

THIRTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 11, 2010

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 Fairley, Hargrove, Holmquist and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Josiah Malychewski and Colton Ruegsegger, presented the Colors. Retired Pastor Sandra Kreis of St Christopher's Community Church of Olympia 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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 10, 2010

SGA 9166 LARRY DITTMAN, appointed on April 2, 2009, for the term ending June 17, 2011, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

February 10, 2010

SGA 9185 JAMES COOK, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

February 10, 2010

SGA 9201 TONY HEY, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

February 10, 2010

SGA 9216 THOMAS W MCLANE, reappointed on September 9, 2009, for the term ending September 8, 2014, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

February 10, 2010

SGA 9232 CHERYL SCOTT, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

February 10, 2010

SGA 9256 RYLAND P DAVIS, appointed on October 27, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

February 10, 2010

SGA 9258 MICHAEL L REICHERT, appointed on July 1, 2009, for the term ending June 30, 2015, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 10, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

PATRICK MCELLIGOT, reappointed January 1, 2010, for the term ending December 31, 2012, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 10, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL 1714,
ENGROSSED SUBSTITUTE HOUSE BILL 2518,
ENGROSSED HOUSE BILL 2667,
ENGROSSED SUBSTITUTE HOUSE BILL 2876.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

MOTION

Senator King moved adoption of the following resolution:

SENATE RESOLUTION
8690

By Senators King, Honeyford, Holmquist, Kilmer, Kastama, Berkey, Eide, Franklin, Fraser, Hewitt, Parlette, Haugen, Brown, Schoesler, Prentice, and Marr

WHEREAS, On October 11, 2009, a quarter-mile wide, 80 acre mass of earth some 200 plus feet deep gave way, sliding into the Naches River and destroying a section of state route 410 in the Nile Valley; and

WHEREAS, The Nile Valley landslide cut off power to hundreds of people and businesses, forced the evacuation of the area, and rerouted the Naches River into neighborhoods, damaging dozens of homes; and

WHEREAS, Federal, state, and local agencies, businesses, and resilient residents immediately came together to assist with the emergency in any way they could; and

WHEREAS, Governor Christine Gregoire declared an emergency because of the damage to state route 410 and the surrounding area, allowing the state to construct a temporary route around the landslide and build a new channel for the Naches River; and

WHEREAS, Yakima County Emergency Management, Yakima County Sheriff's Office, Washington State Patrol, Washington State Department of Transportation, Yakima County Search and Rescue, and local fire districts responded to assist residents and businesses; and

WHEREAS, Washington State Department of Transportation employees worked tirelessly with Selland Construction, Inc. for many weeks to open a temporary road, construct a new road, and reroute the Naches River; and

WHEREAS, In order to construct the new road and river channel, Yakima County Public Services purchased more than 60 acres of property on behalf of the public; and

WHEREAS, Yakima County Flood Control District designed and provided daily oversight for a new river channel to redirect it away from homes and the toe of the landslide for protection of downstream infrastructure; and

WHEREAS, The Army Corp of Engineers under direction from Yakima County assisted the Washington State Department of Transportation in constructing the new river channel; and

WHEREAS, The U.S. Forest Service, U.S. Fish and Wildlife Service, Yakama Nation, and the state Departments of Ecology, Natural Resources, and Fish and Wildlife all contributed their efforts and resources to the cleanup and recovery after the October 11th natural disaster;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the aforementioned agencies and individuals for their steadfast dedication, rapid response, and spirit of cooperation in returning a sense of normalcy to the residents and businesses of the Nile Valley.

Senator King spoke in favor of the adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Nile Valley Community and agencies that assisted during the closure of State Route 410; Yakima County Commissioner Mike Leita; Yakima County Commissioner Kevin Bouchey; Yakima County Public Services Director Vern Redifer; Yakima County Construction Engineer Rick Gregory; Yakima County Utility Coordinator Russ Kelly; Yakima County Natural Resource Specialist Joel Freudenthal; WA State Dept. of Transportation South Central Region Administrator Don Whitehouse; WA State Dept. of Transportation Field Engineer Corie Henke and WA State Dept. of Transportation Regional Environmental Manager Jason Smith who were seated in the gallery.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

MOTION

Senator McDermott moved that Gubernatorial Appointment No. 9142, Pamela Bradburn, as a member of the Public Employment Relations Commission, be confirmed.

Senator McDermott spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Holmquist and Pflug were excused.

MOTION

On motion of Senator Marr, Senators Fairley, Hargrove and Oemig were excused.

APPOINTMENT OF PAMELA BRADBURN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9142, Pamela Bradburn as a member of the Public Employment Relations Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9142, Pamela Bradburn as a member of the Public Employment Relations Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Fairley, Hargrove, Holmquist and Pflug

Gubernatorial Appointment No. 9142, Pamela Bradburn, having received the constitutional majority was declared confirmed as a member of the Public Employment Relations Commission.

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I think it's important for this body to talk about what happened last night. What happened last night went beyond the ebb and flour of political party dynamics or ebb and flour of competing ideological beliefs. Everyone in this room knew when I walked in here I was a 'no' on the affected legislation but when the Senator from the Forty-first got up and talked about mangled claws coming down, covered in barnacles from heaven to smite state Senators, Mr. President, I got to tell you, I was scared. I looked around for Security and there were only seven of them. I thought maybe some members on the floor could help and so I looked, you know, there was Senator Kilmer. A lot of help he is, you know. Maybe before the diet but not now. And I looked and I saw Senator Brandland and I thought boy, that's a guy who's let himself go since he was a county sheriff. So, Mr. President, as we debate budget cuts in this body and we know we must. We've got to remember the people who are going to be impacted by some of the programs areas that we're going to cut. Quite frankly Senator Gordon doesn't need our political rhetoric, Senator Gordon needs our help. So, Mr. President, I'm going to be starting a collection

today. I'm going to be passing a hat around and I would ask you all to please be as generous as possible. Write a really big check and put in that. There's going to be a sign in sheet going around so please record your name and the amount that you're giving and write as clearly as possible. It's possible the names will show up on the Federal Elections commissions report. Thank you very much."

PERSONAL PRIVILEGE

Senator Hobbs: "Mr. President, last night I was moved by Senator Gordon. What a fantastic speaker you are. I have to use a dictionary every time you speak, in fact, I was amazed, Senator Rockefeller even had to use a dictionary when you were speaking. I was so impressed. I was so impressed. I had to ask other people if you were by far the best speaker in the Senate. So, I went up to the gallery and I talked to the thirteen people up there. Oh, I'm sorry, the lobbyists, the thirteen lobbyists that were up there. I asked them 'What did you think of Senator Gordon's speech?' And six told me, they asked me, 'Why is the internet connection so spotty up there in the gallery?' Four asked, 'Is this the real 960 vote or is this another dress rehearsal?' And the other three, which were actually the guards that protect us here said 'You know this place was fun when they used to have liquor.' So, I just want you to know doesn't matter what they think. It matters what you think, and I think, I think you're a fabulous Senator. I'm glad you're in this chamber. Thank you for everything you do and I tell you my vocabulary is going to increase because you're here so thank you."

PERSONAL PRIVILEGE

Senator Hatfield: "And if I may read from Webster's New Universal Unabridged Dictionary. I actually brought it here for Senator Hobbs and myself. Encrinites, encroach, encroachment, encruit, encrust, encrustation, now is that with an 'e' or an 'i' because I, Senator. I think I'll keep this here now that we have Senator Gordon among us and anyone can use it if they want to try and decipher his speeches from now on."

