

**NINETY THIRD DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 12, 2011

The Senate was called to order at 10:00 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 Delvin, Holmquist Newbry and McAuliffe.

The Sergeant at Arms Color Guard consisting of Pages Kathrina Harrison and Madeline Pepple, presented the Colors. Chaplain Phil Lewis of Josephine Sunset Home of Stanwood 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 third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 30, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LINDSAY FIKER, appointed March 30, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

April 11, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GABE P. SPENCER, appointed March 31, 2011, for the term ending June 30, 2013, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

April 11, 2011

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5167.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2011

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5367,

SENATE BILL NO. 5480.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2011

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5389.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2011

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1965.

and the same is 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

SB 5932 by Senators Kohl-Welles, Conway, Nelson, White, Murray, Keiser, Regala, Chase, Kline and Harper

AN ACT Relating to clarifying the taxability of initiation fees and dues to provide funding for essential government services; amending RCW 82.04.4282; reenacting and amending RCW 82.04.050; making an appropriation; and providing a contingent effective date.

Referred to Committee on Ways & Means.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESH 1087 by House Committee on Ways & Means (originally sponsored by Representatives Hunter, Alexander and Darneille)

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 19.30.030, 28B.15.068, 28B.116.050, 28C.04.535, 36.22.175, 40.14.025, 40.14.027, 41.06.022, 41.50.110, 41.60.050, 41.80.010, 41.80.020, 43.07.129, 43.08.190, 43.09.475, 43.19.501, 43.20A.725, 43.79.201, 43.79.465, 43.88.150, 43.101.200, 43.135.045, 43.185.050, 43.185C.190, 43.336.020, 46.66.080, 66.08.170, 66.08.190, 66.08.235, 67.70.260, 70.93.180, 70.105D.070, 74.13.621, 79.64.040, 79.105.150, 80.36.430, 82.08.160, 82.14.310, 82.14.320, 82.14.330, 82.14.390, 82.14.500, 82.45.060, 86.26.007, and 90.71.370; reenacting and amending RCW 41.06.070, 43.79.480, 43.155.050, 43.185A.030, and 43.330.250; amending 2011 c 5 ss 106, 107, 108, 113, 114, 115, 117, 118, 119, 120, 121, 122, 125, 126, 127, 128, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 401, 402, 501, 502, 503, 504, 505, 507, 508, 607, 608, 609, 612, 613, 614, 615, 616, 617, 703, and 801 (uncodified); amending 2010 2nd sp.s. c 1 ss 101, 102, 106, 107, 108, 116, 305, and 306 (uncodified); amending 2010 1st sp.s. c 37 ss 201, 504, 509, 510, 514, 515, 516, 517, 612, 701, 702, 703, 709, 710, and 801 (uncodified); amending 2009 c 564 ss 719, 802, and 803 (uncodified); adding new sections to 2009 c 564 (uncodified); adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2010 1st sp.s. c 37 s 802 (uncodified); making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

## MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

## 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 April 12, 2011."

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 April 12, 2011 by voice vote.

## MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

## MOTION

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

## MOTION

Senator Parlette moved adoption of the following resolution:

## SENATE RESOLUTION

8653

By Senators Parlette, Kastama, Honeyford, Conway, Pridemore, Harper, Ericksen, Becker, Stevens, King, Morton, and Delvin

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 92nd annual Washington State Apple Blossom Festival to take place from April 28th through May 8, 2011; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Maycee McQuin has been selected to represent her community as a 2011 Apple Blossom Princess, in part for her jovial, perspicacious, and humble nature, her imagination and formative multimedia capabilities as demonstrated through her passion for capturing her high school's finest moments as the ASB Video Coordinator and the Co-Editor of the yearbook, and her involvement in extracurricular activities, including Chamber Singers and theater productions, in her school and community; and

WHEREAS, Elise Shae has been selected to represent her community as a 2011 Apple Blossom Princess, in part for her genuine, lighthearted attitude and zest for life, her commitment to academic excellence as a member of the Honor Society, and her involvement in extracurricular activities, including being the ASB Assemblies Coordinator and a member of Chamber Singers and the Hy-Land Singers; and

WHEREAS, Elenore Bastian has been selected to represent her community as the 2011 Apple Blossom Queen, in part for her assuring, witty, and kindhearted spirit, her strong academic performance and participation in extracurricular activities, including being President of Honor Society, a member of the cross-country team, captain of the girls' golf team, and an ASB Activities

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Coordinator at her school, and her respectful and heartfelt love for her family, friends, and community; and

WHEREAS, These three young women all desire to share their proven talents and leadership ambition to serve their community and be an encouragement to those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Elenore Bastian, Princess Maycee McQuin, Princess Elise Shae, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senators Parlette and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Apple Blossom Festival Court: Princess Elise Shae, Princess Maycee McQuinn; and Queen Elenore Bastian who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Apple Blossom Queen Elenore Bastian to address the Senate.

REMARKS BY MISS ELENORE BASTIAN

“Thank you so much for having Princess Elise and Princess Maycee and myself here today. We are so honored to tour the Capitol and speak to you now. We feel so privileged to represent the Valley on behalf of the Apple Blossom Festival. As whether you enjoy skiing on Mission Ridge, biking the loop trail along the Columbia River or hiking the enchantments, Wenatchee Valley is truly a unique place. But biased or not, I would have to say the Apple Blossom Festival really makes this valley special. We call ourselves the apple capital but it has never really been just about the apples. It is our spirit that makes us who we are. Anyone who visits Wenatchee instantly notices our strong community bond. Apple Blossom is an opportunity to highlight and celebrate our prominence in the fruit and orchard industry but to everyone who calls Wenatchee their home this festival is so much than that. Community businesses sponsor and the oh so many volunteers donate so much more than just their money and countless hours of service. Apple Blossom is a time to celebrate our history and the apple industry and spend time with our loved ones. Apple Blossom is fun, with parades, carnivals and food fair and yet Apple Blossom is also history. Wound in tradition and over flowing with community pride. Apple Blossom is an opportunity to spend time with loved ones and highlight the natural beauty of this wonderful valley. We invite you to experience this festival for yourself as words can truly not describe our wonderful celebration. So, please join us in our ninety-second Apple Blossom Festival from April 28 through May 8 and visit us online at AppleBlossom.org. See you all there.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Apple Blossom Festival Royalty Chaperones who were seated in the gallery.

MOTION

On motion of Senator Eide, Senators Benton, Delvin, McAuliffe, Sheldon and Swecker were excused.

MOTION

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

SECOND READING

HOUSE BILL NO. 1000, by Representatives Hurst, Stanford, Blake, Finn, Ladenburg, Goodman, Appleton, Pearson and Moeller

Concerning overseas and service voters.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read as follows:

The secretary of state or a county auditor shall accept and file in his or her office electronic (~~facsimile~~) transmissions of the following documents:

- (1) Declarations of candidacy;
- (2) County canvass reports;
- (3) Voters' pamphlet statements;
- (4) Arguments for and against ballot measures that will appear in a voters' pamphlet;
- (5) Requests for recounts;
- (6) Certification of candidates and measures by the secretary of state;
- (7) Direction by the secretary of state for the conduct of a (~~mandatory~~) recount;
- (8) Requests for (~~absentee~~) ballots;
- (9) Any other election related document authorized by rule adopted by the secretary of state under RCW (~~29A.04.610~~) 29A.04.611.

The acceptance by the secretary of state or the county auditor is conditional upon the document being filed in a timely manner, being legible, and otherwise satisfying the requirements of state law or rules with respect to form and content.

~~(If the original copy of a document must be signed and a copy of the document is filed by facsimile transmission under this section, the original copy must be subsequently filed with the official with whom the facsimile was filed. The original copy must be filed by a deadline established by the secretary by rule.)~~ The secretary may by rule require that the original of any document, a copy of which is filed by (~~facsimile~~) electronic transmission under this section, also be filed by a deadline established by the secretary by rule.

Sec. 2. RCW 29A.40.070 and 2006 c 344 s 13 are each amended to read as follows:

(1) Except where a recount or litigation (~~under RCW 29A.68.011~~) is pending, the county auditor (~~shall have sufficient absentee ballots available for absentee voters of that county, other than overseas voters and service voters, at least twenty days before any primary, general election, or special election. The county auditor~~) must mail (~~absentee~~) ballots to each voter (~~for whom the county auditor has received a request nineteen days before the primary or election~~) at least eighteen days before (~~the~~) each primary or election, and as soon as possible for all subsequent registration changes. (~~For a request for an absentee ballot received after the nineteenth day before the primary or election, the county auditor shall make every effort to mail ballots within one business day, and shall mail the ballots within two business days~~).

(2) (~~At least thirty days before any primary, general election, or special election, the county auditor shall mail ballots to all overseas and service voters.~~) Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election and at least forty-five days before each primary or general election. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(3) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

(4) Each county auditor shall certify to the office of the secretary of state the dates the ballots (~~prescribed in subsection (1) of this section were available and~~) were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely.

(~~4) If absentee ballots will not be available or mailed as prescribed in subsection (1) of this section, the county auditor shall immediately certify to the office of the secretary of state when absentee ballots will be available and mailed. Copies of this certification must be provided to the county canvassing board, the press, jurisdictions with issues on the ballot in the election, and any candidates.~~

(5) ~~If absentee ballots were not available or mailed as prescribed in subsection (1) of this section, for a reason other than a recount or litigation, the county auditor, in consultation with the certification and training program of the office of the secretary of state, shall submit a report to the office of the secretary of state outlining why the deadline was missed and what corrective actions will be taken in future elections to ensure that absentee ballots are available and mailed as prescribed in subsection (1) of this section.~~

(6) Failure to (~~have absentee ballots available and mailed~~) mail ballots as prescribed in (subsection (4) of) this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

**Sec. 3.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return (it) the ballot to the county auditor.

(2) The (~~instructions that accompany a ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the voter reciting his or her qualifications and stating that he or she~~) voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election(, together with a summary of

~~the penalties for any violation of any of the provisions of this chapter).~~ The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and (~~except as otherwise provided by law~~) it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The (~~return envelope must provide space for the~~) voter (~~to~~) must indicate the date on which the ballot was voted and (for the voter to) sign the (oath) declaration. (~~the~~) The ballot materials must also contain a space so that the voter may include a telephone number. (A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope may provide secrecy for the voter's signature and optional telephone number.)

(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor (~~by whom it was issued~~) no later than 8:00 p.m. the day of the election or primary, or (attach sufficient first class postage, if applicable, and) mail the ballot to the (appropriate) county auditor with a postmark no later than the day of the election or primary (for which the ballot was issued.

~~If the county auditor chooses to forward ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed).~~ For overseas and service voters, the declaration must also explain that a voter may fax or e-mail a voted ballot and the signed declaration if the voter agrees to waive secrecy.

**Sec. 4.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received (~~absentee~~) return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until (~~after 8:00 p.m. of the day of the primary or election~~) processing. (~~Absentee ballots that are to be tabulated on an electronic vote tallying system~~) Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) (~~Before opening a returned absentee ballot,~~) The canvassing board, or its designated representatives, shall examine the postmark(, statement,) on the return envelope and signature on the (return envelope that contains the security envelope and absentee ballot) declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the

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~~((return envelope))~~ ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. ~~((For any absentee ballot,))~~ A variation between the signature of the voter on the ~~((return envelope))~~ ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) ~~((For registered voters casting absentee ballots))~~ If the postmark is missing or illegible, the date on the ((return envelope)) ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ((absentee)) ballot ((if the postmark is missing or is illegible)). For overseas voters and service voters, the date on the ~~((return envelope))~~ declaration to which the voter has attested determines the validity, as to the time of voting, for that ~~((absentee))~~ ballot. Any overseas voter or service voter who agrees to waive secrecy may return the signed declaration and voted ballot by fax or e-mail by 8:00 p.m. on the day of the primary or election."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

#### MOTION

On motion of Senator Ericksen, Senator Holmquist Newbry was excused.

#### MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the committee striking amendment be adopted:

On page 4, beginning on line 35 of the amendment, after "guaranteed)." strike all material through "secrecy." on line 38 and insert "Service and overseas voters must be provided with instructions and a secrecy cover sheet for returning the ballot and signed declaration by fax or e-mail. A voted ballot and signed declaration returned by fax or e-mail must be received by 8:00 p.m. on the day of the election or primary."

On page 6, beginning on line 3 of the amendment, after "ballot." strike all material through "election." on line 6 and insert "Any overseas voter or service voter may return the signed declaration and voted ballot by fax or e-mail by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot."

Senator Pridemore spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 4, line 35 to the committee striking amendment to House Bill No. 1000.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections as amended to House Bill No. 1000.

The motion by Senator Pridemore carried and the committee 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 "voters;" strike the remainder of the title and insert "and amending RCW 29A.04.255, 29A.40.070, 29A.40.091, and 29A.40.110."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1000 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1000 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1000 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Holmquist Newbry and McAuliffe  
HOUSE BILL NO. 1000 as amended by the Senate, 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

HOUSE BILL NO. 1794, by Representatives Ladenburg, Klippert and Kelley

Adding court-related employees to the assault in the third degree statute.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1794.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1794 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles,

Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Holmquist Newbry and McAuliffe

HOUSE BILL NO. 1794, 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

ENGROSSED HOUSE BILL NO. 1730, by Representatives Jinkins, Rodne, Haler and Dunshee

Concerning the authorization of bonds issued by Washington local governments.

The measure was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 1730 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 Engrossed House Bill No. 1730.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1730 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Erickson, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Holmquist Newbry and McAuliffe

ENGROSSED HOUSE BILL NO. 1730, 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

SECOND SUBSTITUTE HOUSE BILL NO. 1903, by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Orwall, Goodman, Roberts, Reykdal, Kagi, Kenney and Kelley)

Requiring background checks for all child care licensees and employees.

The measure was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

Subject to appropriation, the department of early learning shall establish and maintain an individual-based or portable background check clearance registry by July 1, 2012. Any individual seeking a child care license or employment in any child care facility licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

Sec. 2. RCW 43.215.215 and 2007 c 415 s 5 are each amended to read as follows:

(1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of ~~((applicants))~~ individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in care, ((and who have not resided in the state of Washington during the three year period before being authorized to care for children,)) shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) ~~((The fingerprint criminal history record checks shall be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.))~~ (i) Effective July 1, 2012, all individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(ii) Persons required to be fingerprinted and obtain a criminal record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in section 5 of this act. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(c) The director shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in care, must submit a new background application to the department. The department must require persons submitting a

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new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in section 5 of this act. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in care. The background check clearance card or certificate is valid for three years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

(i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

(j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.215.300 and 43.215.305 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

**Sec. 3.** RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are each reenacted and amended to read as follows:

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

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

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

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

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

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental

support, and an ability to raise a minimum of five million dollars in contributions;

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

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

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

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

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

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

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

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

(4) "Department" means the department of early learning.

(5) "Director" means the director of the department.

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

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

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

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

(10) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(11) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(12) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.215 RCW to read as follows:

Effective July 1, 2011, all agency licensees shall pay the department a one-time fee established by the department. When establishing the fee, the department must consider the cost of developing and administering the registry, and shall not set a fee which is estimated to generate revenue beyond estimated costs for the development and administration of the registry. Fee revenues must be deposited in the individual-based/portable background check clearance account created in section 5 of this act and may be expended only for the costs of developing and administering the individual-based/portable background check clearance registry created in section 1 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.215 RCW to read as follows:

The individual-based/portable background check clearance account is created in the custody of the state treasurer. All fees collected pursuant to RCW 43.215.215 and section 4 of this act must be deposited in the account. Expenditures from the account may be made only for development and administration, and implementation of the individual-based/portable background check registry established in section 1 of this act. Only the director of the department of early learning or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.215 RCW to read as follows:

Upon resignation or termination with or without cause of any individual working in a child care agency, the child care agency shall report to the department within twenty-four hours if it has knowledge of the following with respect to the individual:

(1) Any charge or conviction for a crime listed in WAC 170-06-0120;

(2) Any other charge or conviction for a crime that could be reasonably related to the individual's suitability to provide care for or have unsupervised access to children or care; or

(3) Any negative action as defined in RCW 43.215.010.

**NEW SECTION. Sec. 7.** To the extent that existing resources are available, the department of early learning, the office of the superintendent of public instruction, and educational service districts shall develop a proposal to coordinate their common

background check activities. The proposal shall include the development of an information sharing system, or protocol, that will operate in accord with federal regulations. These agencies shall submit their proposal to the legislature no later than December 15, 2011."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1903.

The motion by Senator Kohl-Welles carried and the committee 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 "employees;" strike the remainder of the title and insert "amending RCW 43.215.215; reenacting and amending RCW 43.215.010; adding new sections to chapter 43.215 RCW; and creating a new section."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1903 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1903 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1903 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Holmquist Newbry and McAuliffe  
SECOND SUBSTITUTE HOUSE BILL NO. 1903 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1127, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Moeller and Sells)

Addressing bargaining with certified exclusive bargaining representatives.

The measure was read the second time.



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MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Holmquist Newbry be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.050 and 1975 1st ex.s. c 296 s 16 are each amended to read as follows:

(1) In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative, the commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090.

