loan that is forgiven in whole or in part if the recipient renders service as a primary care physician in this state.

(2) "Eligible student" means a resident student, as defined in RCW 28B.15.012, who is registered for at least six credit hours or the equivalent, is making satisfactory academic progress as

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defined by the university, has declared primary care medicine for his or her major, and has a declared intention to practice primary care medicine in the state of Washington.

(3) "Forgiven" or "to forgive" or "forgiveness" means to practice primary care medicine in the state of Washington in lieu of monetary repayment.

(4) "Participant" means an eligible student who has received a conditional tuition waiver under this chapter.

(5) "Primary care," for the purposes of the conditional tuition waiver program established in section 3 of this act, means a physician licensed under chapter 18.71 RCW who is specifically trained for family practice medicine and skilled in comprehensive first contact and continuing care for persons with any undiagnosed sign, symptom, or health concern not limited by problem origin, organ system, or diagnosis. Primary care includes health promotion, disease prevention, health maintenance, counseling, patient education, and diagnosis and treatment of acute and chronic illness, in a variety of health care settings. Primary care is performed and managed by a personal physician often collaborating with other health professionals and using consultation or referral as appropriate.

(6) "Satisfied" means paid-in-full.

(7) "University" means the University of Washington.

NEW SECTION. Sec. 3. PROGRAM ESTABLISHED. The primary care physician conditional tuition waiver program is established. The program shall be administered by the university. In administering the program, the university has the following powers and duties:

- (1) To adopt necessary rules and guidelines;
- (2) To publicize the program;
- (3) To collect and manage repayments from students who do not meet their obligations under this chapter; and
- (4) To solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. SELECTION OF PARTICIPANTS--PROCESS. (1) The university shall select participants based on the application process conducted by the university.

(2) The university shall create a standard process for medical school students to declare their intention to be primary care physicians for the purposes of participating in the primary care physician conditional tuition waiver program. Applicants accepted into the program must provide the university with a signed contract accepting the terms of the program.

(3) Students who comply with subsection (2) of this section may be awarded conditional tuition waivers under this chapter, subject to available funds.

NEW SECTION. Sec. 5. CONTINUED ELIGIBILITY. To remain an eligible student and receive continuing disbursements under the program, a participant must be considered by the university to be making satisfactory academic progress.

NEW SECTION. Sec. 6. AWARD OF TUITION WAIVERS--AMOUNT--DURATION. The amount of the conditional tuition waiver awarded an individual may not exceed the amount of resident tuition and fees at the university incurred by an eligible student and approved by the university. Participants are eligible to receive conditional tuition waivers for a maximum of four years.

NEW SECTION. Sec. 7. REPAYMENT OBLIGATION--RULES. (1) A participant in the conditional tuition waiver program incurs an obligation to repay the tuition waiver, with interest, unless he or she is employed as a primary care physician in Washington state for two years for every one year of tuition received, under rules adopted by the university.

(2) The interest rate shall be determined annually by the university.

(3) The minimum payment shall be set by the university. The payments of principal and interest shall accrue quarterly

commencing six months from the date the participant completes or discontinues the course of study, including any internship or residency in primary care medicine. Provisions for deferral of payment shall be determined by the university.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant is employed as a primary care physician in this state until the entire repayment obligation is satisfied. Should the participant cease to be employed as a primary care physician in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The university is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The university is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the university as administrator is entitled, that are paid by or on behalf of participants under this section, shall be used to cover the costs of granting the conditional tuition waivers, maintaining necessary records, and making collections under subsection (5) of this section. The university shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional tuition waivers to eligible students.

(7) The university shall adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

Sec. 8. RCW 28B.15.910 and 2008 c 188 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington
21 percent
- (b) Washington State University
20 percent
- (c) Eastern Washington University
11 percent
- (d) Central Washington University
10 percent
- (e) Western Washington University
10 percent
- (f) The Evergreen State College
10 percent
- (g) Community colleges as a whole
35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;

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- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621 (2) and (4);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; (~~and~~)
- (s) RCW 28B.70.050; and
- (t) Section 4 of this act.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540;
- (c) RCW 28B.15.558; and
- (d) RCW 28B.15.621(3).

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University
1 percent
- (b) Eastern Washington University
3 percent
- (c) Central Washington University
3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.20 RCW to read as follows:

The University of Washington shall provide medical school students with information about the growth of patient and family-centered primary care medical homes throughout the state as a desirable and important strategy to improve quality of care.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.20 RCW to read as follows:

Funding for graduate medical education shall be directed toward residents in family medicine, internal medicine, and pediatrics who plan to pursue primary care in Washington following their residency programs.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 2 through 7 of this act are each added to chapter 28B.15 RCW.

NEW SECTION. Sec. 13. This act expires July 1, 2019."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the striking amendment be adopted.

On page 6, beginning on line 22, strike everything through "programs." on line 25 and insert the following:

"The University of Washington - Family Medicine Residency Network will make every reasonable effort to work with community physicians to establish additional accredited new sites in underserved Washington to train primary care professionals including physicians in family medicine, internal medicine or pediatrics."

Senators Keiser and Pflug spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 6, line 22 to the striking amendment to Substitute Senate Bill No. 5502.