PERSONAL PRIVILEGE

Senator Brown: "Well, I also want to add because that was just, that was... I guess I'm still in awe of what I heard last night and I just want tell you what it meant to me. May I read Mr. President? Thank you Mr. President. Well, members I think you know what I mean. The articulation, the eloquence, the metaphysical significance, the patrician idealism, the proletarian populism, the platonic ideal, the Bentonesque zeal, our new colleague is a councilor of Klineian decision, 'Rockefellerian precision. Ladies and gentleman of the Senate, he's a constitutional freak. He's an east side geek. He's far from meek. He's the nicest, he's got a nice physique. He's a senator of merit but folks, he's no Fred Jarrett."

PERSONAL PRIVILEGE

Senator Schoesler: "Well, thank you Mr. President. I don't have a eloquent set of remarks prepared like the Majority Leader but I listened last night and I figured out between the remarks about 960 and revenue that one way or another we have to figure out how to fund the water polo team on Mercer Island and I understand that deep commitment to basic education."

PERSONAL PRIVILEGE

Senator McDermott: “Mr. President, you’ve heard a number of senators on this floor this morning express their surprise and shock at the new Senator from Forty-first District eloquence last night. I want to assure you it was no surprise to me because I serve on the Education Committee with the new Senator from the Forty-First and I assure you he does not follow the mode of most new senators. Most senators Mr. President as you will remember, wait, listen, maybe for their first session, maybe a session or two, certainly their first week. That has not been the case with the new Senator from the Forty-First, he’s questioned, he’s answered, he is pontificated on repeated occasions. Not only do I have the pleasure of sitting in the Education Committee with him but I have the displeasure of spending far, far too much in that room over there. Thirty of us know on this floor he talks a lot in there too Mr. President. So, while his eloquence, his passion and his zeal did not surprise me at all and I’m surprised it surprised you, you listen to him all the time in there. What surprised me was the fact he could actually contain himself, with hold his first floor speech for thirty full days on this floor and did not give his first floor speech until the thirty-first day. That Mr. President was the key achievement yesterday alone. Thank you.”

PERSONAL PRIVILEGE

Senator Delvin: “Thank you Mr. President. I just want to thank the good Senator from the Forty-ninth not pointing out the obvious what three years of retirement have done for me. I was in the wings when the member from the Forty-first started talking and I looked at some colleagues and I said ‘Does he have an accent of some sort?’ You know, has anyone checked his passport or his green card? You know, really is the Forty-first in the United States of America? There’s an accent there and I think we ought to check that out Mr. President, just make sure that the security is good here in the Senate.”

PERSONAL PRIVILEGE

Senator Shin: “Remarks in Korean. If you cannot understand me, you cannot understand him. I’ve been a teacher for thirty-one years but it’s all geek to me. Welcome aboard Senator Gordon.”

PERSONAL PRIVILEGE

Senator Kline: “I don’t know about ya’ll but I had nightmares last night. That this dead hand of ancient encrustations of privilege was chasing me around in my dreams. I hope I’m, I guess it falls to me as the other lawyer around, one of the other lawyers, to demand some kind of compensation for this. You know, we’re talking about it but we got to act. This guy owes us. And I suggest Mr. President that among the possibilities is a dictionary. We need to be able to understand our new colleague and I think it would only be fit our colleague to maybe supply us with the means there by. So, with that I suggest compensation is due. Thank you.”

PERSONAL PRIVILEGE

Senator Hargrove: “Or is point of order. Well, we don’t want to teach him those pieces yet. We’ll be in real trouble. What I noticed is that he has a real potential for being a one-man filibuster. You know that talent is much better in the minority which I hope is not where we end up after this session.”

PERSONAL PRIVILEGE

Senator Oemig: “Thank you Mr. President. You know I welcome the new Senator from the Forty-first. I do want to suggest however that he did mess up a couple of the lines. The encrusted hand of, actually that line, that speech was born in my office and the correct line was ‘encrusted fist of doom’ but Senator Brandland who shares a seat next to him said that lucky he was looking over his shoulder because we actually had crusty underwear. By the way Hargrove, the new Senator reminds me a bit of his two predecessors. He’s like a Fred Jarrett and a Brian Weinstein put together in a very vituperative, angry, debater with long, flowery words. Anyway, welcome.”

PERSONAL PRIVILEGE

Senator Rockefeller: “Thank you Mr. President. Well, you know, until recently Senator Kline and I were the only two attorneys in this august body and I use to lament to him that there weren’t enough attorneys here. But after last night, I must tell you, I’ve changed my mind. Now, he did treat us to some Dirksanian oratory last night. He has great promise. He’s bold and brash but it’s clear that he can also be obscure and obfuscating and you might want to look that up in your dictionary. But, Mr. President, I wonder maybe we should bring out that obscure rule that says ‘no speech include a word that is greater than thirty seconds to pronounce’.”

PERSONAL PRIVILEGE

Senator McAuliffe: “As Chair of Senate Education, I am pleased and proud to have the Senator from the Forty-first District on our committee. Many of my members are like gathering frogs in a wheelbarrow. They kind of go off in all directions. You know who you are. But the new Senator elegantly speaks for education and stands up for all that’s right for our schools, our teachers and our children and he’s got my back.”

PERSONAL PRIVILEGE

Senator Marr: “During that eloquent speech that came last night in the middle of a long-winded night, you probably know that Senator Oemig and Senator Hobbs and myself standing in the back, well, just take my word for it, we are standing. We were listening to the good new freshman senator and just marveling how a man of his stature could represent us so well. I just want to say on behalf of Senator Oemig, Senator Hobbs and myself; we felt five foot tall last night.”

PERSONAL PRIVILEGE

Senator Ranker: “I don’t have too much to say about the new senator but I figure this may be our last chance to do a good Fred Jarrett impersonation. So, I think we need to suspend rule 15 so that we can go past ten pm to do a proper Fred Jarrett impersonation. In all seriousness last night I was moved and impressed by the eloquent, passionate speech of the new senator. I had no idea what he really said. We’re very pleased to have you here.”

PERSONAL PRIVILEGE

Senator Gordon: “I am honored to be here. I understand that I need recompense for my brashness last night and I think this is appropriate that I at this point distribute my gifts to my colleagues who have without exception been so helpful and supportive to me and I speak of all you. All of you. I’m so honored to be here. You may be used to being in this beautiful structure but I’m not. Every

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

time I look up I'm uplifted and I know maybe you are as well. So, I just thank you so much. Can we, there's a system here that's suppose to and again I apologize, last night it seemed a little late to go and do the proper gift giving. While the gifts are going out I should note since I have another negative three seconds I should note that um there is a precedence for the experience that I am having. It goes back into ancient times."

REPLY BY THE PRESIDENT

President Owen: "We're you there?"

PERSONAL PRIVILEGE

Senator Gordon: "When King Phillip of Macedon, the father of Alexander the Great, first sent an emissary Cineas to the Roman Senate. He asked for a report back and he said 'What did you think of the Roman Senate?', and he returned and he said 'It is an assembly of kings.' Let me say that we only have one king and this assembly but truthfully everyone of you is to be honored. I am so privileged to be amongst a group of people who without exception, have committed themselves to this kind of public service. I have just received my first pay check so I know it's got to be public service. I was kind of shocked I had to pay for my parking spot but, you know, you live and learn. Every one of us speaks for over a hundred thousand of our fellow citizens and no one can ever be working hard enough to do that job. So, thank you all. Thank you all for your kind remarks and your ribbing. I look forward to working with all of you and please distribute the gifts because I am going to keep on talking until you do. Now, these are chocolates from Amore Main Street, Bellevue. I'll conclude with this: The nuts are equally distributed evenly across both aisles and each box is half nuts. Thank you."

PERSONAL PRIVILEGE

Senator Eide: "Thank you Mr. President. Just for the students up in the gallery. We do a roasting for a brand new Senator. We always have done it, it is a tradition here. We always play, have fun with them. But it's a very serious business being here on the Senate floor but you got to participate in a fun morning."

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9168, Cindy Whaley, as a member of the Parks and Recreation Commission, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Hewitt and Parlette were excused.