(2) In the event that a public employer and a bargaining representative are in disagreement as to the merger of two or more bargaining units in the employer's workforce that are represented by the same bargaining representative, the commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090.

**Sec. 2.** RCW 41.56.140 and 1969 ex.s. c 215 s 1 are each amended to read as follows:

It shall be an unfair labor practice for a public employer:

(1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;

(2) To control, dominate, or interfere with a bargaining representative;

(3) To discriminate against a public employee who has filed an unfair labor practice charge;

(4) To refuse to engage in collective bargaining with the certified exclusive bargaining representative."

Senator Kohl-Welles 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 Kohl-Welles and Holmquist Newbry to Substitute House Bill No. 1127.

The motion by Senator Kohl-Welles 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 "representatives;" strike the remainder of the title and insert "and amending RCW 41.56.050 and 41.56.140."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1127 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1127 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1127 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin and McAuliffe

SUBSTITUTE HOUSE BILL NO. 1127 as amended by the Senate, 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

HOUSE BILL NO. 1040, by Representatives Pedersen, Armstrong, Kirby, Warnick, Kelley and Hunt

Regarding the use of electronic signatures and notices.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.09.085 and 2007 c 471 s 6 are each amended to read as follows:

(1) Registration under this chapter shall be effective for one year or longer, as established by the secretary.

(2) Reregistration required under RCW 19.09.075 or 19.09.079 shall be submitted to the secretary no later than the date established by the secretary by rule.

(3) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through (9) or 19.09.079 (1) through (7).

(4) The secretary shall notify entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification (~~shall~~) may be by postal or electronic mail, sent at least sixty days prior to the expiration of their current registration. Failure to register shall not be excused by a failure of the secretary to (~~mail~~) send the notice or by an entity's failure to receive the notice.

**Sec. 2.** RCW 19.34.231 and 1999 c 287 s 12 are each amended to read as follows:

(1) If a signature of a unit of state or local government, including its appropriate officers or employees, is required by statute, administrative rule, court rule, or requirement of the office of financial management, that unit of state or local government (~~shall~~) may become a subscriber to a certificate issued by a licensed certification authority for purposes of conducting official public business with electronic records.

(2) A city or county may become a licensed certification authority under RCW 19.34.100 for purposes of providing services to local government, if authorized by ordinance adopted by the city or county legislative authority.

(3) A unit of state government, except the secretary and the department of information services, may not act as a certification authority.

**Sec. 3.** RCW 23B.01.500 and 1989 c 165 s 16 are each amended to read as follows:

Not less than thirty nor more than ninety days prior to July 1st of each year or to the expiration date of any staggered yearly license, the secretary of state shall send, by postal or electronic mail as elected by the domestic corporation, to each domestic corporation, at its registered office within the state, ~~((by first class mail))~~ or to an electronic address designated by the corporation in a record retained by the secretary of state, a notice that its annual license fee must be paid and its annual report must be filed as required by this title, and stating that if any domestic corporation ~~((shall))~~ fails to pay its annual license fee or to file its annual report it ~~((shall be))~~ is dissolved and ceases to exist. Failure of the secretary of state to ~~((mail))~~ provide any such notice ~~((shall))~~ does not relieve a corporation from its obligations to pay the annual license fees and to file the annual reports required by this title. The option to receive the notice provided under this section by electronic mail may be selected only when the secretary of state makes the option available.

**Sec. 4.** RCW 23B.01.510 and 1990 c 178 s 3 are each amended to read as follows:

Not less than thirty nor more than ninety days prior to July 1st of each year or to the expiration date of any staggered yearly license, the secretary of state shall send by postal or electronic mail, as elected by the foreign corporation, to each foreign corporation qualified to do business in this state, ~~((by first class mail))~~ addressed to its registered office within this state, or to an electronic address designated by the corporation in a record retained by the secretary of state, a notice that its annual license fee must be paid and its annual report must be filed as required by this title, and stating that if it ~~((shall))~~ fails to pay its annual license fee or to file its annual report its certificate of authority to transact business within this state may be revoked. Failure of the secretary of state to ~~((mail))~~ send any such notice ~~((shall))~~ does not relieve a corporation from its obligations to pay the annual license fees and to obtain or file the annual reports required by this title. The option to receive the notice provided under this section by electronic mail may be selected only when the secretary of state makes the option available.

**Sec. 5.** RCW 24.03.400 and 1993 c 356 s 11 are each amended to read as follows:

Not less than thirty days prior to a corporation's renewal date, or by December 1 of each year for a nonstaggered renewal, the secretary of state shall ~~((mail))~~ send to each domestic and foreign corporation, by ~~((first class mail addressed to its registered office))~~ postal or electronic mail, as elected by the domestic or foreign corporation, addressed to its registered office or to an electronic address designated by the corporation in a record retained by the secretary of state, a notice that its annual or biennial report must be filed as required by this chapter, and stating that if it fails to file its annual or biennial report it ~~((shall be))~~ is dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to ~~((mail))~~ send any such notice ~~((shall))~~ does not relieve a corporation from its obligation to file the annual or biennial reports required by this chapter. The option to receive the notice provided under this section by electronic mail may be selected only when the secretary of state makes the option available.

Such report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year, or on an annual or biennial renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates.

If the secretary of state finds that such report substantially conforms to the requirements of this chapter, the secretary of state shall file the same.

**Sec. 6.** RCW 24.06.445 and 1993 c 356 s 23 are each amended to read as follows:

An annual or biennial report of each domestic or foreign corporation shall be delivered to the secretary of state between the

first day of January and the first day of March of each year or on such annual or biennial renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates. Proof to the satisfaction of the secretary of state that the report was deposited in the United States mails, in a sealed envelope, properly addressed to the secretary of state, with postage prepaid thereon, prior to the corporation's annual or biennial renewal date, shall be deemed compliance with this requirement.

If the secretary of state finds that a report substantially conforms to the requirements of this chapter, the secretary of state shall file the same.

Failure of the secretary of state to ~~((mail))~~ send any such notice shall not relieve a corporation from its obligation to file the annual reports required by this chapter.

**Sec. 7.** RCW 24.12.051 and 2009 c 437 s 14 are each amended to read as follows:

(1) Not less than thirty days prior to a corporation sole's renewal date, the secretary of state shall ~~((mail))~~ send to each corporation sole, by ~~((first class))~~ postal or electronic mail, as elected by the corporation sole, addressed to its registered office, or to an electronic address designated by the corporation sole, in a record retained by the secretary of state, a notice that its annual report must be filed as required by this chapter, and stating that if it fails to file its annual report it shall be dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to ~~((mail))~~ send the notice does not relieve a corporation sole from its obligation to file the annual reports required by this chapter. The option to receive the notice provided under this section by electronic mail may be selected only when the secretary of state makes the option available.

(2)(a) The report of a corporation sole shall be delivered to the secretary of state on an annual renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates.

(b) If the secretary of state finds that the report substantially conforms to the requirements of this chapter, the secretary of state shall file that report."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1040.

The motion by Senator Kline carried and the committee 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 "notices;" strike the remainder of the title and insert "and amending RCW 19.09.085, 19.34.231, 23B.01.500, 23B.01.510, 24.03.400, 24.06.445, and 24.12.051."

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1040 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1040 as amended by the Senate.

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## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1040 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin and McAuliffe

HOUSE BILL NO. 1040 as amended by the Senate, 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

HOUSE BILL NO. 1419, by Representatives Kagi, Roberts and Dickerson

Allowing the department of early learning and the department of social and health services to share background check information.

The measure was read the second time.

## MOTION

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

On page 9, after line 12, insert the following:

"Sec. 5. RCW 43.43.830 and 2007 c 387 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that

provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; ~~((patronizing a juvenile prostitute))~~ commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

With regard to peer counselors, "unsupervised" does not include incidental contact with children under age sixteen at the location at which the peer counseling is taking place. "Incidental contact"

means minor or casual contact with a child in an area accessible to and within visual or auditory range of others. It could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office.

(9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

(12) "Peer counselor" means a nonprofessional person who has equal standing with another person, providing advice on a topic about which the nonprofessional person is more experienced or knowledgeable, and who is a counselor for a peer counseling program that contracts with or is otherwise approved by the department, another state or local agency, or the court.

**Sec. 6.** RCW 43.43.832 and 2007 c 387 s 10 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's conviction record as defined in chapter 10.97 RCW.

(2) The legislature also finds that the Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's conviction record under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, ~~((18.48,))~~ 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(6) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(7) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(8)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of

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requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW."

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

#### POINT OF INQUIRY

Senator Carrell: "Would Senator Hargrove yield to a question? Thank you very much. My question regarding the bill has to do with the words 'peer counselor' because this isn't something that we really spent much time on. Peer counselor means at least in the Judiciary Committee, that we are dealing with somebody who has privilege. Is this an expansion of privilege within the legal sense of the word?"

Senator Hargrove: "No, Senator Carrell. That is not the intent at all. These peer counselor programs in child welfare are a best practice that has been put together and it doesn't have the legal counselor connotation there."

Senator Carrell: "I think it does. I would maybe we need to, perhaps I need to ask the good senator from the Thirty-Seventh District what you believe does peer counselor means and I believe the work that we did years ago on police and fireman where they had peer counselors that peer counselor is by using those words it means that they have."

Senator Hargrove: "Actually Senator Carrell, peer counseling is defined in the bill. You can look on page three, it says, 'Peer

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counseling means a nonprofessional person who has equal standing with another person, providing advice on the topic of about which the non professional person is more experienced or knowledgeable.' It does not refer to the legal definition of counselor in other parts of the bill."

Senator Carrell: "Peer counselor is by very definition somebody that has privilege against ever having to testify as to the truth in a court of law."

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 9, after line 12 to House Bill No. 1419.

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

#### MOTION

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

On page 1, beginning on line 3 of the title, after "43.215.200," strike the remainder of the title and insert "43.215.215, 43.43.830, and 43.43.832."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1419 as amended by the Senate 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 House Bill No. 1419 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1419 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Chase, Conway, Eide, Erickson, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senator Carrell

Excused: Senators Delvin and McAuliffe

HOUSE BILL NO. 1419 as amended by the Senate, 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 Fraser, Senator Regala was excused.

#### SECOND READING

HOUSE BILL NO. 1726, by Representatives Sells, Roberts, Ormsby, Reykdal, Kenney, Miloscia, Moeller and Upthegrove

Addressing the recommendations of the vocational rehabilitation subcommittee for workers' compensation.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1726.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1726 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, McAuliffe and Regala

HOUSE BILL NO. 1726, 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

HOUSE BILL NO. 1916, by Representatives Ryu, Kagi, Maxwell, Kenney and Santos

Concerning business services delivered by associate development organizations.

The measure was read the second time.

#### MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.330 RCW to read as follows:

In carrying out its responsibilities under RCW 43.330.060 and 43.330.080, the department must establish protocols to be followed by associate development organizations and department staff for the recruitment and retention of businesses. The protocols must specify the circumstances under which an associate development organization is required to notify the department of its business recruitment and retention efforts and when the department must notify the associate development organization of its business recruitment and retention efforts. The protocols established may not require the release of proprietary information or the disclosure of information that a client company has requested remain confidential. The department must require compliance with the protocols in its contracts with associate development organizations.

**Sec. 2.** RCW 43.330.080 and 2009 c 151 s 10 are each amended to read as follows:

In carrying out its obligations under RCW 43.330.070, the department (~~shall~~) must provide business services training to and contract with county-designated associate development organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The business services training provided to the organizations contracted with must include, but need not be limited to, training in the fundamentals of export assistance and the services available from private and public export assistance providers in the state. The organizations contracted within each community or regional area (~~shall~~) must work closely with the department to carry out state-identified economic development priorities and must be broadly representative of community and economic interests. The organization (~~shall~~) must be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization (~~shall~~) must work with and include local governments, local chambers of commerce, workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The scope of services delivered under these contracts (~~shall~~) must include two broad areas of work:

(1) Direct assistance, including business planning, to companies throughout the county who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance must comply with business recruitment and retention protocols established in section 1 of this act, and includes:

(a) Working with the appropriate partners throughout the county, including but not limited to, local governments, workforce development councils, port districts, community and technical colleges and higher education institutions, export assistance providers, the Washington manufacturing services, the Washington state quality award council, small business assistance programs, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services (~~in the~~) within the entire county;

(b) Providing information on state and local permitting processes, tax issues, export assistance, and other essential information for operating, expanding, or locating a business in Washington;

(c) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;

(d) Working with businesses on site location and selection assistance;

(e) Providing business retention and expansion services throughout the county, including business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses; (~~and~~)

(f) Participating in economic development system-wide discussions regarding gaps in business start-up assistance in Washington; and

(g) Providing or facilitating the provision of export assistance through workshops or one-on-one assistance; and

(2) Support for regional economic research and regional planning efforts to implement target industry sector strategies and other economic development strategies, including cluster-based strategies, that support increased living standards and increase foreign direct investment throughout Washington. Activities include:

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(a) Participation in regional planning efforts with workforce development councils involving coordinated strategies around workforce development and economic development policies and programs. Coordinated planning efforts ~~((shall))~~ must include, but not be limited to, assistance to industry clusters in the region;

(b) Participation between the contracting organization and the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in providing for the coordination of the job skills training program and the customized training program within its region;

(c) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. The department ~~((shall))~~ must consult with the Washington state economic development commission in the establishment of such uniform data as is needed to conduct a statewide systemic analysis of the state's economic development programs and expenditures. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;

(d) In conjunction with other governmental jurisdictions and institutions, participate in the development of a countywide economic development plan, consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission.

**Sec. 3.** RCW 43.330.082 and 2009 c 518 s 15 are each amended to read as follows:

(1)(a) Contracting associate development organizations ~~((shall))~~ must provide the department with measures of their performance. Annual reports ~~((shall))~~ must include information on the impact of the contracting organization on employment, wages, tax revenue, and capital investment. Specific measures ~~((shall))~~ must be developed in the contracting process between the department and the contracting organization every two years. Except as provided in (b) of this subsection, performance measures should be consistent across regions to allow for statewide evaluation.

(b) In addition to the measures required in (a) of this subsection, contracting associate development organizations in counties with a population greater than one million five hundred thousand persons must include the following measures in reports to the department:

(i) The number of small businesses that received retention and expansion services, and the outcome of those services.

(ii) The number of businesses located outside of the boundaries of the largest city within the contracting associate development organization's region that received recruitment, retention, and expansion services, and the outcome of those services.

(2)(a) The department and contracting organizations ~~((shall))~~ must agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance ~~((shall))~~ must occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures ~~((shall))~~ must develop remediation plans to address performance gaps. The remediation plans ~~((shall))~~ must include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding ~~((shall))~~ must be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations ~~((shall))~~ must review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved

performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department ~~((shall))~~ must report to the legislature and the Washington economic development commission by December 31st of each even-numbered year on the performance results of the contracts with associate development organizations.

**Sec. 4.** RCW 43.330.010 and 2009 c 565 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of commerce.

(3) "Director" means the director of the department of commerce.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Small business" has the same meaning as provided in RCW 39.29.006.

(7) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of commerce and local microenterprise development organizations."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Innovation to House Bill No. 1916.

The motion by Senator Kastama carried and the committee 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 "organizations;" strike the remainder of the title and insert "amending RCW 43.330.080, 43.330.082, and 43.330.010; and adding a new section to chapter 43.330 RCW."

#### MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1916 as amended by the Senate 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.

The President declared the question before the Senate to be the final passage of House Bill No. 1916 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1916 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Absent: Senator Ericksen

Excused: Senators Delvin and McAuliffe

HOUSE BILL NO. 1916 as amended by the Senate, 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 advanced to the eighth order of business.

#### MOTION

Senator Becker moved adoption of the following resolution:

#### SENATE RESOLUTION 8655

By Senators Becker, Holmquist Newbry, Sheldon, Honeyford, Ericksen, Hill, Stevens, Swecker, Kastama, Baumgartner, Eide, Carrell, Hobbs, Litzow, Fain, and Haugen

WHEREAS, Tuesday April 12, 2011, marks the 150th anniversary of the attack on Fort Sumter, the battle that acted as the opening engagement of the American Civil War; and

WHEREAS, The warfare between the United States of America and the Confederate States of America lasted four devastating years, resulting in over 600,000 American casualties; and

WHEREAS, During the Civil War, President Abraham Lincoln reasserted our American creed with eloquence and persistence, reminded us of the values upon which this country was founded, and led us through that time of great crisis; and

WHEREAS, Following the war, a great number of Civil War veterans settled in the state of Washington or used their authority in other regions of the country to assist in guiding the state of Washington to great success; and

WHEREAS, Prior to the Civil War, Ulysses S. Grant was stationed at Fort Vancouver where he spent 15 months enjoying the splendor of Washington state and where the Grant House still stands today as a national historical site; and

WHEREAS, Isaac Stevens functioned as a major general in the Union Army, a United States Congressman, and the first governor of the Washington Territory; and

WHEREAS, George McClellan is responsible for conducting expeditions and scouting the Cascade mountain range, providing early Washingtonians with an understanding of the state's diverse geography; and

WHEREAS, The individuals who were influential in the Civil War were also invaluable and instrumental in building the great state we reside in today;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate along with the people of Washington pause to acknowledge the 150th anniversary of the start of the Civil War and the Civil War veterans who settled in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Sons of Union Veterans of the Civil War, Daughters of Union Veterans of the Civil War, the Puget Sound Civil War Roundtable, the Washington Civil War Association, and Secretary of State Sam Reed.