The motion by Senator Keiser carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug as amended to Substitute Senate Bill No. 5502.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 28B.15.910; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 28B.20 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5502.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Stevens

Excused: Senator Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. It's that time of year in which we engage in long afternoons into the evenings on the floor, getting to know each other very, very well. Since I notice you know the numbers of gray heads has sort of increased in my time here and certainly a few gray hairs on my head too. I know that there's a certain stimulant right about now that kind of helps the brain work. It also helps us get a little friendlier and so I brought along a little bit of my friend. Now this is from Seattle but I want you to know that this is ideologically tested. We had a test last year. The test person was Senator Pflug our good friend from the Fifth District. I thought and I told you maybe this stuff might change your thinking, didn't work. No, I'm sorry, it didn't work. The test mouse, Senator Pflug is just as conservative as she ever was. But what this means you all can have this stuff. It's not caffeine free but it's ideologically free and I commend it to you. It's right over here if you need any help I can show you how to push the buttons."

SECOND READING

SENATE BILL NO. 5608, by Senators Franklin, Pflug, Fairley, Regala, Marr and Kohl-Welles

Concerning genetic counselors.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5608 was substituted for Senate Bill No. 5608 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5608.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5608 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Becker, Benton, Carrell, Holmquist, McCaslin, Roach and Stevens

Absent: Senator Tom

Excused: Senators Hewitt, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 5608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5360, by Senators Keiser, Brandland, Franklin, Murray, Brown, Ranker, Fraser, Parlette and Kohl-Welles

Establishing a community health care collaborative grant program.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Rockefeller

SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

SECOND READING

SENATE BILL NO. 5777, by Senators Murray and Parlette

Concerning the Washington state insurance pool.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5777 was substituted for Senate Bill No. 5777 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5777.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5777 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Kohl-Welles and Pridemore

Excused: Senators Hewitt, Kline, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 5777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5423, by Senators Pflug and Oemig

Regarding critical access hospitals not subject to certificate of need review.

The measure was read the second time.

MOTION

Senator Pflug moved that the following striking amendment by Senators Pflug and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.38.105 and 2004 c 261 s 6 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:

(i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003; ~~(or)~~

(ii) Up to five swing beds; or

(iii) Up to twenty-five swing beds for critical access hospitals which do not have a nursing home licensed under chapter 18.51 RCW within the same city or town limits. No more than one-half of the additional beds designated for swing bed services under this subsection (4)(e)(iii) may be so designated before July 1, 2009, with the balance designated no sooner than July 1, 2010.

Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;

(f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any

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arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section."

Senator Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pflug and Keiser to Senate Bill No. 5423.

The motion by Senator Pflug carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, Parlette, Roach, Stevens and Tom

Excused: Senators Hewitt, Kline, Rockefeller and Zarelli

ENGROSSED SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Keiser: "Would Senator Pflug yield to a question? As the prime sponsor of this bill is it your understanding that neither the intent nor the effect of this bill, Senate Bill No. 5423 will allow expansion of a swing bed capacity in any critical access hospital that has a nursing home within the same city limits?"

Senator Pflug: "Yes, this bill will not grant any additional swing bank to a critical access hospital that has a nursing home within the same city limits."

SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators Keiser, Parlette, Pflug, Franklin, Marr, Murray, Shin, Haugen, Kline and Kohl-Welles

Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Joint Memorial No. 8013 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8013.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8013 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Rockefeller and Zarelli

SENATE JOINT MEMORIAL NO. 8013, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5480, by Senators Delvin, Franklin, Fairley, Keiser and Shin

Creating the Washington health care discount plan organization act.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5480.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

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Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Holmquist and Stevens

Excused: Senators Hewitt, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6053, by Senators Fraser and Keiser

Establishing a pilot program to provide access to personal hygiene and cleaning products.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Brandland

Excused: Senators Hewitt, Rockefeller and Zarelli

SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6019, by Senators Keiser, Parlette, Kilmer, Jarrett, Tom, Holmquist, Pflug, Shin and Schoesler

Concerning employee wellness programs.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6019 was substituted for Senate Bill No. 6019 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6019.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6019 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Prentice

Excused: Senators Hewitt, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 6019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5945, by Senators Keiser, Franklin and Kohl-Welles

Creating the Washington health partnership plan.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5945 was substituted for Senate Bill No. 5945 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5945 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senators Pflug and Parlette spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5945.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5945 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Prentice and Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5945, having received the constitutional majority, was declared passed. There

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being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5811, by Senators Hargrove, Stevens, Shin and Roach

Concerning the placement of foster children. Revised for 1st Substitute: Concerning foster child placements.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Regala and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(5) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal

right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(10) "Housing services or assistance" means at least effective referrals to federal, state, local, or private agencies or organizations, assistance with forms, or financial subsidies or other monetary assistance for housing.

(11) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((11))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((12))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services or assistance, capable of preventing the need for out-of-home placement while protecting the child. ~~((Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.~~

~~((13))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((14))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((15))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the

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services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing services and assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 2. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the

parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative and shall make an express finding that the department's efforts have been made by the department in this regard;

(d) What services, including housing services or assistance if appropriate, were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order, including why placement with a relative is not appropriate at this time. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing services and assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. If the court does not place the child with a relative, the court shall make an express finding why placement with a relative did not occur. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home,

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specifying the services, including housing services and assistance if appropriate, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 4. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410

s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing

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services and assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives and if not, the court shall make specific findings detailing the reasons why the child is not in a relative placement;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing services and assistance under ((RCW 13.34.130 and this section)) this chapter is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an

out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose. For purposes of this section, "homelessness or the lack of adequate and safe housing" constitutes the primary reason for out-of-home placement when the provision of housing services or assistance would likely prevent the need for out-of-home placement or shorten the length of stay in out-of-home placement. Nothing in this section shall be construed to create an entitlement to housing assistance and services, nor create judicial authority to order the provision of services to any person or family if the services or funding are unavailable or the child or family is not eligible for such services.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 5. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