APPOINTMENT OF CINDY WHALEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9168, Cindy Whaley as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9168, Cindy Whaley as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Fairley, Hewitt, Holmquist, Parlette and Pflug

Gubernatorial Appointment No. 9168, Cindy Whaley, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

SECOND READING

SENATE BILL NO. 6403, by Senators Kauffman, McAuliffe, Hargrove, Hobbs, Regala, Oemig, McDermott and Shin

Regarding accountability and support for vulnerable students and dropouts.

MOTION

On motion of Senator Kauffman, Substitute Senate Bill No. 6403 was substituted for Senate Bill No. 6403 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and McAuliffe be adopted: On page 2, line 12, after "organizations," insert "parents and families,"

On page 4, line 18, after "associations;" strike "~~(department of health;)~~" and insert "~~(department of health)~~ achievement gap oversight and accountability committee; office of the education ombudsman;"

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and McAuliffe on page 2, line 12 to Substitute Senate Bill No. 6403.

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

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Substitute Senate Bill No. 6403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6403.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6403 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Fairley, Hewitt, Holmquist, Parlette and Pflug

ENGRROSSED SUBSTITUTE SENATE BILL NO. 6403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:59 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 12:01 p.m. by President Pro Tempore.

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.

SECOND READING

SENATE BILL NO. 6696, by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin and Kohl-Welles

Regarding education reform.

MOTION

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 6696 was substituted for Senate Bill No. 6696 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Oemig be adopted. Strike everything after the enacting clause and insert the following:

"PART I ACCOUNTABILITY FRAMEWORK

NEW SECTION. Sec. 101. The legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement for all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, and if necessary, intervention.

The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support. For a specific group of challenged schools, defined as persistently lowest-achieving schools, and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified lowest-achieving schools.

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

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

The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.

NEW SECTION. Sec. 102. (1) Beginning in 2010, and each year thereafter, by December 1st, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for, but does not receive Title I funds, that is among the lowest-achieving five percent of schools in the state.

(2) The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1) of this section shall be established by the superintendent of public instruction. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account both:

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

(a) The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and

(b) The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.

NEW SECTION. Sec. 103. (1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest-achieving school shall be designated as a required action district if it meets the criteria developed by the superintendent of public instruction. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

(2) The superintendent of public instruction shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within ten days of service of the notice of the superintendent's recommendation.

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsection (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in sections 104 through 109 of this act.

NEW SECTION. Sec. 104. (1) The superintendent of public instruction shall contract with an external review team to conduct an academic performance audit of the district and each persistently lowest-achieving school in a required action district to identify the potential reasons for the school's low performance and lack of progress. The review team must consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and may not include staff from the agency, the school district that is the subject of the audit, or members or staff of the state board of education.

(2) The audit must be conducted based on criteria developed by the superintendent of public instruction and must include but not be limited to an examination of the following:

- (a) Student demographics;
- (b) Mobility patterns;
- (c) School feeder patterns;
- (d) The performance of different student groups on assessments;
- (e) Effective school leadership;
- (f) Strategic allocation of resources;
- (g) Clear and shared focus on student learning;

- (h) High standards and expectations for all students;
- (i) High level of collaboration and communication;
- (j) Aligned curriculum, instruction, and assessment to state standards;

- (k) Frequency of monitoring of learning and teaching;
- (l) Focused professional development;
- (m) Supportive learning environment;
- (n) High level of family and community involvement; and
- (o) Alternative secondary schools best practices.

(3) Audit findings must be made available to the local school district, its staff, the community, and the state board of education.

NEW SECTION. Sec. 105. (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 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;

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include 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 the effective date of this section 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 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 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. 106. A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in section 105 of this act. The state board of education shall approve a plan proposed by a school district only if it meets the requirements set forth in section 105 of this act. Any addendum or modification to an existing collective bargaining agreement, negotiated under section 105 of this act or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under section 107 of this act. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected. If federal funds are not available, the plan is not required to be implemented until such funding becomes available. If federal funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district.

NEW SECTION. Sec. 107. The state board of education may direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings.

NEW SECTION. Sec. 108. A school district must implement a required action plan upon approval by the state board of education. The office of superintendent of public instruction must provide the required action district with technical assistance and federal school improvement grant funds, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

NEW SECTION. Sec. 109. (1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction, in reading and mathematics on the state's assessment over the past three consecutive years; and no longer has a school

THIRTY SECOND DAY, FEBRUARY 11, 2010

within the district identified as persistently lowest achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release, the district remains in required action and must submit a new or revised plan under the process in section 105 of this act.

Sec. 110. RCW 28A.305.225 and 2009 c 548 s 503 are each amended to read as follows:

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

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. ~~((Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.~~

~~—(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.~~

~~—(4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.~~

~~—(b) The proposal shall outline a process for addressing performance challenges that will include the following features: (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning; (ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state~~

2010 REGULAR SESSION

~~board of education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.~~

~~—(5)) (3) The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the state board of education accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.~~

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

~~((6)) (5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112, chapter 548, Laws of 2009 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.~~

NEW SECTION. Sec. 111. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "All students group" means those students in grades three through eight and high school who take the state's assessment in reading and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

(2) "Title I" means Title I, part A of the federal elementary and secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

NEW SECTION. Sec. 112. The superintendent of public instruction may adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

PART II EVALUATIONS

Sec. 201. RCW 28A.150.230 and 2006 c 263 s 201 are each amended to read as follows:

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

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

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the

superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

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

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

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

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

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

~~((f))~~ (g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202. RCW 28A.405.100 and 1997 c 278 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(b) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data

elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. When student growth data, if available and relevant to the teacher and subject matter, is referenced in the evaluation process it must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(3)(a) Except as provided in subsection ~~((5))~~ (10) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel ~~(, hereinafter referred to as "employees" in this section.)~~ shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel.

(4)(a) At any time after October 15th, an employee whose work is not judged ~~(unsatisfactory)~~ satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

subsequently detailed in his or her improvement program. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(b) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

((2)) (5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

((3)) (6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrable commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. When available, student growth data that is referenced in the evaluation process must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(7)(a) The superintendent of public instruction, in collaboration with state professional associations representing teachers, principals, administrators, and at least one parent who is not a teacher, principal, administrator, or employee of a school district, educational service district, or state educational agency, association, or organization shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. The statewide parent-teacher organization shall select one representative. Individuals who apply must have demonstrated an interest in public schools, be supportive of

educational improvement, and be willing to devote sufficient time to create the models, programs, and tools. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in (c) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit all student data available to the office of the superintendent of public instruction, preferably in electronic form. The superintendent of public instruction must analyze the districts' evaluative data, including data that is not used or is underutilized in the evaluations, consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012.

(8) Each certificated ((employee)) classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

((4)) (9) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated ((employees)) classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

((5)) (10) After ((an employee)) a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section or has received one of the two top ratings for four years under subsection (2) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional

growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is ~~((unsatisfactory))~~ not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise.

Sec. 203. RCW 28A.405.220 and 2009 c 57 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first ~~((two))~~ three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees((-))."

(2) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(3) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon

which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(4) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(5) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.405 RCW to read as follows:

(1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100 (2) and (6) affect issues related to a change in contract status.

(2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures, and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.405 RCW to read as follows:

If funds are provided for professional development activities designed specifically for first through third-year teachers, the funds shall be allocated first to districts participating in the evaluation systems in RCW 28A.405.100 (2) and (6) before the required implementation date under that section.