Senators Becker, Honeyford, Hargrove and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

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

#### MOTION

At 11:26 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 1:41 p.m. by President Owen.

#### MOTION

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

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5167,  
SENATE BILL NO. 5367,  
SENATE BILL NO. 5389,  
SENATE BILL NO. 5480.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1084, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives McCoy and Hunt)

Creating the board on geographic names.

The measure was read the second time.

#### MOTION

Senator Morton moved that the following amendment by Senator Honeyford be adopted:

On page 4, after line 31, insert the following:

"NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2011, in the omnibus appropriations act, this act is null and void."

Senators Fraser and Ranker spoke against adoption of the amendment.

Senators Honeyford, Schoesler and Carrell 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 Honeyford on page 4, after line 31 to Substitute House Bill No. 1084.

The motion by Senator Morton carried and the amendment was adopted by a rising vote.

#### MOTION



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On motion of Senator Ranker, the rules were suspended, Substitute House Bill No. 1084 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1084 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1084 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and White

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Pflug, Prentice, Schoesler, Stevens and Zarelli

Excused: Senator Delvin

SUBSTITUTE HOUSE BILL NO. 1084 as amended by the Senate, 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

HOUSE BILL NO. 1594, by Representatives Santos and Anderson

Concerning the membership and work of the financial education public-private partnership.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.450 and 2009 c 443 s 1 are each amended to read as follows:

(1) A financial education public-private partnership is established, composed of the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed for a two-year term of service by the speaker of the house of representatives, and one member from each caucus of the senate appointed for a two-year term of service by the president of the senate;

(b) Four representatives from the private for-profit and nonprofit financial services sector, including at least one representative from the jumpstart coalition, to be appointed for a staggered two-year term of service by the governor;

(c) Four teachers to be appointed for a staggered two-year term of service by the superintendent of public instruction, with one each representing the elementary, middle, secondary, and postsecondary education sectors;

(d) A representative from the department of financial institutions to be appointed for a two-year term of service by the director;

(e) Two representatives from the office of the superintendent of public instruction, with one involved in curriculum development and one involved in teacher professional development, to be appointed for a staggered two-year term of service by the superintendent.

(2) The chair of the partnership shall be selected by the members of the partnership from among the legislative members.

(3) One-half of the members appointed under subsections (1)(b), (c), and (e) of this section shall be appointed for a one-year term beginning August 1, 2011, and a two-year term thereafter.

(4) To the extent funds are appropriated or are available for this purpose, the partnership may hire a staff person who shall reside in the office of the superintendent of public instruction for administrative purposes. Additional technical and logistical support may be provided by the office of the superintendent of public instruction, the department of financial institutions, the organizations composing the partnership, and other participants in the financial education public-private partnership.

~~((4))~~ (5) The members of the partnership shall be appointed by August 1, ~~((2009))~~ 2011.

~~((5))~~ (6) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

~~((6))~~ (7) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

~~((7))~~ (8) This section shall be implemented to the extent funds are available.

Sec. 2. RCW 28A.300.462 and 2009 c 443 s 3 are each amended to read as follows:

(1) School districts are encouraged to voluntarily adopt the jumpstart coalition national standards in K-12 personal finance education and provide students with an opportunity to master the standards.

(2) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction and the financial education public-private partnership shall provide technical assistance and grants to support demonstration projects for district-wide adoption and implementation of the financial education learning standards under this section.

~~((2))~~ (3) School districts may apply on a competitive basis to participate as a demonstration project. The office and the partnership shall select up to four school districts as demonstration projects, with two districts located in eastern Washington and two districts located in western Washington, if possible.

~~((3))~~ (4) Selected districts must:

(a) Adopt the jumpstart coalition national standards in K-12 personal finance education as the essential academic learning requirements for financial education and provide students with an opportunity to master the standards;

(b) Make a commitment to integrate financial education into instruction at all grade levels and in all schools in the district;

(c) Establish local partnerships within the community to promote financial education in the schools; and

(d) Conduct pre and posttesting of students' financial literacy.

~~((4))~~ (5) The office of the superintendent of public instruction, with the advice of the financial education public-private partnership, shall provide assistance to the demonstration projects regarding curriculum, professional development, and innovative instructional programs to implement the financial education standards.

~~((5))~~ (6) The selected districts must report findings and results of the demonstration project to the office of the superintendent of

public instruction and appropriate committees of the legislature (~~by April 30, 2014~~) annually."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to House Bill No. 1594.

The motion by Senator Eide carried and the committee 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 "partnership;" strike the remainder of the title and insert "and amending RCW 28A.300.450 and 28A.300.462."

#### MOTION

On motion of Senator Eide, the rules were suspended, House Bill No. 1594 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1594 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1594 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senator Delvin

HOUSE BILL NO. 1594 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1600, by House Committee on Education (originally sponsored by Representatives Probst, Anderson, Maxwell and Roberts)

Concerning elementary math specialists.

The measure was read the second time.

#### MOTION

On motion of Senator Harper, the rules were suspended, Substitute House Bill No. 1600 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1600.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1600 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter and Honeyford

Excused: Senator Delvin

SUBSTITUTE HOUSE BILL NO. 1600, 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

SUBSTITUTE HOUSE BILL NO. 1135, by House Committee on Environment (originally sponsored by Representatives Finn, Armstrong and Upthegrove)

Regarding refrigerants for motor vehicles.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others be adopted:

On page 2, line 13, after "person" strike all material through "operate" and insert "~~(shall operate)~~ may not register or license for use"

On page 2, at the beginning of line 14, before "motor" insert "new"

Senator Hargrove 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 Hargrove and others on page 2, line 13 to Substitute House Bill No. 1135.

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

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1135 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke on final passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1135 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1135 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Honeyford, Morton and Schoesler

Excused: Senator Delvin

SUBSTITUTE HOUSE BILL NO. 1135 as amended by the Senate, 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

HOUSE BILL NO. 1425, by Representative Haler

Concerning the higher education coordinating board's responsibilities with regard to health sciences and services authorities.

The measure was read the second time.

#### MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1425 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 House Bill No. 1425.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1425 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senator Delvin

HOUSE BILL NO. 1425, 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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ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4404, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick, Cody, Hinkle and Frockt)

Continuing the work of the joint select committee on health reform implementation.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee amendment by the Committee on Health & Long-Term Care be adopted:

Beginning on page 1, at the beginning of line 1, strike all material through "2014." on page 2, line 36, and insert the following:

"WHEREAS, The patient protection and affordable care act became law on March 23, 2010, enacting broad changes to every element of the nation's health care system over the course of a four-year period; and

WHEREAS, Through 2014, the federal government will be adopting numerous regulations to implement the patient protection and affordable care act that state policymakers will need to actively follow so that the state can develop the most appropriate response to the changes in the health care system for the people of the state of Washington; and

WHEREAS, The patient protection and affordable care act raises many policy considerations that states will have to review prior to implementing the act, including the creation of a health benefit exchange, the expansion of medicaid, health insurance design, the development of a dynamic health care workforce, and the role of public health and prevention efforts; and

WHEREAS, The joint select committee on health reform implementation was established in 2010 to provide a forum for public comment and expert advice on the development of Washington's response to the patient protection and affordable care act; and

WHEREAS, The joint select committee on health reform implementation expires on July 1, 2011, despite the need to continue to monitor changes to the health care system and the implementation activities of the executive branch;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That the joint select committee on health reform implementation continue its work; and

BE IT FURTHER RESOLVED, That the membership of the joint select committee on health reform implementation shall consist of the following: (1) The chairs of the health committees of the senate and the house of representatives, who shall serve as cochairs; (2) four additional members of the senate, two each appointed by the leadership of the two largest caucuses in the senate; and (3) four additional members of the house of representatives, two each appointed by the leadership of the two largest caucuses in the house of representatives. The governor shall be invited to appoint, as a liaison to the joint select committee, a person who shall be a nonvoting member; and

BE IT FURTHER RESOLVED, That the cochairs may direct the formation of advisory committees, if desired, to focus on specific topic areas, such as insurance regulation, access to and expansion of public and private programs, cost containment, and workforce issues, and may invite interested stakeholders and additional experts to advise the joint select committee on health reform implementation. The joint select committee shall

establish an advisory committee to provide advice and recommendations to the department of social and health services and the health care authority in the development of its implementation plan required by chapter ... (House Bill No. 1738), Laws of 2011 to coordinate the purchase and delivery of acute care, long-term care, and behavioral health services; and

BE IT FURTHER RESOLVED, That the joint select committee on health reform implementation expires on or before June 30, 2014."

Senators Keiser, Becker and Parlette spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Concurrent Resolution No. 4404.

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

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Concurrent Resolution No. 4404 as amended by the Senate was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator Keiser spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Concurrent Resolution No. 4404 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Concurrent Resolution No. 4404 as amended by the Senate and the concurrent resolution passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senator Baxter

Excused: Senator Delvin

ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4404 as amended by the Senate, having received the constitutional majority, was declared passed.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1008, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton and Hunt)

Changing the definition of "immediate family" for purpose of membership on the Washington citizens' commission on salaries for elected officials. Revised for 1st Substitute: Changing provisions relating to membership on the Washington citizens' commission on salaries for elected officials.

The measure was read the second time.

#### MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.03.305 and 2008 c 6 s 204 are each amended to read as follows:

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of ~~((sixteen))~~ members appointed by the governor as provided in this section.

(1) ~~((Nine of the sixteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission under subsection (3) of this section. One member shall be selected from each congressional district.)) One registered voter from each congressional district shall be selected by the secretary of state from among those registered voters eligible to vote at the time persons are selected for appointment to serve on the commission.~~ The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(2) ~~((The remaining seven of the sixteen))~~ Seven commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the chair of the Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except ~~((as provided in subsection (6) of this section, the names of persons selected for appointment to the commission shall be forwarded to the governor not later than February 15, 1987, and not later than the fifteenth day of February every four years through 1999. The terms of the members selected in 1999 shall terminate July 1, 2002, and the names of persons selected for appointment to the commission shall be forwarded to the governor not later than July 1, 2002. Of the sixteen names forwarded to the governor in 2002, the governor shall by lot select four of the persons selected under subsection (1) of this section and four of the persons selected under subsection (2) of this section to serve two year terms, with the rest of the members serving four year terms. Thereafter, except))~~ as provided in subsection (6) of this section, all members shall serve four-year terms and the names of ~~((eight))~~ the persons selected for appointment to the commission shall be forwarded to the governor not later than the first day of July every two years.

(4) No person may be appointed to more than two terms. No member of the commission may be removed by the governor during

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his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

The unexcused absence of any person who is a member of the commission from two consecutive meetings of the commission shall constitute the relinquishment of that person's membership on the commission. Such a relinquishment creates a vacancy in that person's position on the commission. A member's absence may be excused by the chair of the commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the commission present at the meeting.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 or 42.17A RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse or domestic partner, siblings, children, or dependent relative of the official(~~(-employee-)~~) or lobbyist whether or not living in the household of the official(~~(-employee-)~~) or lobbyist, and the parent, spouse or domestic partner, sibling, child, or dependent relative of the employee living in the household of the employee or who is dependent in whole or in part for his or her support upon the earnings of the state employee.

(6)(a) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

(b) Initial members appointed from congressional districts created after the effective date of this section shall be selected and appointed in the manner provided in subsection (1) of this section. The selection and appointment must be concluded within ninety days of the date the district is created. The term of an initial member appointed under this subsection terminates July 1st of an even-numbered year so that at no point may the terms of more than one-half plus one of the members selected under subsection (1) of this section terminate in the same year."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

#### MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the committee striking amendment be adopted:

On page 3, line 17 of the amendment, after "relative of the employee" insert "1"

Senator Pridemore spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 3, line 17 to the committee striking amendment to Substitute House Bill No. 1008.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections as amended to Substitute House Bill No. 1008.

The motion by Senator Pridemore carried and the committee striking amendment as amended 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 "officials;" strike the remainder of the title and insert "and amending RCW 43.03.305."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1008 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1008 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1008 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senator Baxter

Excused: Senator Delvin

SUBSTITUTE HOUSE BILL NO. 1008 as amended by the Senate, 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 Ericksen, Senator Holmquist Newbry was excused.

#### SECOND READING

HOUSE BILL NO. 1418, by Representatives Rolfes, McCune, Appleton, Kirby, Kelley, Zeiger, Seaquist, Finn, Haigh, Dammeier, Angel, Jinkins, Stanford and Smith

Concerning evaluating military training and experience toward meeting certain professional licensing requirements.

The measure was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted:

Strike everything after the enacting clause and insert the following:



The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to House Bill No. 1418.

The motion by Senator Kohl-Welles carried and the committee 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 "requirements;" strike the remainder of the title and insert "adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.11 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 18.210 RCW; adding a new section to chapter 18.220 RCW; adding a new section to chapter 18.280 RCW; adding a new section to chapter 18.300 RCW; adding a new section to chapter 19.105 RCW; adding a new section to chapter 42.44 RCW; adding a new section to chapter 46.82 RCW; adding a new section to chapter 64.36 RCW; and adding a new section to chapter 67.08 RCW."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1418 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1418 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1418 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Hewitt and Holmquist Newbry

HOUSE BILL NO. 1418 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1570, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Chandler and Morris)

Providing notice to the department of defense before siting energy facility projects.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.071 and 2010 c 152 s 3 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay such reasonable costs as are actually and necessarily incurred by the council in processing an application.

(a) Each applicant shall, at the time of application submission, deposit fifty thousand dollars, or such greater amount as may be specified by the council after consultation with the applicant. Costs that may be charged against the deposit include, but are not limited to, independent consultants' costs, councilmember's wages, employee benefits, costs of a hearing examiner, costs of a court reporter, staff salaries, wages and employee benefits, goods and services, travel expenses, and miscellaneous direct expenses as arise directly from processing an application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) The council shall submit to each applicant a statement of such expenditures made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The applicant shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders.

(2) Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder, within thirty days of execution of the site certification agreement, shall have on deposit fifty thousand dollars, or such greater amount as may be specified by the council after consultation with the certificate holder. Costs that may be charged against the deposit include, but are not limited to, those specified in subsection (1)(a) of this section as arise from inspection and determination of compliance by the certificate holder with the terms of the certification.

(b) The council shall submit to each certificate holder a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The certificate holder shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual

expenditures for inspection and determination of compliance in the preceding calendar quarter have exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the statement from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the state treasurer who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant or certificate holder.

(5)(a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under sections 2 through 4 of this act, the council shall post on its web site the appropriate information for contacting the United States department of defense.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.01 RCW to read as follows:

(1) Upon receipt of an application for a permit to site an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the county shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(a) A description of the proposed energy plant or alternative energy resource;

(b) The location of the site;

(c) The number and placement of the energy plant or alternative energy resource on the site;

(d) The date and time by which comments must be received by the county; and

(e) Contact information of the county permitting authority and the applicant.

(2) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a permit application is approved. The time period set forth by the county for receipt of such comments shall not extend the time period for the county's processing of the application.

(3) For the purpose of this section, "alternative energy resource," "energy plant," and "electrical transmission facility" shall each have the meaning set forth in RCW 80.50.020.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.63 RCW to read as follows:

(1) Upon receipt of an application for a permit to site an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the city or town shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(a) A description of the proposed energy plant or alternative energy resource;

(b) The location of the site;

(c) The placement of the energy plant or alternative energy resource on the site;

(d) The date and time by which comments must be received by the city or town; and

(e) Contact information of the city or town permitting authority and the applicant.

(2) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a permit application is approved. The time period set forth by the city or town for receipt of such comments shall not extend the time period for the city's processing of the application.

(3) For the purpose of this section, "alternative energy resource," "energy plant," and "electrical transmission facility" shall each have the meaning set forth in RCW 80.50.020.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.63 RCW to read as follows:

(1) Upon receipt of an application for a permit to site an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the city shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(a) A description of the proposed energy plant or alternative energy resource;

(b) The location of the site;

(c) The placement of the energy plant or alternative energy resource on the site;

(d) The date and time by which comments must be received by the city; and

(e) Contact information of the city permitting authority and the applicant.

(2) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a permit application is approved. The time period set forth by the city for receipt of such comments shall not extend the time period for the city's processing of the application.

(3) For the purpose of this section, "alternative energy resource," "energy plant," and "electrical transmission facility" shall each have the meaning set forth in RCW 80.50.020."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy to Substitute House Bill No. 1570.

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

MOTION



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

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 80.50.071; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 35A.63 RCW."