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(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall ~~(also)~~:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096; and

(ii) In the situation in which the department or supervising agency is recommending a placement other than the current foster parent or relative, make an express finding of the reasons

the department or agency is recommending that the child be moved.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) At a disposition, review, or any other hearing that occurs after a dependency is established under this chapter, the court shall ensure that a dependent child over the age of twelve, who is otherwise present in the courtroom, is aware of and

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understands the duties and responsibilities the department has to a child subject to a dependency including, but not limited to, the following:

- (a) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (b) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (c) Parent-child visits;
- (d) Statutory preference for placement with a relative, if appropriate; and
- (e) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(2) If the dependent child is already represented by counsel, the court need not comply with subsection (1) of this section.

NEW SECTION. Sec. 7. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 8. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the

attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen

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to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative, if appropriate; and

(v) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide the dependent child with a document containing the information contained in RCW 74.13.031(16). The social worker shall also explain the content of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 10. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

((+)) (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

((2)) (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

((3)) (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

((4)) (d) The foster parent has advocated for services on behalf of the foster child;

((5)) (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

((6)) (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department. The department shall take immediate personnel action against any employee based, in part, on findings by the ombudsman that the department employee has more likely than not engaged in retaliation against a foster parent under this section.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

Senators Hargrove, Stevens and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Regala and Stevens to Substitute Senate Bill No. 5811.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "placements;" strike the remainder of the title and insert "amending RCW 13.34.030, 13.34.065, 13.34.145, 74.13.031, and 74.13.333; reenacting and amending RCW 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW."

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MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5811.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Prentice and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5746, by Senator Hargrove

Modifying sentencing provisions for juveniles adjudicated of certain crimes.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~((13.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is arising in any such proceeding due to the juvenile's age (~~(= PROVIDED FURTHER, That)~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters (~~(= PROVIDED FURTHER, That)~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection (~~(= PROVIDED FURTHER, That)~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (E) of this subsection and remove the proceeding back to juvenile court with the court's

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approval. In deciding whether or not to approve the motion to waive exclusive adult jurisdiction, the court shall only consider the facts of the alleged offense as they relate to: The seriousness of the alleged offense and the extent to which the juvenile was involved; whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; and whether the alleged offense is against persons or property, greater weight being given to offenses against persons, especially if personal injury resulted from the offense.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.40.020 and 2004 c 120 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an

offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community

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accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who ~~((has not been previously transferred to adult court pursuant to RCW 13.40.110 or who))~~ is not otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.110 and 1997 c 338 s 20 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction.

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when:

(a) The respondent is ~~((fifteen,))~~ sixteen~~(7)~~ or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

~~((2))~~ (3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

~~((3))~~ (4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 4. RCW 13.40.308 and 2007 c 199 s 15 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than ~~((five days of home detention))~~ three months of community supervision, forty-five hours of community restitution, ~~((and))~~ a two hundred dollar fine, and a

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requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to ~~((~~at~~))~~ a standard range sentence that includes six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks ~~((of confinement, seven days of home detention))~~ commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, ~~((and))~~ a four hundred dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than five days of home detention and))~~ no less than three months of community supervision, forty-five hours of community restitution ~~((; or (ii) no home detention and ninety hours of community restitution))~~, a two hundred dollar fine, and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to ~~((~~at~~))~~ a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks ~~((of confinement, seven days of home detention))~~ commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, ~~((and))~~ a four hundred dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than one day of home detention, one))~~ three months of community supervision ~~((; and))~~ fifteen hours of community restitution ~~((; or (ii) no home detention, one month of supervision, and thirty hours of community restitution))~~ and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, ~~((two days of home detention, two))~~ three months of community supervision, thirty hours of community restitution, ~~((and))~~ a one hundred fifty dollar fine and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, ~~((seven days of home detention, three))~~ six months of community supervision, forty-five hours of community restitution, ~~((and))~~ a one hundred fifty dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 5746.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 13.40.020, 13.40.110, and 13.40.308; reenacting and amending RCW 13.04.030; and prescribing penalties."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5746.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5301, by Senators Hargrove and Parlette

Concerning permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5301.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brandland, Holmquist, Honeyford, King, McCaslin, Morton and Schoesler

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6103, by Senator Prentice

Modifying the definition of gambling.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Roach, Stevens and Zarelli

Excused: Senator Rockefeller

SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5002, by Senators Jacobsen and Swecker

Creating the Washington heritage livestock and poultry breed recognition program.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5002.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5677, by Senator Hatfield

Regarding compliance with the dairy nutrient management program. Revised for 1st Substitute: Regarding the dairy nutrient management program.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5677 was substituted for Senate Bill No. 5677 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5677.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5677 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Delvin and Tom

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5913, by Senators Pflug, Keiser and Shin

Concerning online access to the University of Washington health sciences library by certain health care providers.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5913 was substituted for Senate Bill No. 5913 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Rockefeller

SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5718, by Senators Regala, Stevens, Holmquist, Hobbs, Carrell and Hatfield

Concerning the commitment of sexually violent predators.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Kauffman

Absent: Senator Pridemore

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5973, by Senators Kauffman, McAuliffe, Oemig, Shin, Hobbs, Kohl-Welles and Kline

Closing the achievement gap in order to provide all students an excellent and equitable education. Revised for 2nd Substitute: Closing the achievement gap in K-12 schools.