PART III ENCOURAGING INNOVATIONS AND PERFORMANCE BY ADDRESSING THE ACHIEVEMENT GAP AND SCIENCE TECHNOLOGY, ENGINEERING, AND MATHEMATICS

Sec. 301. RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service;

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

(3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, ~~((or))~~ for incentives, or for implementing specific measurable innovative activities, including professional development, specified by the school district to: (a) Close one or more achievement gaps; (b) focus on development of science, technology, engineering, and mathematics (STEM) learning opportunities, or (c) provide arts education. Beginning September 1, 2011, school districts shall annually provide a brief description of the innovative activities included in any supplemental contract to the office of the superintendent of public instruction. The superintendent of public instruction shall annually summarize the district information and submit a report to the education committees of the house of representatives and the senate. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

PART IV

EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION

NEW SECTION. Sec. 401. A new section is added to chapter 28A.410 RCW to read as follows:

Beginning with the 2011-12 school year, all professional educator standards board-approved teacher preparation programs must administer to all preservice candidates the evidence-based assessment of teaching effectiveness adopted by the professional educator standards board. Candidates completing teacher preparation programs in the 2012-13 school year and thereafter must successfully pass this assessment. Assessment results from persons

completing each preparation program must be reported annually by the professional educator standards board to the governor and the education and fiscal committees of the legislature by December 1st.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.410 RCW to read as follows:

By September 30, 2010, the professional educator standards board shall review and revise teacher and administrator preparation program approval standards and proposal review procedures at the residency certificate level to ensure they are rigorous and appropriate standards for an expanded range of potential providers, including community college and nonhigher education providers.

Beginning September 30, 2010, the professional educator standards board must accept proposals for community college and nonhigher education providers of educator preparation programs. Proposals must be processed and considered by the board as expeditiously as possible.

By September 1, 2011, all professional educator standards board-approved residency teacher preparation programs at institutions of higher education as defined in RCW 28B.10.016 not currently a partner in an alternative route program approved by the professional educator standards board must submit to the board a proposal to offer one or more of the alternative route programs that meet the requirements of RCW 28A.660.020 and 28A.660.040.

Sec. 403. RCW 28A.660.020 and 2006 c 263 s 816 are each amended to read as follows:

(1) ~~((Each))~~ The professional educator standards board shall transition the alternative route partnership grant program from a separate competitive grant program to a preparation program model to be expanded among approved preparation program providers. Alternative routes are partnerships between professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate.

(2) Each prospective teacher preparation program provider, in cooperation with a Washington school district or consortia of school districts applying ~~((for the))~~ to operate alternative route certification program shall ~~((submit a))~~ include in its proposal to the Washington professional educator standards board ~~((specifying))~~:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The estimated number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs ~~((that are))~~ and partnering ~~((with the))~~ district or consortia of districts;

(d) An assurance ~~((of))~~ that the district ~~((provision of))~~ or approved preparation program provider will provide adequate training for mentor teachers ~~((either through participation in a state mentor training academy or district provided training that meets state-established mentor training standards))~~ specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; ~~((and))~~

(g) A summary of procedures that provide flexible completion opportunities for candidates to achieve a residency certificate; and

(h) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework

and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship during field experience, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the ~~((higher education))~~ teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three and four candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; ~~((and))~~

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program; and

(vii) A description of how the district intends for the alternative route program to support its workforce development plan and how the presence of alternative route interns will advance its school improvement plans.

~~((2))~~ (3) To the extent funds are appropriated for this purpose, ~~((districts))~~ alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars.

Sec. 404. RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1 are each reenacted and amended to read as follows:

~~((Partnership grants funded))~~ 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. ~~((For route one and two candidates,))~~ The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the ~~((higher education))~~ teacher preparation program must both agree that the teacher candidate has successfully completed the program. ~~((For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.))~~

(1) ~~((Partnership grant programs seeking funds to operate))~~ Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam(~~(, when available))~~); and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) ~~((Partnership grant programs seeking funds to operate))~~ 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 ~~((content test, once the state content test is available))~~ 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(~~(, when available))~~).

(3) ~~((Partnership grant))~~ 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. ~~((For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas.))~~ 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 ~~((content test, once the state content test is available))~~ 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(~~(s, when available))~~).

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

(4) ~~(Partnership grant programs seeking funds to operate)~~ 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 ~~((content test, once the state content test is available))~~ 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 ~~((s, when available)).~~

(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.

Sec. 405. RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2 are each reenacted and 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 ~~((the partnership grant))~~ 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 ~~((the partnership grant))~~ 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 as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative 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 ~~((and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate as provided by RCW 28A.660.045)).~~ 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 ~~((, but not employed in positions requiring an elementary education certificate,))~~ 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.

NEW SECTION. Sec. 406. A new section is added to chapter 28A.410 RCW to read as follows:

Beginning with the 2010 school year and annually thereafter, each educational service district, in cooperation with the professional educator standards board, must convene representatives from school districts within that region and professional educator standards board-approved educator preparation programs to review district and regional educator workforce data, make biennial projections of certificate staffing needs, and identify how recruitment and enrollment plans in educator preparation programs reflect projected need.

Sec. 407. RCW 28B.76.335 and 2007 c 396 s 17 are each amended to read as follows:

As part of the state needs assessment process conducted by the board in accordance with RCW 28B.76.230, the board shall, in collaboration with the professional educator standards board, assess the need for additional (~~baccalaureate~~) degree and certificate programs in Washington that specialize in teacher preparation (~~in mathematics, science, and technology~~) to meet regional or subject area shortages. If the board determines that there is a need for additional programs, then the board shall encourage the appropriate institutions of higher education or institutional sectors to create such a program.

Sec. 408. RCW 28B.76.230 and 2005 c 258 s 11 are each amended to read as follows:

(1) The board shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions.

(2) As part of the needs assessment process, the board shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery; (~~and~~)

(c) Data from the workforce training and education coordinating board and the state board for community and technical colleges on the supply and demand for workforce education and certificates and associate degrees; and

(d) Data from the professional educator standards board.

(3) Every two years the board shall produce, jointly with the state board for community and technical colleges, the professional educator standards board, and the workforce training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce. The assessment shall include the number of forecasted net job openings at each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the board:

(a) New degree programs by a four-year institution;

(b) Creation of any off-campus program by a four-year institution;

(c) Purchase or lease of major off-campus facilities by a four-year institution or a community or technical college;

(d) Creation of higher education centers and consortia;

(e) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college; and

(f) Applied baccalaureate degree programs developed by colleges under RCW 28B.50.810.

(6) Institutions seeking board approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the statewide strategic master plan for higher education under RCW 28B.76.200.

(7) The board shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The board shall periodically recommend consolidation or elimination of programs at the four-year institutions, based on the needs assessment analysis.

NEW SECTION. Sec. 409. A new section is added to chapter 28B.76 RCW to read as follows:

(1) The board must establish boundaries for service regions for institutions of higher education as defined in RCW 28B.10.016 implementing professional educator standards board-approved educator preparation programs. Regions shall be established to encourage and support, not exclude, the reach of public institutions of higher education across the state.

(2) Based on the data in the assessment in RCW 28B.76.230 and 28B.76.335, the board shall determine whether reasonable teacher preparation program access for prospective teachers is available in each region. If access is determined to be inadequate in a region, the institution of higher education responsible for the region shall submit a plan for meeting the access need to the board.

(3) Partnerships with other teacher preparation program providers and the use of appropriate technology shall be considered. The board shall review the plan and, as appropriate, assist the institution in developing support and resources for implementing the plan.

NEW SECTION. Sec. 410. The following acts or parts of acts are each repealed:

(1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1 & 2001 c 158 s 2;

(2) RCW 28A.415.100 (Student teaching centers--Legislative recognition--Intent) and 1991 c 258 s 1;

(3) RCW 28A.415.105 (Definitions) and 2006 c 263 s 811, 1995 c 335 s 403, & 1991 c 258 s 2;

(4) RCW 28A.415.130 (Allocation of funds for student teaching centers) and 2006 c 263 s 813 & 1991 c 258 s 7;

(5) RCW 28A.415.135 (Alternative means of teacher placement) and 1991 c 258 s 8; and

(6) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9.

