

**Chapter 28A.400 RCW
EMPLOYEES**

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28A.400.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 30.]

Additional notes found at www.leg.wa.gov

28A.400.007 Staffing enrichments to the program of basic education. (Effective until September 1, 2024.) (1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that category of staffing unit in the omnibus operating appropriations act.

(a) Additional staffing units for each level of prototypical school in RCW 28A.150.260:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	0.0470	0.0470	0.0200
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.3370	0.4810	0.4770
Health and social services:			
School nurses	0.5090	0.8280	0.7280
Social workers	0.2690	0.0820	0.1120
Psychologists	0.0870	0.0220	0.0420
Guidance counselors, a function that includes parent outreach and graduation advising.	0.0070	0.7840	0.9610

Teaching assistance, including any aspect of educational instructional services provided by classified employees	1.0640	0.3000	0.3480
Office support and other noninstructional aides	0.9880	1.1750	0.2310
Custodians	0.0430	0.0580	0.0350
Classified staff providing student and staff safety	0.0000	0.6080	1.1590
Parent involvement coordinators	0.9175	1.0000	1.0000

(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:

General education certificated instructional staff units sufficient to achieve class size reduction of:	
Grades K-3 class size	0.00
Grade 4	2.00
Grades 5-6	2.00
Grades 7-8	3.53
Grades 9-12	3.74
CTE	4.00
Skills	4.00

High poverty certificated instructional staff units sufficient to achieve class size reduction of:	
Grades K-3 class size	2.00
Grade 4	5.00
Grades 5-6	4.00
Grades 7-8	5.53
Grades 9-12	5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional

staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution. [2017 3rd sp.s. c 13 § 904.]

Intent—2017 3rd sp.s. c 13: "The legislature recognizes that legislation enacted in 2014 and 2015 established a phase-in of increased school district staffing ratios. Under current law, these increased staffing ratios begin in the 2019-2021 biennium and exceed the school district staffing ratios established in chapter 236, Laws of 2010 (Substitute House Bill No. 2776) and in chapter 13, Laws of 2017 3rd sp. sess. In light of the education investments funded pursuant to the 2010 and 2017 legislation, the legislature intends to review and prioritize future staffing ratio increases to focus on reducing the opportunity gap, assisting struggling students, enhancing the educational outcomes for all students, and strengthening support for all schools and school district staff." [2017 3rd sp.s. c 13 § 903.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.400.007 Staffing enrichments to the program of basic education. (Effective September 1, 2024.) (1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that category of staffing unit in the omnibus operating appropriations act.

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Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.3370	0.4810	0.4770
Teaching assistance, including any aspect of educational instructional services provided by classified employees	1.0640	0.3000	0.3480
Office support and other noninstructional aides	0.9880	1.1750	0.2310
Custodians	0.0430	0.0580	0.0350
Classified staff providing student and staff safety	0.0000	0.6080	1.1590
Parent involvement coordinators	0.9175	1.0000	1.0000
(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:			
General education certificated instructional staff units sufficient to achieve class size reduction of:			
Grades 7-8	3.53		
Grades 9-12	3.74		
CTE	4.00		
Skills	3.00		
High poverty certificated instructional staff units sufficient to achieve class size reduction of:			
Grades K-3 class size	2.00		
Grade 4	5.00		

Grades 5-6 4.00
 Grades 7-8 5.53
 Grades 9-12 5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution. [2022 c 109 § 5; 2017 3rd sp.s. c 13 § 904.]

Effective date—2022 c 109 §§ 4 and 5: See note following RCW 28A.150.260.

Intent—2022 c 109: See note following RCW 28A.300.476.

Intent—2017 3rd sp.s. c 13: "The legislature recognizes that legislation enacted in 2014 and 2015 established a phase-in of increased school district staffing ratios. Under current law, these increased staffing ratios begin in the 2019-2021 biennium and exceed the school district staffing ratios established in chapter 236, Laws of 2010 (Substitute House Bill No. 2776) and in chapter 13, Laws of 2017 3rd sp. sess. In light of the education investments funded pursuant to the 2010 and 2017 legislation, the legislature intends to review and prioritize future staffing ratio increases to focus on reducing the opportunity gap, assisting struggling students, enhancing the educational outcomes for all students, and strengthening support for all schools and school district staff." [2017 3rd sp.s. c 13 § 903.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.400.009 Secondary traumatic stress—Policy and procedure. (1) The Washington state school directors' association shall develop or revise, and periodically update, a model policy and procedure to prevent and address secondary traumatic stress in the workforce.

(2) The model policy and procedure must include the following elements:

(a) A commitment to support mental health in the workplace;

(b) Promotion of a positive workplace climate with a focus on diversity and inclusion;

(c) Establishment of a district-wide workforce mental health committee with the following functions:

(i) Share secondary traumatic stress, stress management, and other mental health resources and supports available through the office of the superintendent of public instruction, the educational service districts, and the school employees' benefits board created in RCW 41.05.740;

(ii) Share links to a secondary traumatic stress self-assessment tool and any associated resources; and

(iii) Report to the school district board of directors at least once per year with a summary of committee activities;

(d) Regular assessment of district-level and school building-level implementation of the policy and procedures that includes input from the workforce; and

(e) Provision of appropriate resources and training to schools and staff for continuous improvement.

(3) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's website by August 1, 2021.

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Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(4) By the beginning of the 2021-22 school year, each school district must adopt, or amend if necessary, policies and procedures that, at a minimum, incorporate all the elements described in subsection (2) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy and procedure. [2021 c 129 § 3.]

Finding—Intent—2021 c 129: See note following RCW 28A.300.825.

SUPERINTENDENTS

28A.400.010 Employment of superintendent— Superintendent's qualifications, general powers, term, contract renewal. In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of *RCW 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable. [1990 c 33 § 376; 1985 c 7 § 94; 1975-'76 2nd ex.s. c 114 § 10; 1975-'76 2nd ex.s. c 15 § 10. Prior: 1975 1st ex.s. c 254 § 2; 1975-'76 1st ex.s. c 137 § 1; 1969 ex.s. c 223 § 28A.58.137; prior: (i) 1909 c 97 p 300 § 11; RRS § 4821. Formerly RCW 28.63.060. (ii) 1909 c 97 p 302 § 8; RRS § 4830. Formerly RCW 28.63.062. (iii) 1909 c 97 p 302 § 9; RRS § 4831. Formerly RCW 28.63.064. (iv) 1909 c 97 p 290 § 4, part; RRS § 4793, part. Formerly RCW 28A.58.137, 28.62.040, part.]

***Reviser's note:** RCW 28A.400.300 was amended by 2012 c 186 § 20, changing subsection (1) to subsection (1)(a).

Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses: RCW 28A.320.050.

Additional notes found at www.leg.wa.gov

28A.400.020 Directors' and superintendents' signatures filed with auditor. Every school district director and school district superintendent, on assuming the duties of his or her office, shall place his or her signature, certified to by some school district official, on file in the office of the county auditor. [1990 c 33 § 377; 1969 ex.s. c 223 § 28A.58.140. Prior: 1909 c 97 p 289 § 12; RRS § 4787; prior: 1897 c 118 § 61; 1890 p 380 § 70. Formerly RCW 28A.58.140, 28.58.140.]

28A.400.030 Superintendent's duties. In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his or her successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his or her record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(5) Sign all orders for warrants ordered to be issued by the board of directors.

(6) Carry out all orders of the board of directors made at any regular or special meeting. [1991 c 116 § 14; 1990 c 33 § 378; 1983 c 56 § 8; 1977 ex.s. c 80 § 30; 1975-'76 2nd ex.s. c 118 § 30; 1975 1st ex.s. c 275 § 110; 1971 c 48 § 30; 1969 ex.s. c 223 § 28A.58.150. Prior: 1909 c 97 p 304 § 2; RRS § 4842; prior: 1907 c 163 § 3; 1899 c 142 § 10; 1897 c 118 § 49; 1893 c 107 § 5; 1891 c 127 § 12; 1890 p 367 § 34; Code 1881 §§ 3194, 3195, 3196, 3197; 1873 p 428 §§ 10, 11, 12, 13. Formerly RCW 28A.58.150, 28.58.150.]

Purpose—Intent—Severability—1977 ex.s. c 80: See notes following RCW 4.16.190.

Additional notes found at www.leg.wa.gov

PRINCIPALS

28A.400.100 Principals and vice principals—Employment of—Qualifications—Duties. School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid administrative certificates and shall hold or have held either valid teacher certificates or valid educational staff associate certificates. Persons who hold or have held valid educational staff associate certificates must also have demonstrated successful school-based experience in an instructional role with students. Persons whose certificates were revoked, suspended, or surrendered may not be employed as public school principals or vice principals. In addition to such other duties as shall be prescribed by law and by the job description adopted by the board of directors, each principal shall:

(1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.

(2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.

(3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.

(4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible. [2002 c 78 § 1; 1977 ex.s. c 272 § 1. Formerly RCW 28A.58.160.]

Additional notes found at www.leg.wa.gov

28A.400.110 Principal to assure appropriate student discipline—Building discipline standards—Classes to improve classroom management skills. Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3).

School principals and certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills. [1997 c 266 § 12; 1990 c 33 § 379; 1980 c 171 § 2; 1975-'76 2nd ex.s. c 97 § 3. Formerly RCW 28A.58.201.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

SALARY AND COMPENSATION

28A.400.200 Salaries and compensation for employees—Minimum and maximum amounts—Limitations—Supplemental contracts. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, 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;

(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; and

(c) Beginning with the 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c)(i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of

basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3)(a)(i) Through the 2017-18 school year 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.

(ii) For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in *RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, 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)(a) 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. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) 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

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subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220.

(c)(i) Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276.

(ii) For a supplemental contract, or portion of a supplemental contract, that is time-based, the hourly rate the district pays may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)(iii) of this section. For a supplemental contract, or portion of a supplemental contract that is not time-based, the contract must document the additional duties, responsibilities, or incentives that are being funded in the contract.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280. [2018 c 266 § 205; 2017 3rd sp.s. c 13 § 103; 2010 c 235 § 401; 2002 c 353 § 2; 1997 c 141 § 2; 1993 c 492 § 225. Prior: 1990 1st ex.s. c 11 § 2; 1990 c 33 § 381; 1987 1st ex.s. c 2 § 205. Formerly RCW 28A.58.0951.]

*Reviser's note: RCW 41.59.800 expired August 31, 2019.

Finding—Intent—2018 c 266: See note following RCW 28A.150.410.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

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

Findings—Intent—1993 c 492: See notes following RCW 43.20.050.

Intent—1990 1st ex.s. c 11: "The legislature recognizes the rising costs of health insurance premiums for school employees, and the increasing need to ensure effective use of state benefit dollars to obtain basic coverage for employees and their dependents. In school districts that do not pool benefit allocations among employees, increases in premium rates create particular hardships for employees with families. For many of these employees, the increases translate directly into larger payroll deductions simply to maintain basic benefits.

The goal of this act is to provide access for school employees to basic coverage, including coverage for dependents, while minimizing employees' out-of-pocket premium costs. Unnecessary utilization of medical services can contribute to rising health insurance costs. Therefore, the legislature intends to encourage plans that promote appropriate utilization without creating major barriers to access to care. The legislature also intends that school districts pool state benefit allocations so as to eliminate major differences in out-of-pocket premium expenses for employees who do and do not need coverage for dependents." [1990 1st ex.s. c 11 § 1.]

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

Additional notes found at www.leg.wa.gov

28A.400.2001 Supplemental contracts—School district reporting—Report by the office of the superintendent of public instruction. Beginning September 1, 2017, school districts must annually report to the superintendent of public instruction on supplemental contracts entered into subject to RCW 28A.400.200(4) for additional time, responsibility, or incentive. The office of the superintendent of public instruction shall summarize the district information and submit an annual report to the education and appropriate fiscal committees of the house of representatives and the senate. [2017 3rd sp.s. c 13 § 505.]

Effective date—2017 3rd sp.s. c 13 §§ 102, 505, and 801: See note following RCW 28A.400.205.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.400.205 Salary inflationary increases for employees—"Inflationary adjustment index" defined.

(1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means, for any school year, the implicit price deflator for that fiscal year, using the official current base, compiled by the bureau of economic analysis, United States department of commerce. [2018 c 266 § 206; 2017 3rd sp.s. c 13 § 102; 2013 2nd sp.s. c 5 § 1; 2011 1st sp.s. c 18 § 1; 2009 c 573 § 1; 2003 1st sp.s. c 20 § 1; 2001 c 4 § 2 (Initiative Measure No. 732, approved November 7, 2000).]

Finding—Intent—2018 c 266: See note following RCW 28A.150.410.

Effective date—2017 3rd sp.s. c 13 §§ 102, 505, and 801: "Sections 102, 505, and 801 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [July 6, 2017]." [2017 3rd sp.s. c 13 § 1006.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Effective date—2013 2nd sp.s. c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013." [2013 2nd sp.s. c 5 § 5.]

Additional notes found at www.leg.wa.gov

28A.400.206 Cost-of-living increases—Duty of state.

The Washington Constitution establishes "the paramount duty of the state to make ample provision for the education of all children." Providing quality education for all children in Washington requires well-qualified and experienced teachers and other school employees. However, salaries for educators have not kept up with the increased cost-of-living in the state. The failure to keep up with inflation threatens Washington's ability to compete with other states to attract first-rate teachers to Washington classrooms and to keep well-qualified educators from leaving for other professions. The state must provide a fair and reasonable cost-of-living increase, as provided in chapter 20, Laws of 2003 1st sp. sess., to help ensure that

the state attracts and keeps the best teachers and school employees for the children of Washington. [2003 1st sp.s. c 20 § 2; 2001 c 4 § 1 (Initiative Measure No. 732, approved November 7, 2000).]

Additional notes found at www.leg.wa.gov

28A.400.210 Employee attendance incentive program—Remuneration or benefit plan for unused sick leave. Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and classified employees in the following manner, including covering persons who were employed during the 1982-'83 school year:

(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) Except as provided in RCW 28A.400.212, at the time of separation from school district employment an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury. For purposes of this subsection, "eligible employee" means (a) employees who separate from employment due to retirement or death; (b) employees who separate from employment and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(25); or (c) employees who separate from employment and who are at least age fifty-five and have at least fifteen years of service under the teachers' retirement system plan 2 as defined in RCW 41.32.010(32), under the Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(24), or under the public employees' retirement system plan 2 as defined in RCW 41.40.010(28).

(3) In lieu of remuneration for unused leave for illness or injury as provided in subsections (1) and (2) of this section, a school district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right. [2020 c 18 § 12; 2000 c 231 § 1; 1997 c 13 § 9; 1992 c 234 § 12; 1991 c 92 § 2; 1989 c 69 § 2; 1983 c 275 § 2. Formerly RCW 28A.58.096.]

Explanatory statement—2020 c 18: See note following RCW 43.79A.040.

Intent—Construction—1983 c 275: "This act is intended to effectuate the legislature's intent in the original enactment of chapter 182, Laws of 1980 and constitutes a readoption of the relevant portions of that law. This act shall be construed as being in effect since June 12, 1980." [1983 c 275 § 5.]

28A.400.212 Employee attendance incentive program—Effect of early retirement. An employee of a school district that has established an attendance incentive program under RCW 28A.400.210 who retires under section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993, or section 4 or 6, chapter 519, Laws of 1993, shall receive, at the time of his or her separation from school district employment, not less than one-half of the remuneration for accrued leave for illness or injury payable to him or her under the district's incentive program. The school district board of directors may, at its discretion, pay the remainder of such an employee's remuneration for accrued leave for illness or injury after the time of the employee's separation from school district employment, but the employee or the employee's estate is entitled to receive the remainder of the remuneration no later than the date the employee would have been eligible to retire under the provisions of RCW 41.40.180 or 41.32.480 had the employee continued to work for the district until eligible to retire, or three years following the date of the employee's separation from school district employment, whichever occurs first. A district exercising its discretion under this section to pay the remainder of the remuneration after the time of the employee's separation from school district employment shall establish a policy and procedure for paying the remaining remuneration that applies to all affected employees equally and without discrimination. Any remuneration paid shall be based on the number of days of leave the employee had accrued and the compensation the employee received at the time he or she retired under section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993, or section 4 or 6, chapter 519, Laws of 1993. [1993 c 519 § 14; 1993 c 86 § 8; 1992 c 234 § 13.]

Reviser's note: This section was amended by 1993 c 86 § 8 and by 1993 c 519 § 14, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Additional notes found at www.leg.wa.gov

28A.400.220 Employee salary or compensation—Limitations respecting. (1) No school district board of directors or administrators may:

(a) Increase an employee's salary or compensation to include a payment in lieu of providing a fringe benefit; or

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(b) Allow any payment to an employee which is partially or fully conditioned on the termination or retirement of the employee, except as provided in subsection (2) of this section.

(2) A school district board of directors may compensate an employee for termination of the employee's contract in accordance with the termination provisions of the contract. If no such provisions exist the compensation must be reasonable based on the proportion of the uncompleted contract. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

(3) Provisions of any contract in force on March 27, 1982, which conflict with the requirements of this section shall continue in effect until contract expiration. After expiration, any new contract including any renewal, extension, amendment or modification of an existing contract executed between the parties shall be consistent with this section. [1989 c 11 § 5; 1982 1st ex.s. c 10 § 1. Formerly RCW 28A.58.098.]

Additional notes found at www.leg.wa.gov

28A.400.230 Deposit of cumulative total of earnings of group of employees—Authorized—Conditions. Any school district authorized to draw and issue their own warrants may deposit the cumulative total of the net earnings of any group of employees in one or more banks within the state such group or groups may designate, to be credited to the individuals composing such groups, by a single warrant to each bank so designated or by other commercially acceptable methods: PROVIDED, That any such collective authorization shall be made in writing by a minimum of twenty-five employees or ten percent of the employees, whichever is less. [1973 c 111 § 5. Formerly RCW 28A.58.730.]

Additional notes found at www.leg.wa.gov

28A.400.240 Deferred compensation plan for school district or educational service district employees—Limitations. In addition to any other powers and duties, any school district or educational service district may contract with any classified or certificated employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the appropriate internal revenue service exclusion allowance for such plans, and shall subsequently with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank, or purchase life insurance, shares of an investment company, or a fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or an investment company licensed to contract business in this state. In no event shall the total investments or payments, and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any

taxes withheld on behalf of any such employee. [2001 c 266 § 1; 1975 1st ex.s. c 205 § 1; 1974 ex.s. c 11 § 1. Formerly RCW 28A.58.740.]

28A.400.250 Tax deferred annuities—Regulated company stock. (1) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents are authorized to provide and pay for tax deferred annuities or regulated company stock held in a custodial account for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C. section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The superintendent of public instruction and educational service district superintendents, if eligible, may also be provided with such options.

(2) At the request of at least five employees, the employees' employer shall arrange for the:

(a) Purchase of tax deferred annuity contracts which meet the requirements of 26 U.S.C. section 403(b), as now or hereafter amended, for the employees from any company the employees may choose that is authorized to do business in this state through a Washington-licensed insurance agent that the employees may select; or

(b) Payment to a custodial account for investment in the stock of a regulated investment company as defined in 26 U.S.C. section 403(b)(7)(c).

(3) Payroll deductions shall be made in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contracts. Employees' rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

(4) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents shall not restrict, except as provided in this section, employees' right to select the tax deferred annuity of their choice, the regulated company stock held in a custodial account, or the agent, broker, or company licensed by the state of Washington through which the tax deferred annuity or regulated company stock is placed or purchased, and shall not place limitations on the time or place that the employees make the selection.

(5) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents may each adopt rules regulating the sale of tax deferred annuities or regulated company stock held in a custodial account which: (a) Prohibit solicitation of employees for the purposes of selling tax deferred annuities or regulated company stock held in a custodial account on school premises during normal school hours; (b) only permit the solicitation of tax deferred annuities or regulated company stock held in a custodial account by agents, brokers, and companies licensed by the state of Washington; and (c) require participating companies to execute reasonable agreements protecting the respective employers from any liability attendant to procuring tax deferred annuities or regulated company stock held in a custodial account. [2010 c 41 § 1; 1984 c 228 § 1; 1975 1st ex.s. c 275 § 113; 1971 c 48 § 31; 1969 c

97 § 2; 1969 ex.s. c 223 § 28A.58.560. Prior: 1965 c 54 § 1, part. Formerly RCW 28A.58.560, 28.02.120, part.]

Additional notes found at www.leg.wa.gov

28A.400.260 Pension benefits or annuity benefits for certain classifications of employees—Procedure. Notwithstanding any other provision of law, any school district shall have the authority to provide for all employees within an employment classification pension benefits or annuity benefits as may already be established and in effect by other employers of a similar classification of employees, and payment therefor may be made by making contributions to such pension plans or funds already established and in effect by the other employers and in which the school district is permitted to participate for such particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds.

Notwithstanding provisions of RCW 41.40.023(4), the coverage under such private plan shall not exclude such employees from simultaneous coverage under the Washington public employees' retirement system. [1972 ex.s. c 27 § 1. Formerly RCW 28A.58.565.]

28A.400.270 Employee benefit—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.400.275 and 28A.400.280.

(1) "Basic benefits" are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage.

(2) "Benefit providers" include insurers, third party claims administrators, direct providers of employee fringe benefits, health maintenance organizations, health care service contractors, and the Washington state health care authority or any plan offered by the authority.

(3) "Fringe benefit" does not include liability coverage, old-age survivors' insurance, workers' compensation, unemployment compensation, retirement benefits under the Washington state retirement system, or payment for unused leave for illness or injury under RCW 28A.400.210.

(4) "Group long-term disability insurance coverage" means long-term disability insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(5) "Group term life insurance coverage" means term life insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(6) "School district employee benefit plan" means the overall plan used by the district for distributing fringe benefit subsidies to employees, including the method of determining employee coverage. It shall not include coverage offered to district employees for which there is no contribution from public funds. [2017 3rd sp.s. c 13 § 813; 1990 1st ex.s. c 11 § 4.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

28A.400.275 Employee benefits—Contracts or agreements—Submission of information to the health care authority. (1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district or educational service district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district and educational service district employee benefits. The term of the contract or agreement may not exceed one year, except that the final contract or agreement entered into for the 2018-19 school year must exceed one year only by the months necessary to ensure employee benefits are maintained through December 31, 2019.

(2) School districts, educational service districts, and their benefit providers shall submit data to the health care authority in accordance with RCW 41.05.075(3).

(3) Any benefit provider offering a benefit plan by contract or agreement with a school district or educational service district under subsection (1) of this section shall make available to the school district or educational service district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the school district, educational service district, and benefit provider are required to report to the health care authority under this section.

(4) Each school district and educational service district shall:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority. [2018 c 260 § 22. Prior: 2017 3rd sp.s. c 13 § 814; 2017 3rd sp.s. c 7 § 1; 2012 2nd sp.s. c 3 § 4; 1990 1st ex.s. c 11 § 5.]

Effective date—2018 c 260 §§ 14, 22, 23, 31, and 32: See note following RCW 41.05.075.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Findings—Goals—Intent—2012 2nd sp.s. c 3: "(1) The legislature finds that:

(a) Each year, nearly one billion dollars in public funds are spent on the purchase of employee insurance benefits for more than two hundred thousand public school employees and their dependents;

(b) The legislature and school districts and their employees need better information to improve current practices and inform future decisions with regard to health insurance benefits;

(c) Recent work by the state auditor's office and the state health care authority have advanced discussions throughout the state on opportunities to improve the current system; and

(d) Two major themes have emerged: (i) The state, school districts, and employees need better information and data to make better health insurance purchasing decisions within the K-12 system; (ii) affordability is a significant concern for all employees, especially for employees seeking full family insurance coverage and for the lowest-paid and part-time employees.

(2) The legislature establishes the following goals:

(a) Improve the transparency of health benefit plan claims and financial data to assure prudent and efficient use of taxpayers' funds at the state and local levels;

(b) Create greater affordability for full family coverage and greater equity between premium costs for full family coverage and for employee only coverage for the same health benefit plan;

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(c) Promote health care innovations and cost savings, and significantly reduce administrative costs; and

(d) Provide greater parity in state allocations for state employee and K-12 employee health benefits.

(3) The legislature intends to retain current collective bargaining for benefits, and retain state, school district, and employee contributions to benefits." [2012 2nd sp.s. c 3 § 1.]

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

28A.400.280 Employee benefits—Employer contributions—Optional benefits—Annual report. (1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2)(a) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must not compete with any form of the basic or optional benefits offered in the school employees' benefits board program either under the school employees' benefits board's authority in RCW 41.05.740 or offered under the authority of the health care authority in the salary reduction plan authorized in RCW 41.05.300 and 41.05.310.

(b) Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees' benefits board and health care authority.

(c) School districts, and the applicable carrier, must work with the health care authority to either modify and remove competing components of the district-based benefit or end any district-based benefit offering in competition with either the health care authority's or the school employees' benefits board offered benefits.

(d) Unless the school employees' benefits board offers such benefits, school districts may offer only the following optional benefits to school employees:

(i) Benefits listed in RCW 41.05.745(1) (a) through (i), offered as employee-paid, voluntary benefits that may be administered by using payroll deductions; and

(ii) Voluntary employees' beneficiary association accounts, including benefit plans authorized in RCW 28A.400.210(3).

(3) School districts are not intended to divert state basic benefit allocations for other purposes. Beginning January 1, 2020, school districts must offer all benefits offered by the school employees' benefits board administered by the health care authority, and consistent with RCW 41.56.500(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education. [2020 c 231 § 1; 2018 c 260 § 29; 2017 3rd sp.s. c 13 § 815; 2012 2nd sp.s. c 3 § 2; 2011 c 269 § 1; 1990 1st ex.s. c 11 § 6.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

28A.400.285 Contracts for services performed by classified employees. (1) When a school district or educa-

tional service district enters into a contract for services that had been previously performed by classified school employees, the contract shall contain a specific clause requiring the contractor to provide for persons performing such services under the contract, health benefits that are similar to those provided for school employees who would otherwise perform the work, but in no case are such health benefits required to be greater than the benefits provided for basic health care services under chapter 70.47 RCW.

(2) Decisions to enter into contracts for services by a school district or educational service district may only be made: (a) After the affected district has conducted a feasibility study determining the potential costs and benefits, including the impact on district employees who would otherwise perform the work, that would result from contracting for the services; (b) after the decision to contract for the services has been reviewed and approved by the superintendent of public instruction; and (c) subject to any applicable requirements for collective bargaining. The factors to be considered in the feasibility study shall be developed in consultation with representatives of the affected employees and may include both long-term and short-term effects of the proposal to contract for services.

(3) This section applies only if a contract is for services performed by classified school employees on or after July 25, 1993.

(4) This section does not apply to:

(a) Temporary, nonongoing, or nonrecurring service contracts; or

(b) Contracts for services previously performed by employees in director/supervisor, professional, and technical positions.

(5) For the purposes of subsection (4) of this section:

(a) "Director/supervisor position" means a position in which an employee directs staff members and manages a function, a program, or a support service.

(b) "Professional position" means a position for which an employee is required to have a high degree of knowledge and skills acquired through a baccalaureate degree or its equivalent.

(c) "Technical position" means a position for which an employee is required to have a combination of knowledge and skills that can be obtained through approximately two years of posthigh school education, such as from a community or technical college, or by on-the-job training. [1997 c 267 § 2; 1993 c 349 § 1.]