MOTIONS

On motion of Senator Kauffman, Second Substitute Senate Bill No. 5973 was substituted for Senate Bill No. 5973 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Second Substitute Senate Bill No. 5973 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Hobbs spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5973.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5973 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5973, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6048, by Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles and Haugen

Concerning the state's education system.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Oemig be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (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) 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 to define and fund a program of basic education for children residing in the state and attending public schools. 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 further intends to fulfill the state's obligation under Article IX to establish a general and uniform system of public schools and build upon the actions previously taken by the legislature to address the inequities that exist in the current system. However, the legislature finds that in some instances providing general and uniform educational opportunity requires tailoring basic education to reflect certain needs and circumstances of each school district, including district size and certain student characteristics. It is the intent of the legislature to address these differences using a rational basis for the differences in order to promote equity and uniformity of educational opportunity.

(4) 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.

(5) 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 work of the basic education task force, the state board of education, the professional educator standards board, and others. However, an implementation strategy must be determined for the instructional program; financial experts must develop the details of the funding formulas that are based on prototypical schools; changes to the systems of educator certification, evaluation, mentoring, and compensation must be established; a data and reporting system must be designed; the capacity of districts to help their schools improve student achievement must be increased; and a system in which the state and school districts share accountability for achieving state educational standards requires new mechanisms that will clearly define the relationship of expectations for the state, school districts, and schools. As development of these formulas, processes, and systems progresses, the legislature shall monitor the progress. The legislature intends to begin a schedule for implementation of a redefined program of basic education and the resources necessary to support it, beginning in the 2011-12 school year. It is the legislature's intent that when the system has the capacity to fully implement these reforms and enhancements they will be included in a definition and funding of basic education.

(6) 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.

NEW SECTION. Sec. 2. INTENT TO MAKE NECESSARY CORRECTIONS. It is the intent of the legislature that the policies and allocation formulas adopted under this act constitute the legislature's definition of basic education under Article IX of the state Constitution. 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.

NEW SECTION. Sec. 3. OVERSIGHT. It is the intent of the legislature to maintain an active and ongoing role in monitoring and overseeing the development and implementation of the new basic education funding formula and redefinition of basic education. The state board of education, professional educator standards board, office of financial management, and the technical working groups established under sections 111, 401, and 502 of this act shall present status reports on the progress in completing the tasks assigned under the provisions of this act to a joint work session of the house of representatives and senate education committees as required by the legislature.

PART I
PROGRAM AND FUNDING OF BASIC EDUCATION

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

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

~~The requirements of the Basic Education Act are))~~ (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 ((are)) 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 prepares them for postsecondary education, gainful employment, and citizenship. This program 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.

NEW SECTION. Sec. 102. 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.

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

~~BASIC EDUCATION GOAL. ((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be))~~ 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 contribute 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 different experiences and knowledge to form reasoned judgments and solve problems; and

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

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

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

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

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

(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 whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080; and

(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.

(2) Nothing contained in subsection (1) of 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.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students 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 ~~((PROVIDED, That))~~. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and 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.

(4) 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.

(5) 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.

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

FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (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 which, when combined with an appropriate portion of such locally available revenues, other than)) allocation based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 108 of this act. The basic education instructional allocation shall be net of 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, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).

(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.150.250 and))~~ 28A.150.260, 28A.150.390, and section 108 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula ~~((and ratios))~~ provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ~~((28A.150.100 and))~~ 28A.150.410.

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

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ~~((28A.150.250;))~~ 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 ~~((PROVIDED, That))~~. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

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

ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ~~((The basic education allocation for~~

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~~each annual average full-time equivalent student shall be determined in accordance with the following procedures)) 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 ((based on a ratio of students to staff)) for the distribution of a basic education instructional allocation for each ((annual average full-time equivalent student enrolled in a)) common school district. ((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:~~

- ~~—(a) Certificated instructional staff and their related costs;~~
- ~~—(b) Certificated administrative staff and their related costs;~~
- ~~—(c) Classified staff and their related costs;~~
- ~~—(d) Nonsalary costs;~~
- ~~—(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and~~
- ~~—(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.))~~

~~(2)((~~†~~)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 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, 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.~~

~~(c) 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 an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall at a minimum specify:~~

- ~~—(i) Basic average class size;~~
 - ~~—(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and~~
 - ~~—(iii) Average class size in grades kindergarten through three.~~
- ~~(d) The minimum allocation for each level of prototypical school shall include allocations for staff in addition to classroom teachers.~~

~~(4) 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: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development; other building-level costs including maintenance, custodial, and security; and central office administration.~~

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

~~(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 percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.~~

~~(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the 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 for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.~~

~~(6) The allocations under subsections (3)(b), (c)(i), and (d) and (4) 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.~~

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

~~(8) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) 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.

~~(9)(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. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.~~

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

~~(c) (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((: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100)).~~

(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 ((and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), 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((: PROVIDED, That the definition)) and shall be included as part of the superintendent's biennial budget request((: PROVIDED, FURTHER, That)). 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 ((appropriations)) ways and means committee and the senate ways and means committee((: PROVIDED, FURTHER, That)).

(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.

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

~~(b) Certificated administrative staff shall include 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:))~~

Sec. 107. RCW 28A.150.390 and 1995 c 77 s 6 are each

amended to read as follows:

SPECIAL EDUCATION EXCESS COST ALLOCATION.

(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.150.250;)) 28A.150.260(;) (3) through (5) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((; and other state and local funds, excluding special excess levies)).