PART V COMMON CORE ADOPTION

NEW SECTION. Sec. 501. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The superintendent of public instruction shall submit to the education committees of the house of representatives and the senate a detailed comparison of the learning standards authorized under RCW 28A.655.070 and the standards being developed by a multistate consortium in which Washington is a participant. The analysis shall include the comparative level of rigor and specificity of both sets of standards, and the implications of any identified differences.

(2) The analysis and information in subsection (1) of this section shall be submitted to the education committees, the governor, educators, and the public by April 15, or thirty days after the

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

multistate standards are finalized, whichever occurs later. The superintendent shall request comments on the analysis, including whether the superintendent should adopt the standards with, or without, the addition of current Washington standards not included in the multistate standards, the additional current standards not to exceed fifteen percent of the standards for each content area.

(3) After considering the comments received from legislators, educators, and the public, but no later than August 2, 2010, the superintendent of public instruction shall adopt the multistate standards, or adopt the multistate standards with additional standards, however, the additional current standards are not to exceed fifteen percent of the standards for each content area.

PART VI PARENTS AND COMMUNITY

NEW SECTION. Sec. 601. A new section is added to chapter 28A.605 RCW to read as follows:

School districts are encouraged to strengthen family, school, and community partnerships by creating spaces in school buildings, if space is available, where students and families can access the services they need, such as after-school tutoring, dental and health services, counseling, or clothing and food banks.

NEW SECTION. Sec. 602. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the 2010-11 school year, each school shall annually invite parents and community members to provide feedback regarding their experiences with the school. The school shall summarize the responses in its annual report under RCW 28A.655.110.

(2) The office of the superintendent of public instruction shall create a working group with at least one representative from the statewide parent-teacher organization, and each of the state-level associations representing teachers and principals. By September 1, 2010, the working group shall develop a model feedback tool that school districts may use to facilitate the feedback process required in subsection (1) of this section.

Sec. 603. RCW 28A.655.110 and 1999 c 388 s 303 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.655.060 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years ~~((and shall include school level goals under RCW 28A.655.050))~~, student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a

summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the learning improvement plans for the school; (i) a summary of the feedback from parents and community members obtained under section 602 of this act; and ~~((+))~~ (j) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

NEW SECTION. Sec. 604. A new section is added to chapter 28A.300 RCW to read as follows:

There is a sizeable body of research positively supporting the involvement of parents taking an engaged and active role in their child's education. Therefore, the legislature intends to provide state recognition by the center for the improvement of student learning within the office of the superintendent of public instruction for schools that increase the level of direct parental involvement with their child's education. By September 1, 2010, the center for the improvement of student learning shall determine the measures to be used to evaluate the level of parental involvement in a school, including the number and hours of parents and community members who volunteer, and the recognition to be provided to schools that are successfully involving parents in their child's education. The center for the improvement of student learning shall begin recognizing school districts using the measures beginning in the 2010-11 school year.

PART VII COLLECTIVE BARGAINING

Sec. 701. RCW 41.56.100 and 1989 c 45 s 1 are each amended to read as follows:

(1) A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative ~~((= PROVIDED, That nothing contained herein shall require any))~~. However, a public employer is not required to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution, or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure, and authority to the board created by chapter 41.06 RCW.

(2) Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the commission. This subsection does not apply to negotiations and mediations conducted between a school district employer and an exclusive bargaining representative under section 105 of this act.

(3) If a public employer implements its last and best offer where there is no contract settlement, allegations that either party is violating the terms of the implemented offer shall be subject to grievance arbitration procedures if and as such procedures are set forth in the implemented offer, or, if not in the implemented offer, if and as such procedures are set forth in the parties' last contract.

NEW SECTION. Sec. 702. A new section is added to chapter 41.56 RCW to read as follows:

All collective bargaining agreements entered into between a school district employer and school district employees under this chapter 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, shall be consistent with section 105 of this act.

NEW SECTION. Sec. 703. A new section is added to chapter 41.59 RCW to read as follows:

All collective bargaining agreements entered into between a school district employer and school district employees under this chapter 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, shall be consistent with section 105 of this act.

Sec. 704. RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each amended to read as follows:

(1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact finder or to obtain such a commitment within that time, either party may request the commission to designate a fact finder. The commission, within five days after receipt of such request, shall designate a fact finder in accordance with rules and regulations for such designation prescribed by the commission. The fact finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact finder.

(4) The costs for the services of the fact finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact finder designated by an employer and an exclusive representative or the commission for the purposes of this section shall be deemed an agent of the state.

(7) This section does not apply to negotiations and mediations conducted under section 105 of this act.

PART VIII CLOSING THE ACHIEVEMENT GAP

Sec. 801. RCW 28A.300.136 and 2009 c 468 s 2 are each amended to read as follows:

(1) An achievement gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The achievement gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombudsman;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction;

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(7) The chair or cochairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) The superintendent of public instruction, the state board of education, the professional educator standards board, and the quality education council shall work collaboratively with the achievement gap oversight and accountability committee to close the achievement gap.

PART IX MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. RCW 28A.305.225 is recodified as a section in the chapter created in section 902 of this act.

NEW SECTION. Sec. 902. Sections 101 through 109 and 111 and 112 of this act constitute a new chapter in Title 28A RCW."

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

Senator Zarelli spoke against adoption of the striking amendment.

PARLIAMENTARY INQUIRY

Senator Eide: "I just want to make it perfectly clear that everyone understands on the floor that we are voting on the striking amendment, is that correct? Yes?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Eide, your question is well taken. We are discussing a couple of things that we were ahead of ourselves. We got a little bit ahead of ourselves. We are speaking to the striker, should not have and now we do an amendment to the striker. So, what we will do is go back. Senator Zarelli."

PARLIAMENTARY INQUIRY

Senator Zarelli: "Thank you, so I understand, so we have adopted the committee substitute so that's what's properly before us and now we're addressing the striker and then we're going to take up amendments to the striker before the question of adopting the striking amendment?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "There has not been any adoption of any bills at this time. We have put the substitute, Second Substitute Senate Bill No. 6696, before us. Now we will take up amendment to the Second Substitute Senate Bill No. 6696."

PARLIAMENTARY INQUIRY

Senator Zarelli: "Madam President, but we did adopt the committee substitute? I remember clearly a motion to adopt the committee substitute."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Zarelli, we are on Second Substitute Senate Bill No. 6696. Now, and that was adopted, was not adopted. Now we will be taking up the amendment."

MOTION

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

On page 14, line 23 of the amendment, after "schedule" insert "and procedure"

On page 14, beginning on line 24 of the amendment, after "shall" strike all material through "establish" on line 10, and insert "adopt"

On page 17, line 11 of the amendment, after "schedule" insert "and procedure"

On page 17, at the beginning of line 13 of the amendment, strike "establish" and insert "adopt"

On page 18, line 3 of the amendment, after "create" strike "models for implementing" and insert "common statewide models for"

On page 18, line 4 of the amendment, after "criteria" strike "." and insert "and the four-level rating systems described under subsections (2) and (6) of this section. Models for"

On page 18, line 5 of the amendment, after "principals" insert "shall be developed"

On page 18, beginning on line 14 of the amendment, after "work." strike "The models must be available for use in the 2011-12 school year."

Beginning on page 18, line 20 of the amendment, after "year" strike all material through "2012." on page 19, line 12, and insert "as provided in this subsection."