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1570 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1570 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1570 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Hewitt, Holmquist Newbry and Pflug

SUBSTITUTE HOUSE BILL NO. 1570 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1718, by House Committee on Ways & Means (originally sponsored by Representatives Roberts, Moeller, Dammeier and Green)

Concerning offenders with developmental disabilities or traumatic brain injuries.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 2.28.180 and 2005 c 504 s 501 are each amended to read as follows:

(1) Counties may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among nonviolent, (~~mentally ill~~) felony and nonfelony offenders with mental illnesses and recidivism among nonviolent felony and nonfelony offenders who have developmental disabilities as defined in RCW 71A.10.020 or who have suffered a traumatic brain injury by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any county that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment or treatment related to his or her developmental disability or traumatic brain injury;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

NEW SECTION. Sec. 2. A new section is added to chapter 70.48 RCW to read as follows:

When a jail has determined that a person in custody has or may have a developmental disability as defined in RCW 71A.10.020 or a traumatic brain injury, upon transfer of the person to a department of corrections facility or other jail facility, every reasonable effort shall be made by the transferring jail staff to communicate to receiving staff the nature of the disability, as determined by the jail and any necessary accommodation for the person as identified by the transferring jail staff."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1718.

The motion by Senator Hargrove carried and the committee 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 "injuries;" strike the remainder of the title and insert "amending RCW 2.28.180; and adding a new section to chapter 70.48 RCW."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1718 as amended by the Senate 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 House Bill No. 1718 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1718 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin, Hewitt, Holmquist Newbry and Pflug

SUBSTITUTE HOUSE BILL NO. 1718 as amended by the Senate, 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

HOUSE BILL NO. 1867, by Representatives Kelley, Rivers, Kirby and Stanford

Clarifying that prepaid wireless services are not intended to be considered as gift cards or gift certificates.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1867 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 House Bill No. 1867.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1867 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles,

Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin and Holmquist Newbry

HOUSE BILL NO. 1867, 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

SECOND SUBSTITUTE HOUSE BILL NO. 1909, by House Committee on Ways & Means (originally sponsored by Representatives Reykdal, Haler, Seaquist, Carlyle, Hasegawa and Kenney)

Promoting innovation at community and technology colleges.

The measure was read the second time.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute House Bill No. 1909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1909.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1909 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Baxter, Carrell, Holmquist Newbry and Honeyford

Excused: Senator Delvin

SECOND SUBSTITUTE HOUSE BILL NO. 1909, 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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1267, by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Pedersen, Walsh, Jinkins, Eddy, Roberts, Kagi, Sullivan, Van De Wege, Hurst, Goodman, Orwall, Moeller, Kirby, Frockt, Carlyle, Liias, Kenney, Clibborn, Seaquist, Blake, Hudgins, Fitzgibbon, Darneille, Dunshee, Morris, Takko, Pettigrew, Finn, Billig, Hunter, Cody, Dickerson, Stanford, Springer, Reykdal, Haigh, Rolfes, Sells, Jacks, Appleton, Hunt, Maxwell, Ryu, Ormsby, Ladenburg, McCoy, Santos, Lytton, Moscoso, Upthegrove, Green, Hasegawa and Tharinger)

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Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senator Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.26.011 and 2002 c 302 s 102 are each amended to read as follows:

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

(1) "Acknowledged father" means a man who has established a father-child relationship under RCW 26.26.300 through 26.26.375.

(2) "Adjudicated ~~(father)~~ parent" means a ~~(man)~~ person who has been adjudicated by a court of competent jurisdiction to be the ~~(father)~~ parent of a child.

(3) "Alleged ~~(father)~~ parent" means a ~~(man)~~ person who alleges himself or herself to be, or is alleged to be, the genetic ~~(father)~~ parent or a possible genetic ~~(father)~~ parent of a child, but whose ~~(paternity)~~ parentage has not been determined. The term does not include:

- (a) A presumed ~~(father)~~ parent;
- (b) A ~~(man)~~ person whose parental rights have been terminated or declared not to exist; or
- (c) A ~~(male)~~ donor.
- (4) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:
  - (a) ~~(Intrauterine)~~ Artificial insemination;
  - (b) Donation of eggs;
  - (c) Donation of embryos;
  - (d) In vitro fertilization and transfer of embryos; and
  - (e) Intracytoplasmic sperm injection.
- (5) "Child" means an individual of any age whose parentage may be determined under this chapter.

(6) "Commence" means to file the petition seeking an adjudication of parentage in a superior court of this state or to serve a summons and the petition.

(7) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under RCW 26.26.300 through 26.26.375 or adjudication by the court.

(8) "Domestic partner" means a state registered domestic partner as defined in chapter 26.60 RCW.

(9) "Donor" means an individual who ~~(produces eggs or sperm)~~ contributes a gamete or gametes for assisted reproduction, whether or not for consideration. The term does not include:

- (a) A ~~(husband)~~ person who provides ~~(sperm, or a wife who provides eggs,)~~ a gamete or gametes to be used for assisted reproduction ~~(by the wife)~~ with his or her spouse or domestic partner; or
- (b) A woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in RCW 26.26.210 through 26.26.260 or 26.26.735.

~~(9)~~ (10) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of ~~(his or her)~~ the individual's ancestry or that is so identified by other information.

- ~~(10)~~ (11) "Gamete" means either a sperm or an egg.
- (12) "Genetic testing" means an analysis of genetic markers

~~(only)~~ to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:

- (a) Deoxyribonucleic acid; and
- (b) Blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.

~~(11)~~ (13) "Man" means a male individual of any age.

~~(12)~~ (14) "Parent" means an individual who has established a parent-child relationship under RCW 26.26.101.

~~(13)~~ (15) "Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship.

~~(14)~~ ~~(paternity)~~ (16) "Parentage index" means the likelihood of ~~(paternity)~~ parentage calculated by computing the ratio between:

(a) The likelihood that the tested ~~(man)~~ person is the ~~(father)~~ parent, based on the genetic markers of the tested ~~(man)~~ person, ~~(mother)~~ genetic parent, and child, conditioned on the hypothesis that the tested ~~(man)~~ person is the ~~(father)~~ parent of the child; and

(b) The likelihood that the tested ~~(man)~~ person is not the ~~(father)~~ parent, based on the genetic markers of the tested ~~(man)~~ person, ~~(mother)~~ genetic parent, and child, conditioned on the hypothesis that the tested ~~(man)~~ person is not the ~~(father)~~ parent of the child and that the ~~(father)~~ parent is ~~(from)~~ of the same ethnic or racial group as the tested ~~(man)~~ person.

~~(15)~~ (17) "Physician" means a person licensed to practice medicine in a state.

(18) "Presumed ~~(father)~~ parent" means a ~~(man)~~ person who, by operation of law under RCW 26.26.116, is recognized ~~(to be)~~ as the ~~(father)~~ parent of a child until that status is rebutted or confirmed in a judicial proceeding.

~~(16)~~ (19) "Probability of ~~(paternity)~~ parentage" means the measure, for the ethnic or racial group to which the alleged ~~(father)~~ parent belongs, of the probability that the individual in question is the ~~(father)~~ parent of the child, compared with a random, unrelated ~~(man)~~ person of the same ethnic or racial group, expressed as a percentage incorporating the ~~(paternity)~~ parentage index and a prior probability.

~~(17)~~ (20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(18)~~ (21) "Signatory" means an individual who authenticates a record and is bound by its terms.

~~(19)~~ (22) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States, or an Indian tribe or band, or Alaskan native village, that is recognized by federal law or formally acknowledged by state law.

~~(20)~~ (23) "Support enforcement agency" means a public official or agency authorized to seek:

- (a) Enforcement of support orders or laws relating to the duty of support;
- (b) Establishment or modification of child support;
- (c) Determination of parentage; or
- (d) Location of child support obligors and their income and assets.

Sec. 2. RCW 26.26.021 and 2002 c 302 s 103 are each amended to read as follows:

(1) This chapter ~~(governs every)~~ applies to determinations of parentage in this state.

(2) The court shall apply the law of this state to adjudicate the parent-child relationship. The applicable law does not depend on:

- (a) The place of birth of the child; or

(b) The past or present residence of the child.

(3) This chapter does not create, enlarge, or diminish parental rights or duties under other law of this state.

(4) If a birth results under a surrogate parentage contract that is unenforceable under the law of this state, the parent-child relationship is determined as provided in RCW 26.26.101 through 26.26.116.

**Sec. 3.** RCW 26.26.041 and 2002 c 302 s 105 are each amended to read as follows:

Proceedings under this chapter are subject to other laws of this state governing the health, safety, privacy, and liberty of a child or other individuals ~~((that))~~ who could be jeopardized by disclosure of identifying information, including the address, telephone number, place of employment, social security number, and the child's day-care facility and school.

**Sec. 4.** RCW 26.26.051 and 2002 c 302 s 106 are each amended to read as follows:

~~(1) The provisions relating to determination of ((paternity may be applied))~~ parentage apply to ~~((a))~~ determinations of maternity and paternity.

~~(2) The provisions in this chapter apply to persons in a domestic partnership to the same extent they apply to persons in a marriage, and apply to persons of the same sex who have children together to the same extent they apply to persons of the opposite sex who have children together.~~

**Sec. 5.** RCW 26.26.101 and 2002 c 302 s 201 are each amended to read as follows:

~~((1))~~ The ~~((mother-child))~~ parent-child relationship is established between a child and a man or woman by:

~~((a))~~ (1) The woman's having given birth to the child, except as otherwise provided in RCW 26.26.210 through 26.26.260;

~~((b))~~ (2) An adjudication of the ~~((woman's maternity))~~ person's parentage;

~~((c))~~ (3) Adoption of the child by the ~~((woman))~~ person;

~~((d))~~ ~~A valid surrogate parentage contract, under which the mother is an intended parent of the child, as provided in RCW 26.26.210 through 26.26.260; or~~

~~((e))~~ (4) An affidavit and physician's certificate in a form prescribed by the department of health ~~((wherein the donor of ovum or surrogate gestation carrier sets forth her intent to be legally bound as the parent of a child or children born through alternative reproductive medical technology by filing the affidavit and physician's certificate with the registrar of vital statistics within ten days after the date of the child's birth))~~ pursuant to RCW 26.26.735(-

~~(2) The father-child relationship is established between a child and a man by:~~

~~((a));~~

~~(5) An un rebutted presumption of the ((man's paternity))~~ person's parentage of the child under RCW 26.26.116;

~~((b))~~ (6) The man's having signed an acknowledgment of paternity under RCW 26.26.300 through 26.26.375, unless the acknowledgment has been rescinded or successfully challenged;

~~((c))~~ ~~An adjudication of the man's paternity;~~

~~((d))~~ ~~Adoption of the child by the man;~~

~~((e))~~ (7) The ~~((man's))~~ person's having consented to assisted reproduction by his ~~((wife))~~ or her spouse or domestic partner under RCW 26.26.700 through 26.26.730 that resulted in the birth of the child; or

~~((f))~~ (8) A valid surrogate parentage contract, under which the father is an intended parent of the child, as provided in RCW 26.26.210 through 26.26.260.

**Sec. 6.** RCW 26.26.106 and 2002 c 302 s 202 are each amended to read as follows:

A child born to parents who are not married to each other or in a domestic partnership with each other has the same rights under the

law as a child born to parents who are married to each other or who are in a domestic partnership with each other.

**Sec. 7.** RCW 26.26.111 and 2002 c 302 s 203 are each amended to read as follows:

Unless parental rights are terminated, the parent-child relationship established under this chapter applies for all purposes, except as otherwise specifically provided by other law of this state.

**Sec. 8.** RCW 26.26.116 and 2002 c 302 s 204 are each amended to read as follows:

(1) In the context of a marriage or a domestic partnership, a ((man)) person is presumed to be the ~~((father))~~ parent of a child if:

(a) ~~((He))~~ The person and the mother or father of the child are married to each other or in a domestic partnership with each other and the child is born during the marriage or domestic partnership;

(b) ~~((He))~~ The person and the mother or father of the child were married to each other or in a domestic partnership with each other and the child is born within three hundred days after the marriage or domestic partnership is terminated by death, annulment, dissolution ~~((of marriage))~~, legal separation, or declaration of invalidity;

(c) Before the birth of the child, ~~((he))~~ the person and the mother or father of the child married each other or entered into a domestic partnership with each other in apparent compliance with law, even if the attempted marriage or domestic partnership is, or could be, declared invalid and the child is born during the invalid marriage or invalid domestic partnership or within three hundred days after its termination by death, annulment, dissolution ~~((of marriage))~~, legal separation, or declaration of invalidity; or

(d) After the birth of the child, ~~((he))~~ the person and the mother or father of the child have married each other or entered into a domestic partnership with each other in apparent compliance with law, whether or not the marriage or domestic partnership is, or could be declared invalid, and ~~((he))~~ the person voluntarily asserted ~~((his paternity))~~ parentage of the child, and:

(i) The assertion is in a record filed with the state registrar of vital statistics;

(ii) The person agreed to be and is named as the child's ~~((father))~~ parent on the child's birth certificate; or

(iii) The person promised in a record to support the child as his or her own.

(2) A person is presumed to be the parent of a child if, for the first two years of the child's life, the person resided in the same household with the child and openly held out the child as his or her own.

(3) A presumption of ~~((paternity))~~ parentage established under this section may be rebutted only by an adjudication under RCW 26.26.500 through 26.26.630.

**Sec. 9.** RCW 26.26.130 and 2001 c 42 s 5 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct ~~((the father))~~ one parent to pay the reasonable expenses of the mother's pregnancy and ~~((confinement))~~ childbirth. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

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(4) The judgment and order shall contain a provision that each party must file with the court and the Washington state child support registry and update as necessary the information required in the confidential information form required by RCW 26.23.050.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the ~~((father's))~~ parent's liability for the past support to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party. If a parenting plan or residential schedule was not entered at the time the order establishing parentage was entered, a parent may move the court for entry of a parenting plan or residential schedule:

(a) By filing a motion and proposed parenting plan or residential schedule and providing notice to the other parent and other persons who have residential time with the child pursuant to a court order: PROVIDED, That at the time of filing the motion less than twenty-four months have passed since entry of the order establishing parentage and that the proposed parenting plan or residential schedule does not change the designation of the parent with whom the child spends the majority of time; or

(b) By filing a petition for modification under RCW 26.09.260 or petition to establish a parenting plan, residential schedule, or residential provisions.

(8) In any dispute between the ~~((natural parents))~~ persons claiming parentage of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the ~~((natural parent or parents))~~ persons claiming parentage, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall

forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(12) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

**Sec. 10.** RCW 26.26.150 and 1994 c 230 s 16 are each amended to read as follows:

(1) If existence of the ~~((father))~~ parent and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the ~~((father))~~ parent may be enforced in the same or other proceedings by the ~~((mother))~~ other parent, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, ~~((confinement))~~ childbirth, education, support, or funeral, or by any other person, including a private agency, to the extent he or she has furnished or is furnishing these expenses.

(2) The court shall order support payments to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate arrangement approved by the court as provided in RCW 26.23.050(2).

(3) All remedies for the enforcement of judgments apply.

**Sec. 11.** RCW 26.26.300 and 2002 c 302 s 301 are each amended to read as follows:

The mother of a child and a man claiming to be the genetic father of the child ~~((conceived as the result of his sexual intercourse with the mother))~~ may sign an acknowledgment of paternity with intent to establish the man's paternity.

**Sec. 12.** RCW 26.26.305 and 2002 c 302 s 302 are each amended to read as follows:

(1) An acknowledgment of paternity must:

(a) Be in a record;

(b) Be signed under penalty of perjury by the mother and by the man seeking to establish his paternity;

(c) State that the child whose paternity is being acknowledged:

(i) Does not have a presumed father, or has a presumed father whose full name is stated; and

(ii) Does not have another acknowledged or adjudicated father;

(d) State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the genetic testing; and

(e) State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after two years, except as provided in RCW 26.26.330.

(2) An acknowledgment of paternity is void if it:

(a) States that another man is a presumed father, unless a denial of paternity signed by the presumed father is filed with the state registrar of vital statistics;

(b) States that another man is an acknowledged or adjudicated father; or

(c) Falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.

(3) A presumed father may sign an acknowledgment of paternity.

**Sec. 13.** RCW 26.26.310 and 2002 c 302 s 303 are each amended to read as follows:

A presumed father of a child may sign a denial of his paternity. The denial is valid only if:

(1) An acknowledgment of paternity signed by another man is filed under RCW 26.26.320;

(2) The denial is in a record, and is signed under penalty of perjury; and

(3) The presumed father has not previously:

(a) Acknowledged his paternity, unless the previous acknowledgment has been rescinded under RCW 26.26.330 or successfully challenged under RCW 26.26.335; or

(b) Been adjudicated to be the father of the child.

**Sec. 14.** RCW 26.26.315 and 2002 c 302 s 304 are each amended to read as follows:

(1) An acknowledgment of paternity and a denial of paternity may be contained in a single document or may be signed in counterparts, and may be filed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are filed.

(2) An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.

(3) Subject to subsection (1) of this section, an acknowledgment and denial of paternity, if any, take effect on the birth of the child or the filing of the document with the state registrar of vital statistics, whichever occurs later.

(4) An acknowledgment or denial of paternity signed by a minor is valid if it is otherwise in compliance with this chapter. An acknowledgment or denial of paternity signed by a minor may be rescinded under RCW 26.26.330.

**Sec. 15.** RCW 26.26.320 and 2002 c 302 s 305 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.26.330 and 26.26.335, a valid acknowledgment of paternity filed with the state registrar of vital statistics is equivalent to an adjudication of ~~((paternity))~~ parentage of a child and confers upon the acknowledged father all of the rights and duties of a parent.