(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 formula under RCW 28A.150.260 (3) (b), (c)(i), and (d) and (4), 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.

NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (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 and federal revenues related to services for special education students.

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(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. 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.

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

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

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

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

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

(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.

(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. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007:))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review, and 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

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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.

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

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to recommend the details of the funding formulas and a concurrent implementation schedule.

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

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

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

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

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

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

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

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

(v) Professional development coaches;

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

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

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

(ix) Student and staff safety; and

(x) Teacher mentor enhancement; and

(d) Recommend whether additional categories of enhancements to the annual average full-time equivalent student allocation should be included in the omnibus appropriations act for prototypical schools, any recommended criteria for those enhancements, and whether restrictions on when those enhancements apply should be included. The working group shall at a minimum give consideration to the following potential enhancements:

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

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

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

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

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

(4) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, 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 expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

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

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

CAPACITY AND PHASE IN OF BASIC EDUCATION ENHANCEMENTS. (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 annually make determinations on the educational system's capacity to accommodate increased resources in relation to the recommended 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 redefine and enhance an evolving program of basic education that serves the educational needs of the citizen's of Washington; and ensure that no enhancements are imposed on the educational system that cannot be accommodated by the existing system capacity.

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

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

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

(4) "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.

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

PART II

CERTIFICATION AND PROFESSIONAL DEVELOPMENT

NEW SECTION. Sec. 201. INTENT. The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers 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.

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

(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.

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

(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) ~~((The expected outcomes of these programs are))~~ 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 (~~regarding the use of the funds;~~) documenting how the use of the funds (~~is associated with~~) contributes to measurable improvement in the (~~expected~~) 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.

PART III SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT

NEW SECTION. Sec. 301. INTENT. (1) 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 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. The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools 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, potentially, state-funded intervention strategies.

(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.

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

PRINCIPLES. (1) The state board of education shall continue to refine the development of 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.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on student growth using 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 accountability index shall take into account the level of state resources a school or school district receives in support of the program of basic education. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the system of voluntary support is implemented. 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 by the legislature through the omnibus appropriations act or other enacted legislation.

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

(5) 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 accountability index and the state system of support, assistance, and potential intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(6) 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 section 111 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

PART IV COMPENSATION

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

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(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 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) The role of and types of bonuses available;
- (d) Ways to accomplish salary equalization over a set number of years; and
- (e) 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 department of personnel, 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 as established in section 3 of this act. The working group shall make an initial report to the legislature by

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

PART V OTHER FINANCE

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

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

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

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

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

(3) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, 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 expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

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

PART VI GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

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

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

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

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

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

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

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

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

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

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

LAP ADJUSTMENTS. ~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ~~((biennial))~~ 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. ((The distribution formula shall be based on one or more family income factors measuring economic need.

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

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

school year:

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

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

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

TBIP ADJUSTMENTS. 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 ~~((and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).~~

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

TBIP ADJUSTMENTS. ~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.))~~ 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 ~~((; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~

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

EDUCATION BY OTHER DISTRICTS. (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 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 ~~((; PROVIDED, That))~~. 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.150.100;))~~ 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, ~~((28A.160.220))~~ 28A.300.035, and 28A.300.170 ~~((; and 28A.500.010))~~ 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.

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

- (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;
- (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;
- (3) RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;
- (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;
- (5) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and
- (6) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

PART VII MISCELLANEOUS PROVISIONS

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

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

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

NEW SECTION. Sec. 704. 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."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

On page 3, after line 5, strike all of section 2 through line 13.

Re-number the sections consecutively and correct any internal references accordingly.

Senators King and Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Oemig spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 3, after line 5 to the striking amendment to Senate Bill No. 6048.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 4, line 27 of the amendment, after "facilities;" strike "and"

On page 4, line 30 of the amendment, after "28A.160.180" insert "; and

(e) The highly capable program"

On page 8, line 10 of the amendment, after "28A.180.080;" strike "and"

On page 8, line 13 of the amendment, after "28A.155.020" insert "; and

(g) The supplemental instruction under the highly capable program"

On page 37, after line 2, insert the following:

"NEW SECTION. Sec. 606. A new section is added to chapter 28A.185 RCW to read as follows:

Every child deserves a chance to soar. Washington cannot provide a world class education unless it provides a basic education for our most talented students to be funded in the manner as those who are learning at grade level. Therefore, the program for highly capable students shall be considered part of the program of basic education and phased in as such in accordance with section 112 of this act."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 39, line 4 of the title amendment, after "28A.500 RCW;" insert "adding a new section to chapter 28A.185 RCW;"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 4, line 27 to the striking amendment to Senate Bill No. 6048.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Jarrett moved that the following amendment by Senator Jarrett to the striking amendment be adopted.

On page 5, beginning on line 26 of the amendment, strike all of subsection (8) and insert the following:

"(8) "Instructional hours" means those hours students are provided the opportunity to engage in academic and career and technical instruction planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of 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, intermissions for class changes, or recess."

On page 12, line 24 of the amendment, strike "and" and on line 25, after "(iii)" insert "Basic average class size for exploratory career and technical education courses;

(iv) Basic average class size for career and technical courses, including those offered through a skill center; and

(v)"

On page 34, after line 4 of the amendment, insert the following:

"Sec. 601. RCW 28A.150.310 and 2002 c 291 s 2 are each amended to read as follows:

YOUTH CHALLENGE PROGRAM. Basic and nonbasic education funding, including applicable ~~((vocalional entitlements))~~ career and technical education enhancements 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))~~ 28A.300.165. 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."