HIRING AND DISCHARGE

28A.400.300 Hiring and discharging of employees—Written leave policies—Seniority and leave benefits of employees transferring between school districts and other educational employers. (1) Every board of directors, unless otherwise specially provided by law, shall:

(a) Except as provided in subsection (3) of this section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at

official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe. However, the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least ten days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(iii) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(iv) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(v) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave;

(vi) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(vii) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington center for deaf and hard of hearing youth, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position. However, classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229. [2019 c 266 § 19; 2012 c 186 § 20; 2009 c 47 § 2; 2008 c 174 § 2; 1997 c 13 § 10; 1990 c 33 § 382. Prior: 1985 c 210 § 1; 1985 c 46 § 1; 1983 c 275 § 3. Formerly RCW 28A.58.099.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

Intent—Construction—1983 c 275: See note following RCW 28A.400.210.

28A.400.301 Information on past sexual misconduct—Requirement for applicants—Limitation on contracts and agreements—Employee right to review personnel file. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicant" means an applicant for employment in a certificated or classified position who is currently or was previously employed by a school district.

(b) "Employer" means a school district employer.

(2) Before hiring an applicant, a school district shall request the applicant to sign a statement:

(a) Authorizing the applicant's current and past employers, including employers outside of Washington state, to disclose to the hiring school district sexual misconduct, if any, by the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant; and

(b) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (a) of this subsection, as provided in subsection (4) of this section.

(3) Before hiring an applicant, a school district shall request in writing, electronic or otherwise, the applicant's current and past employers, including out-of-state employers, to provide the information described in subsection (2)(a) of this section, if any. The request shall include a copy of the statement signed by the applicant under subsection (2) of this section.

(4) Not later than twenty business days after receiving a request under subsection (3) of this section, a school district shall provide the information requested and make available to the requesting school district copies of all documents in the applicant's personnel record relating to the sexual mis-

conduct. The school district, or an employee acting on behalf of the school district, who in good faith discloses information under this section is immune from civil liability for the disclosure.

(5) A hiring district shall request from the office of the superintendent of public instruction verification of certification status, including information relating to sexual misconduct as established by the provisions of subsection (11) of this section, if any, for applicants for certificated employment.

(6) A school district shall not hire an applicant who does not sign the statement described in subsection (2) of this section.

(7) School districts may employ applicants on a conditional basis pending the district's review of information obtained under this section. When requests are sent to out-of-state employers under subsection (3) of this section, an applicant who has signed the statement described in subsection (2) of this section, shall not be prevented from gaining employment in Washington public schools if the laws or policies of that other state prevent documents from being made available to Washington state school districts or if the out-of-state school district fails or refuses to cooperate with the request.

(8) Information received under this section shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor.

(9) Beginning September 1, 2004, the board or an official of a school district shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by the applicant. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable, and may not be withheld from disclosure by the entry of any administrative or court order. This subsection does not restrict the expungement from a personnel file of information about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.

(10) This section does not prevent a school district from requesting or requiring an applicant to provide information other than that described in this section.

(11) By September 1, 2004, the state board of education has the authority to and shall adopt rules defining "verbal abuse," "physical abuse," and "sexual misconduct" as used in this section for application to all classified and certificated employees. The definitions of verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the

abuse or misconduct resulted in the employee's leaving his or her position at the school district.

(12) Except as limited by chapter 49.12 RCW, at the conclusion of a school district's investigation, a school employee has the right to review his or her entire personnel file, investigative file, or other file maintained by the school district relating to sexual misconduct as addressed in this section and to attach rebuttals to any documents as the employee deems necessary. Rebuttal documents shall be disclosed in the same manner as the documents to which they are attached. The provisions of this subsection do not supercede the protections provided individuals under the state whistleblower laws in chapter 42.41 RCW. [2005 c 266 § 1; 2004 c 29 § 2.]

Findings—2004 c 29: "The legislature recognizes that state law requires criminal background checks of applicants for school district employment. However, the legislature finds that, because they generally are limited to criminal conviction histories, results of background checks are more complete when supplemented by an applicant's history of past sexual misconduct. Therefore, the legislature finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts." [2004 c 29 § 1.]

28A.400.302 Application question on administrative leave. A school district employment application may not include a question asking whether the applicant has ever been placed on administrative leave. [2019 c 295 § 311.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

28A.400.303 Record checks for employees and certain volunteers and contractors—Cost. (1)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, and their contractors shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation criminal justice information systems before hiring the following employees:

(i) Employees who will have regularly scheduled unsupervised access to children or persons with developmental disabilities; and

(ii) Employees who receive criminal history record information or personally identifiable information from the record check.

(b) A record check under this section must include a fingerprint check using a complete Washington state criminal identification fingerprint card.

(c) The requesting entity may provide a copy of the record report to the applicant at the applicant's request.

(d) When necessary, applicants for employment may be employed on a conditional basis pending completion of the record check.

(e) If the applicant for employment has had a record check within the previous two years, the district, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, or contractor may waive the requirement.

(f) Except as provided in subsection (2) of this section, the school district, pursuant to chapter 41.59 or 41.56 RCW, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1)(a) of this section to perform record checks for their employees and applicants for employment.

(3)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, federal bureau of Indian affairs-funded schools, charter schools established under chapter 28A.710 RCW, schools that are the subject of a state-tribal education compact under chapter 28A.715 RCW, and their contractors may use the process in subsection (1)(a) of this section to perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under eighteen years of age or persons with developmental disabilities, during the course of his or her involvement with the school or organization under circumstances where access will or may involve the following:

(i) Groups of five or fewer children under twelve years of age;

(ii) Groups of three or fewer children between twelve and eighteen years of age; or

(iii) Persons with developmental disabilities.

(b) For purposes of (a) of this subsection, "unsupervised" means not in the presence of:

(i) Another employee or volunteer from the same school or organization; or

(ii) Any relative or guardian of any of the children or persons with developmental disabilities to which the prospective employee or volunteer has access during the course of his or her involvement with the school or organization.

(4) Individuals who hold a valid portable background check clearance card issued by the department of children, youth, and families consistent with RCW 43.216.270 can meet the requirements in subsection (1) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction.

(5) The cost of record checks must include: The fees established by the Washington state patrol and the federal bureau of investigation for the criminal history background checks; a fee paid to the superintendent of public instruction for the cost of administering this section and RCW 28A.195.080 and 28A.410.010; and other applicable fees for obtaining the fingerprints. [2020 c 22 § 1; 2019 c 266 § 20. Prior: 2017 3rd sp.s. c 33 § 1; 2017 3rd sp.s. c 6 § 220; 2014

c 50 § 1; 2009 c 381 § 29; 2007 c 35 § 1; 2001 c 296 § 3; 1992 c 159 § 2.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

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

Intent—2001 c 296: See note following RCW 9.96A.060.

Findings—1992 c 159: "The legislature finds that additional safeguards are necessary to ensure the safety of Washington's school children. The legislature further finds that the results from state patrol record checks are more complete when fingerprints of individuals are provided, and that information from the federal bureau of investigation also is necessary to obtain information on out-of-state criminal records. The legislature further finds that confidentiality safeguards in state law are in place to ensure that the rights of applicants for certification or jobs and newly hired employees are protected." [1992 c 159 § 1.]

Criminal history record information—School volunteers: RCW 28A.320.155.

28A.400.305 Record check information—Access—Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement RCW 28A.400.303. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, approved private school, Washington center for deaf and hard of hearing youth, state school for the blind, federal bureau of Indian affairs-funded school employee, charter school established under chapter 28A.710 RCW, school that is the subject of a state-tribal education compact under chapter 28A.715 RCW, or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303; and

(2) Written procedures limiting access to the superintendent of public instruction record check database to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, approved private schools, the Washington center for deaf and hard of hearing youth, the state school for the blind, the appropriate educational service district or districts, the appropriate federal bureau of Indian affairs-funded schools, the appropriate charter schools, and the appropriate state-tribal education compact schools. [2019 c 266 § 21; 2017 3rd sp.s. c 33 § 2; 2010 c 100 § 1; 2009 c 381 § 30; 2007 c 35 § 2; 2001 c 296 § 4; 1996 c 126 § 5.]

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

Intent—2001 c 296: See note following RCW 9.96A.060.

Additional notes found at www.leg.wa.gov

28A.400.306 Fingerprints accepted by the state patrol—Fingerprints forwarded to the federal bureau of investigation—Conditions. The state patrol shall accept fingerprints obtained under this chapter only if it can ensure that the patrol will not retain a record of the fingerprints after the check is complete. It shall not forward fingerprints obtained under this chapter to the federal bureau of investigation unless it can ensure that the federal bureau of investigation will not retain a record of the fingerprints after the check is complete. [1995 c 335 § 504; 1992 c 159 § 9.]

Findings—1992 c 159: See note following RCW 28A.400.303.

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Additional notes found at www.leg.wa.gov

28A.400.309 K-12 criminal background check account. The K-12 criminal background check account is created in the custody of the state treasurer. All fees collected by the office of the superintendent of public instruction pursuant to RCW 28A.400.303 must be deposited in the account. Expenditures from the account may be made only for the purpose of administering the office of the superintendent of public instruction's duties under RCW 28A.400.303 and 28A.410.010. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2017 3rd sp.s. c 33 § 5.]

28A.400.310 Law against discrimination applicable to districts' employment practices. The provisions of chapter 49.60 RCW as now or hereafter amended shall be applicable to the employment of any certificated or classified employee by any school district organized in this state. [1997 c 13 § 11; 1969 ex.s. c 223 § 28A.02.050. Prior: (i) 1937 c 52 § 1; RRS § 4693-1. Formerly RCW 28.02.050. (ii) 1937 c 52 § 2; RRS § 4693-2. Formerly RCW 28A.02.050, 28.02.051.]

28A.400.315 Employment contracts. Employment contracts entered into between an employer and a superintendent, or administrator as defined in RCW 28A.405.230, under RCW 28A.400.010, 28A.400.300, or 28A.405.210:

(1) Shall end no later than June 30th of the calendar year that the contract expires except that, a contract entered into after June 30th of a given year may expire during that same calendar year; and

(2) Shall not be revised or entered into retroactively. [1990 c 8 § 6.]

Findings—1990 c 8: See note following RCW 41.50.065.

28A.400.317 Physical abuse or sexual misconduct by school employees—Duty to report—Training. (1) A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee, shall report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030. [2013 c 10 § 4; 2004 c 135 § 1.]

Finding—2013 c 10: See note following RCW 28A.410.035.

[Title 28A RCW—page 299]

28A.400.320 Crimes against children—Mandatory termination of classified employees—Appeal—Recovery of salary or compensation by district. (1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322.

(2) The employee shall have a right of appeal under chapter 28A.645 RCW including any right of appeal under a collective bargaining agreement. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final. [2009 c 396 § 2; 1990 c 33 § 383; 1989 c 320 § 3. Formerly RCW 28A.58.1001.]

Notification of conviction or guilty plea of certain felony crimes: RCW 43.43.845.

Additional notes found at www.leg.wa.gov

28A.400.322 Crimes against children—Crimes specified. (1) RCW 28A.400.320, 28A.400.330, 28A.405.470, *28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring after July 23, 1989, and before July 26, 2009, for any of the following felony crimes:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, except motor vehicle violations under chapter 46.61 RCW;

(c) Sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(e) Promoting prostitution of a minor under chapter 9A.88 RCW;

(f) The sale or purchase of a minor child under RCW 9A.64.030;

(g) Violation of laws of another jurisdiction that are similar to those specified in (a) through (f) of this subsection.

(2) RCW 28A.400.320, 28A.400.330, 28A.405.470, *28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring on or after July 26, 2009, for any of the following felony crimes or attempts, conspiracies, or solicitations to commit any of the following felony crimes:

(a) A felony violation of RCW 9A.88.010, indecent exposure;

(b) A felony violation of chapter 9A.42 RCW involving physical neglect;

(c) A felony violation of chapter 9A.32 RCW;

(d) A violation of RCW 9A.36.011, assault 1; 9A.36.021, assault 2; 9A.36.120, assault of a child 1; 9A.36.130, assault of a child 2; or any other felony violation of chapter 9A.36 RCW involving physical injury except assault 3 where the victim is eighteen years of age or older;

(e) A sex offense as defined in RCW 9.94A.030;

(f) A violation of RCW 9A.40.020, kidnapping 1; or 9A.40.030, kidnapping 2;

(g) A violation of RCW 9A.64.030, child selling or child buying;

(h) A violation of RCW 9A.88.070, promoting prostitution 1;

(i) A violation of RCW 9A.56.200, robbery 1; or

(j) A violation of laws of another jurisdiction that are similar to those specified in (a) through (i) of this subsection. [2009 c 396 § 1.]

*Reviser's note: RCW 28A.410.090 was amended by 2013 c 163 § 1, changing subsection (3) to subsection (4).

28A.400.330 Crimes against children—Contractor employees—Termination of contract. The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract. [2009 c 396 § 3; 1989 c 320 § 4. Formerly RCW 28A.58.1002.]

Additional notes found at www.leg.wa.gov

28A.400.332 Use of persons, money, or property for private gain. (1) No school district employee may employ or use any person, money, or property under the employee's official control or direction, in his or her official custody, without authorization, for the private benefit or gain of the employee or another.

(2) This section does not prohibit the use of public resources to benefit others as part of the employee's official duties.

(3) Each school district board of directors may adopt policies providing exceptions to this section for occasional use of the employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

(4) The office of the superintendent of public instruction shall adopt disciplinary guidelines for violations of this section. [2009 c 224 § 1.]

28A.400.340 Notice of discharge to contain notice of right to appeal if available. Any notice of discharge given to a classified or certificated employee, if that employee has a right to appeal the discharge, shall contain notice of that right, notice that a description of the appeal process is available, and how the description of the appeal process may be obtained. [1991 c 102 § 1.]

28A.400.345 School safety and security staff—Required training. (1) Prior to assigning safety and security staff to work on school property when students are expected to be present, school districts and their contractors must either:

(a) Confirm that the safety and security staff have training series documentation provided under RCW 28A.310.515; or

(b) Require the safety and security staff to complete the training series described in subsection (2) of this section.

(2)(a) The training series, two components for school resource officers and three components for other safety and security staff, must meet the requirements in this subsection.

(b) All safety and security staff must complete classroom training on the subjects listed in RCW 28A.310.515(2), within the first six months of working on school property when students are expected to be present.

(c) All safety and security staff must complete two days of on-the-job training with experienced safety and security staff, at the school of the experienced staff, within the first year of working on school property when students are expected to be present.

(d) Safety and security staff who are not school resource officers must complete at least six check-in trainings with experienced staff within the first year of working on school property when students are expected to be present.

(3) School safety and security staff who complete the training series described in subsection (2) of this section, and staff with significant prior training and experience, may request training series documentation from an educational service district under RCW 28A.310.515.

(4) Nothing in this section effects the categorization of safety and security staff as classified staff. Safety and security staff are not considered certificated instructional staff as that term and its meaning are used in this title.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Safety and security staff" or "staff" has the same meaning as in RCW 28A.320.124.

(b) "School resource officer" has the same meaning as in RCW 28A.320.124. [2021 c 38 § 3.]

Findings—Intent—2021 c 38: "(1) The legislature acknowledges the disproportionate impact that interactions with police have on youth of color and on black youth in particular. Not only are black youth more likely than their white peers to have contact with police at a young age despite similar or lower rates of illegal behavior, but early police contact for black youth is predictive of future arrests in a way that is not true for white youth.

(2) The legislature finds that schools should be a place in which all youth feel safe and it is imperative that school resource officers, school security officers, and other school safety and security staff do not contribute to an unsafe environment for black youth and youth of color.

(3) The legislature recognizes that chapter 333, Laws of 2019 made significant improvements to the quality and transparency of school districts' school resource officer programs by implementing training and intergovernmental agreement requirements. However, the legislature intends to expand these requirements to other school safety and security staff. The legislature also expects to require on-the-job training. In addition, the legislature finds that in order to understand the full scope and impact of safety and security staff on school property, additional information must be collected and made publicly available." [2021 c 38 § 1.]

INSURANCE

28A.400.350 Medical, dental, vision, liability, life, accident, disability, and salary insurance authorized—Expiration of authority for basic and optional benefits—Health savings accounts—Premiums—Noncompliance.

(1) The board of directors of any of the state's school districts or educational service districts may make available medical,

dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may uti-

lize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in *RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except (a) for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, and (b) as authorized under RCW 28A.400.280. Beginning January 1, 2020, school districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. [2020 c 231 § 2; 2019 c 411 § 6; 2018 c 260 § 23; 2017 3rd sp.s. c 13 § 816; 2012 2nd sp.s. c 3 § 3; 2011 c 269 § 2; 2001 c 266 § 2. Prior: 1995 1st sp.s. c 6 § 18; 1995 c 126 § 1; 1993 c 492 § 226; prior: 1990 1st ex.s. c 11 § 3; 1990 c 74 § 1; 1988 c 107 § 16; 1985 c 277 § 8; 1977 ex.s. c 255 § 1; 1973 1st ex.s. c 9 § 1; 1971 ex.s. c 269 § 2; 1971 c 8 § 3; 1969 ex.s. c 237 § 3; 1969 ex.s. c 223 § 28A.58.420; prior: 1967 c 135 § 2, part;

1959 c 187 § 1, part. Formerly RCW 28A.58.420, 28.76.410, part.]

*Reviser's note: RCW 41.05.655 was repealed by 2017 3rd sp.s. c 25 § 23.

Effective date—2018 c 260 §§ 14, 22, 23, 31, and 32: See note following RCW 41.05.075.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Findings—Intent—1993 c 492: See notes following RCW 43.20.050.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

Hospitalization and medical insurance authorized: RCW 41.04.180.

Operation of student transportation program responsibility of local district—Scope—Transporting of elderly—Insurance: RCW 28A.160.010.

Retirement allowance deductions for health care benefit plans: RCW 41.04.235.

Additional notes found at www.leg.wa.gov

28A.400.360 Liability insurance for officials and employees authorized. The board of directors of each school district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 1. Formerly RCW 28A.58.423.]

28A.400.370 Mandatory insurance protection for employees. Notwithstanding any other provision of law, after August 9, 1971 boards of directors of all school districts shall provide their employees with insurance protection covering those employees while engaged in the maintenance of order and discipline and the protection of school personnel and students and the property thereof when that is deemed necessary by such employees. Such insurance protection must include as a minimum, liability insurance covering injury to persons and property, and insurance protecting those employees from loss or damage of their personal property incurred while so engaged. [1971 ex.s. c 269 § 1. Formerly RCW 28A.58.425.]

Additional notes found at www.leg.wa.gov

28A.400.380 Leave sharing program. Every school district board of directors and educational service district superintendent may, in accordance with RCW 41.04.650 through 41.04.665, establish and administer a leave sharing program for their certificated and classified employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt standards: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; and (2) establishing procedures to ensure that the program does not significantly increase the cost of providing leave. [1997 c 13 § 12; 1990 c 23 § 4; 1989 c 93 § 6. Formerly RCW 28A.58.0991.]

Additional notes found at www.leg.wa.gov

28A.400.391 Insurance for retired and disabled employees—Application—Rules. (1) Every group disability insurance policy, health care service contract, health

maintenance agreement, and health and welfare benefit plan obtained or created to provide benefits to employees of school districts and their dependents shall contain provisions that permit retired and disabled employees to continue medical, dental, or vision coverage under the group policy, contract, agreement, or plan until September 30, 1993, or until the employee becomes eligible for federal medicare coverage, whichever occurs first. The terms and conditions for election and maintenance of such continued coverage shall conform to the standards established under the federal consolidated omnibus budget reconciliation act of 1985, as amended. The period of continued coverage provided under this section shall run concurrently with any period of coverage guaranteed under the federal consolidated omnibus budget reconciliation act of 1985, as amended.

(2) This section applies to:

(a) School district employees who retired or lost insurance coverage due to disability after July 28, 1991;

(b) School district employees who retired or lost insurance coverage due to disability within the eighteen-month period ending on July 28, 1991; and

(c) School district employees who retired or lost insurance coverage due to disability prior to January 28, 1990, and who were covered by their employing district's insurance plan on January 1, 1991.

(3) For the purposes of this section "retired employee" means an employee who separates from district service and is eligible at the time of separation from service to receive, immediately following separation from service, a retirement allowance under chapter 41.32 or 41.40 RCW.

(4) The superintendent of public instruction shall adopt administrative rules to implement this section. [1993 c 386 § 2; 1992 c 152 § 1.]

Intent—1993 c 386: "It is the legislature's intent to increase access to health insurance for retired and disabled school employees and also to improve equity between state employees and school employees by providing for the reduction of health insurance premiums charged to retired school employees through a subsidy charged against health insurance allocations for active employees. It is further the legislature's intent to improve the cost-effectiveness of state purchased health care by managing programs for public employees, in this case retired school employees, through the state health care authority." [1993 c 386 § 1.]

Additional notes found at www.leg.wa.gov

28A.400.395 Insurance for retired employees and their dependents—Method of payment of premium. A group disability insurance policy, health care service contract, health maintenance agreement, or health and welfare benefit plan that provides benefits to retired school district employees and eligible dependents shall not require the beneficiary to make payment by monthly deduction from the beneficiary's state retirement allowance if the payment exceeds the retirement allowance. In such cases, the payment may be made directly by the individual beneficiary. [1992 c 152 § 3.]

28A.400.410 Payment to the public employees' and retirees' insurance account. (1) In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance

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account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority. [1995 1st sp.s. c 6 § 1.]

Additional notes found at www.leg.wa.gov

**Chapter 28A.405 RCW
CERTIFICATED EMPLOYEES**

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HIRING AND DISCHARGE

28A.405.300 Adverse change in contract status of certificated employee—Determination of probable cause—Notice—Opportunity for hearing.

28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal of contract—Hearings—Procedure.

28A.405.320 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Notice—Service—Filing—Contents.

- 28A.405.330 Adverse change in contract status of certificated employee, including nonrenewal of contract—Notice of appeal—Filing party—Certification and filing.
- 28A.405.340 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Scope.
- 28A.405.350 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Costs, attorney's fee and damages.
- 28A.405.360 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appellate review.
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- 28A.405.380 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Direct judicial appeal, when.

SALARY AND COMPENSATION

- 28A.405.400 Payroll deductions authorized for employees.
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- 28A.405.460 Lunch period for certificated employees.
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- 28A.405.466 Presence of certificated personnel at schools before and after school—Policy.

TERMINATION OF CERTIFICATED STAFF

- 28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district.
- 28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies—Notice to superintendent of public instruction—Record of notices.
- 28A.405.900 Certain certificated employees exempt from chapter provisions.

Assistance of certificated or classified employee—Reimbursement for substitute: RCW 28A.300.035.

Conditional scholarship and loan repayment program for future teachers: Chapter 28B.102 RCW.

Educational employment relations act: Chapter 41.59 RCW.

28A.405.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 31.]

Additional notes found at www.leg.wa.gov

QUALIFICATIONS

28A.405.030 Must teach morality and patriotism. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship. [1969 ex.s. c 223 § 28A.67.110. Prior: 1909 c 97 p 308 § 8; RRS § 4855; prior: 1897 c 118 § 58; 1890 p 371 § 42; 1886 p 19 § 50; Code 1881 § 3203. Formerly RCW 28A.67.110, 28.67.110.]

28A.405.040 Disqualification for failure to emphasize patriotism—Penalty. (1) No person, whose certificate or permit authorizing him or her to teach in the common schools of this state has been revoked due to his or her failure

to endeavor to impress on the minds of his or her pupils the principles of patriotism, or to train them up to the true comprehension of the rights, duty and dignity of American citizenship, shall be permitted to teach in any common school in this state.

(2) Any person teaching in any school in violation of this section, and any school director knowingly permitting any person to teach in any school in violation of this section is guilty of a misdemeanor. [2003 c 53 § 167; 1990 c 33 § 384; 1969 ex.s. c 223 § 28A.67.030. Prior: 1919 c 38 § 2; RRS § 4846. Formerly RCW 28A.67.030, 28.67.030.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

28A.405.060 Course of study and regulations—Enforcement—Withholding salary warrant for failure. Certificated employees shall faithfully enforce in the common schools the course of study and regulations prescribed, whether regulations of the district, the superintendent of public instruction, or the state board of education, and shall furnish promptly all information relating to the common schools which may be requested by the educational service district superintendent.

Any certificated employee who wilfully refuses or neglects to enforce the course of study or the rules and regulations as above in this section required, shall not be allowed by the directors any warrant for salary due until said person shall have complied with said requirements. [1975 1st ex.s. c 275 § 132; 1971 c 48 § 49; 1969 ex.s. c 223 § 28A.67.060. Prior: (i) 1909 c 97 p 307 § 4; RRS § 4850; prior: 1899 c 142 § 11; 1897 c 118 § 54; 1886 p 18 § 47. Formerly RCW 28.67.060. (ii) 1909 c 97 p 360 § 8; RRS § 5051; prior: 1903 c 156 § 8; 1897 c 118 § 166. Formerly RCW 28A.67.060, 28.87.150.]

28A.405.070 Job sharing. Effective December 31, 1995, school and educational service districts shall have a policy on the sharing of jobs by district employees. [1995 c 335 § 701; 1989 c 206 § 1. Formerly RCW 28A.58.580.]

Additional notes found at www.leg.wa.gov

CRITERIA FOR EVALUATION AND MODEL PROGRAMS

28A.405.100 Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation.

(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) 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 evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data must be a substantial factor in evaluating the performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four performance ratings for each of the minimum criteria in (b) of this subsection and one of the four performance ratings for the evaluation as a whole, which shall be the comprehensive performance rating. The superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive performance rating for each of the preferred instructional frameworks, including for a focused performance evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) The superintendent of public instruction shall adopt rules that provide descriptors for each of the performance ratings with updates to the rules made following consultation with the steering committee described in subsection (7)(a)(i) of this section.

(e) The superintendent of public instruction shall identify up to three preferred instructional frameworks that support the four-level rating evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's website. The superintendent of public instruction shall establish a process for approving minor modifications

or adaptations to a preferred instructional framework that may be proposed by a school district.

(f) Student growth data that is relevant to the teacher and subject matter must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate. Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

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

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who are required to be on the four-level rating evaluation system, the following comprehensive performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for non-renewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the

school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement. A classroom teacher who is required to be on the four-level rating evaluation system must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(c) When a continuing contract employee with five or more years of experience receives a comprehensive performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second comprehensive performance evaluation or May 15th,

whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who is required to be on the four-level rating evaluation system, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

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

(6)(a) Every board of directors shall establish evaluative criteria and a four-level rating system for principals.

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

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A principal shall receive one of the four performance ratings for each of the minimum criteria in

(b) of this subsection and one of the four performance ratings for the evaluation as a whole, which shall be the comprehensive performance rating.

(d) The superintendent of public instruction shall adopt rules that provide descriptors for each of the performance ratings, with updates to the rules made following consultation with the steering committee described in subsection (7)(a)(i) of this section.

(e) The superintendent of public instruction shall identify up to three preferred leadership frameworks that support the four-level rating evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's website. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f) Student growth data that is relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) The following comprehensive performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a)(i) The steering committee is composed of the following participants: State associations representing teachers, principals, administrators, school board members, and parents.

(ii) The superintendent of public instruction, in collaboration with the steering committee, shall periodically examine implementation issues and refine tools for the teacher and principal four-level rating evaluation systems, including professional learning that addresses issues of equity through the lens of the selected instructional and leadership frameworks.