(2) Except as otherwise provided in RCW 26.26.330 and 26.26.335, a valid denial of paternity filed with the state registrar of vital statistics in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all of the rights and duties of a parent.

**Sec. 16.** RCW 26.26.330 and 2004 c 111 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a signatory may rescind an acknowledgment or denial of paternity by commencing a court proceeding to rescind before the earlier of:

~~((+))~~ (a) Sixty days after the effective date of the acknowledgment or denial, as provided in RCW 26.26.315; or

~~((=))~~ (b) The date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.

(2) If the signatory to an acknowledgment or denial of paternity was a minor when he signed the acknowledgment or denial, the signatory may rescind the acknowledgment or denial of paternity by commencing a court proceeding to rescind on or before the signatory's nineteenth birthday.

**Sec. 17.** RCW 26.26.335 and 2002 c 302 s 308 are each amended to read as follows:

(1) After the period for rescission under RCW 26.26.330 has ~~((elapsed))~~ expired, a signatory of an acknowledgment or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only:

(a) On the basis of fraud, duress, or material mistake of fact; and

(b) Within ~~((two))~~ four years after the acknowledgment or denial is filed with the state registrar of vital statistics. In actions commenced more than two years after the birth of the child, the child must be made a party to the action.

(2) A party challenging an acknowledgment or denial of paternity has the burden of proof.

**Sec. 18.** RCW 26.26.340 and 2002 c 302 s 309 are each amended to read as follows:

(1) Every signatory to an acknowledgment ~~((of))~~ of paternity and any related denial of paternity must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.

(2) For the purpose of rescission of, or challenge to, an acknowledgment or denial of paternity, a signatory submits to personal jurisdiction of this state by signing the acknowledgment or denial, effective upon the filing of the document with the state registrar of vital statistics.

(3) Except for good cause shown, during the pendency of a proceeding to rescind or challenge an acknowledgment or denial of paternity, the court may not suspend the legal responsibilities of a signatory arising from ~~((an))~~ the acknowledgment, including the duty to pay child support.

(4) A proceeding to rescind or to challenge an acknowledgment or denial of paternity must be conducted in the same manner as a proceeding to adjudicate parentage under RCW 26.26.500 through 26.26.630.

(5) At the conclusion of a proceeding to rescind or challenge an acknowledgment or denial of paternity, the court shall order the state registrar of vital statistics to amend the birth record of the child, if appropriate.

**Sec. 19.** RCW 26.26.360 and 2002 c 302 s 313 are each amended to read as follows:

The state registrar of vital statistics may release information relating to the acknowledgment or denial of paternity ~~((not expressly sealed under a court order,))~~ to: (1) A signatory of the acknowledgment or denial ~~((or their attorneys of record,))~~; (2) the courts of this or any other state; (3) the agencies of this or any other state operating a child support program under Title IV-D of the social security act; ~~((and))~~ and (4) the agencies of this or any other state involved in a dependency determination for a child named in the acknowledgment or denial of paternity.

**Sec. 20.** RCW 26.26.375 and 2002 c 302 s 316 are each amended to read as follows:

(1) After the period for rescission of an acknowledgment of paternity provided in RCW 26.26.330 has passed, a parent executing an acknowledgment of paternity of the child named therein may commence a judicial proceeding for:

(a) Making residential provisions or a parenting plan with regard to the minor child on the same basis as provided in chapter 26.09 RCW; or

(b) Establishing a child support obligation under chapter 26.19 RCW and maintaining health insurance coverage under RCW 26.09.105.

(2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this section shall be ~~((entitled))~~ titled "In re the parenting and support of..."

(3) Before the period for a challenge to the acknowledgment or denial of paternity has elapsed under RCW 26.26.335, the petitioner must specifically allege under penalty of perjury, to the best of the petitioner's knowledge, that: (a) No man other than the man who executed the acknowledgment of paternity is the father of the child; (b) there is not currently pending a proceeding to adjudicate the parentage of the child or that another man is adjudicated the child's father; and (c) the petitioner has provided notice of the proceeding to any other men who have claimed parentage of the child. Should the respondent or any other person appearing in the action deny the allegations, a permanent parenting plan or residential schedule may not be entered for the child without the matter being converted to a proceeding to challenge the acknowledgment of paternity under RCW 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or the birth certificate issued by the state in which the child

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was born must be filed with the petition or response. The court may convert the matter to a proceeding to challenge the acknowledgment on its own motion.

**Sec. 21.** RCW 26.26.400 and 2002 c 302 s 401 are each amended to read as follows:

RCW 26.26.405 through 26.26.450 govern genetic testing of an individual (~~only~~) to determine parentage, whether the individual:

- (1) Voluntarily submits to testing; or
- (2) Is tested pursuant to an order of the court or a support enforcement agency.

**Sec. 22.** RCW 26.26.405 and 2002 c 302 s 402 are each amended to read as follows:

(1) Except as otherwise provided in this section and RCW 26.26.410 through 26.26.630, the court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by the sworn statement of a party to the proceeding:

(a) Alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals; or

(b) Denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child.

(2) A support enforcement agency may order genetic testing only if there is no presumed (~~acknowledged~~) or adjudicated (~~father~~) parent and no acknowledged father.

(3) If a request for genetic testing of a child is made before birth, the court or support enforcement agency may not order in utero testing.

(4) If two or more (~~men~~) persons are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

(5) This section does not apply when the child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260.

**Sec. 23.** RCW 26.26.410 and 2002 c 302 s 403 are each amended to read as follows:

(1) Genetic testing must be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by:

(a) The American association of blood banks, or a successor to its functions;

(b) The American society for histocompatibility and immunogenetics, or a successor to its functions; or

(c) An accrediting body designated by the United States secretary of health and human services.

(2) A specimen used in genetic testing may consist of one or more samples or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

(3) Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in (~~the~~) calculation(~~s~~) of the probability of parentage. If there is disagreement as to the testing laboratory's choice, the following rules apply:

(a) The individual objecting may require the testing laboratory, within thirty days after receipt of the report of the test, to recalculate the probability of (~~paternity~~) parentage using an ethnic or racial group different from that used by the laboratory.

(b) The individual objecting to the testing laboratory's initial choice shall:

(i) If the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested

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frequencies compiled in a manner recognized by accrediting bodies; or

(ii) Engage another testing laboratory to perform the calculations.

(c) The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.

(4) If, after recalculation using a different ethnic or racial group, genetic testing does not rebuttably identify a (~~man~~) person as the (~~father~~) parent of a child under RCW 26.26.420, an individual who has been tested may be required to submit to additional genetic testing.

**Sec. 24.** RCW 26.26.420 and 2002 c 302 s 405 are each amended to read as follows:

(1) Under this chapter, a (~~man~~) person is rebuttably identified as the (~~father~~) parent of a child if the genetic testing complies with this section and RCW 26.26.400 through 26.26.415 and 26.26.425 through 26.26.450 and the results disclose that:

(a) The (~~man~~) person has at least a ninety-nine percent probability of (~~paternity~~) parentage, using a prior probability of 0.50, as calculated by using the combined (~~paternity~~) parentage index obtained in the testing; and

(b) A combined (~~paternity~~) parentage index of at least one hundred to one.

(2) A (~~man~~) person identified under subsection (1) of this section as the (~~father~~) parent of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this section and RCW 26.26.400 through 26.26.415 and 26.26.425 through 26.26.450 which:

(a) Excludes the (~~man~~) person as a genetic (~~father~~) parent of the child; or

(b) Identifies another (~~man~~) person as the (~~father~~) parent of the child.

(3) Except as otherwise provided in RCW 26.26.445, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic (~~father~~) parent.

(4) This section does not apply when the child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260.

**Sec. 25.** RCW 26.26.425 and 2002 c 302 s 406 are each amended to read as follows:

(1) Subject to assessment of costs under RCW 26.26.500 through 26.26.630, the cost of initial genetic testing must be advanced:

(a) By a support enforcement agency in a proceeding in which the support enforcement agency is providing services;

(b) By the individual who made the request;

(c) As agreed by the parties; or

(d) As ordered by the court.

(2) In cases in which the cost is advanced by the support enforcement agency, the agency may seek reimbursement from a (~~man~~) person who is rebuttably identified as the (~~father~~) parent.

**Sec. 26.** RCW 26.26.430 and 2002 c 302 s 407 are each amended to read as follows:

(1) The court or the support enforcement agency shall order additional genetic testing upon the request of a party who contests the result of the original testing. If the previous genetic testing identified a (~~man~~) person as the (~~father~~) parent of the child under RCW 26.26.420, the court or agency may not order additional testing unless the party provides advance payment for the testing.

(2) This section does not apply when the child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260.

**Sec. 27.** RCW 26.26.435 and 2002 c 302 s 408 are each amended to read as follows:

(1) If a genetic testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just, a court may order the following individuals to submit specimens for genetic testing:

- (a) The parents of the man;
- (b) Brothers and sisters of the man;
- (c) Other children of the man and their mothers; and
- (d) Other relatives of the man necessary to complete genetic testing.

(2) If a specimen from the mother of a child is not available for genetic testing, the court may order genetic testing to proceed without a specimen from the mother.

(3) Issuance of an order under this section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

(4) This section does not apply when the child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260.

**Sec. 28.** RCW 26.26.445 and 2002 c 302 s 410 are each amended to read as follows:

(1) The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

(2) If ~~((genetic testing excludes none of the brothers as the genetic father, and))~~ each brother satisfies the requirements as the identified father of the child under RCW 26.26.420 without consideration of another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

**Sec. 29.** RCW 26.26.505 and 2002 c 302 s 502 are each amended to read as follows:

Subject to RCW 26.26.300 through 26.26.375, 26.26.530, and 26.26.540, a proceeding to adjudicate parentage may be maintained by:

- (1) The child;
- (2) The ~~((mother of))~~ person who has established a parent-child relationship with the child;
- (3) A ~~((man))~~ person whose ~~((paternity))~~ parentage of the child is to be adjudicated;
- (4) The division of child support;
- (5) An authorized adoption agency or licensed child-placing agency;
- (6) A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or
- (7) An intended parent under a surrogate parentage contract, as provided in RCW 26.26.210 through 26.26.260.

**Sec. 30.** RCW 26.26.510 and 2002 c 302 s 503 are each amended to read as follows:

The following individuals must be joined as parties in a proceeding to adjudicate parentage:

- (1) The ~~((mother))~~ parent of the child who has established a parent-child relationship with the child;
- (2) A ~~((man))~~ person whose ~~((paternity))~~ parentage of the child is to be adjudicated; ~~((and))~~
- (3) An intended parent under a surrogate parentage contract, as provided in RCW 26.26.210 through 26.26.260; and
- (4) The child if required under RCW 26.26.530, 26.26.540, or 26.26.720.

**Sec. 31.** RCW 26.26.525 and 2002 c 302 s 506 are each amended to read as follows:

A proceeding to adjudicate the parentage of a child having no presumed ~~((acknowledged))~~ or adjudicated ~~((father))~~ second parent and no acknowledged father may be commenced at any time during the life of the child, even after:

- (1) The child becomes an adult; or
- (2) An earlier proceeding to adjudicate ~~((paternity))~~ parentage has been dismissed based on the application of a statute of limitation then in effect.

**Sec. 32.** RCW 26.26.530 and 2002 c 302 s 507 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, a proceeding brought by a presumed ~~((father))~~ parent, the ~~((mother))~~ person with a parent-child relationship with the child, or another individual to adjudicate the parentage of a child having a presumed ~~((father))~~ parent must be commenced not later than ~~((two))~~ four years after the birth of the child. If an action is commenced more than two years after the birth of the child, the child must be made a party to the action.

(2) A proceeding seeking to disprove the ~~((father-child))~~ parent-child relationship between a child and the child's presumed ~~((father))~~ parent may be maintained at any time if the court determines that ~~((~~

~~((a)))~~ the presumed ~~((father))~~ parent and the ~~((mother of))~~ person who has a parent-child relationship with the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception ~~((and~~

~~((b))~~ The presumed father never openly treated the child as his own) and the presumed parent never held out the child as his or her own.

**Sec. 33.** RCW 26.26.535 and 2002 c 302 s 508 are each amended to read as follows:

(1) In a proceeding to adjudicate parentage under circumstances described in RCW 26.26.530 or in RCW 26.26.540, a court may deny a motion seeking an order for genetic testing of the mother or father, the child, and the presumed or acknowledged father if the court determines that:

(a) ~~((i))~~ The conduct of the mother or father or the presumed ~~((father))~~ or acknowledged parent estops that party from denying parentage; and

~~((b))~~ ~~((ii))~~ It would be inequitable to disprove the ~~((father-child))~~ parent-child relationship between the child and the presumed ~~((father))~~ or acknowledged parent; or

(b) The child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260.

(2) In determining whether to deny a motion to seek an order for genetic testing under subsection (1)(a) of this section, the court shall consider the best interest of the child, including the following factors:

(a) The length of time between the proceeding to adjudicate parentage and the time that the presumed ~~((father))~~ or acknowledged parent was placed on notice that he or she might not be the genetic ~~((father))~~ parent;

(b) The length of time during which the presumed ~~((father))~~ or acknowledged parent has assumed the role of ~~((father))~~ parent of the child;

(c) The facts surrounding the presumed ~~((father's))~~ or acknowledged parent's discovery of his or her possible ~~((nonpaternity))~~ nonparentage;

(d) The nature of the ~~((father-child))~~ relationship between the child and the presumed or acknowledged parent;

(e) The age of the child;

(f) The harm ~~((to the child which))~~ that may result to the child if ((presumed paternity)) parentage is successfully disproved;



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(g) The nature of the relationship ~~((of))~~ between the child ~~((to))~~ and any alleged ~~((father))~~ parent;

(h) The extent to which the passage of time reduces the chances of establishing the ~~((paternity))~~ parentage of another ~~((man))~~ person and a child support obligation in favor of the child; and

(i) Other factors that may affect the equities arising from the disruption of the ~~((father-child))~~ parent-child relationship between the child and the presumed ~~((father))~~ or acknowledged parent or the chance of other harm to the child.

(3) In a proceeding involving the application of this section, ~~((the))~~ a minor or incapacitated child must be represented by a guardian ad litem.

(4) A denial of a motion seeking an order for genetic testing under subsection (1)(a) of this section must be based on clear and convincing evidence.

(5) If the court denies a motion seeking an order for genetic testing under subsection (1)(a) of this section, it shall issue an order adjudicating the presumed ~~((father))~~ or acknowledged parent to be the ~~((father))~~ parent of the child.

**Sec. 34.** RCW 26.26.540 and 2002 c 302 s 509 are each amended to read as follows:

(1) If a child has an acknowledged father, a signatory to the acknowledgment or denial of paternity must commence any proceeding seeking to rescind the acknowledgment or denial or challenge the paternity of ~~((that))~~ the child only within the time allowed under RCW 26.26.330 or 26.26.335.

(2) If a child has an acknowledged father or an adjudicated ~~((father))~~ parent, an individual, other than the child, who is neither a signatory to the acknowledgment nor a party to the adjudication and who seeks an adjudication of ~~((paternity))~~ parentage of the child must commence a proceeding not later than ~~((two))~~ four years after the effective date of the acknowledgment or adjudication. If an action is commenced more than two years after the birth of the child, the child must be made a party to the action.

(3) A proceeding under this section is subject to RCW 26.26.535.

**Sec. 35.** RCW 26.26.545 and 2002 c 302 s 510 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, a proceeding to adjudicate parentage may be joined with a proceeding for: Adoption or termination of parental rights under chapter 26.33 RCW; determination of a parenting plan, child support, annulment, dissolution of marriage, dissolution of a domestic partnership, or legal separation under chapter 26.09 or 26.19 RCW; or probate or administration of an estate under chapter 11.48 or 11.54 RCW, or other appropriate proceeding.

(2) A respondent may not join ~~((the))~~ a proceeding(s) described in subsection (1) of this section with a proceeding to adjudicate parentage brought under chapter 26.21A RCW.

**Sec. 36.** RCW 26.26.550 and 2002 c 302 s 511 are each amended to read as follows:

~~((Although))~~ A proceeding to ~~((determine))~~ adjudicate parentage may be commenced before the birth of the child, ~~((the proceeding))~~ but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

(1) Service of process;

(2) Discovery;

(3) Except as prohibited by RCW 26.26.405, collection of specimens for genetic testing; and

(4) Temporary orders authorized under RCW 26.26.590.

**Sec. 37.** RCW 26.26.555 and 2002 c 302 s 512 are each amended to read as follows:

(1) Unless specifically required under other provisions of this chapter, a minor child is a permissible party, but is not a necessary party to a proceeding under RCW 26.26.500 through 26.26.630.

(2) If ~~((the))~~ a minor or incapacitated child is a party, or if the court finds that the interests of ~~((a minor child or incapacitated))~~ the child are not adequately represented, the court shall appoint a guardian ad litem to represent the child, subject to RCW 74.20.310 ~~((neither the child's mother or father))~~. A parent of the child may not represent the child as guardian or ~~((otherwise))~~ in any other capacity.

**Sec. 38.** RCW 26.26.570 and 2002 c 302 s 521 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a record of a genetic testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within fourteen days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:

(a) Voluntarily or under an order of the court or a support enforcement agency; or

(b) Before or after the commencement of the proceeding.