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Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 38, line 24 of the title amendment, after "28A.415.360," insert "28A.150.310."

Senators Jarrett and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Oemig and King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jarrett on page 5, line 26 to the striking amendment to Senate Bill No. 6048.

The motion by Senator Jarrett failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

On page 21, line 4, after "Constitution." strike all material through "requirements." on line 11

On page 24, after line 7, insert the following:

"NEW SECTION. Sec. 112. STATE FUNDING SOURCES WORKING GROUP.

(1) The legislature recognizes that defining a new program of basic education and establishing new allocations of state funding deemed necessary to support school districts in offering that program carries with it the responsibility to identify long-term funding sources sufficient to support additional costs to the state that result. The legislature finds that while making ample provision for the education of all children residing within its borders is the state's paramount duty, it does not negate its responsibility for other essential state programs and services. The legislature further finds that while a redefined program of basic education and the resources necessary to support it is appropriate for both practical and educational reasons, it does not diminish the long-term funding obligations accruing from it, or the legislature's responsibility to demonstrate how it will meet them. The legislature therefore intends that work to identify long-term funding sources to finance the program and state allocations established under this act shall proceed concurrently with the work of the working group established in sections 111.

(2) The office of financial management shall convene a working group to identify new, long-term funding sources deemed sufficient to support the revised program of basic education and funding allocations adopted under this act.

(3) The working group shall include:

- (a) A representative of the office of the governor;
- (b) The superintendent of public instruction or the superintendent's designee;
- (c) Two members of the house of representatives, with one member representing each of the major caucuses and appointed by the speaker of the house of representatives;

(d) Two members of the senate, with one member representing each of the major caucuses and appointed by the president of the senate;

(e) Four members of the public having expertise in state finances, appointed by the governor from a list of three names submitted by the leaders of each major caucus of the legislature;"

Renumber remaining sections consecutively and correct internal references accordingly.

On page 38, line 15, after "**703.**" strike everything through "2011." on line 16 and insert the following:

"(1) Sections 101 through 105, 108, 109, and 601 through 607 of this act take effect September 1, 2011.

(2) Sections 1, 2, 106, 107, and 113 of this act take effect only if a new revenue source that (a) is dedicated to the purposes of these sections, (b) supplements and does not supplant existing

revenue sources that support K-12 education, and (c) references these sections by section and bill or chapter number, is enacted into law by June 30, 2011. If such a revenue source is not enacted by that date, sections 1, 2, 106, 107, and 113 of this act are null and void."

Senators King, Zarelli and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Oemig spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Pflug: "Thank you Mr. President, I object to the gentleman's characterization of this amendment as a deception. I think that he's impugning the good gentleman who brought it forward with good intentions."

REPLY BY THE PRESIDENT

President Owen: "Senator Oemig, please be careful in what you say as it may impugn the motives of the other members. That was very close."

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 21, line 4 to the striking amendment to Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator King to the striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Shin and Tom

Excused: Senator Rockefeller

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 37, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 607. The legislature recognizes that student learning experiences are enhanced through many activities selected by students and parents outside the classroom environment. The legislature finds that recognizing the value of these educational activities through awarding high school physical education, visual and performing arts, and elective credits for participation in these activities will help encourage parental involvement in their children's education, improve student learning through encouraging students to take advantage of a broader variety of educational opportunities, and provide students with the time to take additional academic courses during the school day.

Sec. 608. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

- (1) The state board of education shall establish high school

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graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(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.

(2) 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. 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. The board shall ~~((reports [report]))~~ report its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.

(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) The state board of education shall provide by rule for high school credit equivalencies for physical education, visual and performing arts, and elective requirements for educational experiences selected by parents and students consistent with policies adopted by local school boards under section 3 of this act.

~~(5)~~ (5) 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))~~ (6) Students who have taken and successfully completed high school courses under the circumstances in subsection ~~((4))~~ (5) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

~~((6))~~ (7) At the college or university level, five quarter or

three semester hours equals one high school credit.

NEW SECTION. Sec. 609. A new section is added to chapter 28A.320 RCW to read as follows:

A school district board of directors shall grant high school credit for certain educational experiences selected by parents and students consistent with the policies adopted by the school board. By September 1, 2010, each school district board of directors shall adopt a policy granting high school credit for certain educational experiences selected by students or parents. The policy shall describe the number of credits granted and the equivalencies for the district's current high school graduation requirements for physical education, visual and performing arts, and electives. Experiences qualifying for educational credit shall include but not be limited to activities under the supervision of the Washington interscholastic activities association or other nonprofit voluntary entity responsible for interschool extracurricular activities; other activities approved by the school board and recognized by regional organizations; and other activities approved by the school board."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 38, line 25 of the title amendment, after "28A.180.080," strike "and 28A.225.200" and insert "28A.225.200, and 28A.230.090"

On page 39, line 4 of the title amendment, after "28A.500 RCW;" insert "adding a new section to chapter 28A.320 RCW;"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Oemig spoke against adoption of the amendment to the striking amendment.