(b) The superintendent of public instruction shall monitor the statewide implementation of teacher and principal four-level rating evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must, in accordance with RCW 43.01.036, report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2019, and December 1, 2020.

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

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

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

(12) Certificated classroom teachers and principals who are required to be on the four-level rating evaluation system must receive annual performance evaluations as provided in this subsection (12).

(a) A comprehensive performance evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive performance rating. Classroom teachers and principals must receive a comprehensive performance evaluation.

ation according to the schedule specified in (b) of this subsection.

(b)(i) Except as otherwise provided in this subsection (12)(b), classroom teachers and principals must receive a comprehensive performance evaluation at least once every six years.

(ii) The following types of classroom teachers and principals must receive an annual comprehensive performance evaluation:

(A) A classroom teacher who is a provisional employee under RCW 28A.405.220;

(B) A principal in the first three consecutive school years of employment as a principal;

(C) A principal previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(D) A classroom teacher or principal who received a comprehensive performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive performance evaluation is not required, classroom teachers and principals who received a comprehensive performance rating of level 3 or above in their previous comprehensive performance evaluation are required to complete a focused performance evaluation. A focused performance evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive performance evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a performance rating for the focused performance evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused performance evaluation to a comprehensive performance evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive performance evaluations of principals on an annual basis.

(vi) A classroom teacher or principal may apply the focused performance evaluation professional growth activities toward the professional growth plan for certificate renewal as required by the Washington professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 - distinguished performance ratings. [2019 c 295 § 303; 2012 c 35 § 1; 2010 c 235 § 202; 1997 c 278 § 1; 1994 c 115 § 1; 1990 c 33 § 386; 1985 c 420 § 6; 1975-'76

2nd ex.s. c 114 § 3; 1975 1st ex.s. c 288 § 22; 1969 ex.s. c 34 § 22. Formerly RCW 28A.67.065.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

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

Construction of chapter—Employee's rights preserved: See RCW 41.59.920.

Construction of chapter—Employer's responsibilities and rights preserved: See RCW 41.59.930.

Criteria used for evaluation of staff members to be included in guide: RCW 28A.150.230.

Additional notes found at www.leg.wa.gov

28A.405.102 Analysis of evaluation systems. (1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100 (2) and (6) affect issues related to a change in contract status.

(2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures, and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals. [2010 c 235 § 204.]

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

28A.405.104 Professional development funding for new teachers—Districts participating in evaluation system in RCW 28A.405.100 (2) and (6). If funds are provided for professional development activities designed specifically for first through third-year teachers, the funds shall be allocated first to districts participating in the evaluation systems in RCW 28A.405.100 (2) and (6) before the required implementation date under that section. [2010 c 235 § 205.]

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

28A.405.106 Professional development program to support evaluation systems—Duties of the office of the superintendent of public instruction—Website with professional development materials. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

- (a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;
- (b) Orientation to and use of instructional frameworks;
- (c) Orientation to and use of the leadership frameworks;
- (d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;
- (e) Strategies for achieving maximum rater agreement;
- (f) Evaluator feedback protocols in the evaluation systems;
- (g) Examples of high quality teaching and leadership; and
- (h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. The office of the superintendent of public instruction, in consultation with the Washington professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:

- (a) Access to material over a reasonable number of training sessions;
- (b) Delivery in person or online; and
- (c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a website that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of *RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria. [2021 c 197 § 10; 2016 c 72 § 202; 2012 c 35 § 5.]

*Reviser's note: RCW 28A.415.020 was repealed by 2018 c 266 § 411.

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

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

28A.405.110 Evaluations—Legislative findings. The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity. [2006 c 263 § 806; 1985 c 420 § 1. Formerly RCW 28A.67.205.]

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

Reviser's note: (1) 1985 ex.s. c 6 § 501 provides specific funding for the purposes of this act.

(2) 1985 ex.s. c 6 took effect June 27, 1985.

Additional notes found at www.leg.wa.gov

28A.405.120 Training for evaluators. (1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition. [2016 c 72 § 203; 2012 c 35 § 2; 1995 c 335 § 401; 1985 c 420 § 3. Formerly RCW 28A.67.210.]

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

Additional notes found at www.leg.wa.gov

28A.405.130 Training in evaluation procedures required. (1) No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

(2) Before evaluating classroom teachers using the evaluation systems required under RCW 28A.405.100, principals and administrators must engage in professional development designed to implement the revised systems and maximize rater agreement. [2012 c 35 § 3; 1985 c 420 § 4. Formerly RCW 28A.67.215.]

Additional notes found at www.leg.wa.gov

28A.405.140 Assistance for teacher may be required after evaluation. After an evaluation conducted pursuant to RCW 28A.405.100, the principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement. [1993 c 336 § 403; 1990 c 33 § 387; 1985 c 420 § 5. Formerly RCW 28A.67.220.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Additional notes found at www.leg.wa.gov

28A.405.170 Teacher's use of sexual orientation curriculum. A teacher's evaluation under RCW 28A.405.100 may not be negatively impacted if a teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation including gender expression or identity so long as the subject matter is age-appropriate and connected to the teacher's content area. [2019 c 194 § 4.]

CONDITIONS AND CONTRACTS OF EMPLOYMENT

28A.405.200 Annual salary schedules as basis for salaries of certificated employees. Every school district by action of its board of directors shall adopt annual salary schedules and reproduce the same by printing, mimeographing or other reasonable method, which shall be the basis for

salaries for all certificated employees in the district. [1969 ex.s. c 283 § 1. Formerly RCW 28A.67.066, 28.67.066.]

Additional notes found at www.leg.wa.gov

28A.405.210 Conditions and contracts of employment—Determination of probable cause for nonrenewal of contracts—Nonrenewal due to enrollment decline or revenue loss—Notice—Opportunity for hearing. No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be

conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a nonrenewal of contract for the purposes of this section. [2016 c 85 § 1; 2010 c 235 § 303; 2009 c 57 § 1; 2005 c 497 § 216; 1996 c 201 § 1; 1990 c 33 § 390. Prior: 1983 c 83 § 1; 1983 c 56 § 11; 1975-'76 2nd ex.s. c 114 § 4; 1975 1st ex.s. c 275 § 133; 1973 c 49 § 2; 1970 ex.s. c 15 § 16; prior: 1969 ex.s. c 176 § 143; 1969 ex.s. c 34 § 12; 1969 ex.s. c 15 § 2; 1969 ex.s. c 223 § 28A.67.070; prior: 1961 c 241 § 1; 1955 c 68 § 3; prior: (i) 1909 c 97 p 307 § 5; 1897 c 118 § 55; 1891 c 127 § 14; 1890 p 369 § 37; 1886 p 18 § 47; Code 1881 § 3200; RRS § 4851. (ii) 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; 1901 c 41 § 3, part; 1897 c 118 § 40, part; 1890 p 364 § 26, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28A.67.070, 28.67.070.]

Effective date—2016 c 85: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2016]." [2016 c 85 § 6.]

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

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation: RCW 28A.405.100.

School superintendent—RCW 28A.405.210 not applicable to contract renewal: RCW 28A.400.010.

Additional notes found at www.leg.wa.gov

28A.405.220 Conditions and contracts of employment—Nonrenewal of provisional employees—Notice—Procedure. (1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the employee has received an evaluation rating below level 2 on the four-level rating system established under RCW 28A.405.100 during the third year of employment, in which case the employee shall remain subject to the nonrenewal of the employment contract until the employee receives a level 2 rating; or (c) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as

defined in this section shall hereinafter be referred to as "provisional employees."

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

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

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

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

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW. [2016 c 85 § 2; 2012 c 35 § 7; 2010 c 235 § 203; 2009 c 57 § 2; 1996 c 201 § 2; 1992 c 141 § 103; 1990 c 33 § 391; 1975-'76 2nd ex.s. c 114 § 1. Formerly RCW 28A.67.072.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

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

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

Additional notes found at www.leg.wa.gov

28A.405.230 Conditions and contracts of employment—Transfer of administrator to subordinate certificated position—Notice—Procedure. Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or non-administrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: PROVIDED, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another

school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976, and to all persons so employed at any time thereafter, except that RCW 28A.405.245 applies to persons first employed after June 10, 2010, as a principal by a school district meeting the criteria of RCW 28A.405.245. This section provides the exclusive means for transferring an administrator subject to this section to a subordinate certificated position at the expiration of the term of his or her employment contract. [2016 c 85 § 3; 2010 c 235 § 304; 2009 c 57 § 3; 1996 c 201 § 3; 1990 c 33 § 392; 1975-'76 2nd ex.s. c 114 § 9. Formerly RCW 28A.67.073.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

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

Additional notes found at www.leg.wa.gov

28A.405.240 Conditions and contracts of employment—Supplemental contracts, when—Continuing contract provisions not applicable to. No certificated employee shall be required to perform duties not described in the contract unless a new or supplemental contract is made, except that in an unexpected emergency the board of directors or school district administration may require the employee to perform other reasonable duties on a temporary basis.

No supplemental contract shall be subject to the continuing contract provisions of this title. [1990 c 33 § 393; 1985 c 341 § 15; 1969 ex.s. c 283 § 2. Formerly RCW 28A.67.074, 28.67.074.]

RCW 28A.405.240 not applicable to contract renewal of school superintendent: RCW 28A.400.010.

Additional notes found at www.leg.wa.gov

28A.405.245 Transfer of principal to subordinate certificated position—Notice—Procedure. (1) Any certificated employee of a school district under this section who is first employed as a principal after June 10, 2010, shall be subject to transfer as provided under this section, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section means any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator. This section applies only to school districts with an annual average student enrollment of more than thirty-five thousand full-time equivalent students.

(2) During the first three consecutive school years of employment as a principal by the school district, or during the first full school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position may be made by a determination of the superintendent that the best interests of the school district would be served by the transfer.

(3) Commencing with the fourth consecutive school year of employment as a principal, or the second consecutive school year of such employment in the case of a principal

who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position shall be based on the superintendent's determination that the results of the evaluation of the principal's performance using the evaluative criteria and rating system established under RCW 28A.405.100 provide a valid reason for the transfer without regard to whether there is probable cause for the transfer. If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal, as defined by the superintendent, are required for a determination by the superintendent under this subsection that the principal should be transferred to a subordinate certificated position.

(4) Any superintendent transferring a principal under this section to a subordinate certificated position shall notify that principal in writing on or before May 15th before the beginning of the school year of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th. The notification shall state the reason or reasons for the transfer and shall identify the subordinate certificated position to which the principal will be transferred. The notification shall be served upon the principal personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(5) Any principal so notified may request to the president or chair of the board of directors of the district, in writing and within ten days after receiving notice, an opportunity to meet informally with the board of directors in an executive session for the purpose of requesting the board to reconsider the decision of the superintendent, and shall be given such opportunity. The board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall give the principal written notice at least three days before the meeting of the date, time, and place of the meeting. At the meeting the principal shall be given the opportunity to refute any evidence upon which the determination was based and to make any argument in support of his or her request for reconsideration. The principal and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the principal in writing of its final decision within ten days following its meeting with the principal. No appeal to the courts shall lie from the final decision of the board of directors to transfer a principal to a subordinate certificated position.

(6) This section provides the exclusive means for transferring a certificated employee first employed by a school district under this section as a principal after June 10, 2010, to a subordinate certificated position at the expiration of the term of his or her employment contract. [2016 c 85 § 4; 2010 c 235 § 302.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: "The legislature finds that the presence of highly effective principals in schools has never been more important than it is today. To enable students to meet high academic standards, principals must lead

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and encourage teams of teachers and support staff to work together, align curriculum and instruction, use student data to target instruction and intervention strategies, and serve as the chief school officer with parents and the community. Greater responsibility should come with greater authority over personnel, budgets, resource allocation, and programs. But greater responsibility also comes with greater accountability for outcomes. Washington is putting into place an updated and rigorous system of evaluating principal performance, one that will measure what matters. This system will never be truly effective unless the results are meaningfully used." [2010 c 235 § 301.]

28A.405.250 Certificated employees, applicants for certificated position, not to be discriminated against—Right to inspect personnel file. The board of directors of any school district, its employees or agents shall not discriminate in any way against any applicant for a certificated position or any certificated employee

- (1) On account of his or her membership in any lawful organization, or
- (2) For the orderly exercise during off-school hours of any rights guaranteed under the law to citizens generally, or
- (3) For family relationship, except where covered by chapter 42.23 RCW.

The school district personnel file on any certificated employee in the possession of the district, its employees, or agents shall not be withheld at any time from the inspection of that employee. [1990 c 33 § 394; 1969 ex.s. c 34 § 21. Formerly RCW 28A.58.445.]

Code of ethics for municipal officers—Contract interests: Chapter 42.23 RCW.

28A.405.260 Use of false academic credentials—Penalties. A person who issues or uses a false academic credential is subject to RCW 28B.85.220 and 9A.60.070. [2006 c 234 § 5.]

28A.405.265 Rights of certificated employees in school districts dissolved due to financial insolvency. Notwithstanding the provisions of RCW 28A.405.210 through 28A.405.380, the employment status, the processes for notices of discharge or nonrenewal, and the appeal rights of certificated employees in school districts that are dissolved due to financial insolvency shall be as provided in RCW 28A.315.229. [2012 c 186 § 21.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

HIRING AND DISCHARGE

28A.405.300 Adverse change in contract status of certificated employee—Determination of probable cause—Notice—Opportunity for hearing. In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, such employee shall be notified in writing of that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house

of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to RCW 28A.405.310 to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status.

In the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a discharge or other adverse action against contract status for the purposes of this section. [2010 c 235 § 305; 1990 c 33 § 395; 1975-'76 2nd ex.s. c 114 § 2; 1973 c 49 § 1; 1969 ex.s. c 34 § 13; 1969 ex.s. c 223 § 28A.58.450. Prior: 1961 c 241 § 2. Formerly RCW 28A.58.450, 28.58.450.]

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

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation: RCW 28A.405.100.

Transfer of administrator to subordinate certificated position—Procedure: RCW 28A.405.230.

28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal of contract—Hearings—Procedure. (1) Any employee receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW 28A.405.300, or any employee, with the exception of provisional employees as defined in RCW 28A.405.220, receiving a notice of probable cause for nonrenewal of contract pursuant to RCW 28A.405.210, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW 28A.405.300 or 28A.405.210, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection (5) of this section and at all subsequent proceedings pursuant to this section. At the hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) In the event that an employee requests a hearing pursuant to RCW 28A.405.300 or 28A.405.210, a hearing officer shall be appointed in the following manner: Within fifteen days following the receipt of any such request the board of directors of the district or its designee and the employee or employee's designee shall each appoint one nominee. The two nominees shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association or a person adhering to the arbitration standards established by the public employment relations commission and listed on its current roster of arbitrators. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) of this section, the hearing officer shall schedule a prehearing conference to be held within such five day period, unless the board of directors and employee agree on another date convenient with the hearing officer. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.

(b) Make other appropriate rulings of law and procedure.

(c) Within ten days following the conclusion of the hearing transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision. If the final decision is in favor of the employee, the employee shall be restored to his or her employment position and shall be awarded reasonable attorneys' fees.

(8) Any final decision by the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be established by a preponderance of the evidence at the hearing to be sufficient cause or causes for such action.

(9) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.

(10) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board. [1990 c 33 § 396; 1987 c 375 § 1; 1977 ex.s. c 7 § 1; 1975-'76 2nd ex.s. c 114 § 5. Formerly RCW 28A.58.455.]

Additional notes found at www.leg.wa.gov

28A.405.320 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Notice—Service—Filing—Contents. Any teacher, principal, supervisor, superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge or other action adversely affecting his or her contract status, or failure to renew that employee's contract for the next ensuing term, within thirty days after his or her receipt of such decision or order, may serve upon the chair of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth also in a clear and concise manner the errors complained of. [1990 c 33 § 397; 1969 ex.s. c 34 § 14; 1969 ex.s. c 223 § 28A.58.460. Prior: 1961 c 241 § 3. Formerly RCW 28A.58.460, 28.58.460.]

28A.405.330 Adverse change in contract status of certificated employee, including nonrenewal of contract—Notice of appeal—Filing party—Certification and filing. The filing party, within ten days of filing the notice of appeal shall notify in writing the chair of the school board of the taking of the appeal, and within twenty days thereafter the school board shall at its expense file the complete transcript of the evidence and the papers and exhibits relating to the decision complained of, all properly certified to be correct. [2016 c 93 § 3; 1990 c 33 § 398; 1969 ex.s. c 223 § 28A.58.470. Prior: 1961 c 241 § 4. Formerly RCW 28A.58.470, 28.58.470.]

28A.405.340 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Scope. Any appeal to the superior court by an employee shall be heard by the superior court without a jury. Such appeal shall be heard expeditiously. The superior court's review shall be confined to the verbatim transcript of the hearing and the papers and exhibits admitted into evidence at the hearing, except that in cases of alleged irregularities in procedure not shown in the transcript or exhibits and in cases of alleged abridgment of the employee's constitutional free speech rights, the court may take additional testimony on the alleged procedural irregularities or abridgment

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of free speech rights. The court shall hear oral argument and receive written briefs offered by the parties.

The court may affirm the decision of the board or hearing officer or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the employee may have been prejudiced because the decision was:

- (1) In violation of constitutional provisions; or
- (2) In excess of the statutory authority or jurisdiction of the board or hearing officer; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (6) Arbitrary or capricious. [1975-'76 2nd ex.s. c 114 § 6; 1969 ex.s. c 34 § 15; 1969 ex.s. c 223 § 28A.58.480. Prior: 1961 c 241 § 5. Formerly RCW 28A.58.480, 28.58.480.]

Additional notes found at www.leg.wa.gov

28A.405.350 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Costs, attorney's fee and damages. If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds, the court in its discretion may award to the employee a reasonable attorneys' fee for the preparation and trial of his or her appeal, together with his or her taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district. [1990 c 33 § 399; 1975-'76 2nd ex.s. c 114 § 7; 1969 ex.s. c 34 § 16; 1969 ex.s. c 223 § 28A.58.490. Prior: 1961 c 241 § 6. Formerly RCW 28A.58.490, 28.58.490.]

Additional notes found at www.leg.wa.gov

28A.405.360 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appellate review. Either party to the proceedings in the superior court may seek appellate review of the decision as any other civil action. [1988 c 202 § 26; 1971 c 81 § 71; 1969 ex.s. c 223 § 28A.58.500. Prior: 1961 c 241 § 7. Formerly RCW 28A.58.500, 28.58.500.]

Additional notes found at www.leg.wa.gov

28A.405.370 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Other statutes not applicable. The provisions of chapter 28A.645 RCW shall not be applicable to RCW 28A.405.300 through 28A.405.360. [1990 c 33 § 400; 1969 ex.s. c 223 § 28A.58.510. Prior: 1961 c 241 § 8. Formerly RCW 28A.58.510, 28.58.510.]

28A.405.380 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Direct judicial appeal, when. In the event that an employee, with the exception of a provisional employee as defined in RCW 28A.405.220, receives a notice of probable cause pursuant to RCW 28A.405.300 or

28A.405.210 stating that by reason of a lack of sufficient funds or loss of levy election the employment contract of such employee should not be renewed for the next ensuing school term or that the same should be adversely affected, the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by serving upon the secretary of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the probable cause notice. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action as specified in the probable cause notice, which cause must be proven by a preponderance of the evidence, and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be tried as an ordinary civil action: PROVIDED, That the board of directors' determination of priorities for the expenditure of funds shall be subject to superior court review pursuant to the standards set forth in RCW 28A.405.340: PROVIDED FURTHER, That the provisions of RCW 28A.405.350 and 28A.405.360 shall be applicable thereto. [1990 c 33 § 401; 1975-'76 2nd ex.s. c 114 § 8; 1973 c 49 § 3; 1969 ex.s. c 34 § 18. Formerly RCW 28A.58.515.]

Additional notes found at www.leg.wa.gov

SALARY AND COMPENSATION

28A.405.400 Payroll deductions authorized for employees. In addition to other deductions permitted by law, any person authorized to disburse funds in payment of salaries or wages to employees of school districts, upon written request of at least ten percent of the employees, shall make deductions as they authorize, subject to the limitations of district equipment or personnel. Any person authorized to disburse funds shall not be required to make other deductions for employees if fewer than ten percent of the employees make the request for the same payee. Moneys so deducted shall be paid or applied monthly by the school district for the purposes specified by the employee. The employer may not derive any financial benefit from such deductions. A deduction authorized before July 28, 1991, shall be subject to the law in effect at the time the deduction was authorized. [1991 c 116 § 18; 1972 ex.s. c 39 § 1. Formerly RCW 28A.67.095.]

28A.405.410 Payroll deductions authorized for certificated employees—Savings. Nothing in RCW 28A.405.400 shall be construed to annul or modify any lawful agreement heretofore entered into between any school district and any representative of its employees or other existing lawful agreements and obligations in effect on May 23, 1972. [1990 c 33 § 402; 1972 ex.s. c 39 § 2. Formerly RCW 28A.67.096.]

28A.405.415 Bonuses—National board for professional standards certification. (1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thou-

sand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2)(a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount. [2020 c 288 § 5; 2013 2nd sp.s. c 5 § 4; 2011 1st sp.s. c 18 § 4; 2009 c 539 § 6; 2008 c 175 § 2; 2007 c 398 § 2.]

Short title—2020 c 288: See note following RCW 28A.235.300.

Effective date—2013 2nd sp.s. c 5: See note following RCW 28A.400.205.

Findings—2007 c 398: "The legislature finds and declares:

(1) The national board for professional teaching standards has established high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student learning results;

(2) The national board certifies teachers who meet these standards through a rigorous, performance-based assessment process;

(3) A certificate awarded by the national board attests that a teacher has met high and rigorous standards and has demonstrated the ability to make sound professional judgments about how to best meet students' learning needs and effectively help students meet challenging academic standards; and

(4) Teachers who attain national board certification should be acknowledged and rewarded in order to encourage more teachers to pursue certification for the benefit of Washington students." [2007 c 398 § 1.]

Additional notes found at www.leg.wa.gov

MISCELLANEOUS PROVISIONS

28A.405.460 Lunch period for certificated employees. All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties: PROVIDED, That local districts may work out other arrangements with the consent of all affected parties. [1995 c 335 § 702; 1991 c 116 § 15; 1969 ex.s. c 223 § 28A.58.275. Prior: 1965 c 18 § 1. Formerly RCW 28A.58.275, 28.58.275.]

Additional notes found at www.leg.wa.gov

28A.405.465 Use of classified personnel to supervise in noninstructional activities. Any school district may employ classified personnel to supervise school children in noninstructional activities, and in instructional activities while under the supervision of a certificated employee. [1997 c 13 § 13; 1991 c 116 § 16.]

28A.405.466 Presence of certificated personnel at schools before and after school—Policy. Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication. [2006 c 263 § 902.]

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

TERMINATION OF CERTIFICATED STAFF

28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district. The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.405 or 28A.410 RCW is subject to revocation under *RCW 28A.410.090(3) upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322. Employment shall remain terminated unless the employee successfully prevails on appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment. [2009 c 396 § 4; 1990 c 33 § 405; 1989 c 320 § 5. Formerly RCW 28A.58.1003.]

***Reviser's note:** RCW 28A.410.090 was amended by 2013 c 163 § 1, changing subsection (3) to subsection (4).

Additional notes found at www.leg.wa.gov

28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies—Notice to superintendent of public instruction—Record of notices. (1) A school district superintendent shall immediately notify the office of the superintendent of public instruction when the district terminates the employment contract of a certificated employee on the basis of a guilty plea or a conviction of any felony crime specified under RCW 28A.400.322.

(2) The office of the superintendent of public instruction shall maintain a record of the notices received under this section.

(3) This section applies only to employees holding a certificate or permit authorized under this chapter or chapter 28A.410 RCW who have contact with children during the course of employment. [2009 c 396 § 9.]

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28A.405.900 Certain certificated employees exempt from chapter provisions. Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.100, 28A.405.210, and 28A.405.220 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for post-retirement employment under the provisions of chapter 10, Laws of 2001 2nd sp. sess.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated. [2002 c 26 § 1; 2001 2nd sp.s. c 10 § 2; 1990 c 33 § 404; 1972 ex.s. c 142 § 3. Formerly RCW 28A.67.900.]

Postretirement employment under the teachers' retirement system: RCW 41.32.570.

Additional notes found at www.leg.wa.gov

**Chapter 28A.410 RCW
CERTIFICATION**

Sections

- 28A.410.010 Certification—Duty of professional educator standards board—Rules—Record check—Lapsed certificates—Superintendent of public instruction as administrator.
- 28A.410.025 Qualifications—Certificate or permit required.
- 28A.410.032 Qualifications—Teachers of visually impaired—Rules.
- 28A.410.035 Qualifications—Coursework on issues of abuse; sexual abuse and exploitation of a minor; and emotional or behavioral distress in students, including possible substance abuse, violence, and youth suicide.
- 28A.410.040 Initial-level certificates.
- 28A.410.043 School counselor certification.
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- 28A.410.046 Elementary mathematics specialists.
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- 28A.410.070 Registration of certificates.
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- 28A.410.100 Revocation of authority to teach—Hearings.
- 28A.410.106 Certificate or permit suspension—Noncompliance with support order—Reissuance.
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- 28A.410.200 Washington professional educator standards board—Creation—Membership—Executive director.
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- 28A.410.221 Washington professional educator standards board—Revision of STEM-related subject-area teacher endorsements.

- 28A.410.2211 Washington professional educator standards board—Revision of assessments to meet revised STEM-related standards.
- 28A.410.2212 Washington professional educator standards board—Certificate renewal rules for teachers in STEM-related subjects.
- 28A.410.224 Washington professional educator standards board—Standards for computer science endorsement.
- 28A.410.225 Washington professional educator standards board—Endorsement requirements—Teachers of deaf and hard of hearing students.
- 28A.410.226 Washington professional educator standards board—Training program on youth suicide screening—Certificates for school nurses, social workers, psychologists, and counselors—Adoption of standards.
- 28A.410.230 Washington professional educator standards board—Review of proposed assessments before implementation.
- 28A.410.240 Washington professional educator standards board—Reports.
- 28A.410.250 Washington professional educator standards board—Professional certification—Rules.
- 28A.410.251 Washington professional educator standards board—Residency certificate renewal for certain experienced teachers and principals—Rules.
- 28A.410.252 Expedited professional certification for out-of-state teachers.
- 28A.410.260 Washington professional educator standards board—Cultural competency, diversity, equity, and inclusion standards of practice.
- 28A.410.265 Washington professional educator standards board—Certification—Cultural competency, diversity, equity, and inclusion standards of practice.
- 28A.410.270 Washington professional educator standards board—Performance standards—Certification levels—Teacher effectiveness evaluations—Requirements for professional certificate and residency teaching certificate—Demonstration of educator preparation programs' outcomes (*as amended by 2021 c 197*).
- 28A.410.270 Washington professional educator standards board—Performance standards—Certification levels—Requirements for professional certificate and residency teaching certificate—Demonstration of educator preparation programs' outcomes—Program completion requirements (*as amended by 2021 c 198*).
- 28A.410.271 Washington professional educator standards board—Standards for educational interpreters.
- 28A.410.273 Washington professional educator standards board—Social-emotional learning.
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- 28A.410.277 Washington professional educator standards board—Continuing education requirements for administrator and teacher certificate renewals.
- 28A.410.278 Residency principal certificates—Principal preparation program requirements.
- 28A.410.283 Uniform, statewide performance assessment of teaching effectiveness—Prohibited as requirement.
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- 28A.410.300 Review of district and educator workforce data.
- 28A.410.310 Condensed compliance reports—Second-class districts.
- 28A.410.330 Microcredentials.