(2) A party objecting to the results of genetic testing may call one or more genetic testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.

(3) If a child has a presumed~~((acknowledged))~~ or adjudicated ~~((father))~~ parent or an acknowledged father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:

(a) With the consent of both the ~~((mother))~~ person with a parent-child relationship with the child and the presumed~~((acknowledged))~~ or adjudicated ~~((father))~~ parent or an acknowledged father; or

(b) Under an order of the court under RCW 26.26.405.

(4) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child that are furnished to the adverse party not less than ten days before the date of a hearing are admissible to establish:

(a) The amount of the charges billed; and

(b) That the charges were reasonable, necessary, and customary.

**Sec. 39.** RCW 26.26.575 and 2002 c 302 s 522 are each amended to read as follows:

(1) An order for genetic testing is enforceable by contempt.

(2) If an individual whose paternity is being determined declines to submit to genetic testing ~~((as))~~ ordered by the court, the court for that reason may ~~((on that basis))~~ adjudicate parentage contrary to the position of that individual.

(3) Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.

(4) This section does not apply when the child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260.

**Sec. 40.** RCW 26.26.585 and 2002 c 302 s 523 are each amended to read as follows:

(1) A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.

(2) If the court finds that the admission of paternity ~~((was made under))~~ satisfies the requirements of this section and finds that there

is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

**Sec. 41.** RCW 26.26.590 and 2002 c 302 s 524 are each amended to read as follows:

This section applies to any proceeding under RCW 26.26.500 through 26.26.630.

(1) The court shall issue a temporary order for support of a child if the individual ordered to pay support:

(a) Is a presumed ~~((father))~~ parent of the child;

(b) Is petitioning to have his ~~((paternity))~~ or her parentage adjudicated or has admitted ~~((paternity))~~ parentage in pleadings filed with the court;

(c) Is identified as the father through genetic testing under RCW 26.26.420;

(d) Has declined to submit to genetic testing but is shown by clear and convincing evidence to be the father of the child; or

(e) Is ~~((the mother of))~~ a person who has established a parent-child relationship with the child.

(2) A temporary order may, on the same basis as provided in chapter 26.09 RCW, make residential provisions with regard to minor children of the parties, except that a parenting plan is not required unless requested by a parent.

(3) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(4) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(5) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(7) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been

terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(8) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(9) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(11) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

**Sec. 42.** RCW 26.26.600 and 2002 c 302 s 531 are each amended to read as follows:

The court shall apply the following rules to adjudicate the ~~((paternity))~~ parentage of a child:

(1) Except as provided in subsection (5) of this section, the ~~((paternity))~~ parentage of a child having a presumed~~(, acknowledged,)~~ or adjudicated ~~((father))~~ parent or an acknowledged father may be disproved only by admissible results of genetic testing excluding that ~~((man))~~ person as the ~~((father))~~ parent of the child or identifying another man ~~((to be))~~ as the father of the child.

(2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, the man identified as the father of the child under RCW 26.26.420 must be adjudicated the father of the child.

(3) If the court finds that genetic testing under RCW 26.26.420 neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, ~~((along with))~~ and other evidence, are admissible to adjudicate the issue of paternity.

(4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing must be adjudicated not to be the father of the child.

(5) Subsections (1) through (4) of this section do not apply when the child was conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260. The parentage of a child conceived through assisted

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reproduction other than via surrogacy may be disproved only by admissible evidence showing the intent of the presumed, acknowledged, or adjudicated parent and the other parent.

**Sec. 43.** RCW 26.26.620 and 2002 c 302 s 535 are each amended to read as follows:

The court may issue an order dismissing a proceeding commenced under this chapter for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and ~~((may be challenged in another judicial or an administrative proceeding))~~ has only the effect of a dismissal without prejudice.

**Sec. 44.** RCW 26.26.625 and 2002 c 302 s 536 are each amended to read as follows:

(1) The court shall issue an order adjudicating whether a ~~((man))~~ person alleged or claiming to be the ~~((father))~~ parent is the parent of the child.

(2) An order adjudicating parentage must identify the child by name and age.

(3) Except as otherwise provided in subsection (4) of this section, the court may assess filing fees, reasonable attorneys' fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this section and RCW 26.26.500 through 26.26.620 and 26.26.630. The court may award attorneys' fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name.

(4) The court may not assess fees, costs, or expenses against the support enforcement agency of this state or another state, except as provided by other law.

(5) On request of a party and for good cause shown, the court may order that the name of the child be changed.

(6) If the order of the court is at variance with the child's birth certificate, the court shall order the state registrar of vital statistics to issue an amended birth certificate.

**Sec. 45.** RCW 26.26.630 and 2002 c 302 s 537 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, a determination of parentage is binding on:

(a) All signatories to an acknowledgment or denial of paternity as provided in RCW 26.26.300 through 26.26.375; and

(b) All parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of RCW ~~((26.21.075))~~ 26.21A.100.

(2) A child is not bound by a determination of parentage under this chapter unless:

(a) The determination was based on an unrescinded acknowledgment of paternity and the acknowledgment of paternity is consistent with the results of the genetic testing;

(b) The adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown, or in the case of a child conceived through assisted reproduction, except for surrogate parentage contracts pursuant to RCW 26.26.210 through 26.26.260, the adjudication of parentage was based on evidence showing the intent of the parents; or

(c) The child was a party or was represented in the proceeding determining parentage by a guardian ad litem.

(3) In a proceeding to dissolve a marriage or domestic partnership, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of RCW ~~((26.21.075))~~ 26.21A.100, and the final order:

(a) Expressly identifies a child as a "child of the marriage," "issue of the marriage," "child of the domestic partnership," "issue of the domestic partnership," or similar words indicating that the

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~~((husband is the father))~~ spouses in the marriage or domestic partners in the domestic partnership are the parents of the child; or

(b) Provides for support of the child by one or both of the ((husband)) spouses or domestic partners unless ~~((paternity))~~ parentage is specifically disclaimed in the order.

(4) Except as otherwise provided in subsection (2) of this section, a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.

(5) A party to an adjudication of ~~((paternity))~~ parentage may challenge the adjudication only under law of this state relating to appeal, vacation of judgments, ~~((and))~~ or other judicial review.

**Sec. 46.** RCW 26.26.705 and 2002 c 302 s 602 are each amended to read as follows:

A donor is not a parent of a child conceived by means of assisted reproduction, unless otherwise agreed in a signed record by the donor and the person or persons intending to be parents of a child conceived through assisted reproduction.

**Sec. 47.** RCW 26.26.710 and 2002 c 302 s 603 are each amended to read as follows:

~~((If a husband provides sperm for, or consents to, assisted reproduction by his wife as provided in RCW 26.26.715, he is the father of a resulting child born to his wife.))~~ A person who provides gametes for, or consents in a signed record to assisted reproduction with another person, with the intent to be the parent of the child born, is the parent of the resulting child.

**Sec. 48.** RCW 26.26.715 and 2002 c 302 s 604 are each amended to read as follows:

(1) ~~((A consent to assisted reproduction by a married woman must be in a record signed by the woman and her husband.))~~ Consent by a couple who intend to be parents of a child conceived by assisted reproduction must be in a record signed by both persons. This requirement does not apply to ~~((the donation of eggs for assisted reproduction by another woman))~~ a donor.

(2) Failure of the ~~((husband))~~ person to sign a consent required by subsection (1) of this section, before or after birth of the child, does not preclude a finding ~~((that the husband is the father of a child born to his wife if the wife and husband openly treated))~~ of parentage if the persons resided together in the same household with the child and openly held out the child as their own.

**Sec. 49.** RCW 26.26.720 and 2002 c 302 s 605 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, ~~((the husband of a wife))~~ a spouse or domestic partner of a woman who gives birth to a child by means of assisted reproduction, or a spouse or domestic partner of a man who has a child by means of assisted reproduction, may not challenge his ~~((paternity))~~ or her parentage of the child unless:

(a) Within ~~((two))~~ four years after learning of the birth of the child ~~((he))~~ the person commences a proceeding to adjudicate his ~~((paternity))~~ or her parentage. In actions commenced more than two years after the birth of the child, the child must be made a party to the action; and

(b) The court finds that ~~((he))~~ the person did not consent to the assisted reproduction, before or after birth of the child.

(2) A proceeding to adjudicate ~~((paternity))~~ parentage may be maintained at any time if the court determines that:

(a) The ~~((husband))~~ spouse or domestic partner did not provide ~~((sperm))~~ gametes for, or before or after the birth of the child consent to, assisted reproduction by his ~~((wife))~~ or her spouse or domestic partner;

(b) The ~~((husband and the mother))~~ spouse or domestic partner and the parent of the child have not cohabited since the probable time of assisted reproduction; and

(c) The ~~((husband))~~ spouse or domestic partner never openly ~~((treated))~~ held out the child as his or her own.

(3) The limitation provided in this section applies to a marriage or domestic partnership declared invalid after assisted reproduction.

**Sec. 50.** RCW 26.26.725 and 2002 c 302 s 606 are each amended to read as follows:

(1) If a marriage or domestic partnership is dissolved before placement of eggs, sperm, or an embryo, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a signed record that if assisted reproduction were to occur after a ~~((divorce))~~ dissolution, the former spouse or former domestic partner would be a parent of the child.

(2) The consent of the former spouse or former domestic partner to assisted reproduction may be ~~((revoked))~~ withdrawn by that individual in a record at any time before placement of eggs, sperm, or embryos. An individual who withdraws consent under this section is not a parent of the resulting child.

**Sec. 51.** RCW 26.26.730 and 2002 c 302 s 607 are each amended to read as follows:

If ~~((a spouse))~~ an individual who consented in a record to be a parent by assisted reproduction dies before placement of eggs, sperm, or an embryo, the deceased ~~((spouse))~~ individual is not a parent of the resulting child unless the deceased ~~((spouse))~~ individual consented in a signed record that if assisted reproduction were to occur after death, the deceased ~~((spouse))~~ individual would be a parent of the child.

**Sec. 52.** RCW 26.26.735 and 2002 c 302 s 608 are each amended to read as follows:

~~((The donor of ovum provided to a licensed physician for use in the alternative reproductive medical technology process of attempting to achieve a pregnancy in a woman other than the donor is treated in law as if she were not the natural mother of a child thereafter conceived and born unless the donor and the woman who gives birth to a child as a result of the alternative reproductive medical technology procedures agree in writing that the donor is to be a parent. RCW 26.26.705 does not apply in such case. A woman who gives birth to a child conceived through alternative reproductive medical technology procedures under the supervision and with the assistance of a licensed physician is treated in law as if she were the natural mother of the child unless an agreement in writing signed by an ovum donor and the woman giving birth to the child states otherwise. An agreement pursuant to this section must be in writing and signed by the ovum donor and the woman who gives birth to the child and any other intended parent of the child. The physician shall certify the parties' signatures and the date of the ovum harvest, identify the subsequent medical procedures undertaken, and identify the intended parents.)) (1) An affidavit and physician's certificate may be used by intended parents to establish parentage if:~~

(a) The two intended parents are both female intending to be the parents of the child born through assisted reproduction pursuant to RCW 26.26.210 through 26.26.260; and

(b) One of the intended parents contributes ovum and the other intended parent gives birth to the child.

(2) The ~~((agreement, including the))~~ affidavit and certification ~~((referenced in RCW 26.26.030.))~~ must be filed with the registrar of vital statistics, where it must be kept confidential and in a sealed file.

**Sec. 53.** RCW 26.26.903 and 2002 c 302 s 709 are each amended to read as follows:

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it and to the intent that the act apply to persons of the same sex who have children together to the same extent the act applies to persons of the opposite sex who have children together.

**Sec. 54.** RCW 26.26.911 and 2002 c 302 s 101 are each amended to read as follows:

This act may be known and cited as the uniform parentage act of 2002.

NEW SECTION. **Sec. 55.** Any action taken by an agency to implement the provisions of this act must be accomplished within existing resources. Any costs incurred by the administrative office of the courts for modifications to the judicial information system as a result of the provisions of this act shall be paid from the judicial information system account.

NEW SECTION. **Sec. 56.** 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 Nelson spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton, Carrell and Swecker to the striking amendment be adopted.

Beginning on page 1, line 3 of the amendment, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 4, line 30 of the amendment, strike all of sections 4 through 6

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 6, line 17 of the amendment, strike all of sections 8 through 10

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 9 of the amendment, strike all of section 15

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 13, beginning on line 1 of the amendment, strike all of section 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 15, line 14 of the amendment, strike all of sections 22 through 27

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 19, line 16 of the amendment, strike all of sections 29 through 35

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 23, line 25 of the amendment, strike all of sections 37 through 39

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 25, line 19 of the amendment, strike all of sections 41 and 42

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 29, line 9 of the amendment, strike all of sections 44 through 54

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 35, beginning on line 1 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 26.26.021, 26.26.041, 26.26.111, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.330, 26.26.340, 26.26.360,

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26.26.375, 26.26.400, 26.26.445, 26.26.550, 26.26.585, and 26.26.620; and creating a new section."

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Nelson spoke against adoption of the amendment to the striking amendment.

Senator Pridemore 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 Senators Benton, Carrell and Swecker on page 1, line 3 to the striking amendment to Engrossed Second Substitute House Bill No. 1267.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Benton, Carrell and Swecker and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Fain, Hargrove, Hewitt, Holmquist Newbry, Honeyford, Kastama, King, Morton, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Harper, Hatfield, Haugen, Hill, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Tom and White

Excused: Senator Delvin

MOTION

On motion of Senator Ericksen, Senator Parlette was excused.

MOTION

Senator Zarelli moved that Engrossed Second Substitute House Bill No. 1443 be made a special order of business at 4:59 p.m. today.

The President declared the question before the Senate to be the motion by Senator Zarelli and the motion failed by a rising vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted:

On page 7, line 12, after "certificate;", strike "or".

On page 7, line 14, after "own", insert the following: "; or

(iv) The person resided in the same household with the child and openly held out the child as his or her own for the first two years of the child's life."

On page 7, line 15, after "(2)", beginning with "a person", strike all material through "(3)" on line 19.

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

Senator Nelson 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 Pflug on page 7, line 12 to the striking amendment to Engrossed Second Substitute House Bill No. 1267.

The motion by Senator Pflug failed and the striking amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Eide moved that Substitute House Bill No. 1691 be made a special order of business at 4:59 p.m. today.

The President declared the question before the Senate to be the motion by Senator Eide and the motion carried by a rising vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted:

On page 7, beginning on line 15 of the amendment, after "(2)" strike all material through "(3)" on line 19

Senators Swecker, Zarelli and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Nelson and Murray spoke against adoption of the amendment to the striking amendment.

Senator Swecker demanded a roll and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 7, line 15 to the striking amendment to Engrossed Second Substitute House Bill No. 1267.

The motion by Senator Swecker carried and the amendment to the striking amendment was adopted by a rising vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted:

On page 11, line 4 of the amendment, after "years" strike " , except as provided in RCW 26.26.330"

On page 12, beginning on line 6 of the amendment, after "chapter." strike all material through "26.26.330." on line 8

Beginning on page 12, line 22 of the amendment, strike all of sections 16 and 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 20, beginning on line 25 of the amendment, after "than" strike all material through "action." on line 28 and insert "two years after the birth of the child."

On page 22, beginning on line 31 of the amendment, after "than" strike all material through "action." on line 34 and insert "two years after the effective date of the acknowledgment or adjudication."

On page 32, beginning on line 3 of the amendment, after "(a)" strike all material through "action" on line 7 and insert "Within two years after learning of the birth of the child ((he)) the person commences a proceeding to adjudicate his ((paternity)) or her parentage"

Senators Swecker and Pridemore 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 Swecker on page 11,

line 4 to the striking amendment to Engrossed Second Substitute House Bill No. 1267.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted:

On page 12, line 7, after "acknowledgment" strike "or denial"

On page 12, line 32 after "acknowledgment" strike "or denial"

On page 12, line 33, after "acknowledgment" strike "or denial"

On page 12, line 34, after "acknowledgment" strike "or denial"

On page 13, line 11, after "action" insert "and the determination of parentage shall take into account the best interest of the child"

On page 20, line 28, after "action" insert "and the determination of parentage shall take into account the best interest of the child"

On page 22, line 34, after "action" insert "and the determination of parentage shall take into account the best interest of the child"

Senators Pflug and Pridemore 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 Pflug on page 12, line 7 to the striking amendment to Engrossed Second Substitute House Bill No. 1267.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted:

On page 31, at the beginning of line 13 of the amendment, strike "another person" and insert "the person's spouse or domestic partner"

On page 31, beginning on line 18 of the amendment, after "Consent" strike all material through "reproduction" on line 19 and insert "to assisted reproduction by a couple in a marriage or domestic partnership"

On page 31, line 23 of the amendment, after "~~(husband)~~" strike "person" and insert "spouse or domestic partner"

On page 31, beginning on line 27 of the amendment, after "if the" strike all material through "and" on line 28 and insert "spouse or domestic partner"

Senators Pflug and Nelson 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 Pflug on page 31, line 13 to the striking amendment to Engrossed Second Substitute House Bill No. 1267.