(i) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of the new evaluation systems for certificated classroom teachers and principals during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (A) The agreement of the local associations representing classroom teachers and principals to collaborate with the district and with the superintendent of public instruction in this developmental work; and (B) the agreement of the district and the associations to participate in the full range of development and implementation activities, including development of rubrics for the evaluation criteria and rating systems, identification or development of appropriate multiple measures of student growth and student learning, development of evaluation system forms, participation in professional development for principals and classroom teachers, participation in evaluator training, and participation in activities to evaluate the effectiveness of the new systems and support programs.

(ii) Based on the results of the developmental work in 2010-11, the superintendent of public instruction shall adopt common statewide model evaluation criteria and four-level rating systems,

one set each for classroom teachers and for principals, for use in 2011-12 by the school districts under (b)(i) of this subsection. The superintendent may modify the statewide models based on the experience of these school districts in the 2011-12 school year. During the 2012-13 school year, the common statewide model evaluation criteria and four-level rating systems must be pilot-tested with at least some employees in each school district in the state.

(iii) Beginning with the 2013-14 school year, each school district in the state must either:

(A) Implement the common statewide model evaluation criteria and four-level rating systems for all classroom teachers and principals; or

(B) Submit to the superintendent of public instruction a set of evaluation criteria and a four-level rating system that meets the requirements of subsection (2) or (6) of this section as applicable, but has been modified by the district. Any modifications to the criteria and rating system for classroom teachers must be made in accordance with procedures provided in chapter 41.59 RCW. If the superintendent of public instruction determines that the evaluation criteria and four-level rating system proposed by the district are substantially equivalent to or an improvement on the common statewide models, the district may use the modified criteria and rating system. Any further modifications must be submitted to the superintendent of public instruction for review.

(c) The superintendent of public instruction shall report on the status of the evaluation system development and implementation to the governor and the education committees of the legislature by July 1, 2011, and at the conclusion of the development phase by July 1, 2012."

Senator King spoke in favor of adoption of the amendment to the striking amendment.

Senator McDermott spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator King on page 14, line 24 to the striking amendment to Second Substitute Senate Bill No. 6696.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted. On page 14, line 30 of the amendment, after "practices" insert "as measured by objective and comparable measures of student growth data"

Senator King spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator King on page 14, line 30 to the striking amendment to Second Substitute Senate Bill No. 6696.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Oemig to Second Substitute Senate Bill No. 6696.

Senators Zarelli and Becker spoke against the adoption of the striking amendment.

Senators McAuliffe and Kohl-Welles spoke in favor of adoption of the striking amendment.

Senator Schoesler demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senators McAuliffe and Oemig and the amendment was adopted by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, King, Morton, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators McCaslin, Pflug and Tom

MOTION

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

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 28A.305.225, 28A.150.230, 28A.405.100, 28A.405.220, 28A.400.200, 28A.660.020, 28B.76.335, 28B.76.230, 28A.655.110, 41.56.100, 41.59.120, and 28A.300.136; reenacting and amending RCW 28A.660.040 and 28A.660.050; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.76 RCW; adding a new section to chapter 28A.605 RCW; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.305.225; and repealing RCW 28A.660.010, 28A.415.100, 28A.415.105, 28A.415.130, 28A.415.135, and 28A.415.140."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, King, Rockefeller, Hobbs and Shin spoke in favor of passage of the bill.

Senator Kastama spoke against passage of the bill.

Senator Sheldon spoke on final passage of the bill.

MOTION

Senator Brandland demanded that the previous question be put.

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion of Senator Brandland, "Shall the main question be now put?"

The motion by Senator Brandland that the previous question be put carried by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6696.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6696 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

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

Voting nay: Senators Holmquist, Kastama, Stevens, Swecker and Zarelli

Excused: Senators McCaslin, Pflug and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696, 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, Engrossed Second Substitute Senate Bill No. 6696 was immediately transmitted to the House of Representatives.

MOTION

At 1:02 p.m., on motion of Senator Eide, the Senate was recessed until 2:00 pm.

The Senate was called to order at 2:00 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9114, William Snyder, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Regala and Tom were excused.

APPOINTMENT OF WILLIAM SNYDER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9114, William Snyder as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9114, William Snyder as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 6; Excused, 3.

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

Absent: Senators Brandland, Delvin, Haugen, Hewitt, Jacobsen and Oemig

Excused: Senators Brown, Fairley and McCaslin
Gubernatorial Appointment No. 9114, William Snyder, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

MOTION

On motion of Senator Marr, Senators Haugen and Kohl-Welles were excused.

MOTION

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

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. Well today on February 11, twenty years ago, Nelson Mandela walked out of Robben Island after twenty-seven years where no one had seen or heard his voice and proceeded to put together a government that was multi-racial, multi-ethnic and was able to reunite his country. I had an opportunity to visit Robben Island this summer and it was quite impressive. Literally, the space that President Mandela lived in for twenty-seven years, was barely bigger than the area around our desks. It was a great moment for democracy and I just wanted to make that point. Thank you Mr. President."

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9141, Jeffrey L. Thompson, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator Shin spoke in favor of the motion.

APPOINTMENT OF JEFFREY L. THOMPSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9141, Jeffrey L. Thompson as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9141, Jeffrey L. Thompson as a

member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Benton and Jacobsen

Excused: Senators Brandland, Brown, Haugen, Hewitt, Kohl-Welles and McCaslin

Gubernatorial Appointment No. 9141, Jeffrey L. Thompson, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9091, Jeff Parsons, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF JEFF PARSONS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9091, Jeff Parsons as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9091, Jeff Parsons as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 38; Nays, 5; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Hewitt, Honeyford, Morton, Schoesler and Swecker

Absent: Senators Benton and Jacobsen

Excused: Senators Brandland, Brown, Kohl-Welles and McCaslin

Gubernatorial Appointment No. 9091, Jeff Parsons, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

SECOND READING

SENATE BILL NO. 6760, by Senators Oemig, Gordon, McDermott, McAuliffe, Tom, Kauffman, Fairley, Ranker, Hargrove, Kline, Murray, Eide, Franklin, Hobbs and Shin

Regarding the basic education instructional allocation distribution formula.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 6760 was substituted for Senate Bill No. 6760 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 6760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Delvin, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6760.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6760 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Benton, Brandland and McCaslin

SECOND SUBSTITUTE SENATE BILL NO. 6760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6239, by Senators Kohl-Welles, Gordon and Fraser

Making technical corrections to gender-based terms.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6239 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 Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove,

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

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

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.
Senator Roach spoke against passage of the bill.

Excused: Senators Benton, Brandland and McCaslin
SUBSTITUTE SENATE BILL NO. 6239, 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 President declared the question before the Senate to be the final passage of Senate Bill No. 6209.

SECOND READING

ROLL CALL

SENATE BILL NO. 6265, by Senator Keiser

The Secretary called the roll on the final passage of Senate Bill No. 6209 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Concerning hospital surveys or audits.

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

The measure was read the second time.

MOTION

Voting nay: Senators Becker, Benton, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Brandland, Kline and McCaslin

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

SENATE BILL NO. 6209, 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 President declared the question before the Senate to be the final passage of Senate Bill No. 6265.

SECOND READING

ROLL CALL

SENATE BILL NO. 6393, by Senators Hewitt, Kohl-Welles and Shin

The Secretary called the roll on the final passage of Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Modifying distributions of funds by the horse racing commission to nonprofit race meets.

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

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6393 was substituted for Senate Bill No. 6393 and the substitute bill was placed on the second reading and read the second time.

Excused: Senators Brandland and McCaslin

SENATE BILL NO. 6265, 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.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6393 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.

MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6393.

On motion of Senator Marr, Senator Kline was excused.

ROLL CALL

SECOND READING

SENATE BILL NO. 6209, by Senators Haugen, Berkey, Marr, Shin and Sheldon

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6393 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Allowing moneys paid to county road funds to be used for park and ride lots.

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

The measure was read the second time.