28A.410.010 Certification—Duty of professional educator standards board—Rules—Record check—Lapsed certificates—Superintendent of public instruction as administrator. (1)(a) The Washington professional educator standards board shall establish, publish, and enforce rules determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require, at the applicant's expense, a criminal history

record check of the applicant through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. An individual who holds a valid portable background check clearance card issued by the department of children, youth, and families consistent with RCW 43.216.270 is exempt from the office of the superintendent of public instruction fingerprint background check if the individual provides a true and accurate copy of his or her Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The superintendent of public instruction shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a certificate under this section. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

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

(c) The board shall develop rules consistent with RCW 18.340.020 for the certification of spouses of military personnel.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any certificates or permits and revoke the same in accordance with board rules. [2017 3rd sp.s. c 33 § 3; 2017 3rd sp.s. c 6 § 221; 2014 c 50 § 2; 2011 2nd sp.s. c 5 § 4; 2005 c 497 § 203; 2001 c 263 § 1. Prior: 1992 c 159 § 3; 1992 c 60 § 2; prior: 1988 c 172 § 3; 1988 c 97 § 1; 1987 c 486 § 8; 1975-'76 2nd ex.s. c 92 § 2; 1969 ex.s. c 223 § 28A.70.005. Formerly RCW 28A.70.005.]

Reviser's note: This section was amended by 2017 3rd sp.s. c 6 § 221 and by 2017 3rd sp.s. c 33 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1992 c 159: See note following RCW 28A.400.303.

Additional notes found at www.leg.wa.gov

28A.410.025 Qualifications—Certificate or permit required. No person shall be accounted as a qualified teacher within the meaning of the school law who is not the holder of a valid teacher's certificate or permit issued by lawful authority of this state. [1969 ex.s. c 223 § 28A.67.010.

Prior: 1909 c 97 p 306 § 1; RRS § 4844; prior: 1907 c 240 § 6; 1897 c 118 § 51; 1891 c 127 § 14; 1890 p 369 § 37; 1886 p 18 § 47; 1873 p 430 § 15. Formerly RCW 28A.405.010, 28A.67.010, 28.67.010.]

28A.410.032 Qualifications—Teachers of visually impaired—Rules. Teachers of visually impaired students shall be qualified according to rules adopted by the professional educator standards board. [2005 c 497 § 220; 1996 c 135 § 4.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

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

28A.410.035 Qualifications—Coursework on issues of abuse; sexual abuse and exploitation of a minor; and emotional or behavioral distress in students, including possible substance abuse, violence, and youth suicide. (1) To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. To receive initial certification after August 31, 2014, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards. [2013 c 197 § 3; 2013 c 10 § 2; 1990 c 90 § 1. Formerly RCW 28A.405.025.]

Reviser's note: This section was amended by 2013 c 10 § 2 and by 2013 c 197 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Finding—2013 c 10: "The legislature finds that when teachers and school staff are trained in identifying and preventing child sexual abuse, commercial sexual abuse of minors, and sexual exploitation of minors, students benefit." [2013 c 10 § 1.]

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.410.040 Initial-level certificates. The Washington professional educator standards board shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the

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requirements for teacher certification pursuant to RCW 28A.410.210. However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field. [2005 c 497 § 204; 1992 c 141 § 101; 1990 c 33 § 406. Prior: 1989 c 402 § 1; 1989 c 29 § 1; 1987 c 525 § 212. Formerly RCW 28A.70.040.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1992 c 141: "The legislature finds that the educational needs of students when they leave the public school system has [have] increased dramatically in the past two decades. If young people are to prosper in our democracy and if our nation is to grow economically, it is imperative that the overall level of learning achieved by students be significantly increased.

To achieve this higher level of learning, the legislature finds that the state of Washington needs to develop a performance-based school system. Instead of maintaining burdensome state accountability laws and rules that dictate educational offerings, the state needs to hold schools accountable for their performance based on what their students learn.

The legislature further finds moving toward a performance-based accountability system will require repealing state laws and rules that inhibit the freedom of school boards and professional educators to carry out their work, and also will require that significantly more decisions be made at the school district and school building levels. In addition, it will be necessary to set high expectations for students, to identify what is expected of all students, and to develop a rigorous academic assessment system to determine if these expectations have been achieved.

The legislature further finds that the governor's council on education reform and funding will, by December 1992, identify broad student learning goals. Subject to decisions made by the 1993 legislature, the legislature finds that it is critical that an organization be established to continue the council's work in identifying necessary student skills and knowledge, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

The legislature further finds that there is a need for high quality professional development as the state implements a performance-based system. Professional development must be available to schools and school districts to maintain quality control and to assure access to proven research on effective teaching." [1992 c 141 § 1.]

Intent—1987 c 525 §§ 201-233: "The legislature intends to enhance the education of the state's youth by improving the quality of teaching. The legislature intends to establish a framework for teacher and principal preparation programs and to recognize teaching as a profession.

The legislature finds that the quality of teacher preparation programs is enhanced when a planned, sequenced approach is used that provides for the application of practice to academic coursework.

The legislature supports better integration of the elements of teacher preparation programs including knowledge of subject matter, teaching methods, and actual teaching experiences.

The legislature finds that establishing: (1) A teaching internship program; (2) a post-baccalaureate program resulting in a master's degree; (3) stronger requirements for earning principal credentials; and (4) a review of the preparation standards for school principals and educational staff associates are appropriate next steps in enhancing the quality of educational personnel in Washington." [1987 c 525 § 201.]

Additional notes found at www.leg.wa.gov

28A.410.043 School counselor certification. A school counselor is a professional educator who holds a valid school counselor certification as defined by the professional educator standards board. The purpose and role of the school counselor is to plan, organize, and deliver a comprehensive school guidance and counseling program that personalizes education and supports, promotes, and enhances the academic, personal, social, and career development of all students, based

on the national standards for school counseling programs of the American school counselor association. [2007 c 175 § 2.]

Findings—Intent—2007 c 175: "The legislature finds that the professional school counselor is a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs. School counselors serve a vital role in maximizing student achievement, supporting a safe learning environment, and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature further finds that current state statutes fail to mention anything about school counselors. Therefore, the legislature intends to codify into law the importance and the role of school counselors in public schools." [2007 c 175 § 1.]

28A.410.044 School psychologists and social workers—Domains and roles. (1) A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the professional educator standards board. Pursuant to the national association of school psychologists' model for comprehensive and integrated school psychological services, school psychologists deliver services across ten domains of practice. Two domains permeate all areas of service delivery: Data-based decision making; and consultation and collaboration. Five domains encompass direct and indirect services to children and their families: Student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level preventive and responsive services; and systems-level family school collaboration services. The three foundational domains include: Knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.

(2) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards board. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: Mental health and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success. [2018 c 200 § 3.]

Findings—Intent—Civil liability—2018 c 200: See notes following RCW 28A.320.290.

28A.410.045 First peoples' language, culture, and oral tribal traditions teacher certification program—Established—Rules. (1) The Washington state first peoples'

language, culture, and oral tribal traditions teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in first peoples' language, culture, and oral tribal traditions education developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language, culture, and oral tribal traditions teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program. Tribal law enforcement agencies and the Washington state patrol shall enter into government-to-government negotiations regarding the exchange of background information on applicants for certification. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language, culture, and oral tribal traditions without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language, culture, and oral tribal traditions teacher certificate serves as a subject area endorsement in first peoples' language, culture, and oral tribal traditions. The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages, cultures, and oral tribal traditions designated on the certificate and no other subject;

(d) In order to teach first peoples' language, culture, and oral tribal traditions, teachers must hold certificates from both the office of the superintendent of public instruction and from the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate meets Washington state's definition of a highly qualified teacher under the no child left behind act of 2001 (P.L. 107-110) for the purposes of teaching first peoples' language, culture, and oral tribal traditions, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued before July 22, 2007, under rules approved by the state board of education or the professional educator standards board under a pilot program remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and with first peoples' language, culture, and oral tribal traditions teacher certification programs for in-service teacher training and continuing education in the culture and history appropriate for their geographic area, as well as suggested pedagogy and instructional strategies. [2007 c 319 § 2.]

Findings—2007 c 319: "The legislature finds that:

(1) Teaching first peoples' languages, cultures, and oral tribal traditions is a critical factor in fostering successful educational experiences and promoting cultural sensitivity for all students. Experience shows that such teaching dramatically raises student achievement and that the effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for the success of Native American students;

(3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

(5) Establishing a first peoples' language, culture, and oral tribal traditions teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language, culture, and oral tribal traditions certification program implements the following policy objectives of the federal Native American languages act of 1990 (P.L. 101-477) in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture and history, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language, culture, and oral tribal traditions certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of the no child left behind act of 2001 (P.L. 107-110) in a manner that is consistent with tribal traditions, languages, and cultures." [2007 c 319 § 1.]

Additional notes found at www.leg.wa.gov

28A.410.046 Elementary mathematics specialists.

(1) For the purposes of this section, an elementary mathematics specialist is a certificated teacher who has demonstrated at least the following knowledge and skills:

(a) Enhanced mathematics content knowledge and skills necessary to provide students in grades kindergarten through eight a deep understanding of the essential academic learning requirements and performance expectations in mathematics;

(b) Knowledge and skills in a variety of instructional strategies for teaching mathematics content; and

(c) Knowledge and skills in instructional strategies targeted for students struggling with mathematics.

(2) The legislature encourages the professional educator standards board to develop standards for and adopt a specialty endorsement for elementary mathematics specialists as defined under this section.

(3) School districts may work with local colleges and universities, educator preparation programs, and educational service districts to develop and offer training and professional development opportunities in the knowledge and skills necessary for a teacher to be considered an elementary mathematics specialist under this section.

(4) School districts are encouraged to use elementary mathematics specialists for direct instruction of students using an itinerant teacher model where the specialist rotates from classroom to classroom within the school. [2011 c 209 § 2.]

Finding—Intent—2011 c 209: "The legislature finds that significant changes have been made in recent years to improve Washington's mathematics standards. Additional mathematics coursework, at a more rigorous level, will be required for high school graduation. Efforts to increase the rigor of high school mathematics will ultimately not be successful unless students in elementary and middle school are better prepared in mathematics. Successful preparation is more likely to occur if students have the opportunity to receive instruction from a teacher with proficiency in both mathematics content and effective instructional methods in mathematics for elementary and middle school students. It is the legislature's intent to encourage elementary teachers who enjoy and excel in mathematics to become specialists, and to encourage school districts to assign these specialists to teach elementary and middle school mathematics, thereby transmitting both their expertise and their enthusiasm for the subject to their students." [2011 c 209 § 1.]

28A.410.050 Baccalaureate and master's degree equivalency requirements for vocational instructors—

Rules. The Washington professional educator standards board shall develop and adopt rules establishing baccalaureate and master's degree equivalency standards for vocational instructors performing instructional duties and acquiring certification after August 31, 1992. [2005 c 497 § 205; 1992 c 141 § 102; 1989 c 29 § 2; 1987 c 525 § 215. Formerly RCW 28A.70.042.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

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

Intent—Short title—1987 c 525 §§ 202-233: See notes following RCW 28A.410.040.

Additional notes found at www.leg.wa.gov

28A.410.060 Fee for certification—Disposition. The fee for any certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be not less than one dollar or

such reasonable fee therefor as the Washington professional educator standards board by rule shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the educational service district superintendent is located, to be by him or her placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, professional in-service training programs, and provision of certification services by educational service districts, in accordance with rules of the Washington professional educator standards board herein authorized. [2008 c 107 § 1; 2005 c 497 § 206; 1990 c 33 § 407; 1975-'76 2nd ex.s. c 92 § 3; 1975-'76 2nd ex.s. c 15 § 17. Prior: 1975 1st ex.s. c 275 § 134; 1975 1st ex.s. c 192 § 1; 1969 ex.s. c 176 § 144; 1969 ex.s. c 223 § 28A.70.110; prior: 1965 c 139 § 20; 1909 c 97 p 336 § 3; RRS § 4968; prior: 1897 c 118 § 142. Formerly RCW 28A.70.110, 28.70.110, 28.70.120.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.410.062 Initial educator certificates and paraeducator certificates—Application processing fee—Educator certification processing account. (1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

(2) In addition to the certification fee established under RCW 28A.410.060 for certificated instructional staff as defined in RCW 28A.150.203, the superintendent of public instruction shall charge an application processing fee for initial educator certificates and subsequent actions, and paraeducator certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9) and the paraeducator certificate program under chapter 28A.413 RCW. Revenue generated through the processing fee shall be deposited in the educator certification processing account.

(3) The educator certification processing account is established in the custody of the state treasurer. The superin-

tendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator certificates and subsequent actions and paraeducator certificates and subsequent actions. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. [2017 c 237 § 16; 2011 1st sp.s. c 23 § 1.]

Additional notes found at www.leg.wa.gov

28A.410.070 Registration of certificates. (1) All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to employment in any school district of the state upon being registered by the school district if designated to do so by the school district, which fact shall be evidenced on the certificate in the words, "Registered for use in district," together with the date of registry, and an official signature of the person registering the same: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

(2) The superintendent of public instruction may accept applications for educator certification that are submitted using an electronic signature from the applicant. [2007 c 401 § 7; 1983 c 56 § 12; 1975-'76 2nd ex.s. c 92 § 4; 1975 1st ex.s. c 275 § 135; 1971 c 48 § 50; 1969 ex.s. c 223 § 28A.70.130. Prior: 1909 c 97 p 338 § 11; RRS § 4976; prior: 1897 c 118 § 147. Formerly RCW 28A.70.130, 28.70.130.]

Findings—2007 c 401: See note following RCW 28A.300.500.

Additional notes found at www.leg.wa.gov

28A.410.080 School year—For certification or qualification purposes. The school year for all matters pertaining to teacher certification or for computing experience in teaching shall consist of not fewer than one hundred eighty school days. [1969 ex.s. c 223 § 28A.01.025. Prior: 1909 c 97 p 262 § 3, part; RRS § 4687, part; prior: 1903 c 104 § 22, part. Formerly RCW 28A.01.025, 28.01.010, part.]

28A.410.090 Revocation or suspension of certificate or permit to teach—Reprimand—Criminal basis—Complaints—Investigation—Process. (1)(a) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of the professional educator standards board or any school district superintendent, educational service district superintendent, or private school administrator for lack of good moral character or personal fitness, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state. A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit. School district superintendents, educational service district superintendents, the professional educator standards board, or private school administrators may file a complaint concerning any certificated employee of a school district,

educational service district, or private school and this filing authority is not limited to employees of the complaining superintendent or administrator. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted.

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

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

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

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

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

(3) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules adopted thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint from the professional educator standards board alleging unprofessional conduct in the form of a fraudulent submission of a test for educators. A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit. The professional educator standards board must issue to the superintendent of public instruction a written complaint stating the grounds and factual basis upon which the professional educator standards board believes an investigation should be conducted pursuant to this section. In all cases under this subsection, the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in *RCW 28A.410.100.

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

(b) Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under RCW 28A.400.322(1) shall apply to such convictions or guilty

pleas which occur after July 23, 1989, and before July 26, 2009.

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

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

(5)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended or revoked, according to the provisions of this subsection, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum. A first time violation of this subsection shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

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

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

(7)(a) In determining whether an individual lacks good moral character or personal fitness under this chapter, the superintendent of public instruction may consider founded reports of child abuse or neglect made by the **department of social and health services pursuant to RCW 26.44.030.

(b) The **department of social and health services shall furnish the superintendent with reports of founded findings of child abuse or neglect in a timely fashion, but shall not disclose to the superintendent screened-out, inconclusive, or unfounded reports as defined in RCW 26.44.020.

(c) If the **department of social and health services inadvertently furnishes the superintendent with a screened-out, inconclusive, or unfounded report in violation of this section, the superintendent shall:

(i) Not consider the information contained in the reports for any purpose;

(ii) Notify the **department of social and health services of the violation of this section;

(iii) Notify the subject of the reports at his or her last known address of the department of social and health service's violation; and

(iv) Destroy the improperly disclosed reports. [2017 3rd sp.s. c 33 § 4; 2013 c 163 § 1; 2009 c 396 § 5; 2005 c 461 § 2; 2004 c 134 § 2; 1996 c 126 § 2; 1992 c 159 § 4; 1990 c 33 § 408; 1989 c 320 § 1; 1975 1st ex.s. c 275 § 137; 1974 ex.s. c 55 § 2; 1971 c 48 § 51; 1969 ex.s. c 223 § 28A.70.160. Prior: 1909 c 97 p 345 § 1; RRS § 4992; prior: 1897 c 118 § 148. Formerly RCW 28A.70.160, 28.70.160.]

Reviser's note: *(1) The right to appeal was eliminated from RCW 28A.410.100 by 2009 c 531 § 3.

***(2) The powers, duties, and functions of the department of social and health services pertaining to child welfare services under chapter 26.44 RCW were transferred to the department of children, youth, and families by 2017 3rd sp.s. c 6 § 803, effective July 1, 2018.

Findings—1992 c 159: See note following RCW 28A.400.303.

Notification of conviction or guilty plea of certain felony crimes: RCW 43.43.845.

Additional notes found at www.leg.wa.gov

28A.410.095 Violation or noncompliance—Investigatory powers of superintendent of public instruction—Requirements for investigation of alleged sexual misconduct towards a child—Court orders—Contempt—Written findings required. (1) The superintendent of public instruction may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it. For the purpose of any investigation or proceeding under this chapter, the superintendent or any officer designated by the superintendent may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the superintendent deems relevant and material to the inquiry.

(2) Investigations conducted by the superintendent of public instruction concerning alleged sexual misconduct towards a child shall be completed within one year of the initiation of the investigation or within thirty days of the completion of all proceedings, including court proceedings, resulting from an investigation conducted by law enforcement or child protective services if there is such an investigation. The superintendent of public instruction may take, for reasonable cause, additional time for completion of the investigation after informing the victim, the individual being investigated, and the school district that employs the individual being investigated of the reasons additional time is needed and the amount of additional time needed. Written notification must be provided to each of the parties who must be informed. The sole remedy for a failure to complete an investigation of sexual misconduct within the time allowed by this subsection is a civil penalty of fifty dollars per day for each day beyond the allowed time.

(3) If any person fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the superintendent, may issue to that person an order requiring him or her to appear before the court and to show cause why he or she should not

be compelled to obey the subpoena, and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

(4) Once an investigation has been initiated by the superintendent of public instruction, the investigation shall be completed regardless of whether the individual being investigated has resigned his or her position or allowed his or her teaching certificate to lapse. The superintendent shall make a written finding regarding each investigation indicating the actions taken, including a statement of the reasons why a complaint was dismissed or did not warrant further investigation or action by the superintendent, and shall provide such notice to each person who filed the complaint. Written findings under this section are subject to public disclosure under chapter 42.56 RCW.

(5) An investigation into sexual or physical abuse of a student by a school employee shall only be initiated by the superintendent of public instruction after the superintendent of public instruction verifies that the incident has been reported to the proper law enforcement agency or the department of social and health services as required under RCW 26.44.030. [2005 c 274 § 245; 2004 c 134 § 1; 1992 c 159 § 5.]

Findings—1992 c 159: See note following RCW 28A.400.303.

28A.410.100 Revocation of authority to teach—Hearings. Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. [2009 c 531 § 3; 2005 c 497 § 207; 1992 c 159 § 6; 1990 c 33 § 409; 1975 1st ex.s. c 275 § 138; 1971 c 48 § 52; 1969 ex.s. c 223 § 28A.70.170. Prior: 1909 c 97 p 346 § 3; RRS § 4994. Formerly RCW 28A.70.170, 28.70.170.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—1992 c 159: See note following RCW 28A.400.303.

Additional notes found at www.leg.wa.gov

28A.410.106 Certificate or permit suspension—Non-compliance with support order—Reissuance. Any certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended by the authority authorized to grant the certificate or permit if the department of social and health services certifies that the person is not in compliance with a support order or a *residential or visitation order as provided in RCW 74.20A.320. If the person continues to meet other requirements for reinstatement during the suspension, reissuance of the certificate or permit shall be automatic after the person provides the authority a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 § 842.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

28A.410.108 Reporting disciplinary actions to national clearinghouse. For the purposes of reporting disciplinary actions taken against certificated staff to other states via a national database used by the office of the superintendent of public instruction, the following actions shall be reported: Suspension, surrender, revocation, denial, stayed suspension, reinstatement, and any written reprimand related to abuse and sexual misconduct. These actions will only be reported to the extent that they are accepted by the national clearinghouse, but if there are categories not included, the office of the superintendent of public instruction shall seek modification to the national clearinghouse format. [2004 c 29 § 4.]

Findings—2004 c 29: See note following RCW 28A.400.301.

28A.410.110 Limitation on reinstatement after revocation—Reinstatement prohibited for certain felony crimes. In case any certificate or permit authorized under this chapter or chapter 28A.405 RCW is revoked, the holder shall not be eligible to receive another certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter 28A.405 RCW was revoked because of a guilty plea or the conviction of a felony crime specified under RCW 28A.400.322, the certificate or permit shall not be reinstated. [2009 c 396 § 6; 1990 c 33 § 410; 1989 c 320 § 2; 1969 ex.s. c 223 § 28A.70.180. Prior: 1909 c 97 p 346 § 2; RRS § 4993. Formerly RCW 28A.70.180, 28.70.180.]

Additional notes found at www.leg.wa.gov

28A.410.120 Professional certification not required of superintendents or deputy or assistant superintendents. Notwithstanding any other provision of this title, the Washington professional educator standards board or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent. [2005 c 497 § 208; 1990 c 33 § 411; 1975 1st ex.s. c 254 § 3. Formerly RCW 28A.02.260.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.410.200 Washington professional educator standards board—Creation—Membership—Executive director. (1)(a) The Washington professional educator standards board is created, consisting of twelve members to be appointed by the governor to four-year terms and the superintendent of public instruction or the superintendent's designee. On August 1, 2009, the board shall be reduced to twelve members.

(b) Vacancies on the board shall be filled by appointment or reappointment by the governor to terms of four years.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall biennially appoint the chair of the board. No board member may serve as chair for more than four consecutive years.

(2022 Ed.)

(2) A majority of the members of the board shall be active practitioners with the majority being classroom based. Membership on the board shall include individuals having one or more of the following:

(a) Experience in one or more of the education roles for which state preparation program approval is required and certificates issued;

(b) Experience providing or leading a state-approved teacher or educator preparation program;

(c) Experience providing mentoring and coaching to education professionals or others; and

(d) Education-related community experience.

(3) In appointing board members, the governor shall consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools or private schools, involvement in developing quality teaching preparation and support programs, and vision for the most effective yet practical system of assuring teaching quality. The governor shall also consider the diversity of the population of the state.

(4) All appointments to the board made by the governor are subject to confirmation by the senate.

(5) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(7) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

(8) Members of the board may create informal advisory groups as needed to inform the board's work. [2017 c 189 § 1; 2009 c 531 § 2; 2005 c 497 § 202; 2003 1st sp.s. c 22 § 1; 2002 c 92 § 1; 2000 c 39 § 102.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—2000 c 39: "The legislature finds and declares:

(1) Creation of a public body whose focus is educator quality would be likely to bring greater focus and attention to the profession;

(2) Professional educator standards boards are consumer protection boards, establishing assessment policies to ensure the public that its new practitioners have the knowledge to be competent;

(3) The highest possible standards for all educators are essential in ensuring attainment of high academic standards by all students;

(4) Teacher assessment for certification can guard against admission to the teaching profession of persons who have not demonstrated that they are knowledgeable in the subjects they will be assigned to teach; and

(5) Teacher assessment for certification should be implemented as an additional element to the system of teacher preparation and certification." [2000 c 39 § 101.]

Joint report to the legislature: RCW 28A.305.035.

Additional notes found at www.leg.wa.gov

28A.410.210 Washington professional educator standards board—Purpose—Powers and duties. The purpose of the Washington professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

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

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

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

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

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

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section, RCW 28A.410.251, and 28A.410.010;

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

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

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

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

(11) Submit, by October 15th of each even-numbered year and in accordance with RCW 43.01.036, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards

have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;

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

(13) Conduct meetings under the provisions of chapter 42.30 RCW. [2017 3rd sp.s. c 26 § 2; 2009 c 531 § 4; 2008 c 176 § 1; 2005 c 497 § 201; 2000 c 39 § 103.]

Effective date—2017 3rd sp.s. c 26: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 7, 2017]." [2017 3rd sp.s. c 26 § 6.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.212 Washington professional educator standards board—Duties. The professional educator standards board shall:

(1) Develop and maintain a research base of educator preparation best practices;

(2) Develop and coordinate initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;

(3) Provide program improvement technical assistance to providers of educator preparation programs;

(4) Assure educator preparation program compliance; and

(5) Prepare and maintain a cohesive educator development policy framework. [2009 c 531 § 1.]

28A.410.220 Washington professional educator standards board—Performance standards and professional-level certification assessment—Basic skills assessment—Assessment of subject knowledge—Administration of section—Rule-making authority. (1)(a) The Washington professional educator standards board shall make available a means of assessing an applicant's knowledge in the basic skills. For the purposes of this section, "basic skills" means the subjects of at least reading, writing, and mathematics. An applicant must take this basic skills assessment, or an alternative or equivalent basic skills assessment as determined by the Washington professional educator standards board, and report the individual results to the Washington professional educator standards board and an approved teacher preparation program, for admission to the approved teacher preparation program.

(b) An approved teacher preparation program may use the results of the basic skills assessment, or an alternative or equivalent basic skills assessment as determined by the Washington professional educator standards board, as a formative assessment of academic strengths and weakness in determining the candidate's readiness for the program.

(c) The Washington professional educator standards board may establish criteria to ensure that persons from out-of-state who are applying for residency certification and persons applying to master's degree level teacher preparation programs can demonstrate to the board's satisfaction that they have the requisite basic skills.

(d) The Washington professional educator standards board may identify and accept other tests and test scores as long as the tests are comparable in rigor to the basic skills assessment and candidates meet or exceed the basic skills requirements established by the board.

(2) The Washington professional educator standards board shall set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar.

(3) Beginning not later than September 1, 2002, the Washington professional educator standards board shall provide for the initial piloting and implementation of a means of assessing an applicant's knowledge in the subjects for which the applicant has applied for an endorsement to his or her residency or professional teaching certificate. The assessment of subject knowledge shall not include instructional methodology. Beginning September 1, 2005, passing this assessment shall be required to receive an endorsement for certification purposes.

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

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

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

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

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

(b) Related clerical and administrative activities; or

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

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

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

(10) The Washington professional educator standards board shall collaboratively select or develop and implement the applicable assessments and minimum assessment scores required under this section with the superintendent of public instruction and shall provide opportunities for representatives of other interested educational organizations to participate in the selection or development and implementation of such assessments in a manner deemed appropriate by the Washington professional educator standards board.

(11) The Washington professional educator standards board shall adopt rules under chapter 34.05 RCW that are reasonably necessary for the effective and efficient implementation of this section. [2019 c 121 § 1; 2013 c 193 § 2; 2008 c 176 § 2; 2002 c 92 § 2; 2000 c 39 § 201.]