Senator Roach demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 37, after line 24 to the striking amendment to Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Schoesler, Shin and Tom

Excused: Senator Rockefeller

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 37, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 607. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district shall develop and implement a policy to routinely communicate with the parents or legal guardians of kindergarten students regarding the status of the student's initial skills in the academic areas of reading, mathematics, and writing, including letter and number recognition. If the student is behind in these initial skills then the school district shall provide supplemental materials to the parents or guardians that may be used to assist the student in acquiring the initial skills."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 39, line 4 of the title amendment, after "28A.500 RCW;" insert "adding a new section to chapter 28A.320;"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 37, after line 24 to the striking amendment to Senate Bill No. 6048.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Oemig to Senate Bill No. 6048.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.380, 28A.230.090, 28A.415.360, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 28A.500 RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and 28A.155.180; and providing an effective date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Senate Bill No. 6048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Jarrett spoke in favor of passage of the bill.

Senators Schoesler and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6048 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

ENGROSSED SENATE BILL NO. 6048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5491, by Senators Brandland, Zarelli and Becker

Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority.

MOTION

On motion of Senator Brandland, Second Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 1, beginning on line 5, strike the remainder of the bill and insert the following:

"Sec. 1. RCW 28A.400.270 and 1990 1st ex.s. c 11 s 4 are each amended to read as follows:

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 contributions, 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

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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 until September 1, 2012, and are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage. Beginning September 1, 2012, basic benefits are determined by the public employees' benefits board and administered by the Washington state health care authority.

(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.

Sec. 2. RCW 28A.400.275 and 1990 1st ex.s. c 11 s 5 are each amended to read as follows:

(1) Any contract 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 may not exceed one year. After September 1, 2012, any contract for employee benefits between a school district and a bargaining unit is null and void unless basic benefits are provided through plans administered by the Washington state health care authority.

(2) School districts shall (~~annually~~) submit to the Washington state health care authority (~~summary descriptions of all benefits offered under the district's employee benefit plan.~~) all information deemed necessary by the health care authority for the administration of the employee benefit plans provided to school district employees, including all information requested between the effective date of this section and September 1, 2012, requested for preparing for the enrollment of school district employees in benefit plans administered by the Washington state health care authority. Until September 1, 2012, the districts shall also submit data to the health care authority specifying the total number of employees and, for each employee, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent. The plan descriptions and the data shall be submitted in a format and according to a schedule established by the health care authority.

(3) Any benefit provider offering a benefit plan by contract with a school district under subsection (1) of this section shall agree to make available to the school district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the district is required to report to the Washington state health care authority under this section.

(4) This section shall not apply to benefit plans offered in the 1989-90 school year.

Sec. 3. RCW 28A.400.350 and 2001 c 266 s 2 are each amended to read as follows:

(1) (a) 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 or any one of, or a combination of the enumerated types of insurance, 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. Except as provided in (b) of this subsection, such coverage may be provided by contracts 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.

(b) Beginning September 1, 2012, a school district or educational service district shall purchase basic benefits as defined in RCW 28A.400.270 for employees and dependents through the state health care authority, except that the coverage may be purchased through other parties if required by any collective bargaining agreement signed before the effective date of this section. Upon the expiration of such a collective bargaining agreement, the school district or educational service district shall purchase coverage through the state health care authority.

(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 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.

Sec. 4. RCW 41.05.011 and 2008 c 229 s 2 are each amended to read as follows:

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

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district or educational service district, except that prior to September 1, 2012, only if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; and (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g).

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary

reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

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), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Employer" means the state of Washington.

(16) "Employing agency" means a division, department, or separate agency of state government; a county, municipality, school district, educational service district, or other political subdivision; and a tribal government covered by this chapter.

(17) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

(18) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(19) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(20) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

Sec. 5. RCW 41.05.021 and 2007 c 274 s 1 and 2007 c 114 s 3 are each reenacted and amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority

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shall be to: Administer state and school district employees' insurance benefits and retired or disabled ((school)) employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for state and school district employees and retired or disabled state and school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health

information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered under this chapter. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program approved by the authority;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities;

(h) To establish billing procedures and collect funds from school districts in a way that minimizes the administrative burden on districts;

(i) Until September 1, 2012, to publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority; and

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of

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managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

Sec. 5. RCW 41.05.050 and 2007 c 114 s 4 are each amended to read as follows:

(1) Every: (a) Department, division, or separate agency of state government; (b) county, municipal, school district, educational service district, or other political subdivisions; and (c) tribal governments as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, other political subdivision, or a tribal government for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups (~~except as provided in subsection (4) of this section~~).

(2) If the authority at any time determines that the participation of a county, municipal, other political subdivision, or a tribal government covered under this chapter adversely impacts insurance rates for state employees, the authority shall implement limitations on the participation of additional county, municipal, other political subdivisions, or a tribal government.

(3) The contributions of any: (a) Department, division, or separate agency of the state government; (b) county, municipal, or other political subdivisions; and (c) any tribal government as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Beginning September 1, 2003, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees (~~for groups of district employees enrolled in authority plans as of January 1, 2003. However, during the 2005-07 fiscal biennium, the authority shall collect from each participating school district and educational service district an amount equal to the insurance benefit allocations provided in section 504, chapter 518, Laws of 2005, plus any additional funding provided by the legislature for school employee health benefits, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees, for groups of district employees enrolled in authority plans as of July 1, 2005.~~

~~(b) For all groups of district employees enrolling in authority plans for the first time after September 1, 2003, the authority shall collect from each participating school district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to state employees, only if the authority determines that this method of billing the districts will not result in a material difference between revenues from districts and expenditures made by the authority on behalf of districts and their employees.~~

~~(c) If the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all district employees enrolled in authority plans.~~

~~(d) The authority may charge districts a one-time set-up fee for employee groups enrolling in authority plans for the first time). The authority may collect these amounts in accordance~~

with the district fiscal year.