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

#### MOTION

Senator Brown moved that the following amendment by Senator Brown to the striking amendment be adopted:

On page 6, beginning on line 17, strike all of Section 8 and insert the following:

"**Sec.8** RCW 26.26.116 and 2002 c 302 s 204 are each amended to read as follows:

(1) In the context of a marriage or a domestic partnership, a ~~(man)~~ person is presumed to be the ~~(father)~~ parent of a child if:

(a) ~~((He))~~ The person and the mother or father of the child are married to each other or in a domestic partnership with each other and the child is born during the marriage or domestic partnership;

(b) ~~((He))~~ The person and the mother or father of the child were married to each other or in a domestic partnership with each other and the child is born within three hundred days after the marriage or domestic partnership is terminated by death, annulment, dissolution ~~((of marriage))~~, legal separation, or declaration of invalidity;

(c) Before the birth of the child, ~~((he))~~ the person and the mother or father of the child married each other or entered into a domestic partnership with each other in apparent compliance with law, even if the attempted marriage or domestic partnership is, or could be, declared invalid and the child is born during the invalid marriage or invalid domestic partnership or within three hundred days after its termination by death, annulment, dissolution ~~((of marriage))~~, legal separation, or declaration of invalidity; or

(d) After the birth of the child, ~~((he))~~ the person and the mother or father of the child have married each other or entered into a domestic partnership with each other in apparent compliance with law, whether or not the marriage or domestic partnership is, or could be declared invalid, and ~~((he))~~ the person voluntarily asserted ~~((his paternity))~~ parentage of the child, and:

(i) The assertion is in a record filed with the state registrar of vital statistics;

(ii) The person agreed to be and is named as the child's ~~((father))~~ parent on the child's birth certificate; or

(iii) The person promised in a record to support the child as his or her own.

(2) A person is presumed to be the parent of the child if, for the first two years of the child's life, the person resided in the same household with the child and openly held out the child as his or her own child.

(3) A presumption of ~~((paternity))~~ parentage established under this section may be rebutted only by an adjudication under RCW 26.26.500 through 26.26.630."

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

#### POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. I would ask for a ruling of scope and object that this amendment is not properly before the body because we have previously heard this amendment and ask for a ruling thereon."

Senator Brown spoke against the point of order.

#### RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order by Senator Schoesler, the President has given considerable consideration to these. We had dealt with this issue actually twice and now it is being proposed to be dealt with again which would be a third time and that process could continue on until the process could never be completed. Therefore its necessary there be a substantial difference in the amendment before the amendment is considered. In this case making minor, very minor modifications does not justify interpretation as a substantial change in the amendment, therefore, the amendment is out of order and your point of order is well taken."

Senators Hargrove, Pridemore, Swecker, Nelson, Pflug spoke in favor of adoption of the striking amendment as amended.

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The President declared the question before the Senate to be the adoption of the striking amendment by Senator Nelson as amended to Engrossed Second Substitute House Bill No. 1267.

The motion by Senator Pridemore 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 3 of the title, after "parentage;" strike the remainder of the title and insert "amending RCW 26.26.011, 26.26.021, 26.26.041, 26.26.051, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.130, 26.26.150, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 26.26.340, 26.26.360, 26.26.375, 26.26.400, 26.26.405, 26.26.410, 26.26.420, 26.26.425, 26.26.430, 26.26.435, 26.26.445, 26.26.505, 26.26.510, 26.26.525, 26.26.530, 26.26.535, 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575, 26.26.585, 26.26.590, 26.26.600, 26.26.620, 26.26.625, 26.26.630, 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730, 26.26.735, 26.26.903, and 26.26.911; and creating a new section."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Second Substitute House Bill No. 1267 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1267 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1267 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Harper, Hatfield, Haugen, Hill, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Tom and White

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Hargrove, Hewitt, Holmquist Newbry, Honeyford, Kastama, King, Morton, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Delvin

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1267 as amended by the Senate, 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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1443, by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Maxwell, Dammeier, Sullivan, Pedersen, Springer, Kagi, Anderson, Pettigrew, Finn, Morris, Ladenburg, Frockt, Jinkins, Uptegrove, Clibborn, Orwall, Haigh, Jacks, Lias, Billig, Kelley and Probst)

Continuing education reforms. Revised for 2nd Substitute: Concerning continuing education reforms, including implementing recommendations of the quality education council.

The measure was read the second time.

#### MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I STRENGTHENING INSTRUCTION AND SUPPORT

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

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

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

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

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

(3) The state board of education may adopt a rule repealing the seat-time definition of a high school credit by May 31, 2012, and shall require school districts to certify annually to the board that the district has a policy to define a high school credit.

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

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

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

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

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

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and

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

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

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

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

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

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

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

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

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

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

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level.....	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction .....	22.76

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

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

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.....	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.663	0.519	0.523
Health and social services:			
School nurses.....	0.076	0.060	0.096
Social workers .....	0.042	0.006	0.015
Psychologists .....	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees ....	0.936	0.700	0.652
Office support and other noninstructional aides .....	2.012	2.325	3.269
Custodians.....	1.657	1.942	2.965
Classified staff providing student and staff safety .....	0.079	0.092	0.041
<del>(Parent involvement)</del> Family engagement coordinators .....	0.00	0.00	0.00

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

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

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



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

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

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

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

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

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

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

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

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

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school

who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

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

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

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

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

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

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

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

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

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

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

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

(3) Initial approval of multidistrict online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

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

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

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

(1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(5) 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, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) A description of the bargaining units involved;

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

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

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue

certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

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

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

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

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

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

## PART II CLOSING THE OPPORTUNITY GAP

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

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

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, and science as well as readiness associated with these skills.

(3) "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. 203.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to read as follows:

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

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

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

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

(i) Achievement goals for the students;

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

(iii) Communication procedures regarding student accomplishment; and

(iv) Plan reviews and adjustments processes;

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

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

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

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

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

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

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

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

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

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

(a) Individual or small group instruction;

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

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

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

(e) Language development instruction for English language learners;

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

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

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

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

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

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

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

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

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

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

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

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

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

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

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

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

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

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

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

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

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

(a) Universal screening;

(b) Regular public notification;

(c) Use of multiple criteria;

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

(e) Family involvement in decision making;

(f) Notification of parents or legal guardians;

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

(h) Periodic reviews, including input from families.

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

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

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

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

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

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

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

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

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

(3) "Opportunity internship consortium" means a local consortium formed for the purpose of participating in the opportunity internship program and which may be composed of a local workforce development council, economic development council, area high schools, community or technical colleges, apprenticeship councils, preapprenticeship programs such as running start for the trades, private vocational schools licensed under chapter 28C.10 RCW, public and private four-year institutions of higher education, employers in targeted industries, and labor organizations. Partnerships of high schools, teacher preparation programs, and community-based organizations offering the program under RCW 28A.415.370 may be considered opportunity internship consortia.

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

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

(6) "Preapprenticeship" means a program of at least ninety hours and not more than one hundred eighty hours in length that provides practical experience, education, preparation, and the development of skills that would be beneficial for entry into state-approved apprenticeship programs, including but not limited

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to construction industry structure and the construction process; orientation to state-approved apprenticeship; tools of the various trades and safe handling of power tools; and industry standards of safety, responsibility, and craft excellence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient

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is enrolled. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

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

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

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

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

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

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

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

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

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

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

(e) Successful passage of statewide basic skills exam.

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

### **PART III SUPPORTING EDUCATION PROFESSIONALS**

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

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

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

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the 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



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with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

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

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

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;
- (b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and
- (c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

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

- (a) Cultural competency;
- (b) Competency in language acquisition; and
- (c) Science, technology, engineering, and mathematics instruction.

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

(7) 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.

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

#### PART IV MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401. Sections 104, 107, 202, and 208 of this act take effect September 1, 2011.

NEW SECTION. Sec. 402. Section 201 of this act expires September 1, 2011.

NEW SECTION. Sec. 403. If specific funding in the amount of at least seven hundred fifty thousand dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided and appropriated to local school districts by June 30, 2011, in the omnibus appropriations act, this act is null and void."

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

The President declared the question before the Senate to be the motion by Senator Murray to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1443.

The motion by Senator Murray carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be not adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I STRENGTHENING INSTRUCTION AND SUPPORT

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

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

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

(1) By July 1, 2012, each school district board of directors that grants high school diplomas shall adopt a policy that defines a high school credit for purposes of meeting state and local graduation requirements. The policy may define a high school credit based on a seat-time definition, demonstrated competencies, or some

combination, as long as the policy specifies the means by which the school district assures that students have gained the knowledge and skills necessary to earn a credit.

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

(3) The state board of education may adopt a rule repealing the seat-time definition of a high school credit by May 31, 2012, and shall require school districts to certify annually to the board that the district has a policy to define a high school credit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level.....	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction.....	22.76

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

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

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

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

	Elem	Mi	Hig
	entary	ddl	h
	Schoo	e	Sch
	l	Sch	ool
		ool	
Principals, assistant principals, and other certificated building-level administrators.....	1.253	1.3	1.8
		53	80
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs.....	0.663	0.5	0.5
		19	23
Health and social services:			

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School nurses.....	0.076	0.0	0.0
		60	96
Social workers .....	0.042	0.0	0.0
		06	15
Psychologists .....	0.017	0.0	0.0
		02	07
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.493	1.1	1.9
		16	09
Teaching assistance, including any aspect of educational instructional services provided by classified employees ...	0.936	0.7	0.6
		00	52
Office support and other noninstructional aides .....	2.012	2.3	3.2
		25	69
Custodians.....	1.657	1.9	2.9
		42	65
Classified staff providing student and staff safety.....	0.079	0.0	0.1
		92	41
((Parent involvement) Family engagement coordinators .....	0.00	0.0	0.0
		0	0

Utilities and insurance.....	\$309.21
Curriculum and textbooks.....	\$122.17
Other supplies and library materials .....	\$259.39
Instructional professional development for certificated and classified staff .....	\$18.89
Facilities maintenance.....	\$153.18
Security and central office administration .....	\$106.12

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

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

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

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

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

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

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

Per annual average full-time equivalent student in grades K-12	
Technology .....	\$113.80

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

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

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

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

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

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

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

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

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

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

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

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses

approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

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

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

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

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

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

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

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

(3) Initial approval of multidistrict online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. Thereafter, the superintendent of

public instruction shall make annual approval decisions no later than November 1st of each year.

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

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

(1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

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

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

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

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

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

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

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one

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through six according to an implementation schedule adopted by the legislature but not before the 2014-15 school year; and

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

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

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

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

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

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

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

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

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

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

(5) 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, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the

commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

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

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

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

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

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

(C) A description of the bargaining units involved;

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

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

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

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

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

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

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

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

## PART II

### CLOSING THE OPPORTUNITY GAP

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

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

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, and science as well as readiness associated with these skills.

(3) "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.

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

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

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

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

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

(i) Achievement goals for the students;

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

(iii) Communication procedures regarding student accomplishment; and

(iv) Plan reviews and adjustments processes;

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

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

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

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

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

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

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

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

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education

program funding to provide instruction to eligible students under RCW 28A.150.220~~((3))~~ (5).

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

(a) Individual or small group instruction;

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

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

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

(e) Language development instruction for English language learners;

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

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

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

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

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

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

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

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

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of

public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district. Aggregated results must be posted on the web site of the office of the superintendent of public instruction for each school and school district, using the Washington state report card. The report card must include the average length of time students in each school and district are enrolled in the transitional bilingual instructional program, annual change in the number and percentage of students making progress in learning English, annual change in the number and percentage of students attaining English proficiency, and the number and percentage of students meeting annual targets in reading and mathematics for state and federal accountability; and

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. Aggregated results from the academic assessment of students who were formerly eligible pupils under the program must be reported by school and school district using the Washington state report card. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing. ~~(; and~~  
~~—(4) Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems. The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) of this section may occur).~~

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

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

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

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

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

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

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

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

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

- (a) Universal screening;
- (b) Regular public notification;
- (c) Use of multiple criteria;
- (d) Involvement of qualified professionals in the identification process;
- (e) Family involvement in decision making;
- (f) Notification of parents or legal guardians;
- (g) Safeguards to reduce cultural, linguistic, socioeconomic, and gender bias, and to mitigate impacts resulting from disabilities; and
- (h) Periodic reviews, including input from families.

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

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

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

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

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

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

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

(1) "High-demand occupation" means an occupation with a substantial number of current or projected employment



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opportunities. For the purposes of opportunity internships, the teaching of mathematics, science, bilingual education, special education, or English as a second language is considered a high-demand occupation.

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

(3) "Opportunity internship consortium" means a local consortium formed for the purpose of participating in the opportunity internship program and which may be composed of a local workforce development council, economic development council, area high schools, community or technical colleges, apprenticeship councils, preapprenticeship programs such as running start for the trades, private vocational schools licensed under chapter 28C.10 RCW, public and private four-year institutions of higher education, employers in targeted industries, and labor organizations. Partnerships of high schools, teacher preparation programs, and community-based organizations offering the program under RCW 28A.415.370 may be considered opportunity internship consortia.

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

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

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

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

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

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

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

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

(3) Subject to the availability of funds for the pipeline for paraeducators conditional scholarship program under RCW 28A.660.050, after qualified candidates under subsection (2) of this section have been accepted, individuals who participated in one of the recruiting Washington teachers grant programs under RCW

28A.415.370 may participate in the pipeline for paraeducators conditional scholarship program if the individual meets the criteria for the scholarship under RCW 28A.660.050.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter

shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

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

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

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

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

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

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

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

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

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

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

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

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

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

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

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

(e) Successful passage of statewide basic skills exam.

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

**PART III  
SUPPORTING EDUCATION PROFESSIONALS**

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

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

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

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

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

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

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

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

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

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

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

- (a) Cultural competency;
- (b) Competency in language acquisition; and
- (c) Science, technology, engineering, and mathematics instruction.

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

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

**PART IV  
MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 401.** Sections 104, 107, 202, and 208 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 402.** Section 201 of this act expires September 1, 2011."

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

The President declared the question before the Senate to be the motion by Senator Tom to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Second Substitute House Bill No. 1443.

The motion by Senator Tom carried and the committee striking amendment was not adopted by voice vote.

MOTION

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

Strike everything after the enacting clause and insert the following:

"PART I
STRENGTHENING INSTRUCTION AND SUPPORT

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

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

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

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

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

(3) The state board of education may adopt a rule repealing the seat-time definition of a high school credit by May 31, 2012, and shall require school districts to certify annually to the board that the district has a policy to define a high school credit.

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

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

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

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

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

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

section entitles an individual teacher to a particular teacher planning period.

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

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

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

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

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

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

Table with 2 columns: General education average class size and corresponding student count per teacher.

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

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

Table with 2 columns: Career and technical education average class size and corresponding student count per teacher.

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

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

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

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

	Elem entary School 1	Mi ddl e Sch ool	Hig h Sch ool
Principals, assistant principals, and other certificated building-level administrators.....	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.663	0.519	0.523
Health and social services:			
School nurses.....	0.076	0.060	0.096
Social workers .....	0.042	0.006	0.015
Psychologists .....	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees ...	0.936	0.700	0.652
Office support and other noninstructional aides .....	2.012	2.325	3.269
Custodians.....	1.657	1.942	2.965
Classified staff providing student and staff safety .....	0.079	0.092	0.141
<del>(Parent involvement)</del> Family engagement coordinators.....	0.00	0.00	0.00

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

Staff per 1,000 K-12 students

Technology .....	0.628
Facilities, maintenance, and grounds.....	1.813
Warehouse, laborers, and mechanics.....	0.332

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a

statewide average, 4,7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

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

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

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

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

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

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

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

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

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

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

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation through the Northwest association of accredited schools or another national, regional, or state accreditation program listed by the office of the superintendent of

public instruction after consultation with the Washington coalition for online learning. In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing multidistrict online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding the awarding of high school credit shall remain the responsibility of school districts, except as provided in RCW 28A.250.050.

(3) Initial approval of multidistrict online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

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

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

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

(1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) 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, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. 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.

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

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

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

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

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

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

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

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

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all

students enrolled in the school and how the district intends to address the findings of the academic performance audit; ~~((and))~~)

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

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

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

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

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

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

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

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

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

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

(C) A description of the bargaining units involved;

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

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

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

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition.

The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

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

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

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

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

## PART II CLOSING THE OPPORTUNITY GAP

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

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, and science 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.



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

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

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, and science as well as readiness associated with these skills.

(3) "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. 203.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to read as follows:

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

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

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

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

(i) Achievement goals for the students;

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

(iii) Communication procedures regarding student accomplishment; and

(iv) Plan reviews and adjustments processes;

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

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

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

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

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

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

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

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

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

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

(a) Individual or small group instruction;

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

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

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

(e) Language development instruction for English language learners;

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

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

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

(2) The objectives of the research study are to determine which remediation strategies are most effective and efficient in improving student achievement in reading, mathematics, and science; and identify outcome measures for use by policymakers in evaluating learning assistance program success. The study design shall

include quantitative and qualitative methods; identify the data necessary for a high-quality study; and identify the extent that necessary data is being collected and, if not, how it could be collected, including through sampling if necessary.