Finding—Intent—2013 c 193: "The legislature finds that the use of a basic skills test as an entrance requirement to teacher certification programs has unintentionally created a barrier to the effective recruitment of candidates from underrepresented populations who are otherwise qualified for the program. Therefore, the legislature intends to expand the pool of potential teacher candidates by expanding the types of testing instruments and assessments that may be used to measure basic skills. The legislature intends to review any alternative assessments to ensure that candidates must continue to meet the established standards for admission to a teacher certification program." [2013 c 193 § 1.]

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.221 Washington professional educator standards board—Revision of STEM-related subject-area teacher endorsements. The professional educator standards board shall, in its regular review and revision of teacher certification standards as required by RCW 28A.410.210, revise standards for the elementary education endorsement and middle level and secondary mathematics and science teacher endorsements as well as other subject area endorsements with STEM-related components. Standards revisions related to mathematics shall be adopted by September 1, 2013. Standards revisions related to science shall be adopted by September 1, 2014. The revised standards shall include the integration of science, technology, engineering, and mathematics (STEM) knowledge and skill and be aligned, as appropriate, with common core mathematics standards, the 2009 [2008] revision of state mathematics student learning standards and performance expectations, the biology end-of-course assessment, and the 2012 student science learning standards developed from the conceptual framework for science education and next generation standards and related student performance expectations. In addition to appropriate mathematics and science content, the endorsement standards must also include the concepts and instructional practices of the interdisciplinary connections with engineering and technology. [2011 2nd sp.s. c 2 § 1.]

28A.410.2211 Washington professional educator standards board—Revision of assessments to meet revised STEM-related standards. (1) The professional educator standards board shall revise assessments for prospective teachers and teachers adding subject area endorsements required for teacher certification under RCW 28A.410.220 to measure the revised standards in RCW 28A.410.221.

(2) The professional educator standards board shall require that successful candidates for the residency certificate

demonstrate effective subject specific instructional methods that address the revised standards. [2021 c 198 § 5; 2011 2nd sp.s. c 2 § 2.]

Finding—Intent—Effective date—2021 c 198: See notes following RCW 28A.410.283.

28A.410.2212 Washington professional educator standards board—Certificate renewal rules for teachers in STEM-related subjects. The professional educator standards board shall revise certificate renewal rules for teachers at the elementary and secondary levels in STEM-related subjects by September 1, 2014. The revised rules shall include the requirement that continuing education or professional growth plans for these teachers include a specific focus on the integration of science, mathematics, technology, and engineering instruction. [2011 2nd sp.s. c 2 § 3.]

28A.410.224 Washington professional educator standards board—Standards for computer science endorsement. The professional educator standards board shall, in its regular review and revision of teacher certification standards as required by RCW 28A.410.210, develop standards for a K-12 computer science endorsement. Standards related to computer science shall be adopted by January 15, 2016. The revised standards shall be aligned with the computer science learning standards developed by a nationally recognized computer science education organization and updated to include the standards adopted by the office of the superintendent of public instruction under RCW 28A.300.585. In addition to appropriate computer science content, the computer science endorsement standards must facilitate dual endorsement in computer science and mathematics or science, or another related endorsement in high demand as indicated by a school district. [2015 1st sp.s. c 3 § 2.]

28A.410.225 Washington professional educator standards board—Endorsement requirements—Teachers of deaf and hard of hearing students. The agency responsible for teacher certification shall develop certification endorsement requirements for teachers of deaf and hard of hearing students. The endorsement shall be focused on the specific skills and knowledge necessary to serve the education and communication needs of deaf and hard of hearing students. In establishing rules for the endorsement of teachers who will be working almost exclusively with students who are deaf or hard of hearing, the agency shall consider applicants to have met state endorsement requirements if they possess a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf. [2005 c 493 § 2.]

Findings—Intent—2005 c 493: "The legislature finds that the quality of education for children who are deaf or hard of hearing and the expectations for those children's achievement should be equivalent to those for children throughout the state. The legislature also finds that deaf and hard of hearing children can benefit greatly if they are taught by an educator who is trained to understand the learning and communication issues the children face. Educators who received teacher training in a program for the deaf and hard of hearing are sensitive to the needs of deaf and hard of hearing students and are able to provide appropriate strategies to assist students in reacting to and interacting with their environment. The legislature intends to assist school districts in their efforts to attract teachers who are especially trained to work with deaf and hard of hearing students by directing the state board of education to establish a certification endorsement for teachers of the deaf and hard of hearing." [2005 c 493 § 1.]

28A.410.226 Washington professional educator standards board—Training program on youth suicide screening—Certificates for school nurses, social workers, psychologists, and counselors—Adoption of standards. (1) As provided under subsections (2) and (3) of this section, individuals certified by the professional educator standards board as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on youth suicide screening and referral as a condition of certification. The training program must be at least three hours in length. The professional educator standards board must adopt standards for the minimum content of the training in consultation with the office of the superintendent of public instruction and the department of health. In developing the standards, the board must consider training programs listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(2) This section applies to the following certificates if the certificate is first issued or is renewed on or after July 1, 2015:

- (a) Continuing certificates for school nurses;
- (b) Continuing certificates for school social workers;
- (c) Continuing and professional certificates for school psychologists; and
- (d) Continuing and professional certificates for school counselors.

(3) A school counselor who holds or submits a school counseling certificate from the national board for professional teaching standards or a school psychologist who holds or submits a school psychologist certificate from the national association of school psychologists in lieu of a professional certificate must complete the training program under subsection (1) of this section by July 1, 2015, or within the five-year period before the certificate is first submitted to the professional educator standards board, whichever is later, and at least once every five years thereafter in order to be considered certified by the professional educator standards board.

(4) The professional educator standards board shall consider the training program under subsection (1) of this section as approved continuing education under *RCW 28A.415.020 and shall count the training program toward meeting continuing education requirements for certification as a school nurse, school social worker, school psychologist, or school counselor. [2013 c 197 § 2.]

***Reviser's note:** RCW 28A.415.020 was repealed by 2018 c 266 § 411.

Findings—Intent—2013 c 197: "(1) The legislature finds that:

(a) According to the state department of health, suicide is the second leading cause of death for Washington youth between the ages of ten and twenty-four. Suicide rates among Washington youth remain higher than that national average;

(b) An increasing body of research shows an association between adverse childhood experiences such as trauma, violence, or abuse, and school performance. Children and teens spend a significant amount of time in school. Teachers and other school staff who interact with students daily are in a prime position to recognize the signs of emotional or behavioral distress and make appropriate referrals. School personnel need effective training to help build the skills and confidence to assist youth in seeking help;

(c) Educators are not necessarily trained to address significant social, emotional, or behavioral issues exhibited by youth. Rather, best practices guidelines suggest that school districts should form partnerships with qualified health, mental health, and social services agencies to provide support; and

(d) Current safe school plans prepared by school districts tend to focus more on natural disasters and external threats and less on how to recognize and respond to potential crises among the students inside the school.

(2) Therefore, the legislature intends to increase the capacity for school districts to recognize and respond to youth in need through additional training, more comprehensive planning, and emphasis on partnerships between schools and communities." [2013 c 197 § 1.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Civil liability—2013 c 197: See RCW 28A.310.501.

28A.410.230 Washington professional educator standards board—Review of proposed assessments before implementation. The Washington professional educator standards board shall report the proposed assessments to the legislative education committees for review and comment prior to implementing the assessments by contractual agreement with the selected vendor or vendors. [2000 c 39 § 202.]

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.240 Washington professional educator standards board—Reports. (1) By December 1, 2003, and annually thereafter, the Washington professional educator standards board shall prepare a report that includes the following information:

(a) The range of scores on the basic skills assessment under RCW 28A.410.220(1) for persons who passed the assessment and were admitted to a Washington preparation program; and

(b) The range of scores on the subject assessments under *RCW 28A.410.220(2) for persons who passed the assessments and earned an endorsement.

(2) The information under subsection (1) of this section shall be reported for the individual public and private colleges and universities in Washington, as well as reported on an aggregate basis. The report shall also include results disaggregated demographically. The report shall include information on the number and percentage of candidates exempted from assessments, demographic information on candidates exempted, institutions attended and endorsements sought by exempted candidates, and reasons for exclusion from the required assessments. The report shall be made available through the state library, on the website of the office of superintendent of public instruction, and placed on the legislative alert list. [2000 c 39 § 203.]

***Reviser's note:** RCW 28A.410.220 was amended by 2008 c 176 § 2, changing subsection (2) to subsection (3).

Findings—Part headings and section captions not law—2000 c 39: See notes following RCW 28A.410.200.

28A.410.250 Washington professional educator standards board—Professional certification—Rules. The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards; [and]

(2) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience, including a method to determine the comparability of rigor between the Washington professional certification process and the advanced level teacher

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certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) an advanced level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate. [2017 3rd sp.s. c 26 § 3; 2016 c 233 § 4; 2005 c 498 § 2.]

Effective date—2017 3rd sp.s. c 26: See note following RCW 28A.410.210.

Intent—2005 c 498: "The legislature recognizes the importance of ongoing professional development and growth for teachers with the goal of improving student achievement. It is the intent of the legislature to ensure that professional certification is administered in such a way as to ensure that the professional development and growth of individual teachers is directly aligned to their current and future teaching responsibilities as professional educators." [2005 c 498 § 1.]

28A.410.251 Washington professional educator standards board—Residency certificate renewal for certain experienced teachers and principals—Rules. By September 1, 2017, the Washington professional educator standards board shall adopt rules allowing teachers and principals with at least two years of experience, who hold or have held a residency certificate and have not achieved the professional certificate, to renew their residency certificate in five-year intervals based on completion of ten credits or one hundred clock hours as defined in *RCW 28A.415.020 and 28A.415.023. [2017 3rd sp.s. c 26 § 1.]

***Reviser's note:** RCW 28A.415.020 and 28A.415.023 were repealed by 2018 c 266 § 411.

Effective date—2017 3rd sp.s. c 26: See note following RCW 28A.410.210.

28A.410.252 Expedited professional certification for out-of-state teachers. The agency responsible for educator certification shall adopt rules for professional certification that identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience, including a method to determine the comparability of rigor between the Washington professional certification process and any United States federally issued or state-issued advanced level teacher certification process that allows an individual to teach internationally. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds a United States federally issued or state-issued advanced level teacher certificate that allows the individual to teach internationally and that has been determined to be comparable to the Washington professional certificate. [2016 c 233 § 5.]

28A.410.260 Washington professional educator standards board—Cultural competency, diversity, equity, and inclusion standards of practice. (1) The Washington professional educator standards board shall:

(a) Develop or update cultural competency, diversity, equity, and inclusion standards of practice for preparation, continuing education, and other training of school district staff;

(b) Collaborate with the Washington state school directors' association to compare and align the standards of practice developed under (a) of this subsection with the standards

of governance developed under RCW 28A.345.115. The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 43.06D.020; and

(c) Post on its public website the cultural competency, diversity, equity, and inclusion standards of practice for school district staff.

(2) The Washington professional educator standards board shall develop and periodically update rubrics to evaluate the alignment of training and professional development programs and related materials with the cultural competency, diversity, equity, and inclusion standards of practice for school district staff developed under subsection (1) of this section.

(3) By November 1, 2030, and every 10 years thereafter, the Washington professional educator standards board shall review the definitions in RCW 28A.415.443 and the cultural competency, diversity, equity, and inclusion standards of practice for school district staff developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature any recommendations for revising the definitions in RCW 28A.415.443.

(4) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443. [2021 c 197 § 4; 2009 c 468 § 5.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.410.265 Washington professional educator standards board—Certification—Cultural competency, diversity, equity, and inclusion standards of practice. (1)

In establishing policies and requirements for the preparation and certification of educators under RCW 28A.410.210, the Washington professional educator standards board shall require that the programs of courses, requirements, and other activities leading to educator certification incorporate the cultural competency, diversity, equity, and inclusion standards of practice developed under RCW 28A.410.260 and include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(2) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443. [2021 c 197 § 6.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

28A.410.270 Washington professional educator standards board—Performance standards—Certification levels—Teacher effectiveness evaluations—Requirements for professional certificate and residency teaching certificate—Demonstration of educator preparation programs' outcomes (as amended by 2021 c 197). (1)(a) The Washington professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level along the entire career continuum.

(b) (In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community

resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.) The Washington professional educator standards board shall incorporate along the entire continuum the standards of practice developed under RCW 28A.410.260.

(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

(2) The Washington professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the Washington professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(3) The Washington professional educator standards board shall maintain a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work.

(4) Award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board, and may not require candidates to enroll in a professional certification program.

(5) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the Washington professional educator standards board. [2021 c 197 § 11; 2019 c 386 § 3; 2017 3rd sp.s. c 26 § 4; 2009 c 548 § 402.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

28A.410.270 Washington professional educator standards board—Performance standards—Certification levels—Requirements for professional certificate and residency teaching certificate—Demonstration of educator preparation programs' outcomes—Program completion requirements (as amended by 2021 c 197). (1)(a) ~~The ((Washington professional educator standards)) board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level along the entire career continuum. For candidates recommended for residency teacher certification by a board-approved preparation program, the standards adopted by the board must be the most recent teaching standards published by a consortium of state and national education organizations dedicated to the reform of the preparation, licensing, and ongoing professional development of teachers since 1987.~~

(b) In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency, as defined in RCW 28A.410.260, along the entire continuum. ~~((For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.))~~

(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the ~~((Washington professional educator standards))~~ board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the ~~((Washington professional educator standards))~~ board must

include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

(2) The ~~((Washington professional educator standards))~~ board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the ~~((Washington professional educator standards))~~ board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

~~(3) ((The Washington professional educator standards board shall maintain a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work.~~

~~(4))~~ Award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board, and may not require candidates to enroll in a professional certification program.

~~((5))~~ (4) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by ~~((the))~~ multiple measures ~~((established under this section))~~ of the knowledge, skills, performance, and competencies described in subsection (1) of this section and other criteria established by the ~~((Washington professional educator standards))~~ board.

(5) Each board-approved teacher preparation program must publish, and provide to candidates prior to admission, a list of program completion requirements.

(6) Before a board-approved teacher preparation program may recommend a candidate for residency teacher certification, the candidate must meet or exceed the knowledge, skill, performance, and competency standards described in subsection (1) of this section.

(7) For the purpose of this section, "board" means the Washington professional educator standards board. [2021 c 198 § 4; 2019 c 386 § 3; 2017 3rd sp.s. c 26 § 4; 2009 c 548 § 402.]

Reviser's note: RCW 28A.410.270 was amended twice during the 2021 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Finding—Intent—Effective date—2021 c 198: See notes following RCW 28A.410.283.

Effective date—2017 3rd sp.s. c 26: See note following RCW 28A.410.210.

Finding—2009 c 548: "The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made." [2009 c 548 § 401.]

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

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

28A.410.271 Washington professional educator standards board—Standards for educational interpreters. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational interpreters" means school district employees, whether certificated or classified, providing sign language interpretation, transliteration, or both, and further explanation of concepts introduced by the teacher for students who are deaf, deaf-blind, or hard of hearing.

(b) "Educational interpreter assessment" means an assessment that includes both written assessment and performance assessment that is offered by a national organization of professional sign language interpreters and transliterators,

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and is designed to assess performance in more than one sign system or sign language.

(c) "Interpretation" means conveying one language in the form of another language.

(d) "Transliteration" means conveying one language in a different modality of the same language.

(2) The professional educator standards board shall:

(a) Adopt standards for educational interpreters and identify and publicize educational interpreter assessments that are available and meet the requirements in this section; and

(b) Establish a performance standard for each educational interpreter assessment for the purposes of this section, defining what constitutes a minimum assessment result.

(3)(a) Except as otherwise provided by this section, by the beginning of the 2016-17 school year, educational interpreters who are employed by school districts must have successfully achieved the performance standard established by the professional educator standards board on one of the educational interpreter assessments identified by the board. Evaluations and assessments for educational interpreters for which the board has not established a performance standard may be obtained as supplemental demonstrations of professional proficiency but may not be used as evidence of compliance with this subsection (3)(a).

(b) An educational interpreter who has not successfully achieved the performance standard required by (a) of this subsection may provide or continue providing educational interpreter services to students for one calendar year after receipt of his or her most recent educational interpreter assessment results, or eighteen months after completing his or her most recent educational interpreter assessment, whichever period is longer, if he or she can demonstrate to the satisfaction of the employing school or school district, ongoing efforts to successfully achieve the required performance standard. In making a determination under this subsection (3)(b), the employing school or school district may consult with the professional educator standards board. For purposes of this subsection (3)(b), "educational interpreter" includes persons employed as educational interpreters before the 2016-17 school year.

(4) By December 31, 2013, the professional educator standards board shall recommend to the education committees of the house of representatives and the senate how to appropriately use the national interpreter certification and the educational interpreter performance assessment for educational interpreters in Washington public schools.

(5) The provisions of this section do not apply to educational interpreters employed to interpret a sign system or sign language, including nonsigning interpretation such as oral interpreting, computer-assisted real time captioning, and cued speech transliteration, for which an educational interpreter assessment either does not exist or, as determined by the professional educator standards board, is not capable of being evaluated by the board for suitability as a performance standard in Washington. [2017 c 34 § 1; 2013 c 151 § 2.]

Effective date—2017 c 34: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 17, 2017]." [2017 c 34 § 3.]

Finding—Intent—2013 c 151: "The legislature finds that although the professional educator standards board has begun work on standards and assessments for educational interpreters as directed by the 2012 supplemental operating budget, there is a need formally to codify this as an ongoing responsibility. The legislature also intends to specify how the standards and assessments will be used to improve learning opportunities for students who are deaf, deaf-blind, or hearing impaired." [2013 c 151 § 1.]

28A.410.273 Washington professional educator standards board—Social-emotional learning. By January 1, 2020, in order to ensure that principals can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate into principal knowledge, skill, and performance standards the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270. [2019 c 386 § 4.]

28A.410.275 Washington professional educator standards board—Preparation program review. The Washington professional educator standards board must periodically review approved preparation programs to assess whether and to what extent the programs are meeting knowledge, skill, and performance standards, and publish on its website the results of the review in a format that facilitates program comparison. [2019 c 386 § 8.]

28A.410.277 Washington professional educator standards board—Continuing education requirements for administrator and teacher certificate renewals. (1) The Washington professional educator standards board must adopt rules for renewal of administrator certificates and teacher certificates that meet the continuing education requirements of this section.

(2) To renew an administrator certificate on or after July 1, 2023, continuing education must meet the following requirements: 10 percent must focus on equity-based school practices, 10 percent must focus on the national professional standards for education leaders, and five percent must focus on government-to-government relationships with federally recognized tribes.

(3) To renew a teacher certificate on or after July 1, 2023, 15 percent of continuing education must focus on equity-based school practices. This subsection (3) does not apply to a person renewing both a teacher certificate and an administrator certificate.

(4)(a) Except as provided under (b) of this subsection (4), continuing education must be provided by one or more of the following entities, if they are an approved clock hour provider:

- (i) The office of the superintendent of public instruction;
- (ii) A school district;
- (iii) An educational service district;
- (iv) A Washington professional educator standards board-approved administrator or teacher preparation program;
- (v) The association of Washington school principals; or
- (vi) The Washington education association.

(b) Continuing education related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved

by the governor's office on Indian affairs in collaboration with the tribal leaders congress on education and the office of Native education in the office of the superintendent of public instruction.

(5) Continuing education focused on equity-based school practices must be aligned with the standards for cultural competency developed under *RCW 28A.410.260. [2021 c 77 § 1.]

***Reviser's note:** RCW 28A.410.260 was amended by 2021 c 197 § 4, changing the term "standards for cultural competency" to "cultural competency, diversity, equity, and inclusion standards of practice."

28A.410.278 Residency principal certificates—Principal preparation program requirements. (1) After August 31, 2013, candidates for a residency principal certificate must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements and successfully completed opportunities to practice teacher evaluation skills.

(2) At a minimum, principal preparation programs must address the following knowledge and skills related to evaluations under RCW 28A.405.100:

(a) Examination of teacher and principal evaluation criteria, and four-level rating evaluation system, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;

(b) Classroom observations;

(c) The use of student growth data and multiple measures of performance;

(d) Evaluation conferencing;

(e) Development of classroom teacher and principal support plans resulting from an evaluation; and

(f) Use of an online tool to manage the collection of observation notes, teacher and principal-submitted materials, and other information related to the conduct of the evaluation. [2019 c 295 § 304; 2012 c 35 § 4.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

28A.410.283 Uniform, statewide performance assessment of teaching effectiveness—Prohibited as requirement. The Washington professional educator standards board may not adopt rules requiring that candidates for residency teacher certification take or pass a uniform, statewide performance assessment of teaching effectiveness. [2021 c 198 § 3.]

Finding—Intent—2021 c 198: "(1) The legislature acknowledges that passing the evidence-based assessment of teaching effectiveness, known as the edTPA, may be a barrier to some candidates becoming fully certificated teachers in Washington. The legislature seeks to promote academic success and reduce barriers for all students, particularly candidates of color, candidates for whom English is a second language, and candidates from low-income households. The legislature is also concerned that candidates from low-income households have difficulty paying for the edTPA, which is administered by a third party.

(2) The legislature finds that the state approval process requires each teacher preparation program to ensure that teacher candidates demonstrate the most recently published interstate teacher assessment and support consortium standards, the state-adopted cultural competency standards, and the state-adopted social-emotional learning standards. The legislature recognizes that teacher candidates may demonstrate their knowledge, skills, and competencies in a variety of ways and settings. The legislature trusts that teacher preparation programs can use multiple measures to evaluate whether teacher candidates meet or exceed the standards, without relying on a state-wide assessment. Therefore, the legislature intends to eliminate taking or passing the edTPA as a prerequisite for residency teacher state certification. Nothing in this legislation prohibits a teacher preparation program from using the edTPA as a formative tool so long as notification is included in all program descriptions." [2021 c 198 § 1.]

Effective date—2021 c 198: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 5, 2021]." [2021 c 198 § 7.]

28A.410.285 Teacher preparation programs. Each Washington professional educator standards board-approved teacher preparation program, including an alternative route teacher certification program, must develop a plan regarding field placement of student teachers in accordance with RCW 28B.10.033. [2019 c 295 § 203.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

28A.410.290 Teacher and administrator preparation program approval standards—Community college and nonhigher education provider programs—Alternative route program inclusion. (1) By September 30, 2010, the professional educator standards board shall review and revise teacher and administrator preparation program approval standards and proposal review procedures at the residency certificate level to ensure they are rigorous and appropriate standards for an expanded range of potential providers, including community college and nonhigher education providers. All approved providers must adhere to the same standards and comply with the same requirements.

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

(3) By September 1, 2011, all professional educator standards board-approved residency teacher preparation programs at institutions of higher education as defined in RCW 28B.10.016 not currently a partner in an alternative route program approved by the professional educator standards board must submit to the board a proposal to offer one or more of the alternative route programs that meet the requirements of RCW 28A.660.020 and *28A.660.040. [2010 c 235 § 502.]

*Reviser's note: RCW 28A.660.040 was repealed by 2017 c 14 § 3.

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

28A.410.292 Articulated pathway for teacher preparation and certification—Program approval. The professional educator standards board and the state board for community and technical colleges may exercise their respective authorities regarding program approval to implement the articulated pathway for teacher preparation and certification recommended pursuant to section 2, chapter 136, Laws of 2014 in approved teacher certification programs and certificate and degree programs offered by community and technical colleges. [2014 c 136 § 3.]

28A.410.294 Teacher and administrator preparation—Working with paraeducators. The professional educator standards board, in consultation with the paraeducator board created in RCW 28A.413.020 and the office of the superintendent of public instruction, shall incorporate into the content required to complete a professional educator standards board-approved teacher or administrator preparation program the following:

(1) For teachers, information on how to direct a paraeducator working with students in the paraeducators' classroom; and

(2) For administrators, information on how to supervise and evaluate paraeducators. [2017 c 237 § 14.]

28A.410.300 Review of district and educator workforce data. Beginning with the 2010 school year and annually thereafter, each educational service district, in cooperation with the professional educator standards board, must convene representatives from school districts within that region and professional educator standards board-approved educator preparation programs to review district and regional educator workforce data, make biennial projections of certificate staffing needs, and identify how recruitment and enrollment plans in educator preparation programs reflect projected need. [2010 c 235 § 506.]

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

28A.410.310 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 32.]

Additional notes found at www.leg.wa.gov

28A.410.330 Microcredentials. The Washington professional educator standards board is prohibited from expanding the use of microcredentials beyond the microcredential pilot grant programs in existence on May 8, 2019, unless and until the legislature directs the board to do so. [2019 c 295 § 306.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

Chapter 28A.413 RCW PARAEDUCATORS

Sections

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28A.413.040	Minimum employment requirements.
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28A.413.080	Paraeducator subject matter certificates.
28A.413.090	Advanced paraeducator certificate.
28A.413.100	Promoting the use of paraeducators.

28A.413.005 Findings. Paraeducators provide the majority of instruction in programs designed by the legislature to reduce the opportunity gap. By setting common statewide standards, requiring training in the standards, and offering career development for paraeducators, as well as training for teachers and principals who work with paraeducators, students in these programs have a better chance of succeeding. [2017 c 237 § 1.]

28A.413.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced paraeducator certificate" means a credential earned by a paraeducator who may have the following duties: Assisting in highly impacted classrooms, assisting in specialized instructional support and instructional technology applications, mentoring and coaching other paraeducators, and acting as a short-term emergency substitute teacher.

(2) "Board" means the paraeducator board established in RCW 28A.413.020.

(3) "English language learner programs" means the English language learners program, the transitional bilingual instruction program, and the federal limited English proficiency program.

(4) "English language learner certificate" means a credential earned by a paraeducator working with students in English language learner programs.

(5) "Paraeducator" means a classified public school or school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional and other services to students and their families. Paraeducators are not considered certificated instructional staff as that term and its meaning are used in this title.

(6) "Special education certificate" means a credential earned by a paraeducator working with students in special education programs. [2017 c 237 § 2.]

28A.413.020 Paraeducator board. (1)(a) The paraeducator board is created, consisting of nine members to be appointed to four-year terms.

(b) Vacancies on the board must be filled by appointment or reappointment as described in subsection (2) of this section to terms of four years.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor must biennially appoint the chair of the board. No board member may serve as chair for more than four consecutive years.

(2) Appointments to the board must be made as follows, subject to confirmation by the senate:

(a) The superintendent of public instruction shall appoint a basic education paraeducator, a special education paraeducator, an English language learner paraeducator, a teacher, a principal, and a representative of the office of the superintendent of public instruction;

(b) The Washington state parent teacher association shall appoint a parent whose child receives instructional support from a paraeducator;

(c) The state board for community and technical colleges shall appoint a representative of the community and technical college system; and

(d) The student achievement council shall appoint a representative of a four-year institution of higher education as defined in RCW 28B.10.016.

(3) The professional educator standards board shall administer the board.

(4) Each member of the board must be compensated in accordance with RCW 43.03.240 and must be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(5) Members of the board may create informal advisory groups as needed to inform the board's work.

(6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from the board, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member. [2017 c 237 § 3.]