MOTION

Voting nay: Senator Swecker

Excused: Senators Brandland, Kline and McCaslin

SUBSTITUTE SENATE BILL NO. 6393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6627, by Senators Marr, Pflug, Keiser, Benton, Franklin, Fairley, Schoesler, Pridemore, Roach and Parlette

Authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 6627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6627.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6627 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brandland, Kline and McCaslin

SENATE BILL NO. 6627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5376, by Senators Kauffman, Delvin, Shin, Haugen, Kohl-Welles, McAuliffe and Kline

Requiring the higher education coordinating board to develop a grant program to encourage training for students studying in the medical field to work with individuals with disabilities.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5376 was substituted for Senate Bill No. 5376 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5376.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brandland and McCaslin

SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senator Keiser

Forming a joint select committee on health reform implementation.

MOTIONS

On motion of Senator Keiser, Substitute Senate Concurrent Resolution No. 8409 was substituted for Senate Concurrent Resolution No. 8409 and the substitute resolution was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Concurrent Resolution No. 8409.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8409 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brandland and McCaslin

THIRTY SECOND DAY, FEBRUARY 11, 2010

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8409, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Becker, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 6380, by Senators Haugen, Jacobsen, Ranker and Swecker

Concerning the purchase of wetland mitigation bank credits by the department of transportation.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6380 was substituted for Senate Bill No. 6380 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6380.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6380 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brandland, Hewitt and McCaslin

SUBSTITUTE SENATE BILL NO. 6380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6360, by Senators Hargrove, Keiser, Roach and Marr

Establishing a program to verify the address of registered sex offenders and kidnapping offenders.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6360 was substituted for Senate Bill No. 6360 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6360 was advanced to third reading,

2010 REGULAR SESSION

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

Senators Hargrove and Stevens spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6360 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hewitt and McCaslin

SUBSTITUTE SENATE BILL NO. 6360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6224, by Senators Keiser, Becker and Gordon

Conforming the uniform controlled substances act to existing state and federal law.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6224 was substituted for Senate Bill No. 6224 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6224 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hewitt and McCaslin

SUBSTITUTE SENATE BILL NO. 6224, having received the constitutional majority, was declared passed. There being no

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

SECOND READING

SENATE BILL NO. 6543, by Senators Hatfield, Schoesler and Shin

Modifying the powers of the Washington tree fruit research commission.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6543.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6543 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SENATE BILL NO. 6543, 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, Senator Murray was excused.

SECOND READING

SENATE BILL NO. 6730, by Senators Becker, Hargrove, Stevens and Roach

Concerning child welfare.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6730 was substituted for Senate Bill No. 6730 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Becker spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6730.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6730 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Oemig

Excused: Senators McCaslin and Murray

SUBSTITUTE SENATE BILL NO. 6730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "Well, can I get your attention please because I have something king of important to say? I just was notified that Senator McCaslin has been checked into St. Peter's Hospital. I don't really know what's going on right now but I will do my best to find out but I think it might not be a bad idea for us to have our thoughts be with him right now. Thank you."

SECOND READING

SENATE BILL NO. 6357, by Senators Kilmer, Becker, Shin, Rockefeller, McAuliffe and Roach

Requiring policies for academic recognition of certain life and learning experiences. Revised for 1st Substitute: Requiring policies for academic recognition of certain formal and informal learning experiences.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6357 was substituted for Senate Bill No. 6357 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Hatfield, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6357.

ROLL CALL

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators McCaslin, Murray and Prentice

SUBSTITUTE SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8025, by Senators Prentice, Haugen, Fraser, Shin and Roach

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Joint Memorial No. 8025 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Jacobsen and Morton spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8025 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, McCaslin and Prentice

SENATE JOINT MEMORIAL NO. 8025, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6365, by Senators Swecker and Roach

Exempting the motor vehicles of certain residents who are members of the armed services from the provisions of chapter 70.120A RCW.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rockefeller spoke in favor of the passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6365.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6365 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, McCaslin and Prentice

SENATE BILL NO. 6365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senator Rockefeller

Retroactively applying certain intermediate license law amendments made during the 2009 legislative session.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 6217 was substituted for Senate Bill No. 6217 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Swecker and Eide spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6217.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King,

Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Prentice

SUBSTITUTE SENATE BILL NO. 6217, 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 4:02 p.m., on motion of Senator Eide, the Senate recessed until 6:00 pm.

EVENING SESSION

The Senate was called to order at 6:00 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9159, Steven Drew, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

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

MOTION

On motion of Senator Brandland, Senators Holmquist, McCaslin, Parlette, Pflug and Stevens were excused.

APPOINTMENT OF STEVEN DREW

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9159, Steven Drew as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9159, Steven Drew as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

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

Absent: Senators Hobbs, Jacobsen, Kline and Oemig

Excused: Senators Brown, Fairley, Holmquist, McCaslin and Pflug

Gubernatorial Appointment No. 9159, Steven Drew, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9220, Julie P. Miller, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Hobbs, Jacobsen and Oemig were excused.

APPOINTMENT OF JULIE P. MILLER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9220, Julie P. Miller as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9220, Julie P. Miller as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

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

Absent: Senator Kline

Excused: Senators Brown, Fairley, Hobbs, Jacobsen, McCaslin and Oemig

Gubernatorial Appointment No. 9220, Julie P. Miller, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

PERSONAL PRIVILEGE

Senator Pflug: "Thank you. Just for the information of the body, I just returned from visiting Senator McCaslin at St. Peters and he is resting very comfortably and on his way to his private room and waiting to hear a report from the cardiologist but he's pretty chipper, he said 'You know, hospitals are kind of fun once you're feeling better.' So, he's in his usual good spirits and we'll find out whether he's going to be able to transfer back to Spokane for some surgery or if they want to do it here. So, we're waiting for some news."

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Shin, King, Marr, Jarrett, McAuliffe, Hobbs, Tom and Kohl-Welles).

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

Establishing a lifelong learning account steering committee.
Revised for 1st Substitute: Regarding lifelong learning accounts.

The bill was read on Third Reading.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5555.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Fairley, Jacobsen, McCaslin and Oemig
ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, before we go too far past the number, Senate Bill No. 5555, a little trivia question for you. In 1992 who was the sponsor of Senate Bill No. 5555 and what was it commonly known as?"

REPLY BY THE PRESIDENT

President Owen: "Gee, let me think. That was the 'boot strap' bill sponsored by Senator Brad Owen."

MOTION

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

SECOND READING

SENATE BILL NO. 6361, by Senators Brandland, Hargrove, Carrell, Roach and Marr

Exempting a person's identifying information from public disclosure when submitted in the course of using the sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6361 was substituted for Senate Bill No. 6361 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6361 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6279, by Senators Kline, Murray and Haugen

Clarifying regional transit authority facilities as essential public facilities.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6279 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 Senate Bill No. 6279.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6279 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SENATE BILL NO. 6279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5411, by Senators Kline, Franklin and Carrell

Concerning requests for driving record abstracts.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5411 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 Senate Bill No. 5411.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5411 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SENATE BILL NO. 5411, 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 6:35 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:21 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2010

MR. PRESIDENT

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL 2921,

SUBSTITUTE HOUSE BILL 2998,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL 2921,

SUBSTITUTE HOUSE BILL 2998.

MESSAGE FROM THE HOUSE

February 11, 2010

MR. PRESIDENT

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 6382,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6316, by Senators Carrell, King, Hewitt, Stevens and Delvin

Addressing the coordination between local law enforcement and the department of corrections.