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

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

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

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

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

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

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

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

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

For the purposes of the program for highly capable students under this chapter, a highly capable student means a student who performs, or shows potential for performing, at significantly advanced levels when compared to others of his or her age, experience, or environment. Outstanding capabilities are seen with the student's general intellectual aptitudes, specific academic abilities, creative productivities within a specific domain, or

leadership skills. Highly capable students are present in all cultural and linguistic groups and across all socioeconomic strata; coexist with all manner of disabling conditions both visible and invisible; and manifest across all areas of human endeavor.

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

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

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

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

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

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

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

(a) Universal screening;

(b) Regular public notification;

(c) Use of multiple criteria;

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

(e) Family involvement in decision making;

(f) Notification of parents or legal guardians;

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

(h) Periodic reviews, including input from families.

(2) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a

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sending school, the receiving school shall initially honor placement of the student into a like program.

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

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

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

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

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

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

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

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

(3) "Opportunity internship consortium" means a local consortium formed for the purpose of participating in the opportunity internship program and which may be composed of a local workforce development council, economic development council, area high schools, community or technical colleges, apprenticeship councils, preapprenticeship programs such as running start for the trades, private vocational schools licensed under chapter 28C.10 RCW, public and private four-year institutions of higher education, employers in targeted industries, and labor organizations. Partnerships of high schools, teacher preparation programs, and community-based organizations offering the program under RCW 28A.415.370 may be considered opportunity internship consortia.

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

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

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

(7) "Targeted industry" means a business or industry identified by a local workforce development council as having high-demand

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occupations that require candidates to have completed a postsecondary program of study.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified ((paraeducators)) individuals as provided by RCW 28A.660.042. Paraeducators who apply for the

program under RCW 28A.660.042(2) shall receive first priority in scholarship awards. In order to receive conditional scholarship awards, recipients shall:

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

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

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

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

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

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

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

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

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

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

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

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

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

Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation

program must both agree that the teacher candidate has successfully completed the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

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

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

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

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

(e) Successful passage of statewide basic skills exam.

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

### PART III SUPPORTING EDUCATION PROFESSIONALS

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

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

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

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the 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 consider how a new compensation system should reward educational attainment, years of service, performance as measured by the four-tier evaluation system described in RCW 28A.405.100, service in high-demand fields, and national board for

professional teaching standards certification. The working group shall also make recommendations on the following:

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

(b) How to account for labor market adjustments;

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

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

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

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

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

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

(a) Cultural competency;

(b) Competency in language acquisition; and

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

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

(7) The working group shall include four legislators, with one member from each of the major caucuses in the house of representatives appointed by the speaker of the house of representatives; and one member from each of the major caucuses in the senate appointed by the president of the senate. Additional members 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))~~ (8) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

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

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

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

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

(3) Any school district whose board policies or locally bargained agreement outlines recall rights for certificated classroom teachers must recall staff in the reverse order contracts were nonrenewed as provided for in subsection (1) of this section.

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

**PART V  
STAFFING PLACEMENTS**

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

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

**PART VI  
MISCELLANEOUS PROVISIONS**

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

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

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

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the striking amendment be adopted:

On page 1, line 20 of the amendment, after "requirements." insert "The Washington state school directors' association in consultation with the state board of education shall develop a model policy that districts may choose to adopt to satisfy the policy requirements."

Senators McAuliffe and Litzow 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 McAuliffe on page 1, line 20 to the striking amendment to Engrossed Second Substitute House Bill No. 1443.

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

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the striking amendment be adopted:

On page 19, after line 38 of the amendment, insert the following: "NEW SECTION. Sec. 204. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2013 and through no later than the graduating class of 2016, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the science standard on the statewide high school science assessment, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d) Successfully earn one high school science credit or career and technical course equivalent, including courses offered at skill centers, after the student's tenth grade year intended to increase the student's science proficiency toward meeting or exceeding the science standards assessed on the statewide high school science assessment of student learning.

(2) This section expires August 31, 2016.

Sec. 205. RCW 28A.655.061 and 2010 c 244 s 1 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the ~~((Washington))~~ statewide student assessments ~~((of student learning))~~, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, section 204 of this act, or 28A.655.0611, acquisition of the certificate is required for

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graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school ~~((Washington))~~ statewide student assessments ~~((of student learning))~~ shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ or the objective alternative assessments in order to earn a certificate of academic achievement. ~~((The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.))~~ The superintendent shall not implement any high school level science end-of-course assessments.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the statewide high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the statewide assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the ~~((Washington))~~ statewide student assessments ~~((of student learning))~~ and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the PSAT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their

parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

**Sec. 206.** RCW 28A.155.045 and 2007 c 354 s 3 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in RCW 28A.655.0611 and section 204 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

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

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators McAuliffe and Litzow 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 McAuliffe on page 19, after line 38 to the striking amendment to Engrossed Second Substitute House Bill No. 1443.

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

#### MOTION

Senator Chase moved that the following amendment by Senator Chase to the striking amendment be adopted:

On page 32, after line 28, insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.400 RCW to read as follows:

"The legislature recognizes that well-trained teachers in a class with a ratio of one teacher to every ten students and not more than sixteen students in a classroom is the best indicator that the students will be academically successful. In light of the fact that class size varies across and among schools, the revised teacher and principal evaluation systems should take class sizes and teacher/student ratios into account and not penalize a teacher or principal where the class size is larger than the numbers indicated above."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 37, line 8 of the title, after "RCW", insert "adding a new section to chapter 28A.400;"

Senators Chase, McAuliffe and Conway spoke in favor of adoption of the amendment to the striking amendment.

Senators Tom, Litzow and Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide 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 Chase on page 32, after line 28 to the striking amendment to Engrossed Second Substitute House Bill No. 1443.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Chase and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Harper, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Shin and White

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Fain, Hargrove, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hatfield

Excused: Senator Delvin

#### SPECIAL ORDER OF BUSINESS

The President called the Senate to order and announced that time for the special order of business, Substitute House Bill No. 1691 had arrived.

#### SECOND READING



NINETY THIRD DAY, APRIL 12, 2011

2011 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1691, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Anderson, Springer, Eddy, Ryu, Morris and Stanford)

Concerning embalmers.

The measure was read the second time.

MOTION

Senator Harper moved that the following amendment by Senator Harper and others be adopted:

On page 2, after line 5, insert the following:

"Sec. 2. RCW 68.50.160 and 2010 c 274 s 602 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

(a) The designated agent of the decedent as directed through a written document signed and dated by the decedent in the presence of a witness. The direction of the designated agent is sufficient to direct the type, place, and method of disposition.

(b) The surviving spouse or state registered domestic partner.

~~((b))~~ (c) The majority of the surviving adult children of the decedent.

~~((c))~~ (d) The surviving parents of the decedent.

~~((d))~~ (e) The majority of the surviving siblings of the decedent.

~~((e) A person acting as a representative of the decedent under the signed authorization of the decedent.)~~

(f) A court-appointed guardian for the person at the time of the person's death.

(4) If any person to whom the right of control has vested pursuant to subsection (3) of this section has been arrested or charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is relinquished and passed on in accordance with subsection (3) of this section.

(5) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through ~~((e))~~ (f) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available,

and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency or charitable organization provides the funds for the disposition of any human remains ~~((and the government agency elects to provide funds for cremation only)),~~ the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.

(6) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent."

Senator Harper spoke in favor of adoption of the amendment.

MOTION

On motion of Senator White, Senator Hatfield was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Harper and others on page 2, after line 5 to Substitute House Bill No. 1691.

The motion by Senator Harper carried and the 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 "68.50.070" insert "and 68.50.160"

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1691 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1691 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1691 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Delvin and Hatfield

SUBSTITUTE HOUSE BILL NO. 1691 as amended by the Senate, 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.

The Senate resumed of consideration of Engrossed Second Substitute Senate Bill No. 1443.

## MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted:

On page 35, after line 20 of the amendment, insert the following:

**"NEW SECTION. Sec. 401.** The legislature finds that in order for Washington schools to be great places to teach and learn - where all kids and educators succeed - schools must build cultures where all students thrive. The legislature intends to respect teachers, principals, local school districts, and parents first by empowering them to create that culture together, and then by helping them retain the teachers and principals who are crucial to that culture. In particular, these policies support practices with a track record of closing the achievement gap. This is done by:

(1) Ensuring that teachers who do the best work are the ones who keep their jobs when budgets need to be cut, by basing reduction in force policies on the evaluations the legislature has outlined for measuring teacher performance. Since the loss of teachers through layoffs already impacts student learning, there is an urgent need to conduct layoffs in a way that retains the most effective teachers. Educators deserve to be recognized for their ability to help students learn and children deserve the very best and brightest teachers;

(2) Increasing the authority of school boards to replace principals if more than two certificated classroom teachers have received the lowest evaluation rating, as described in RCW 28A.405.100, in any school by nonrenewal of their employment contracts, in accordance with the terms of section 402 of this act, the principal and vice principal within thirty days of a reduction in force;

(3) Providing the office of the superintendent of public instruction the authority to recall school board members if more than two certificated classroom teachers have received the lowest evaluation rating, as described in RCW 28A.405.100, in any school within the school district and their contracts have been nonrenewed; and

(4) Requiring a home evaluation by the department of social and health services for any child that is receiving unsatisfactory evaluations."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 36, after line 8 of the amendment, insert the following: "(5) Any principal of a school in which more than two teachers are nonrenewed, in accordance with the provisions of subsection (1) of this section, shall be terminated within thirty days of the nonrenewal of the teacher contracts.

(6) Any vice principal of a school in which more than two certificated classroom teachers' contracts are nonrenewed, in accordance with the provisions of subsection (1) of this section, shall be terminated within thirty days of the reduction in force.

(7) The office of the superintendent of public instruction may recall any school board member of a district in which two or more certificated classroom teachers in a school are nonrenewed in accordance with subsection (1) of this section."

Senator Nelson spoke in favor of adoption of the amendment to the striking amendment.

Senators Tom and Litzow 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 Nelson to the striking amendment on page 35, after line 20 to Engrossed Second Substitute House Bill No. 1443.

The motion by Senator Nelson failed and the amendment to the striking amendment was not adopted by voice vote.

## MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the striking amendment be adopted:

On page 35, line 25, after "teacher" insert "and principal"

On page 35, line 27, after "teachers" insert "and principals"

On page 35, line 32, after "teachers" insert "and principals"

On page 35, line 35, after "teachers" insert "and principals"

Senators McAuliffe, Tom and Litzow 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 McAuliffe on page 35, line 25 to the striking amendment to Engrossed Second Substitute House Bill No. 1443.

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

## MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the striking amendment be adopted:

On page 35, line 26 after "area" insert the following:

", unless the teacher is in an initial sixty school day probationary period established under 28A.405.100"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Rockefeller, Tom, Litzow, Shin and Conway 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 Rockefeller on page 35, line 26 to the striking amendment to Engrossed Second Substitute House Bill No. 1443.

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

## MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the striking amendment be adopted:

On page 36, after line 8 of the amendment, insert the following:

"(5) This section applies only to school districts that use a two-tiered or satisfactory/unsatisfactory teacher or principal evaluation system and not to districts that are piloting or implementing a four-tiered evaluation system.

(6) This section expires August 31, 2013."

On page 37, line 9 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senator McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

Senators Tom and Litzow 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 McAuliffe on page 36, after line 8 to the striking amendment to Engrossed Second Substitute House Bill No. 1443.

The motion by Senator McAuliffe failed and the amendment to the striking amendment was not adopted by voice vote.

NINETY THIRD DAY, APRIL 12, 2011

2011 REGULAR SESSION

MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted:

On page 36, after line 19 of the amendment, insert the following:

**"PART VI  
HOME STUDIES**

NEW SECTION. Sec. 601. A new section is added to chapter 28A.320 RCW to read as follows:

Whenever a student receives an unsatisfactory evaluation as evidenced by consistent performance below grade level in one or more subjects or repeated violations of the school's code of conduct, the district shall, in collaboration with the department of social and health services, conduct a home study to determine whether the child's home environment is a significant contributing factor in the child's school performance. The home study required under this section shall include a criminal background check of the child's parent or parents, and if the child was born via a surrogacy contract, the home study also shall include a mental health evaluation of the child's parent or parents. A home study shall be required annually under this section until the district and the department of social and health services find that the results of the home study required under this section do not raise significant concerns about the physical and mental well-being of the child.

NEW SECTION. Sec. 602. A new section is added to chapter 74.13 RCW to read as follows:

The department shall collaborate with a school district requesting a home study, and the mental health evaluation if applicable, under section 601 of this act. The costs of the home study shall be shared equally between the department, the school district, and the parent or parents of the child." Renumber the remaining part and sections consecutively and correct any internal references accordingly.

On page 37, line 8 of the title amendment, after "28A.405 RCW;" insert "adding a new section to chapter 28A.320 RCW; adding a new section to chapter 74.13 RCW;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Nelson, the amendment by Senator Nelson on page 36, line 19 to the striking amendment to Engrossed Second Substitute House Bill No. 1443 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tom and Litzow as amended to Engrossed Second Substitute House Bill No. 1443.

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

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 28A.150.260, 28A.250.020, 28A.250.050, 28A.150.220, 28A.657.050, 28A.165.015, 28A.165.015, 28A.165.025, 28A.320.190, 28A.180.090, 28A.185.020, 28A.185.030, 28C.18.162, 28A.660.042, 28A.660.050, 28A.660.040, and 28A.400.201; adding new sections to chapter 28A.655 RCW; adding a new

section to chapter 28A.230 RCW; adding a new section to chapter 28A.185 RCW; adding new sections to chapter 28A.405 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

On page 37, line 4 of the title amendment, after "28A.165.025," insert "28A.655.061, 28A.155.045,"

On page 37, line 9 of the title amendment, strike "an expiration date" and insert "expiration dates"

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Second Substitute House Bill No. 1443 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Hobbs, Shin, Litzow, Roach, Baumgartner and Rockefeller spoke in favor of passage of the bill.

Senators McAuliffe, Brown, Chase, Conway and Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1443 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1443 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Fain, Hargrove, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, King, Kline, Litzow, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Harper, Keiser, Kilmer, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala and White

Excused: Senators Delvin and Hatfield

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1443 as amended by the Senate, 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 5:51 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, April 13, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



1000	Other Action.....5	1726	Second Reading.....13
	Second Reading.....3, 5		Third Reading Final Passage.....14
	Third Reading Final Passage.....5	1730	Second Reading.....6
1008-S	Other Action.....21		Third Reading Final Passage.....6
	Second Reading.....20, 21	1794	Second Reading.....5
	Third Reading Final Passage.....21		Third Reading Final Passage.....5
1040	Other Action.....10	1867	Second Reading.....26
	Second Reading.....9		Third Reading Final Passage.....26
	Third Reading Final Passage.....11	1903-S2	Other Action.....8
1084-S	Second Reading.....16		Second Reading.....6
	Third Reading Final Passage.....17		Third Reading Final Passage.....8
1087-S	Introduction & 1 <sup>st</sup> Reading.....2	1909-S2	Second Reading.....26
1127-S	Other Action.....9		Third Reading Final Passage.....26
	Second Reading.....8, 9	1916	Other Action.....15
	Third Reading Final Passage.....9		Second Reading.....14
1135-S	Second Reading.....18		Third Reading Final Passage.....15
	Third Reading Final Passage.....19	1965-S2	Messages.....1
1267-S2	Other Action.....39	4404-S	Other Action.....20
	Second Reading.....26, 27, 36, 37, 38		Second Reading.....19
	Third Reading Final Passage.....39		Third Reading Final Passage.....20
1418	Other Action.....23	5167-S	Messages.....1
	Second Reading.....21		President Signed.....16
	Third Reading Final Passage.....23	5367	Messages.....1
1419	Second Reading.....11		President Signed.....16
	Third Reading Final Passage.....13	5389	Messages.....1
1425	Second Reading.....19		President Signed.....16
	Third Reading Final Passage.....19	5480	Messages.....1
1443-S	Other Action.....37		President Signed.....16
1443-S2	Other Action.....49, 59, 75	5932	Introduction & 1 <sup>st</sup> Reading.....1
	Other Action.....75	8653	Adopted.....3
	Second Reading.....39, 49, 60, 70, 72, 74, 75		Introduced.....2
	Third Reading Final Passage.....75	8655	Adopted.....16
1570-S	Other Action.....24		Introduced.....16
	Second Reading.....23	9161 Lindsay Fiker	Introduced.....1
	Third Reading Final Passage.....25	9162 Gabe P. Spencer	Introduced.....1
1594	Other Action.....18	MESSAGE FROM GOVERNOR	Gubernatorial Appointments.....1
	Second Reading.....17	PRESIDENT OF THE SENATE	Intro. Special Guests, Apple Blossom Festival Chaperones..3
	Third Reading Final Passage.....18		Intro. Special Guests, Apple Blossom Festival Queen and Princesses.....3
1600-S	Second Reading.....18		Ruling by the President Amd 370 to E2SHB 1267.....38
	Third Reading Final Passage.....18	WASHINGTON STATE SENATE	Point of Inquiry, Senator Carrell.....13
1691-S	Other Action.....37, 72		Point of Order, Senator Schoesler.....38
	Second Reading.....73		
	Third Reading Final Passage.....73		
1718-S	Other Action.....25		
	Second Reading.....25		
	Third Reading Final Passage.....26		