28A.413.030 Board—Powers and duties—Rules—Superintendent of public instruction as administrator of rules. (1) The paraeducator board has the following powers and duties:

(a) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, adopt: (i) Minimum employment requirements for paraeducators, as described in RCW 28A.413.040; and (ii) paraeducator standards of practice, as described in RCW 28A.413.050;

(b) Establish requirements and policies for a general paraeducator certificate, as described in RCW 28A.413.070;

(c) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for subject matter certificates in English language learner and special education, as described in RCW 28A.413.080;

(d) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for an advanced paraeducator certificate, as described in RCW 28A.413.090;

(e) By September 1, 2018, approve, and develop if necessary, courses required to meet the provisions of this chapter, where the courses are offered in a variety of means that will limit cost and improve access;

(f) Make policy recommendations, as necessary, for a paraeducator career ladder that will increase opportunities for paraeducator advancement through advanced education, professional learning, and increased instructional responsibility;

(g) Collaborate with the office of the superintendent of public instruction to adapt the electronic educator certification process to include paraeducator certificates; and

(h) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any paraeducator certificates and revoke the same in accordance with board rules. [2017 c 237 § 4.]

28A.413.040 Minimum employment requirements.

(1)(a) A person working as a paraeducator for a school district before or during the 2017-18 school year must meet the requirements of subsection (2) of this section by the date of hire for the 2019-20 school year or any subsequent school year.

(b) A person who has not previously worked as a paraeducator for a school district must meet the requirements of subsection (2) of this section by the date of hire for the 2018-19 school year or any subsequent school year.

(2) The minimum employment requirements for paraeducators are as provided in this subsection. A paraeducator must:

(a) Be at least eighteen years of age and hold a high school diploma or its equivalent; and

(b)(i) Have received a passing grade on the education testing service paraeducator assessment; or

(ii) Hold an associate of arts degree; or

(iii) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

(iv) Have completed a registered apprenticeship program. [2018 c 153 § 1; 2017 c 237 § 5.]

28A.413.050 Standards of practice. (1) The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

(a) Supporting instructional opportunities;

(b) Demonstrating professionalism and ethical practices;

(c) Supporting a positive and safe learning environment;

(d) Communicating effectively and participating in the team process; and

(e) The standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260.

(2) By January 1, 2020, in order to ensure that paraeducators can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the board shall incorporate into the standards of practice for paraeducators adopted under subsection (1) of this section the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270. [2021 c 197 § 12; 2019 c 386 § 5; 2017 c 237 § 6.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

28A.413.060 Fundamental course of study. (1)

School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. At least one day of the fundamental course of study must be provided in person. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection (3) of this section.

(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection:

(a)(i) For paraeducators hired on or before September 1st, the first two days of the fundamental course of study must be provided by September 30th of that year and the second two days of the fundamental course of study must be provided within six months of the date of hire, regardless of the size of the district; and

(ii) For paraeducators hired after September 1st:

(A) For districts with ten thousand or more students, the first two days of the fundamental course of study must be provided within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and

(B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section. [2019 c 268 § 3; 2018 c 153 § 3; 2017 c 237 § 7.]

28A.413.070 General paraeducator certificate. (1)(a)

School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(b) School districts are encouraged to provide at least one day of the ten days of general courses, as defined by the board, on the state paraeducator standards of practice as a professional learning day, where paraeducators collaborate with certified staff and other classified staff on applicable courses.

(2)(a) Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study, as required under RCW 28A.413.060, and an additional ten days of general courses, as defined by the board, on the state paraeducator standards of practice, described in RCW 28A.413.050.

(b) Paraeducators are not required to meet the general paraeducator certificate requirements under this subsection (2) unless the courses necessary to meet the requirements are funded by the state in accordance with subsection (1) of this section and RCW 28A.413.060(1).

(3) Beginning September 1, 2019, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general certification requirements of this section within three years of completing the four-day fundamental course of study.

(4) The general paraeducator certificate does not expire. [2019 c 268 § 4; 2018 c 153 § 4; 2017 c 237 § 8.]

28A.413.080 Paraeducator subject matter certificates. (1) The board shall adopt requirements and policies for paraeducator subject matter certificates in special education and in English language learner that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014.

(2) The rules adopted by the board must include the following requirements:

(a) A subject matter certificate is not a prerequisite for a paraeducator working in any program;

(b) Paraeducators may become eligible for a subject matter certificate by completing twenty hours of professional development in the subject area of the certificate; and

(c) Subject matter certificates expire after five years. [2017 c 237 § 9.]

28A.413.090 Advanced paraeducator certificate. (1) The board shall adopt requirements and policies for an advanced paraeducator certificate that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014.

(2) The rules adopted by the board must include the following requirements:

(a) An advanced paraeducator certificate is not a prerequisite for a paraeducator working in any program;

(b) Paraeducators may become eligible for an advanced paraeducator certificate by completing seventy-five hours of professional development in topics related to the duties of an advanced paraeducator; and

(c) Advanced paraeducator certificates expire after five years. [2017 c 237 § 10.]

28A.413.100 Promoting the use of paraeducators. The paraeducator board must promote the use of paraeducators to meet educator workforce needs by:

(1) Communicating to school districts and educational service districts the requirements for requesting a limited teaching certificate on behalf of a paraeducator;

(2) Encouraging and supporting paraeducators to take on the role of teacher under a limited teaching certificate or by enrolling in an alternative route teacher certification program under chapter 28A.660 RCW; and

(3) Supporting school districts and educational service districts in using paraeducators in teacher roles. [2019 c 268 § 1.]

Chapter 28A.415 RCW INSTITUTES, WORKSHOPS, AND TRAINING

Sections

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28A.415.010 Center for improvement of teaching—Improvement of teaching coordinating council—Teachers' institutes and workshops. It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470. To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and 28A.415.265.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or

appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and rules relating to teachers' institutes held by educational service district superintendents. [2013 2nd sp.s. c 18 § 402; 2006 c 263 § 807; 1991 c 285 § 1; 1990 c 33 § 414; 1975-'76 2nd ex.s. c 15 § 18. Prior: 1975 1st ex.s. c 275 § 139; 1975 1st ex.s. c 192 § 2; 1971 ex.s. c 282 § 31; 1969 ex.s. c 176 § 146; 1969 ex.s. c 223 § 28A.71.100; prior: 1965 c 139 § 21. Formerly RCW 28A.71.100, 28.71.100.]

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

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

Transitional bilingual instruction program—In-service training: RCW 28A.180.040(1)(f).

Additional notes found at www.leg.wa.gov

28A.415.025 Internship clock hours—Rules. The professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits. [2006 c 263 § 810; 1995 c 284 § 3.]

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

Findings—1995 c 284: "The legislature finds that if students are to succeed in an increasingly competitive economy, they will need to be taught by teachers who are aware of the technological innovations and changes that are occurring throughout business, industry, and government. Having teachers who are more aware of these changes will lead to improvements in curriculum and instruction, thereby making public schools more relevant to the future career and personal needs of our students." [1995 c 284 § 1.]

28A.415.030 In-Service Training Act of 1977—Purpose. In order to provide for the improvement of the instructional process in the public schools and maintain and improve the skills of public school certificated and classified personnel, there is hereby adopted an act to be known as the "In-Service Training Act of 1977". [1977 ex.s. c 189 § 1. Formerly RCW 28A.71.200.]

(2022 Ed.)

Additional notes found at www.leg.wa.gov

28A.415.040 In-Service Training Act of 1977—Administration of funds—Rules—Requirements for local districts—In-service training task force. The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, including plans developed at the building level, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program;

(2) Demonstrate that the plans are consistent with the goals of basic education;

(3) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in identifying in-service training needs and goals; and

(4) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by the school district board of directors or educational service district board of directors. [1987 c 525 § 301; 1985 c 214 § 1; 1979 c 149 § 10; 1977 ex.s. c 189 § 2. Formerly RCW 28A.71.210.]

Additional notes found at www.leg.wa.gov

28A.415.060 Credits for educational staff associates to fulfill continuing education requirements. The Washington professional educator standards board rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the Washington professional educator standards board. [2005 c 497 § 210; 1991 c 155 § 1.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

28A.415.265 Beginning educator support team program—Mentors. (1) For the purposes of this section, a mentor educator is a teacher, educational staff associate, or principal who:

(a) Has successfully completed training in assisting, coaching, and advising beginning principals, beginning educational staff associates, beginning teachers, or student teachers as defined by the office of the superintendent of public instruction;

(b) Has been selected using mentor standards developed by the office of the superintendent of public instruction; and

(c) Is participating in ongoing mentor skills professional development.

(2)(a) The beginning educator support team program is established to provide professional development and mentoring for beginning principals, beginning educational staff associates, beginning teachers, and candidates in alternative route teacher certification programs under chapter 28A.660 RCW.

(b) The superintendent of public instruction shall notify school districts about the beginning educator support team program and encourage districts to apply for program funds.

(3) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team program on a competitive basis to individual school districts, consortia of districts, or state-tribal compact schools. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) Schools and districts identified for comprehensive or targeted support and improvement as required under the federal elementary and secondary education act;

(b) School districts with a large influx of beginning principals, beginning educational staff associates, or beginning classroom teachers; and

(c) School districts that demonstrate an understanding of the research-based standards for beginning educator induction developed by the office of the superintendent of public instruction.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

(5) A beginning educator support team program must include the following components:

(a) A paid instructional orientation or individualized assistance before the start of the school year for program participants;

(b) A trained and qualified mentor assigned to each program participant for up to three years, with intensive support in the first year and decreasing support in subsequent years;

(c) A goal to provide program participants from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Ongoing professional development designed to meet the unique needs of each program participant for supplemental training and skill development;

(e) Initial and ongoing professional development for mentors;

(f) Release time for mentors and program participants to work together, as well as time for program participants to observe accomplished peers;

(g) To the extent possible, a school or classroom assignment that is appropriate for a beginning principal, beginning educational staff associate, or beginning teacher;

(h) Nonevaluative observations with written feedback for program participants;

(i) Support in understanding and participating in the state and district evaluation process and using the instructional framework, leadership framework, or both, to promote growth;

(j) Adherence to research-based standards for beginning educator induction developed by the office of the superintendent of public instruction; and

(k) A program evaluation that identifies program strengths and gaps using the standards for beginning educator induction, the retention of beginning educators, and positive impact on student growth for program participants.

(6) The beginning educator support team program components under subsection (5) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100. [2019 c 295 § 302; 2016 c 233 § 11; 2013 2nd sp.s. c 18 § 401.]

Findings—Intent—2019 c 295: "(1) The legislature finds that the most successful education systems have robust, well-prepared educators and educator leaders, with ample and relevant mentoring and professional learning opportunities appropriate to their roles and career aspirations. Further, the legislature finds that cultivating a public common school system that focuses on the growth of educator knowledge, skills, and dispositions to help students perform at high levels not only supports better professional practice, but results in greater professional satisfaction for educators.

(2) The legislature finds that excessively rigid policies have had the unintended consequence of preventing qualified and effective educators from remaining in the common schools. Barriers to educator retention, such as lack of induction and mentoring for beginning educators, a complicated and burdensome certification system, and frequent comprehensive performance evaluation requirements must be addressed. The legislature acknowledges that a substantial step towards reducing the barriers of complicated and burdensome certification requirements was taken in chapter 26, Laws of 2017 by creating a flexible option for renewing teacher and administrator certificates. However, continued legislative review and refinement of the link between certification programs, effective pedagogy, and professional satisfaction is necessary to strengthen educator retention efforts.

(3) Further efforts can also focus on the improvement of working conditions within schools and school districts. The legislature acknowledges that the demands on educators must be balanced with an encouragement of their excitement for the profession. The legislature intends to expand upon successful educator induction and mentoring programs such as the beginning educator support team program, and to streamline the teacher and principal evaluation program requirements for the highest performing educators." [2019 c 295 § 301.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

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

28A.415.270 Principal internship support program.

(1) To the extent funds are appropriated, the Washington state principal internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to provide partial release time for district employees who are in a principal preparation program to complete an internship with a mentor principal. Funds may be used in a variety of ways to accommodate flexible implementation in releasing the intern to meet program requirements.

(2) Participants in the principal internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school principal preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program;

(d) Applicants submit their applications to the office of the superintendent of public instruction's designee; and

(e) The office of the superintendent of public instruction's designee, with the assistance of an advisory board, shall select internship participants.

(3) The maximum amount of state funding for each internship shall not exceed the actual daily rate cost of providing a substitute teacher for the equivalent of forty-five school days.

(4) Once principal internship participants have been selected, the office of the superintendent of public instruction shall allocate the funds to the appropriate school districts. The funds shall be used to pay for partial release time while the school district employee is completing the principal internship. [2019 c 295 § 207; 1996 c 233 § 1; 1993 c 336 § 404.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.280 Superintendent and program administrator internship support program. (1) To the extent funds are appropriated, the Washington state superintendent and program administrator internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to provide partial release time for district employees who are in a superintendent or program administrator preparation program to complete an internship with a mentor administrator. Funds may be used in a variety of ways to accommodate flexible implementation in releasing the intern to meet program requirements.

(2) Participants in the superintendent and program administrator internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school district superintendent or program administrator preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the internship support program and shall notify its educational service district of the

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school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor administrator for each intern applicant and shall agree to provide the internship applicant release time not to exceed the equivalent of forty-five student days by means of this funding source; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) The maximum amount of state funding for each internship shall not exceed the actual daily rate cost of providing a substitute teacher for the equivalent of forty-five school days.

(b) Funds appropriated for the internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district.

(c) Once internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for partial release time while the school district employee is completing the internship.

(d) If an educational service district has unfilled superintendent or program administrator internship positions, the positions and unspent funds shall revert to the superintendent of public instruction for supplementary direct disbursement among the educational service districts.

The superintendent of public instruction shall allocate any remaining unfilled positions and unspent funds among the educational service districts that have qualified candidates but not enough positions for them.

This subsection does not preclude the superintendent of public instruction from permitting the affected educational service districts to make the supplementary selections.

(e) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction. [1996 c 233 § 2; 1993 c 336 § 405.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.285 Expanded civics education teacher training program. (1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework

and the six proven instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section. [2018 c 127 § 3.]

Finding—Intent—2018 c 127: See note following RCW 28A.230.094.

28A.415.300 Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the principal and superintendent and program administrator internship support programs. [1993 c 336 § 407.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.415.315 Classified instructional assistants—Training. Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction, in consultation with various groups representing school district classified employees, shall develop and offer a training strand through the summer institutes and the winter conference targeted to classified instructional assistants and designed to help them maximize their effectiveness in improving student achievement. [2009 c 539 § 2; 2008 c 65 § 2.]

Findings—Intent—2008 c 65: "The legislature finds that classified instructional assistants are key partners with classroom teachers in improving student achievement. Research on rigorous reading programs, including the reading first programs in our own state, proves that when instructional assistants are skilled, well-trained in a particular intervention, and positively supported by the classroom teacher or coach, they can have a significant impact on student reading attainment. The legislature further finds that school district practice provides sufficient evidence of the need for instructional assistants. Statewide, school districts relied on more than nineteen thousand classified instructional assistants, equal to nearly ten thousand full-time equivalent staff, during the 2006-07 school year. Therefore, the legislature intends to support instructional assistants by providing opportunities for high quality professional development to make them more effective partners in the classroom." [2008 c 65 § 1.]

Additional notes found at www.leg.wa.gov

28A.415.330 Professional development institutes—Managing disruptive students. (1) To the extent funds are appropriated, the superintendent of public instruction shall

conduct professional development institutes to provide opportunities for teachers, principals, and other school staff to learn effective research-based strategies for handling disruptive students. The institutes shall be conducted during the summer of 2000. The training institutes shall emphasize methods for handling disruptions in regular classrooms and how to design and implement alternative learning settings and programs that have been proven to be effective in providing for the educational needs of students who exhibit frequent and prolonged disruptive behavior when placed in a regular classroom setting.

(2) The superintendent may enter into contracts with public or private entities that provide training in effective research-based methods for dealing with disruptive students. In developing the institutes, the superintendent shall work with school staff who have had experience working effectively with disruptive students. The institutes shall be open to teams of teachers, principals, and other school staff from each school district choosing to participate. However, as a condition of participating in the institutes, school district teams shall be required to develop during or immediately following the institute a district plan for carrying out the purposes of this section. Elementary schools and junior high and middle schools in districts that send teams to participate in institutes conducted under this section are encouraged to formulate school building-level plans for addressing the educational needs of disruptive students and the needs of students and teachers in the regular classrooms for an orderly and disciplined environment that is optimally conducive to learning. Individual participants in the institutes shall agree to provide assistance as needed to other school staff in their school building or school district, consistent with their other normal duties.

(3) Beginning with the 1999-2000 school year, elementary and junior high schools are encouraged to provide staff from both the regular education and special education programs opportunities to work together to share successful practices for managing disruptive students. [1999 c 166 § 2.]

Findings—1999 c 166: "The legislature finds that disruptive students can significantly impede effective teaching and learning in the classroom. Training in effective strategies for handling disruptive students will help principals, teachers, and other staff gain additional skills to provide a classroom environment that is conducive to teaching and learning. Schools and school districts should be encouraged to provide staff with the training necessary to respond to disruptions effectively." [1999 c 166 § 1.]

28A.415.340 State leadership academy—Public-private partnership—Reports. (1) Research supports the value of quality school and school district leadership. Effective leadership is critical to improving student learning and transforming underperforming schools and school districts into world-class learning centers.

(2) A public-private partnership is established to develop, pilot, and implement the Washington state leadership academy to focus on the development and enhancement of personal leadership characteristics and the teaching of effective practices and skills demonstrated by school and district administrators who are successful managers and instructional leaders. It is the goal of the academy to provide state-of-the-art programs and services across the state.

(3) Academy partners include the state superintendent and principal professional associations, private nonprofit

foundations, institutions of higher education with approved educator preparation programs, the professional educator standards board, the office of the superintendent of public instruction, educational service districts, the state school business officers' association, and other entities identified by the partners. The partners shall designate an independent organization to act as the fiscal agent for the academy and shall establish a board of directors to oversee and direct the academy's finances, services, and programs. The academy shall be supported by a national research institution with demonstrated expertise in educational leadership.

(4) Initial development of academy course content and activities shall be supported by private funds. Initial tasks of the academy are to:

(a) Finalize a comprehensive design of the academy and the development of the curriculum frameworks for a comprehensive leadership development program that includes coursework, practicum, mentoring, and evaluation components;

(b) Develop curriculum for individual leadership topics;

(c) Pilot the curriculum and all program components; and

(d) Modify the comprehensive design, curriculum coursework, practicum, and mentoring programs based on the research results gained from pilot activities.

(5) The board of directors shall report semiannually to the superintendent of public instruction on the financial contributions provided by foundations and other organizations to support the work of the academy. The board of directors shall report by December 31st each year to the superintendent of public instruction on the programs and services provided, numbers of participants in the various academy activities, evaluation activities regarding program and participant outcomes, and plans for the academy's future development.

(6) The board of directors shall make recommendations for changes in superintendent and principal preparation programs, the administrator licensure system, and continuing education requirements. [2007 c 402 § 1.]

Additional notes found at www.leg.wa.gov

28A.415.350 Professional development learning opportunities—Partnerships. Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction shall:

(1) Create partnerships with the educational service districts or public or private institutions of higher education with approved educator preparation programs to develop and deliver professional development learning opportunities for educators that fulfill the goals and address the activities described in *sections 3 through 6 of this act and RCW 28A.415.360. The partnerships shall:

(a) Support school districts by providing professional development leadership, courses, and consultation services to school districts in their implementation of professional development activities, including the activities described in *sections 3 through 6 of this act and RCW 28A.415.360; and

(b) Support one another in the delivery of state-level and regional-level professional development activities such as state conferences and regional accountability institutes; and

(2) Enter into a performance agreement with each educational service district to clearly articulate partner responsibilities

and assure fidelity for the delivery of professional development initiatives including job-embedded practices. Components of such performance agreements shall include:

(a) Participation in the development of various professional development workshops, programs, and activities;

(b) Characteristics and qualifications of professional development staff supported by the program;

(c) Methods to ensure consistent delivery of professional development services; and

(d) Reporting responsibilities related to services provided, program participation, outcomes, and recommendations for service improvement. [2009 c 539 § 4; 2007 c 402 § 7.]

*Reviser's note: Sections 3 through 6 of this act were vetoed.

Additional notes found at www.leg.wa.gov

28A.415.360 Learning improvement days—Eligibility—Reports.

(1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

(a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;

(b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;

(c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;

(d) Increased rigor of course offerings especially in mathematics, science, and reading;

(e) Increased student opportunities for focused, applied mathematics and science classes;

(f) Increased student success on state achievement measures; and

(g) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction documenting how the use of the funds contributes to measurable improvement in the outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format. [2019 c 252 § 117; 2009 c 548 § 403; 2007 c 402 § 9.]

Intent—2019 c 252: See note following RCW 28A.655.250.

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

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

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

28A.415.370 Recruiting Washington teachers program. (1)(a) The recruiting Washington teachers program is established to recruit and provide training and support for high school students to enter the field of education, especially in shortage areas. The program shall be administered by the Washington professional educator standards board.

(b) As used in this section, "shortage area" has the definition in RCW 28B.102.020.

(2) The program shall consist of the following components:

(a) Targeted recruitment of diverse high school students including, but not limited to, students from underrepresented groups and multilingual, multicultural students in grades nine through twelve, through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and explore careers in the field of education;

(b) A high school curriculum that: Provides future educators with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, academic disparities among student subgroups, cultural competency, college success and workforce skills, and education policy;

(c) Academic and community support services to help students overcome possible barriers to becoming future educators, such as supplemental tutoring; advising on college readiness and college course selection, college applications, and financial aid processes and financial education opportunities; and mentoring. Support services for program participants may continue from high school through the first two years of college; and

(d) Future educator camps held on college campuses where high school students can: Acclimate to the campus, resources, and culture; attend workshops; and interact with college faculty, teacher candidates, and certificated teachers.

(3) As part of its administration of the program, the Washington professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, high school students, and representatives of diverse communities;

(b) Subject to the availability of amounts appropriated for this specific purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section. The board must prioritize grants to partnerships that also have a running start program under chapter 28A.600 RCW; and

(c) Conduct periodic evaluations of the effectiveness of current strategies and programs for recruiting educators, especially multilingual, multicultural educators, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting Washington teachers

program as necessary and make other recommendations to teacher preparation programs or the legislature. [2019 c 295 § 104; 2007 c 402 § 10.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

Additional notes found at www.leg.wa.gov

28A.415.380 Mathematics and science instructional coach program—Evaluation—Reports. (1) A mathematics and science instructional coach program is authorized, which shall consist of a coach development institute, coaching seminars, coaching activities in schools, and program evaluation.

(2) The office of the superintendent of public instruction shall develop a mathematics and science instructional coach program that includes an initial coach development experience for new coaches provided through an institute setting, coaching support seminars, and additional coach development services. The office shall draw upon the experiences of coaches in federally supported elementary literacy programs and other successful programs, research and policy briefs on adult professional development, and research that specifically addresses the instructional environments of middle, junior high, and high schools as well as the unique aspects of the fields of mathematics and science.

(3) The office of the superintendent of public instruction shall design the application process and select the program participants.

(4) Schools and school districts participating in the program shall carefully select the individuals to perform the role of mathematics or science instructional coach. Characteristics to be considered for a successful coach include:

(a) Expertise in content area;

(b) Expertise in various instructional methodologies and personalizing learning;

(c) Personal skills that include skilled listening, questioning, trust building, and problem solving;

(d) Understanding and appreciation for the differences in adult learners and student learners; and

(e) Capacity for strategic planning and quality program implementation.

(5) The role of the mathematics or science instructional coach is focused on supporting teachers as they apply knowledge, develop skills, polish techniques, and deepen their understanding of content and instructional practices. This work takes a number of forms including: Individualized professional development, department-wide and school-wide professional development, guidance in student data interpretation, and using assessment to guide instruction. Each coach shall be assigned to two schools as part of the program.

(6) Program participants have the following responsibilities:

(a) Mathematics and science coaches shall participate in the coach development institute as well as in coaching sup-

port seminars that take place throughout the school year, practice coaching activities as guided by those articulated in the role of the coach in subsection (5) of this section, collect data, and participate in program evaluation activities as requested by the institute pursuant to subsection (7) of this section.

(b) School and district administrators in districts in which the mathematics and science coaches are practicing shall participate in program evaluation activities.

(7)(a) The Washington State University social and economic sciences research center shall conduct an evaluation of the mathematics and science instructional coach program in this section. Data shall be collected through various instruments including surveys, program and activity reports, student performance measures, observations, interviews, and other processes. Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators.

(b) The Washington State University social and economic sciences research center shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(8) The mathematics and science instructional coach program in this section shall be implemented to the extent funds are available for that purpose. [2009 c 578 § 1; 2007 c 396 § 4.]

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Additional notes found at www.leg.wa.gov

28A.415.390 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 33.]

Additional notes found at www.leg.wa.gov

28A.415.400 Reading instruction and early literacy—Professional development. (1) High quality professional development is essential for educators to keep abreast of the important advances in research that are occurring regarding instructional strategies and curriculum. Professional development in early literacy is especially important to support the instruction of young readers since reading proficiency is a crucial element for student academic success.

(2) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall create partnerships with the educational service districts and public or private institutions of higher education with approved educator preparation programs to develop and deliver research-based professional development learning opportunities in reading instruction and early literacy for teachers of kindergarten through fourth grade students. [2013 2nd sp.s. c 18 § 103.]

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

28A.415.410 Training to support discipline policies under chapter 28A.600 RCW. (1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner. [2016 c 72 § 104.]

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

28A.415.430 Professional learning—Defined—Scope. (1) The term "professional learning" means a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. Professional learning fosters collective responsibility for improved student performance and must comprise learning that is aligned with student learning needs, educator development needs, and school district, or state improvement goals. Professional learning shall have as its primary focus the improvement of teachers' and school leaders' effectiveness in assisting all students to meet the state learning standards.

(2) Professional learning is an ongoing process that is measurable by multiple indicators and includes learning experiences that support the acquisition and transfer of learning, knowledge, and skills into the classroom and daily practice.

(3) Professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(4) Professional learning should include the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members, who commit to working together on an ongoing basis to accomplish common goals and who are engaged in a continuous cycle of professional improvement that is focused on:

(a) Identifying student and educator learning needs using multiple sources of data;

(b) Defining a clear set of educator learning goals based on the rigorous analysis of these multiple data sources and the

collective and personalized learning needs of teachers and administrators;

(c) Continuously assessing the effectiveness of the professional learning in achieving identified learning goals, improving teaching, and assisting all students in meeting state academic learning standards through reflection, observation, and sustained support;

(d) Using formative and summative measures to assess the effectiveness of professional learning in achieving educator learning goals;

(e) Realizing the three primary purposes for professional learning: (i) Individual improvement aligned with individual goals; (ii) school and team improvement aligned with school and team improvement [goals]; and (iii) program implementation aligned with state, district, and school improvement goals and initiatives.

(5) Professional learning should be facilitated by well-prepared school and district leaders who incorporate knowledge, skills, and dispositions for leading professional learning of adults and meet the standards described in *RCW 28A.300.602. These facilitators may include but are not limited to: Curriculum specialists, central office administrators, principals, coaches, mentors, master teachers, and other teacher leaders.

(6) Principals should assist staff with alignment of professional learning tied to curriculum, instruction, and state and local learning goals and assessments.

(7) Professional learning may be supported by external expert assistance or additional activities that will be held to the same definition and standards as internally supported professional learning, and that:

(a) Address defined student and educator learning goals;

(b) Include, but are not limited to, courses, workshops, institutes, networks, studio residencies, virtual learning modules, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service districts, technical assistance providers, networks of content specialists, and other education organizations and associations; and

(c) Advance ongoing school-based professional learning that occurs throughout the year with opportunities for regular practice and feedback while developing new skills. [2016 c 77 § 2. Formerly RCW 28A.300.600.]