MOTIONS

On motion of Senator Carrell, Second Substitute Senate Bill No. 6316 was substituted for Senate Bill No. 6316 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Second Substitute Senate Bill No. 6316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6316.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Benton

Excused: Senators Fairley and McCaslin

SECOND SUBSTITUTE SENATE BILL NO. 6316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6548, by Senators Hargrove, Carrell, Stevens, Kauffman and Roach

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

Suspending the parole or probation of an offender who is charged with a new felony offense in certain conditions.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6548 was substituted for Senate Bill No. 6548 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6548.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6548 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6550, by Senators Hargrove, Regala, Carrell, Marr, Shin and Roach

Imposing a sanction for offenders who violate sentence conditions by committing an assault against a law enforcement officer, employee of a law enforcement agency, or department of corrections employee.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6550 was substituted for Senate Bill No. 6550 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6550.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6550 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8026, by Senators Regala, Hargrove, Brandland, Kohl-Welles, Stevens, Shin, Carrell, Hatfield, Jacobsen, Ranker, Oemig, Eide, Marr, McDermott, Haugen, Hobbs, Kilmer, Kline, Berkey, Kauffman, Prentice, Tom, Gordon, Fraser, McAuliffe, Franklin and Keiser

Requesting the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Joint Memorial No. 8026 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8026.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8026 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SENATE JOINT MEMORIAL NO. 8026, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6293, by Senators Brandland and Carrell

Changing provisions relating to rendering criminal assistance in the first degree.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6293 was substituted for Senate Bill No. 6293 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6293.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6293 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6673, by Senators Kline, McCaslin, Carrell, Kohl-Welles, Gordon, Regala, Roach, Hargrove and Tom

Appointing a task force to study bail practices and procedures.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6673 was substituted for Senate Bill No. 6673 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6673 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 Substitute Senate Bill No. 6673.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6673 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8218, by Senators Carrell, Franklin, Brandland, Becker, Schoesler, Kastama, Honeyford, Delvin, Hobbs, Parlette, Zarelli, McCaslin, Holmquist, Hargrove, Regala, Rockefeller, Marr, Hatfield, Shin, Sheldon, Kilmer, Hewitt, Stevens and Roach

Amending the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable by sufficient sureties.

MOTION

On motion of Senator Kline, Substitute Senate Joint Resolution No. 8218 was substituted for Senate Joint Resolution No. 8218 and the substitute resolution was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell, Hargrove and Kline be adopted. On page 1, line 10, after "that" insert "may"

Senator 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 Senators Carrell, Hargrove and Kline on page 1, line 10 to Substitute Senate Joint Resolution No. 8218.

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

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 8218 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Kline and Carrell spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Joint Resolution No. 8218.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8218 and the resolution passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

THIRTY SECOND DAY, FEBRUARY 11, 2010

2010 REGULAR SESSION

MOTION

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

At 8:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Friday, February 12, 2010.

BRAD OWEN, President of the Senate

Voting nay: Senators Kohl-Welles, McDermott, Murray and Prentice

THOMAS HOEMANN, Secretary of the Senate

Excused: Senators Fairley and McCaslin

ENGROSSED SUBSTITUTE SENATE JOINT
RESOLUTION NO. 8218, having received the constitutional majority, was declared passed.

Draft

<LegDayAndDate/>	<Session/>
1714-S	Second Reading 25
Messages 2	6360-S
2518-S	Second Reading 26
Messages 2	Third Reading Final Passage 26
2667	6361
Messages 2	Second Reading 30
2876-S	6361-S
Messages 2	Second Reading 30
2921-S	Third Reading Final Passage 30
President Signed 31	6365
Speaker Signed 31	Second Reading 28
2998-S	Third Reading Final Passage 28
President Signed 31	6380
Speaker Signed 31	Second Reading 25
5376	6380-S
Second Reading 24	Second Reading 25
5376-S	Third Reading Final Passage 25
Second Reading 25	6382-S
Third Reading Final Passage 25	Speaker Signed 31
5411	6393
Second Reading 30	Second Reading 24
Third Reading Final Passage 30	6393-S
5555-S	Second Reading 24
Third Reading 29	Third Reading Final Passage 24
Third Reading Final Passage 29	6403
6209	Second Reading 5
Second Reading 23	6403-S
Third Reading Final Passage 24	Second Reading 6
6217	Third Reading Final Passage 6
Second Reading 28	6543
6217-S	Second Reading 26
Second Reading 28	Third Reading Final Passage 26
Third Reading Final Passage 28	6548
6224	Second Reading 31
Second Reading 26	6548-S
6224-S	Second Reading 31
Second Reading 26	Third Reading Final Passage 32
Third Reading Final Passage 26	6550
6239	Second Reading 32
Second Reading 23	6550-S
6239-S	Second Reading 32
Second Reading 23	Third Reading Final Passage 32
Third Reading Final Passage 23	6627
6265	Second Reading 24
Second Reading 23	Third Reading Final Passage 24
Third Reading Final Passage 23	6673
6279	Second Reading 33
Second Reading 30	6673-S
Third Reading Final Passage 30	Second Reading 33
6293	Third Reading Final Passage 33
Second Reading 32	6696
6293-S	Second Reading 6
Second Reading 32	6696-S2
Third Reading Final Passage 33	Other Action 20
6316	Second Reading 6, 20
Second Reading 31	Third Reading Final Passage 21
6316-S2	6730
Second Reading 31	Second Reading 26
Third Reading Final Passage 31	6730-S
6357	Second Reading 27
Second Reading 27	Third Reading Final Passage 27
6357-S	6760
Second Reading 27	Second Reading 22
Third Reading Final Passage 27	6760-S2
6360	Second Reading 23

<u><LegDayAndDate/></u>	<u><Session/></u>
8025 Third Reading Final Passage	23
8025 Second Reading	27
8025 Third Reading Final Passage	27
8026 Second Reading	32
8026 Third Reading Final Passage	32
8218 Second Reading	33
8218-S Second Reading	33
8218-S Third Reading Final Passage	33
8409 Second Reading	25
8409-S Second Reading	25
8409-S Third Reading Final Passage	25
8690 Adopted	2
8690 Introduced	2
9091 Jeff Parsons Confirmed	22
9114 William Snyder Confirmed	21
9141 Jeffrey L. Thompson Confirmed	22
9142 Pamela Bradburn Confirmed	3
9159 Steven Drew Confirmed	28
9166 Committee Report	1
9168 Cindy Whaley Confirmed	5
9185 Committee Report	1
9201 Committee Report	1
9216 Committee Report	1
9220 Julie P. Miller Confirmed	29
9232 Committee Report	1
9256 Committee Report	1
9258 Committee Report	1
MESSAGE FROM GOVERNOR	
Gubernatorial Appointments	2
Patrick Mcelligot Introduced	2
PRESIDENT OF THE SENATE	
Intro. Special Guest, Nile Valley Route 410 members	2
Reply by the President	5, 30
PRESIDENT OF THE SENATE, (SENATOR FRANKLIN PRESIDING)	
Reply by the President Pro Tempore	19, 20
WASHINGTON STATE SENATE	
Parliamentary Inquiry, Senator Eide	19
Parliamentary Inquiry, Senator Zarelli	19
Personal Privilege, Senator Brandland	27
Personal Privilege, Senator Brown	3
Personal Privilege, Senator Delvin	4
Personal Privilege, Senator Eide	5
Personal Privilege, Senator Gordon	5
Personal Privilege, Senator Hargrove	4
Personal Privilege, Senator Hatfield	3
Personal Privilege, Senator Hobbs	3
Personal Privilege, Senator Kline	4
Personal Privilege, Senator Marr	5
Personal Privilege, Senator McAuliffe	4
Personal Privilege, Senator McDermott	4
Personal Privilege, Senator Murray	22
Personal Privilege, Senator Oemig	4
Personal Privilege, Senator Pflug	29
Personal Privilege, Senator Pridemore	3
Personal Privilege, Senator Ranker	5
Personal Privilege, Senator Rockefeller	4
Personal Privilege, Senator Schoesler	4
Personal Privilege, Senator Sheldon	29
Personal Privilege, Senator Shin	4