~~((e)) (b) For the purposes of this subsection((~~
~~(i)), "district" means school district and educational service district((and~~

~~(ii) "Tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size:~~

~~(f) Notwithstanding this subsection and RCW 41.05.065(3), the authority may allow districts enrolled on a tiered rate structure prior to September 1, 2002, to continue participation based on the same rate structure and under the same conditions and eligibility criteria).~~

(5) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

(6) The authority shall explore opportunities to change the start of the benefit year to September to accommodate the September 1, 2012, merger of school districts and educational service districts.

Sec. 7. RCW 41.05.065 and 2007 c 156 s 10 and 2007 c 114 s 5 are each reenacted and amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of RCW 41.05.066. ~~((The same terms and conditions of participation and coverage, including~~

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eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.) School districts and educational service districts may contractually agree with the authority to benefits eligibility criteria that differ from the criteria applicable to state employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay. A school district or educational service district may collect additional contributions from part-time employees not to exceed the cost of the benefits provided to these employees.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and ~~((retired))~~ school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering. For the purposes of this subsection, employees and retired employees include the employees and retired employees of school districts and educational service districts.

(a) Participation of eligible employees or retired employees ~~((and retired school employees))~~ in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee~~(s)~~ or retired employee~~(s)~~ ~~((and retired school employee are))~~ is solely responsible for the payment of

the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees~~((retired school employees))~~, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees~~(s)~~ and retired employees~~((and retired school employees))~~ the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees~~((s))~~ and retired employees~~((and retired school employees))~~ designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

NEW SECTION. Sec. 8. (1) By the effective date of this act, the health care authority, in coordination with the office of the superintendent of public instruction, shall convene a work group on the provision and procurement of health benefits for K-12 employees.

(2) The health care authority shall invite representatives from the following organizations to participate in the work group:

- (a) Representatives of school districts;
 - (b) Representatives of educational service districts;
 - (c) Representatives of labor organizations representing K-12 employees;
 - (d) Representatives of health carriers;
 - (e) Members of the house of representatives and the senate;
- and

(f) Representatives of other relevant entities as the health care authority may deem appropriate.

(3) By December 15, 2009, the health care authority shall report the findings of the work group to the governor and the fiscal committees of the legislature. The report may recommend changes to the processes for funding and procurement of health benefits for K-12 employees. The options investigated by the work group must include the centralized provision of health benefits for K-12 employees by the health care authority as required under this act."

On page 1, line 1 of the title, after "Relating to", strike the remainder and insert "the provision and procurement of health

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and related insurance coverage for school district and educational service district employees; amending RCW 28A.400.270, 28A.400.275, 28A.400.350, 41.05.011, and 41.05.050; reenacting and amending RCW 41.05.021 and 41.05.065; and creating a new section."

Senators Brandland and Kastama spoke in favor of adoption of the amendment.

Senators Keiser and McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 1, line 5 to Second Substitute Senate Bill No. 5491.

The motion by Senator Brandland failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Second Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Regala

Excused: Senator Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,

ENGROSSED HOUSE BILL NO. 1385,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,

ENGROSSED HOUSE BILL NO. 1616,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618,

ENGROSSED HOUSE BILL NO. 1815,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 8:31 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, March 10, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1038-S		Messages.	1
1062-S		Messages.	1
1090-S2		Introduction & 1st Reading.	1
1215-S		Messages.	1
1357-S		Messages.	1
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1418-S		Messages.	1
1429-S2		Messages.	1
1445-S		Messages.	54
1460		Messages.	1
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1616		Messages.	54
1618-S2		Messages.	54
1683-S		Messages.	1
1733-S		Messages.	1
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1815		Messages.	54
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1838-S		Messages.	1
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1946-S2		Messages.	1
1951-S2		Messages.	1
1952-S		Messages.	1
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2128-S		Messages.	54
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		Third Reading Final Passage.	32
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5172-S		Second Reading.	2
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5177		Second Reading.	2
5177-S		Second Reading.	2
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5229		Second Reading.	5
5229-S		Second Reading.	5
		Third Reading Final Passage.	6
5301		Second Reading.	32
5301-S		Second Reading.	32
		Third Reading Final Passage.	32
5317		Second Reading.	3
5317-S		Second Reading.	3
		Third Reading Final Passage.	3
5360		Second Reading.	16
5360-S		Second Reading.	16
		Third Reading Final Passage.	16
5410		Second Reading.	6
5410-S		Second Reading.	6
		Third Reading Final Passage.	6
5423		Other Action.	18
		Second Reading.	17
		Third Reading Final Passage.	18
5449		Second Reading.	6
5449-S		Second Reading.	6
		Third Reading Final Passage.	6
5480		Second Reading.	18
5480-S		Second Reading.	18
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Second Reading.	7	5873-S	Other Action.	5
Third Reading Final Passage.	7	Second Reading.	Second Reading.	5
5491		Third Reading Final Passage.	Third Reading Final Passage.	5
Second Reading.	48	5879	Second Reading.	3
5491-S2		Second Reading.	Second Reading.	3
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5498		5913	Second Reading.	33
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5500		5925	Second Reading.	4
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5501		5941-S2	Other Action.	11
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5502		Third Reading Final Passage.	Third Reading Final Passage.	19
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5608-S		Third Reading Final Passage.	Third Reading Final Passage.	19
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5617		Third Reading Final Passage.	Third Reading Final Passage.	48
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5676		6103	Second Reading.	32
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5777-S				
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5811-S				
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