***Reviser's note:** RCW 28A.300.602 was recodified as RCW 28A.415.432 pursuant to 2017 3rd sp.s. c 13 § 108.

Findings—Intent—2016 c 77: "(1) The legislature finds that effective professional learning enables educators to acquire and apply the knowledge, skills, practices, and dispositions needed to help students learn and achieve at higher levels.

(2) The legislature further finds that a clear definition of professional learning provides a foundational vision that sets the course for how state, regional, and local education leaders support educator professional learning in order to advance student learning. A shared, statewide definition is a piece of critical infrastructure to guide policy and investments in the content, structure, and provision of the types of professional learning opportunities that are associated with increased student performance. A definition of professional learning is also an accountability measure to assure that professional learning will have the highest possible return on investment in terms of increased student performance.

(3) Therefore, the legislature intends to adopt a statewide definition of effective professional learning. Each public school and school district should establish targeted, sustained, relevant professional learning opportunities that meet the definition and are aligned to state and district goals." [2016 c 77 § 1.]

28A.415.432 Professional learning—Standards.

Standards for professional learning provide guidance on the preparation and delivery of high quality professional learning to those responsible for planning, facilitating, and sponsoring professional learning.

(1) Content standards. High quality professional learning:

(a) Includes clear goals and objectives relevant to desired student outcomes; and

(b) Aligns with state, district, school, and educator goals or priorities.

(2) Process standards. High quality professional learning:

(a) Is designed and based upon the analysis of data relevant to the identified goals, objectives, and audience;

(b) Is assessed to determine that it is meeting the targeted goals and objectives;

(c) Promotes collaboration among educators to encourage sharing of ideas and working together to achieve the identified goals and objectives;

(d) Advances an educator's ability to apply acquired knowledge and skills from the professional learning to specific content; and

(e) Models good pedagogical practice and applies knowledge of adult learning theory to engage educators.

(3) Context standards. High quality professional learning:

(a) Makes use of relevant resources to ensure the identified goals and objectives are met;

(b) Is facilitated by a professional knowledgeable about the identified objectives; and

(c) Is designed in such a way that sessions connect and build upon each other to provide a coherent and useful learning experience for educators. [2016 c 77 § 3. Formerly RCW 28A.300.602.]

Findings—Intent—2016 c 77: See note following RCW 28A.415.430.

28A.415.434 Professional learning—Definitions. The definitions in this section apply throughout *RCW 28A.300.600 and 28A.300.602 unless the context clearly requires otherwise.

(1) "Differentiated" means that professional learning experiences are designed to meet the needs of individual educators based on multiple sources of data such as professional growth plans, observations, and student growth data.

(2) "Job-embedded" means a sustained series of activities such as workshops and coaching occurring throughout the year that is delivered within the context of an educator's instructional assignments, including both subject and grade level, to support the educator's acquisition and application of the knowledge and skills.

(3) "Student outcomes" refers to two broad categories of student measures: Academic measures and nonacademic measures. Academic measures refer to student learning, growth, and achievement. Nonacademic measures are indicators such as health, behavioral, or socioemotional factors that support student learning.

(4) "Sustained" means ongoing professional learning supported throughout the school year occurring several times within and across school years. [2016 c 77 § 4. Formerly RCW 28A.300.604.]

***Reviser's note:** RCW 28A.300.600 and 28A.300.602 were recodified as RCW 28A.415.430 and 28A.415.432, respectively, pursuant to 2017 3rd sp.s. c 13 § 108.

Findings—Intent—2016 c 77: See note following RCW 28A.415.430.

28A.415.443 Definitions. The definitions in this section apply throughout RCW 28A.345.115, 28A.345.120, 28A.410.265, 28A.343.100, 28A.410.260, and 28A.415.445 unless the context clearly requires otherwise.

(1) "Cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

(2) "Diversity" describes the presence of similarities and differences within a given setting, collective, or group based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences.

(3) "Equity" includes developing, strengthening, and supporting procedural and outcome fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals. The term also includes eliminating barriers that prevent the full participation of individuals and groups.

(4) "Inclusion" describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure the full access to engagement and participation in available activities and opportunities. [2021 c 197 § 2.]

Finding—Intent—2021 c 197: "(1) The legislature finds that state resources have been invested to: (a) Identify model standards for cultural competency; (b) incorporate these cultural competency standards into both the standards for effective teaching and the standards of practice for paraeducators; (c) develop cultural competency training programs for school district staff from paraeducators to administrators; and (d) develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents.

(2) The legislature plans to continue the important work of dismantling institutional racism in public schools and recognizes the importance of increasing equity, diversity, inclusion, antiracism, and cultural competency training throughout the entire public school system by providing training programs for classified staff, certificated instructional staff, certificated administrative staff, superintendents, and school directors that will be provided in an ongoing manner." [2021 c 197 § 1.]

28A.415.445 Professional learning days—Mental health topics—Cultural competency, diversity, equity, and inclusion. (1) Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

(2)(a) In the 2021-22 school year, school districts must use one of the professional learning days funded under RCW

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28A.150.415 to train school district staff in one or more of the following topics: Cultural competency, diversity, equity, or inclusion.

(b) Beginning in the 2023-24 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to provide to school district staff a variety of opportunities for training, professional development, and professional learning aligned with the cultural competency, equity, diversity, and inclusion standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. Alignment with the standards of practice must be evaluated using the rubrics developed under RCW 28A.410.260. The opportunities must also include training on multicultural education and principles of English language acquisition.

(3) For the purposes of this section:

(a) "Cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443.

(b) "School district staff" includes classified staff, certificated instructional staff, certificated administrative staff, and superintendents. [2021 c 197 § 8; 2019 c 360 § 3.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

Findings—Intent—2019 c 360: See note following RCW 74.09.4951.

Chapter 28A.500 RCW

LOCAL EFFORT ASSISTANCE

Sections

28A.500.010	Local effort assistance funding—Purpose—Not basic education.
28A.500.015	Annual local effort assistance funding—Formulas—Not basic education.
28A.500.040	Distribution of funds.
28A.500.060	Condensed compliance reports—Second-class districts.
28A.500.900	Effective date—1999 c 317.

28A.500.010 Local effort assistance funding—Purpose—Not basic education. The legislature intends to continue providing local effort assistance funding to school districts. Local effort assistance provides schools in property-poor districts with funding for locally determined activities that enrich the state's program of basic education, thereby enhancing equity in students' access to extracurricular activities and similar enrichments. The purpose of these funds is to mitigate the effect that above average property tax rates might have on the ability of a school district to raise local revenues to supplement the state's basic program of education. These funds serve to equalize the property tax rates that individual taxpayers would pay for such levies and to provide tax relief to taxpayers in high tax rate school districts.

Local effort assistance funding is not part of the state's statutory program of basic education, nor are allocations for it part of the district's basic education allocation. Beginning September 1, 2019, and subject to RCW 28A.150.276, districts may use local effort assistance funding only to enrich the state's statutory program of basic education. [2017 3rd sp.s. c 13 § 205; 1999 c 317 § 1; 1997 c 259 § 4; 1993 c 410 § 1; (1993 c 465 § 2 expired December 31, 1995); 1992 c 49 § 2; 1987 1st ex.s. c 2 § 102. Formerly RCW 28A.41.155.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

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

Additional notes found at www.leg.wa.gov

28A.500.015 Annual local effort assistance funding—Formulas—Not basic education. (1) Beginning in calendar year 2020 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2)(a) For an eligible school district with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district.

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district.

(d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed, except as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(e) "State local effort assistance threshold" means one thousand five hundred fifty dollars per student, increased for inflation beginning in calendar year 2020.

(f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section. [2022 c 108 § 4; 2019 c 410 § 1; 2018 c 266 § 303; 2017 3rd sp.s. c 13 § 206.]

Intent—Effective date—2022 c 108: See notes following RCW 84.52.0531.

Effective date—2018 c 266 §§ 303 and 307: "Sections 303 and 307 of this act take effect January 1, 2019." [2018 c 266 § 412.]

Effective date—2017 3rd sp.s. c 13 §§ 201, 203, 206, and 207: See note following RCW 84.52.0531.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

28A.500.040 Distribution of funds. Local effort assistance funds shall be distributed to qualifying districts as follows:

- (1) Thirty percent in April;
- (2) Twenty-three percent in May;
- (3) Two percent in June;
- (4) Seventeen percent in August;
- (5) Nine percent in October;
- (6) Seventeen percent in November; and
- (7) Two percent in December. [1999 c 317 § 4.]

28A.500.060 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 34.]

Additional notes found at www.leg.wa.gov

28A.500.900 Effective date—1999 c 317. This act takes effect January 1, 2000. [1999 c 317 § 5.]

Chapter 28A.505 RCW
SCHOOL DISTRICTS' BUDGETS

Sections

28A.505.010	Definitions.
28A.505.020	Districts must utilize methods of revenue and expenditure recognition.
28A.505.030	District fiscal year.
28A.505.040	Budget—Four-year budget plan—Notice of completion—Copies—Review by educational service districts.
28A.505.050	Budget—Notice of meeting to adopt.
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28A.505.070	Budget review committee—Members—Review of budget, limitations.
28A.505.080	Budget—Disposition of copies.
28A.505.090	Budget—Format, classifications, mandatory.
28A.505.100	Budget—Contents—Display of salaries.
28A.505.110	Budget—Including receivables collectible in future years—Limitations.
28A.505.120	Withholding state funds upon district noncompliance—Notice of.
28A.505.130	Budget—Requirements for balancing estimated expenditures.
28A.505.140	Rules for budgetary procedures—Review by superintendent—Separate accounting of state and local revenues—Notice of irregularity—Budget revisions.
28A.505.150	Budgeted expenditures as appropriations—Interim expenditures—Transfer between budget classes—Liability for nonbudgeted expenditures.
28A.505.160	Appropriations lapse at end of fiscal year—Exception.
28A.505.170	First-class school districts—Emergency or additional appropriation resolutions—Procedure.
28A.505.180	Second-class school districts—Additional appropriation resolutions—Procedure.
28A.505.200	Repayment of federal moneys—Federal disallowance determination.
28A.505.230	Condensed compliance reports—Second-class districts.
28A.505.240	Enrichment levy spending plans—Preballot approval—Revised spending plan for voter-approved levies.

28A.505.010 Definitions. The following terms when used in this chapter shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(1) "Revenue" means an addition to assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations plus or minus adjustments for revenue accruals.

(2) "Accrual basis expenditures" mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(3) "Cash basis expenditures" mean actual disbursements during a given fiscal period except for debt service, regardless of when liabilities are incurred, or the period of incurrence of expenditures.

(4) "Cash basis revenue" means actual receipt of revenue not adjusted for revenue accruals.

(5) "Revenue accruals" means those revenues anticipated to be received in cash after the close of the fiscal period that represent reimbursement for expenditures incurred by the end of the fiscal period.

(6) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(7) "Disbursements" mean payments in cash, including but not limited to issuance of warrants. [1983 c 59 § 1; 1975-'76 2nd ex.s. c 118 § 1. Formerly RCW 28A.65.400.]

Additional notes found at www.leg.wa.gov

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28A.505.020 Districts must utilize methods of revenue and expenditure recognition. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(1) Recognize revenue as defined in RCW 28A.505.010(1) for all funds: PROVIDED, That school districts that elect the cash basis of expenditure recognition under subsection (2) of this section shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: PROVIDED, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year. [1990 c 33 § 416; 1983 c 59 § 2; 1980 c 18 § 1; 1975-'76 2nd ex.s. c 118 § 2. Formerly RCW 28A.65.405.]

Additional notes found at www.leg.wa.gov

28A.505.030 District fiscal year. Beginning September 1, 1977 the fiscal year for all school districts shall be September 1 through August 31. [1975-'76 2nd ex.s. c 118 § 3. Formerly RCW 28A.65.410.]

Additional notes found at www.leg.wa.gov

28A.505.040 Budget—Four-year budget plan—Notice of completion—Copies—Review by educational service districts. (1) On or before the tenth day of July in each year, all school districts shall prepare their budget for the ensuing fiscal year. The annual budget development process shall include the development or update of a four-year budget plan that includes a four-year enrollment projection. The four-year budget plan must include an estimate of funding necessary to maintain the continuing costs of program and service levels and any existing supplemental contract obligations.

(2) The completed budget must include a summary of the four-year budget plan and set forth the complete financial plan of the district for the ensuing fiscal year.

(3)(a) Upon completion of their budgets, every school district shall electronically publish a notice stating that the district has completed the budget, posted it electronically, placed it on file in the school district administration office, and that a copy of the budget and a summary of the four-year budget plan will be furnished to any person who calls upon the district for it.

(b) School districts shall submit one copy of their proposed budget and the four-year budget plan summary to their educational service districts for review and comment by July 10th. The superintendent of public instruction may delay the dates in this section if the state's operating budget is not finally approved by the legislature until after June 1st.

(c) The office of the superintendent of public instruction shall consider the information provided under (b) of this subsection when ranking each school district by the financial health of the school district in order to provide information for districts to avoid potential financial difficulty, insolvency, or binding conditions. [2019 c 208 § 3; 2017 3rd sp.s. c 13 §

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604; 1995 c 121 § 1; 1975-'76 2nd ex.s. c 118 § 4. Formerly RCW 28A.65.415.]

Effective date—2017 3rd sp.s. c 13 §§ 604, 605, and 606: "Sections 604, 605, and 606 of this act take effect January 1, 2018." [2017 3rd sp.s. c 13 § 608.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Additional notes found at www.leg.wa.gov

28A.505.050 Budget—Notice of meeting to adopt. (1)

Upon completion of their budgets as provided in RCW 28A.505.040, every school district shall publish a notice stating that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year.

(2) Such notice shall designate the date, time, and place of said meeting which shall occur no later than the thirty-first day of August for first-class school districts, and the first day of August for second-class school districts.

(3) The notice shall also state that any person may appear at the meeting and be heard for or against any part of such budget, the four-year budget plan, or any proposed changes to uses of enrichment funding under RCW 28A.505.240. The notice shall be electronically published and published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing. [2017 3rd sp.s. c 13 § 605; 1995 c 121 § 2; 1990 c 33 § 417; 1983 c 59 § 3; 1975-'76 2nd ex.s. c 118 § 5. Formerly RCW 28A.65.420.]

Effective date—2017 3rd sp.s. c 13 §§ 604, 605, and 606: See note following RCW 28A.505.040.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Additional notes found at www.leg.wa.gov

28A.505.060 Budget—Hearing and adoption of—Copies filed with ESDs. (1) On the date given in the notice as provided in RCW 28A.505.050 the school district board of directors shall meet at the time and place designated. Any person may appear at the meeting and be heard for or against any part of such budget, the four-year budget plan, or any proposed changes to uses of enrichment funding under RCW 28A.505.240.

(2) Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st in first-class school districts, and not later than August 1st in second-class school districts.

(3) Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget, the four-year budget plan summary, and the four-year enrollment projection and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That first-class school districts shall file copies of their adopted budget with their educational service district no later than September 3rd, and second-class school districts shall forward copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in RCW 28A.505.070 by the budget review com-

mittee. [2017 3rd sp.s. c 13 § 606; 1990 c 33 § 418; 1983 c 59 § 4; 1975-'76 2nd ex.s. c 118 § 6. Formerly RCW 28A.65.425.]

Effective date—2017 3rd sp.s. c 13 §§ 604, 605, and 606: See note following RCW 28A.505.040.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Additional notes found at www.leg.wa.gov

28A.505.070 Budget review committee—Members—Review of budget, limitations.

The budget review committee shall fix and approve the amount of the appropriation from each fund of the budget of second-class districts not later than August 31st. No budget review committee shall knowingly approve any budget or appropriation that is in violation of this chapter or rules and regulations adopted by the superintendent of public instruction in accordance with RCW 28A.505.140(1). A copy of said budget shall be returned to the local school districts no later than September 10th.

Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local school district board of directors or a representative thereof, and a representative of the superintendent of public instruction. [1990 c 33 § 419; 1975-'76 2nd ex.s. c 118 § 7. Formerly RCW 28A.65.430.]

Additional notes found at www.leg.wa.gov

28A.505.080 Budget—Disposition of copies. Copies of the budgets for all local school districts, including the four-year budget plan prepared under RCW 28A.505.040, shall be filed with the superintendent of public instruction no later than September 10th. One copy will be retained by the educational service district. [2019 c 208 § 4; 1984 c 128 § 8; 1983 c 59 § 5; 1975-'76 2nd ex.s. c 118 § 8. Formerly RCW 28A.65.435.]

Additional notes found at www.leg.wa.gov

28A.505.090 Budget—Format, classifications, mandatory.

Every school district budget shall be prepared, submitted and adopted in the format prescribed by the office of the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the office of the superintendent of public instruction and the office of the state auditor. Budgets prepared and adopted in a format other than that prescribed by the office of the superintendent of public instruction shall not be official and will have no legal effect. [1983 c 59 § 6; 1975-'76 2nd ex.s. c 118 § 9. Formerly RCW 28A.65.440.]

Additional notes found at www.leg.wa.gov

28A.505.100 Budget—Contents—Display of salaries.

(1) The budget must set forth the estimated revenues from all sources for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year. However, school districts, pursuant to RCW 28A.505.110, can be granted permission by the

superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

(2)(a) The budget must set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year.

(b) The budget must set forth:

(i) The state-funded basic education salary amounts, locally funded salary amounts, total salary amounts, and full-time equivalency for each individual certificated instructional staff, certificated administrative staff, and classified staff; and

(ii) The high, low, and average annual salaries, which shall be displayed by job classification within each budget classification.

(3) In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation is attached to the budget on such restriction of fund balance. [2017 3rd sp.s. c 13 § 603; 1990 c 33 § 420; 1983 c 59 § 7; 1975-'76 2nd ex.s. c 118 § 10. Formerly RCW 28A.65.445.]

Effective date—2017 3rd sp.s. c 13 § 603: "Section 603 of this act takes effect January 1, 2019." [2017 3rd sp.s. c 13 § 609.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Additional notes found at www.leg.wa.gov

28A.505.110 Budget—Including receivables collectible in future years—Limitations. When a school district board is unable to prepare a budget or budget extension pursuant to RCW 28A.505.170 or 28A.505.180 in which the estimated revenues for the budgeted fiscal year plus the estimated fund balance at the beginning of the budgeted fiscal year less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated expenditures for the budgeted fiscal year, the school district board may deliver a petition in writing, at least twenty days before the budget or budget extension is scheduled for adoption, to the superintendent of public instruction requesting permission to include receivables collectible in future years, in order to balance the budget. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget or appropriation adopted by the board of directors without written permission from the superintendent of public instruction that contains estimated expenditures in excess of the total of estimated revenue for the budgeted fiscal year plus estimated fund balance at the beginning of the budgeted fiscal year less ending reserve fund balance for the budgeted fiscal year shall be null and void and shall not be considered an appropriation. [1990 c 33 § 421; 1983 c 59 § 8; 1975-'76 2nd ex.s. c 118 § 11. Formerly RCW 28A.65.450.]

Additional notes found at www.leg.wa.gov

28A.505.120 Withholding state funds upon district noncompliance—Notice of. If a local school district fails to comply with any binding restrictions issued by the superintendent of public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the

office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld. [1975-'76 2nd ex.s. c 118 § 12. Formerly RCW 28A.65.455.]

Additional notes found at www.leg.wa.gov

28A.505.130 Budget—Requirements for balancing estimated expenditures. For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal year must not be greater than the total of the estimated revenues for the budgeted fiscal year, the estimated fund balance at the beginning of the budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund. [1983 c 59 § 9; 1975-'76 2nd ex.s. c 118 § 13. Formerly RCW 28A.65.460.]

Additional notes found at www.leg.wa.gov

28A.505.140 Rules for budgetary procedures—Review by superintendent—Separate accounting of state and local revenues—Notice of irregularity—Budget revisions. (1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter. By the 2019-20 school year, the rules must require school districts to provide separate accounting of state and local revenues to expenditures.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction. [2017 3rd sp.s. c 13 § 602; 2006 c 263 § 202; 1990 c 33 § 422; 1983 c 59 § 10; 1975-'76 2nd ex.s. c 118 § 14. Formerly RCW 28A.65.465.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

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

Additional notes found at www.leg.wa.gov

28A.505.150 Budgeted expenditures as appropriations—Interim expenditures—Transfer between budget classes—Liability for nonbudgeted expenditures. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors

shall be limited in the incurring of expenditures to the grand total of such appropriations. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.320.080 during the interim while the budget is being settled under RCW 28A.505.140: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his or her office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended. [1990 c 33 § 423; 1975-'76 2nd ex.s. c 118 § 15. Formerly RCW 28A.65.470.]

Additional notes found at www.leg.wa.gov

28A.505.160 Appropriations lapse at end of fiscal year—Exception. All appropriations for any school district upon which their budget is based shall lapse at the end of the fiscal year. At the expiration of said period all appropriations shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the appropriation for the next fiscal year: PROVIDED, That this shall not prevent payments upon incompleting improvements in progress at the close of the fiscal year. [1975-'76 2nd ex.s. c 118 § 16. Formerly RCW 28A.65.475.]

Additional notes found at www.leg.wa.gov

28A.505.170 First-class school districts—Emergency or additional appropriation resolutions—Procedure. (1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in first-class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in first-class districts it becomes necessary to increase the

amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before incurring expenditures in excess of the appropriation, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in RCW 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Copies of all adopted appropriation resolutions shall be filed with the educational service district who shall forward one copy each to the office of the superintendent of public instruction. One copy shall be retained by the educational service district. [1990 c 33 § 424; 1984 c 128 § 9; 1983 c 59 § 11; 1975-'76 2nd ex.s. c 118 § 17. Formerly RCW 28A.65.480.]

Additional notes found at www.leg.wa.gov

28A.505.180 Second-class school districts—Additional appropriation resolutions—Procedure. Notwithstanding any other provision of this chapter, if a second-class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors, before incurring expenditures in excess of appropriation, shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district. [1990 c 33 § 425; 1984 c 128 § 10; 1983 c 59 § 12; 1975-'76 2nd ex.s. c 118 § 18. Formerly RCW 28A.65.485.]

Additional notes found at www.leg.wa.gov

28A.505.200 Repayment of federal moneys—Federal disallowance determination. Each school district that receives federal moneys from or through the superintendent of public instruction shall comply with applicable federal requirements and shall repay expenditures subsequently disallowed by the federal government together with such interest as may be assessed by the federal government. Once a federal disallowance determination, decision, or order becomes final respecting federal moneys expended by a

school district, the superintendent of public instruction may withhold all or a portion of the annual basic education allocation amounts otherwise due and apportionable to the school district as necessary to facilitate payment of the principal and interest to the federal government. The superintendent of public instruction may pay withheld basic education allocation moneys:

(1) To the school district before the close of the biennium and following the school district's repayment of moneys due the federal government, or the school district's commitment to an acceptable repayment plan, or both; or

(2) To the federal government, subject to the reappropriation of the withheld basic education allocation, moneys for the purpose of payment to the federal government.

No withholding of basic education allocation moneys may occur under this subsection until the superintendent of public instruction has first determined that the withholding should not substantially impair the school district's financial ability to provide the basic education program offerings required by statute. [1990 c 103 § 1.]

28A.505.230 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 35.]

Additional notes found at www.leg.wa.gov

28A.505.240 Enrichment levy spending plans—Pre-ballot approval—Revised spending plan for voter-approved levies. (1) As required by RCW 84.52.053(4), before a school district may submit an enrichment levy under RCW 84.52.053 to the voters, it must have received approval from the office of the superintendent of public instruction of an expenditure plan for the district's enrichment levy and other local revenues as defined in RCW 28A.150.276. Within thirty days after receiving the plan the office of the superintendent of public instruction must notify the school district whether the spending plan is approved. If the office of the superintendent of public instruction rejects a district's proposed spending plan, then the district may submit a revised spending plan, and the superintendent must approve or reject the revised submission within thirty days. The office of the superintendent of public instruction may approve a spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(2)(a) Except as provided in (b) of this subsection, after a school district has received voter approval for a levy for an enrichment levy under RCW 84.52.053, a school district may change its spending plan for the voter-approved levy by submitting a revised spending plan to the office of the superintendent of public instruction for review and approval. To revise a previously approved spending plan, the district must provide notice and an opportunity for review and comment at an open meeting of the school board, and the board must adopt the revised spending plan by resolution. The board must then submit the plan to the office of the superintendent of public instruction. Within thirty days after receiving the revised spending plan the office must notify the school dis-

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trict whether the revised spending plan is approved. The office of the superintendent of public instruction may approve a revised spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(b) If the superintendent has approved expenditures for specific purposes under (a) of this subsection, a district may change the relative amounts to be spent for those respective purposes for the same levy in subsequent years without having to first receive approval for the change from the office of the superintendent of public instruction if the district adopts the change as part of its annual budget proposal after a public hearing under RCW 28A.505.060.

(3) This section applies to taxes levied for collection beginning in calendar year 2020 and thereafter. [2018 c 266 § 304; 2017 3rd sp.s. c 13 § 204.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

**Chapter 28A.510 RCW
APPORTIONMENT TO DISTRICT—DISTRICT
ACCOUNTING**

Sections

- 28A.510.010 Condensed compliance reports—Second-class districts.
- 28A.510.250 Apportionment schedule by state superintendent.
- 28A.510.260 Distribution by ESD superintendent.
- 28A.510.270 County treasurer's duties.

28A.510.010 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 36.]

Additional notes found at www.leg.wa.gov

28A.510.250 Apportionment schedule by state superintendent. (1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September	.....	9%
October	.....	8%
November	.....	5%
December	.....	9%
January	.....	8.5%
February	.....	9%
March	.....	9%
April	.....	9%
May	.....	5%
June	.....	6.0%
July	.....	12.5%
August	.....	10.0%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated

to accrue to the schools during the apportionment year beginning September 1st and continuing through August 31st. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year, except as provided in subsection (2) of this section. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) In the 2010-11 school year, the June apportionment payment to school districts shall be reduced by one hundred twenty-eight million dollars, and an additional apportionment payment shall be made on July 1, 2011, in the amount of one hundred twenty-eight million dollars. This July 1st payment shall be in addition to the regularly calculated July apportionment payment. [2017 3rd sp.s. c 13 § 1004; 2011 1st sp.s. c 4 § 1; 1990 c 33 § 426; 1982 c 136 § 1; 1981 c 282 § 1; 1981 c 5 § 32; 1980 c 6 § 5; 1979 ex.s. c 237 § 1; 1975-'76 2nd ex.s. c 118 § 27; 1975 1st ex.s. c 275 § 67; 1974 ex.s. c 89 § 1; 1972 ex.s. c 146 § 1; 1970 ex.s. c 15 § 15. Prior: 1969 ex.s. c 184 § 3; 1969 ex.s. c 176 § 108; 1969 ex.s. c 223 § 28A.48.010; prior: 1965 ex.s. c 162 § 1; 1959 c 276 § 3; prior: 1945 c 141 § 3, part; 1923 c 96 § 1; 1911 c 118 § 1; 1909 c 97 p 312 §§ 1, 2, 3; Rem. Supp. 1945 § 4940-3, part. Formerly RCW 28A.48.010, 28.48.010.]

Effective date—2017 3rd sp.s. c 13 § 1004: "Section 1004 of this act takes effect September 1, 2019." [2017 3rd sp.s. c 13 § 1005.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Student transportation allocation—Notice—Payment schedule: RCW 28A.160.190.

Vehicle acquisition—Reimbursement schedule—Maintenance and operation—Depreciation schedule: RCW 28A.160.200.

Additional notes found at www.leg.wa.gov

28A.510.260 Distribution by ESD superintendent.

Upon receiving the certificate of apportionment from the superintendent of public instruction the educational service district superintendent shall promptly apportion to the school districts of his or her educational service district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. [1990 c 33 § 427; 1983 c 56 § 5; 1975 1st ex.s. c 275 § 68; 1969 ex.s. c 176 § 109;

1969 ex.s. c 223 § 28A.48.030. Prior: 1965 ex.s. c 162 § 2; 1945 c 141 § 9; Rem. Supp. 1945 § 4940-8. Formerly RCW 28A.48.030, 28.48.030.]

Additional notes found at www.leg.wa.gov

28A.510.270 County treasurer's duties. The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties, and, except as otherwise provided by law, it shall be the duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them only for legally authorized obligations of the district.

(2) To prepare and submit to each school district superintendent in the county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh business day of the month, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

(3) The treasurer of each county shall submit a statement of all canceled warrants of districts to the respective school district superintendents. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the school district superintendent or by any authorized accountant of such district. [1991 c 245 § 2; 1990 c 33 § 428; 1975-'76 2nd ex.s. c 118 § 28; 1975 1st ex.s. c 275 § 73; 1969 ex.s. c 176 § 114; 1969 ex.s. c 223 § 28A.48.100. Prior: 1911 c 85 § 1; 1909 c 97 p 309 § 1; RRS § 4867; prior: 1907 c 240 § 8; 1897 c 118 § 59; 1893 c 109 § 8; 1891 c 127 § 27; 1890 p 380 § 71; 1886 p 26 § 83; Code 1881 § 3236. Formerly RCW 28A.48.100, 28.48.100.]

Additional notes found at www.leg.wa.gov

Chapter 28A.515 RCW

COMMON SCHOOL CONSTRUCTION FUND

Sections

28A.515.010	Condensed compliance reports—Second-class districts.
28A.515.300	Permanent common school fund—Sources—Use.
28A.515.310	Certain losses to permanent common school fund or other state educational funds as funded debt against state.
28A.515.320	Common school construction fund—Sources—Use—Excess moneys in, availability, repayment.
28A.515.330	Permanent common school fund—Allowable investments—Irreducible principal.

28A.515.010 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 37.]

Additional notes found at www.leg.wa.gov

28A.515.300 Permanent common school fund—Sources—Use. (1) The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations

by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental, recovered from persons trespassing on said lands; five percent of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be, granted to the state for the support of common schools and such other funds as may be provided by legislative enactment.

(2) Consistent with Article XVI, section 5 and Article IX, sections 3 and 5 of the state Constitution, the state investment board may invest the fund as authorized in RCW 28A.515.330. [2007 c 505 § 2; 1969 ex.s. c 223 § 28A.40.010. Prior: 1967 c 29 § 1; 1909 c 97 p 320 § 1; RRS § 4932; prior: 1897 c 118 § 109; 1890 p 373 § 50; 1886 p 20 § 57, part; Code 1881 § 3210, part; 1873 p 421 § 1. Formerly RCW 28A.40.010, 28.40.010.]

Intent—Finding—2007 c 505: See note following RCW 28A.515.330.

Banks and trust companies, liquidation and winding up dividends unclaimed deposited in: RCW 30A.44.150, 30A.44.180. personal property, proceeds deposited in: RCW 30A.44.220.

Enlargement of, legislature may provide: State Constitution Art. 9 § 3 (Amendment 43).

Escheated estates deposited in: RCW 11.08.210.

Game and game fish lands payments to in lieu of property taxes: RCW 77.12.203. withdrawn from lease, payment of amount of lease into: RCW 77.12.360.

Interest deposited in current state school fund used for current expenses: State Constitution Art. 9 § 3 (Amendment 43).

Investment of permanent common school fund: State Constitution Art. 16 § 5 (Amendment 44).

Lands set aside and permanent funds established: Enabling act §§ 10 through 25.

Losses occasioned by default, fraud, etc., to become permanent debt against state: State Constitution Art. 9 § 5.

Permanent and irreducible: State Constitution Art. 9 § 3 (Amendment 43), RCW 28A.515.300.

Safe deposit box contents rent unpaid, sale, proceeds deposited in: RCW 22.28.040. unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30A.44.220.

School district funds: RCW 28A.320.330.

State land acquired, lease and sale of, disposition of proceeds: RCW 79.10.030. withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.

28A.515.310 Certain losses to permanent common school fund or other state educational funds as funded

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debt against state. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six percent annual interest shall be paid. [1969 ex.s. c 223 § 28A.40.020. Prior: 1909 c 97 p 321 § 2; RRS § 4933; prior: 1897 c 118 § 110, part; 1890 p 373 § 51, part. Formerly RCW 28A.40.020, 28.40.020.]

28A.515.320 Common school construction fund—Sources—Use—Excess moneys in, availability, repayment. The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund less the allocations to the state treasurer's service account [fund] pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the *department of community, trade, and economic development, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to **RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone [forgone], before the end of the next fiscal biennium following such use. [1996 c 186 § 503; 1991 sp.s. c 13 § 58; 1991 c 76 § 2; 1981 c 158 § 6; 1981 c 4 § 1; 1980 c 6 § 1; 1969 ex.s.

c 223 § 28A.40.100. Prior: 1967 c 29 § 3. Formerly RCW 28A.40.100, 28.40.100.]

Reviser's note: *(1) The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

***(2) RCW 43.140.030 was repealed by 2013 c 274 § 9.

Findings—Intent—Part headings not law—Effective date—1996 c 186: See notes following RCW 43.330.904.

Current state school fund—Abolished—Moneys transferred: RCW 43.79.425.

Additional notes found at www.leg.wa.gov

28A.515.330 Permanent common school fund—Allowable investments—Irreducible principal. The state investment board may invest the permanent common school fund in various types of allowable investments in order to achieve a balance of long-term growth and current income, when consistent with the best interest of the state and the permanent common school fund, and in conformance with RCW 43.84.150. The state treasurer shall calculate the irreducible principal amount of the fund in accordance with the state Constitution and state law. The irreducible principal shall not include investment gains on the principal, and the fund may retain or distribute income and investment earnings in order to achieve the appropriate balance between growth and income. [2007 c 505 § 3.]

Intent—Finding—2007 c 505: "Consistent with Article XVI, section 5 and Article IX, sections 3 and 5 of the state Constitution, it is the intent of the legislature to clarify state law to permit the permanent common school fund to be invested in equities when such investment is in the best interest of the state and the permanent common school fund.

A 1999 opinion of the attorney general concluded that the constitutional language does not prohibit investment of the permanent common school fund, as long as the investment is authorized by law and is consistent with applicable trust principles. This opinion further reasoned that the constitutional phrase "permanent and irreducible" bars the legislature from abolishing the fund or expending its principal for purposes other than those for which the fund was established, but does not prohibit the legislature from specifying permissible investments, particularly in light of Article IX, section 5 of the state Constitution, which specifies that only losses resulting from "defalcation, mismanagement or fraud" constitute state debts to the permanent common school fund.

The legislature finds that permanent fund common school fund income as a percentage of total school construction budgets has declined while school construction budgets have grown, and that other state revenues have filled the gap between income from state lands and the total school construction budget. For this reason, the fund may tolerate higher risk and volatility in favor of growth, and therefore a balance of long-term growth and current income is in the best interest of the state and the fund's beneficiaries. The legislature recognizes that by investing in equities, the value of the permanent fund may fluctuate over time due to market changes even if no disposition of the fund principal is made.

It is the intent of the legislature to clarify state law to permit equity investment of the permanent common school fund even if there is a decline in the value of the permanent fund due to market changes. The legislature recognizes that the irreducible portion of the principal amount in the permanent fund must be held in perpetuity for the benefit of the fund and future generations, and that only the earnings from the permanent fund may be appropriated to the common school construction fund." [2007 c 505 § 1.]

Chapter 28A.520 RCW

FOREST RESERVE FUNDS DISTRIBUTION

Sections

- 28A.520.010 Distribution of forest reserve funds—Procedure—Proportional county area distribution, when.
28A.520.020 Distribution of forest reserve funds—Revolving account created—Use—Apportionments from—As affects basic education allocation.

28A.520.030 Condensed compliance reports—Second-class districts.

28A.520.010 Distribution of forest reserve funds—Procedure—Proportional county area distribution, when. Of the moneys received by the state from the federal government in accordance with Title 16, section 500, United States Code, fifty percent shall be spent by the counties on public schools or public roads, and fifty percent shall be spent by the counties on public schools as provided in RCW 28A.520.020(2), or for any other purposes as now or hereafter authorized by federal law, in the counties in the United States forest reserve from which such moneys were received. Where the reserve is situated in more than one county, the state treasurer shall determine the proportional area of the counties therein. The state treasurer is authorized and required to obtain the necessary information to enable him or her to make that determination.

The state treasurer shall distribute to the counties, according to the determined proportional area, the money to be spent by the counties. The county legislative authority shall expend the fifty percent received by the county for the benefit of the public roads or public schools of the county, or for any other purposes as now or hereafter authorized by federal law. [1990 c 33 § 429; 1985 c 311 § 1; 1982 c 126 § 1. Formerly RCW 28A.02.300.]

Additional notes found at www.leg.wa.gov

28A.520.020 Distribution of forest reserve funds—Revolving account created—Use—Apportionments from—As affects basic education allocation. (1) There shall be a fund known as the federal forest revolving account. The state treasurer, who shall be custodian of the revolving account, shall deposit into the revolving account the funds for each county received by the state in accordance with Title 16, section 500, United States Code. The state treasurer shall distribute these moneys to the counties according to the determined proportional area. The county legislative authority shall expend fifty percent of the money for the benefit of the public roads and other public purposes as authorized by federal statute or public schools of such county and not otherwise. Disbursements by the counties of the remaining fifty percent of the money shall be as authorized by the superintendent of public instruction, or the superintendent's designee, and shall occur in the manner provided in subsection (2) of this section.

(2) No later than thirty days following receipt of the funds from the federal government, the superintendent of public instruction shall apportion moneys distributed to counties for schools to public school districts in the respective counties in proportion to the number of resident full-time equivalent students enrolled in each public school district to the number of resident full-time equivalent students enrolled in public schools in the county. In apportioning these funds, the superintendent of public instruction shall utilize the October enrollment count.

(3)(a) Except as provided in (b) of this subsection, if the amount received by any public school district pursuant to subsection (2) of this section is less than the basic education allocation to which the district would otherwise be entitled, the superintendent of public instruction shall apportion to the district, in the manner provided by RCW 28A.510.250, an

amount which shall be the difference between the amount received pursuant to subsection (2) of this section and the basic education allocation to which the district would otherwise be entitled.

(b) If a school district has a poverty level of at least fifty-seven percent, the superintendent may not offset that district's basic education allocation by the amount of those federal forest revenues, to the extent that such revenues do not exceed seventy thousand dollars. The superintendent may offset the district's basic education allocations by the portion of the federal forest revenues that exceeds seventy thousand dollars. For purposes of this section, poverty is measured by the percentage of students eligible for free and reduced-price lunch in the previous school year.

(4) All federal forest funds shall be expended in accordance with the requirements of Title 16, section 500, United States Code, as now existing or hereafter amended.

(5) The definition of resident student for purposes of this section shall be based on rules adopted by the superintendent of public instruction, which shall consider and address the impact of alternative learning experience students on federal forest funds distribution. [2014 c 155 § 2; 2011 c 278 § 1; 1991 sp.s. c 13 § 113; 1990 c 33 § 430; 1985 c 311 § 2; 1982 c 126 § 2. Formerly RCW 28A.02.310.]

Effective date—2014 c 155: "This act takes effect September 1, 2014." [2014 c 155 § 3.]

Additional notes found at www.leg.wa.gov

28A.520.030 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 38.]

Additional notes found at www.leg.wa.gov

Chapter 28A.525 RCW BOND ISSUES

Sections

28A.525.010	Statement of intent.
28A.525.020	Duties of superintendent of public instruction.
28A.525.025	School facilities citizen advisory panel—Membership—Travel expenses—Technical advisory group.
28A.525.030	Modernization of existing school facilities.
28A.525.040	Portable buildings or classrooms.
28A.525.050	Applications for aid—Recommendations.
28A.525.055	Eligibility for state assistance for new construction—Inventory assessment exclusions—Rules.
28A.525.060	Manual—Contents—Preparation and revision.
28A.525.070	Development of school building programs—Assistance of superintendent of public instruction.
28A.525.080	Federal funds for school plant facilities—Rules.
28A.525.090	Construction management techniques—Rules—Use—Information and training.
28A.525.095	Condensed compliance reports—Second-class districts.
28A.525.159	School construction assistance grants for small school districts and state-tribal education compact schools.
28A.525.161	School construction assistance calculations for shared or colocated facilities—Rules.
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28A.525.190	Prioritizing construction of common school facilities.
28A.525.200	Allocation and distribution of funds for school plant facilities governed by chapter.
28A.525.310	Proceeds from voter-approved bonds, voter-approved levies, and other funding—Use for installment purchase contracts and leases with options to purchase.
28A.525.320	School seismic safety and planning grants—Advisory committee—Prioritization.
28A.525.325	School seismic safety grant program account.

28A.525.010 Statement of intent. It is hereby declared to be the intent of the legislature that the following provisions be enacted for the purpose of establishing and providing for the operation of a program of state assistance to school districts in providing school plant facilities. [1969 ex.s. c 223 § 28A.47.050. Prior: 1947 c 278 § 1; Rem. Supp. 1947 § 4940-12. Formerly RCW 28A.47.050, 28.47.050.]

28A.525.020 Duties of superintendent of public instruction. The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall have the power and duty (1) to prescribe rules governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities; (2) to approve allotments to districts that apply for state assistance whenever such action is advisable; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with applicable procedures and rules. [2006 c 263 § 301; 1969 ex.s. c 223 § 28A.47.060. Prior: 1947 c 278 § 2; Rem. Supp. 1947 § 4940-13. Formerly RCW 28A.47.060, 28.47.060.]

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

28A.525.025 School facilities citizen advisory panel—Membership—Travel expenses—Technical advisory group. (1) To maintain citizen oversight on issues pertaining to school facilities and funding for school construction, a school facilities citizen advisory panel shall be created by the state board of education. The panel shall advise and make recommendations to the superintendent of public instruction regarding school facilities, funding for school construction, joint planning and financing of educational facilities, facility plans and programs for nonhigh school districts, and determinations of remote and necessary schools.

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(2) The membership of the school facilities citizen advisory panel shall be as follows:

(a) One member of the state board of education;

(b) Two school district directors representing school districts of various sizes and geographic locations, who are appointed by the state board of education and selected from a list of five names submitted to the board by the Washington state school directors' association; and

(c) Four additional citizen members appointed by the state board of education.

(3) Members of the panel shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) In addition to the school facilities citizen advisory panel, the superintendent of public instruction may convene a technical advisory group including representatives from school business officers, building and construction contracting and trade organizations, architecture and engineering organizations, and other organizations with expertise in school facilities. [2006 c 263 § 308.]

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

28A.525.030 Modernization of existing school facilities. Whenever funds are appropriated for modernization of existing school facilities, the superintendent of public instruction is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and, as necessary to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act, both major and minor structural changes, and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose. [2006 c 263 § 302; 1995 c 77 § 23; 1980 c 154 § 17; 1969 ex.s. c 223 § 28A.47.073. Prior: 1967 ex.s. c 21 § 1. Formerly RCW 28A.47.073, 28.47.073.]

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

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

28A.525.040 Portable buildings or classrooms. State funding assistance shall not be denied to any school district undertaking any construction, repairs[,] or improvements for school district purposes solely on the ground that said construction, repairs[,] and improvements are in connection with portable buildings or classrooms. [2009 c 129 § 3; 1969 ex.s. c 223 § 28A.47.075. Prior: 1953 c 158 § 1. Formerly RCW 28A.47.075, 28.47.075.]

Intent—2009 c 129: See note following RCW 28A.335.230.

28A.525.050 Applications for aid—Recommendations. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction. Studies and surveys shall be conducted by the superintendent for the purpose of securing

information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters. Recommendations respecting action on the applications shall be submitted to the superintendent of public instruction. [2006 c 263 § 303; 1969 ex.s. c 223 § 28A.47.080. Prior: 1947 c 278 § 4; Rem. Supp. 1947 § 4940-15. Formerly RCW 28A.47.080, 28.47.080.]

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

28A.525.055 Eligibility for state assistance for new construction—Inventory assessment exclusions—Rules.

(1) The rules adopted by the superintendent of public instruction for determining eligibility for state assistance for new construction shall exclude from the inventory of available educational space those spaces that have been:

(a) Constructed for educational and community activities from grants received from other public or private entities; or

(b) Vacated by new construction in lieu of modernization; and

(i) Used for purposes of supporting state-funded all-day kindergarten or class size reduction in kindergarten through third grade, if the lack of district facilities warrants such a use; or

(ii) The district is experiencing a short-term special school housing burden due to enrollment growth and failed school construction bond elections within the prior five years.

(2) The exclusion in subsection (1)(b) of this section applies for state assistance for new construction awarded from July 1, 2016, through June 30, 2021.

(3) Educational spaces with classrooms occupied by students specified in subsection (1)(b) of this section must meet the safety standards for public school facilities.

(4) For the purposes of this section, "school housing burden" means the current instructional facility inventory does not provide the classroom capacity needed for the current or projected enrollment of the school district, as determined by the office of the superintendent of public instruction. The office shall give consideration to available instructional facility inventory or capacity of the neighboring school district. [2016 c 159 § 1; 2006 c 263 § 304; 1994 c 219 § 11.]

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

Finding—1994 c 219: See note following RCW 43.88.030.

28A.525.060 Manual—Contents—Preparation and revision.

It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of social and health services, to prepare, and so often as the superintendent deems necessary revise, a manual for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the common schools. In the preparation and revision of the aforesaid manual due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant

facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.525.010 through 28A.525.080 and 28A.335.230; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school building maintenance program and the necessity thereof; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the aforesaid officer as pertinent or related to the purposes and requirements of RCW 28A.525.010 through 28A.525.080 and 28A.335.230. [1990 c 33 § 431; 1979 c 141 § 36; 1969 ex.s. c 223 § 28A.47.090. Prior: 1947 c 278 § 5; Rem. Supp. 1947 § 4940-16. Formerly RCW 28A.47.090, 28.47.090.]

28A.525.070 Development of school building programs—Assistance of superintendent of public instruction. The superintendent of public instruction shall furnish to school districts seeking state assistance consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities for such district. [2006 c 263 § 305; 1985 c 136 § 1; 1969 ex.s. c 223 § 28A.47.100. Prior: 1947 c 278 § 6; Rem. Supp. 1947 § 4940-17. Formerly RCW 28A.47.100, 28.47.100.]

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

28A.525.080 Federal funds for school plant facilities—Rules. Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made available to such districts in conformity with rules that the superintendent, considering policy recommendations from the school facilities citizen advisory panel, shall establish. [2006 c 263 § 306; 1969 ex.s. c 223 § 28A.47.120. Prior: 1947 c 278 § 8; Rem. Supp. 1947 § 4940-19. Formerly RCW 28A.47.120, 28.47.120.]

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

28A.525.090 Construction management techniques—Rules—Use—Information and training. (1) The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;

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(c) Define the timing for implementing each technique in the construction process;

(d) Determine the appropriate size of projects for the use of each technique; and

(e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the superintendent of public instruction shall include in funding for each project, at the state funding assistance percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the superintendent shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the superintendent.

(5)(a) School districts applying for state funding assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state funding assistance to the superintendent of public instruction.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques. [2009 c 129 § 4; 2006 c 263 § 307; 1999 c 313 § 2.]

Intent—2009 c 129: See note following RCW 28A.335.230.

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

Findings—1999 c 313: "The legislature finds that certain construction management techniques will improve the effectiveness of construction and operation of new school buildings, and that such techniques, including value engineering, constructibility reviews, building commissioning, and professional construction management, will provide better value to the taxpayers by reducing construction costs, improving building operations, improving the building environment for the occupants, and reducing future replacement costs." [1999 c 313 § 1.]

28A.525.095 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class

districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 39.]

Additional notes found at www.leg.wa.gov

28A.525.159 School construction assistance grants for small school districts and state-tribal education compact schools. (1) School construction assistance program grants for small school districts and state-tribal education compact schools must be determined in accordance with this section.

(2) Eligibility. School districts and state-tribal education compact schools with enrollments that are less than or equal to one thousand students are eligible for small school district modernization grants. The advisory committee specified in subsection (4)(a) of this section may recommend amendments to the eligibility threshold as they learn more about the characteristics of school districts and state-tribal education compact schools that are unable to modernize their aging school facilities. Districts with incomplete information in the inventory and condition of schools data system are not eligible to apply for construction grants but may apply for planning grants.

(3) The office of the superintendent of public instruction must assist eligible school districts and state-tribal education compact schools that are interested in applying for a small school district modernization grant under this section by providing technical assistance and planning grants within appropriations for this purpose. Districts and state-tribal education compact schools seeking planning grants must provide a brief statement of the school condition, its deficiencies, student enrollment, student achievement measures, and financial limitations of the district or state-tribal education compact school. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize the recipients of planning grants in order to help districts and state-tribal education compact schools with the most serious apparent building deficiencies, and the most limited financial capacity.

(4) Prioritized construction grants and advisory committee.

(a) The superintendent of public instruction must propose a list of prioritized grants to the governor by September 1st of even-numbered years. The superintendent of public instruction must appoint an advisory committee to prioritize applications from small school districts and state-tribal education compact schools. Committee members must have experience in financing, managing, repairing, and improving school facilities in small school districts or state-tribal education compact schools but must not be involved in a small school district modernization program grant request for the biennium under consideration. The office of the superintendent of public instruction must provide administrative and staff support to the [advisory] committee. The office of the superintendent of public instruction in consultation with the advisory committee must design a grant application process with specific criteria for prioritizing grant requests.

(b) The advisory committee created in (a) of this subsection must evaluate final applications from eligible school districts and state-tribal education compact schools. The advisory committee must submit a prioritized list of grants to the superintendent of public instruction. The list must prioritize

applications to achieve the greatest improvement of school facilities, in the districts and state-tribal education compact schools with the most limited financial capacity, for projects that are likely to improve student health, safety, and academic performance for the largest number of students for the amount of state grant support. The advisory committee must develop specific criteria to achieve the prioritization. The submitted prioritized list must describe the project, the proposed state funding level, and the estimated total project cost including other funding and in-kind resources. The list must also indicate student achievement measures that will be used to evaluate the benefits of the project. The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support small school district modernization grants, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(5) Coordination with the school construction assistance program.

(a) The full administrative and procedural process of school construction assistance program funding under RCW 28A.525.162 through 28A.525.180 may be streamlined by the office of the superintendent of public instruction in order to coordinate eligible school construction assistance program funding with the small school district modernization grants. Such coordination must ensure that total state funding from both grants does not exceed total project costs minus available local resources.

(b) Projects seeking small school district modernization grants must meet the requirements for a school construction assistance program grant except for the following: (i) The estimated cost of the project may be less than forty percent of the estimated replacement value of the facility, and (ii) local funding assistance percentage requirements of the school construction assistance program do not apply. However, available district and state-tribal education compact school resources are considered in prioritizing small school district modernization grants.

(6) Disbursement of grant funds and reporting requirements. The office of the superintendent of public instruction must award grants to school districts and state-tribal education compact schools. The grant must not be awarded until the district or state-tribal education compact school has identified available local and other resources sufficient to complete the approved project considering the amount of the state grant. The grant must specify reporting requirements from the district or state-tribal education compact school, which must include updating all pertinent information in the inventory and condition of schools data system and submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the school facilities citizens [citizen] advisory panel specified in RCW 28A.525.025. [2020 c 299 § 1.]

28A.525.161 School construction assistance calculations for shared or colocated facilities—Rules. The office of the superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW to ensure that a host school district is not penalized for the entirety of a shared or

colocated facility when calculations for state school construction assistance are made. [2012 c 245 § 1.]

Reviser's note: 2012 c 245 directed that this section be added to chapter 28A.300 RCW. This section has been added to chapter 28A.525 RCW, which relates more directly to school construction funding.

28A.525.162 Allotment of appropriations for school plant facilities—Local school district participation—Computing state funding assistance—Rules. (1) Funds appropriated to the superintendent of public instruction from the common school construction fund shall be allotted by the superintendent of public instruction in accordance with this chapter.

(2) No allotment shall be made to a school district until such district has provided local funds equal to or greater than the difference between the total approved project cost and the amount of state funding assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The superintendent of public instruction may waive the local requirement for state funding assistance for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such local funds shall be required as a condition to the allotment of funds from the state for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state funding assistance percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the

district's resident high school students served by the high school district;

(c) The number of kindergarten students included in the enrollment count shall be counted as one headcount student; and

(d) The number of students residing outside the school district who are enrolled in alternative learning experience courses under RCW 28A.232.010 shall be excluded from the total.

(4) In lieu of the exclusion in subsection (3)(d) of this section, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a regular duration by out-of-district alternative learning experience students subtracted by the headcount of in-district alternative learning experience students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(6) For the purposes of this section, "preschool students with disabilities" means children of preschool age who have developmental disabilities who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district. [2013 2nd sp.s. c 18 § 513; 2012 c 244 § 2; 2009 c 129 § 5; 2006 c 263 § 309; 1995 c 77 § 24; 1990 c 33 § 455; 1989 c 321 § 1; 1980 c 154 § 18; 1974 ex.s. c 56 § 1; 1970 ex.s. c 42 § 5; 1969 ex.s. c 244 § 2. Formerly RCW 28A.47.801, 28.47.801.]

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

Intent—2012 c 244: "The school construction assistance funding formula is used to determine state funding contributions to school construction projects. It is the intent of the legislature that the formula use the most accurate method available to reflect the actual number of students using districts' school facilities. State funding currently provides all-day kindergarten for over twenty percent of kindergarten students and RCW 28A.150.315 calls for the continued phasing-in of all-day kindergarten each year until full state-wide implementation is achieved in the 2017-18 school year. In addition, because alternative learning experience programs of education take place in whole, or in part, outside the regular classroom setting, and because online alternative learning experience programs are delivered primarily electronically using the internet or other computer-based methods, it is appropriate to consider the impact of alternative learning experience students in assessing school space needs. The legislature acknowledges the review of the formula conducted by the office of the superintendent of public instruction and accepts many recommendations from the resulting December 2011 report. The legislature also intends to provide financial assistance for school districts affected by the transition to the new funding formula. This assistance will be limited to grants to cover direct district expenditures for contracted architects, engineers, and other consultants for projects that are no longer eligible for state assistance under the new formula or for projects requiring significant redesign work as a result of reduced state assistance under the new formula." [2012 c 244 § 1.]

Effective date—2012 c 244: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state gov-

ernment and its existing public institutions, and takes effect immediately [March 30, 2012]." [2012 c 244 § 4.]

Intent—2009 c 129: See note following RCW 28A.335.230.

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

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

Additional notes found at www.leg.wa.gov

28A.525.164 Allotment of appropriations for school plant facilities—Duties of superintendent of public instruction. In allotting the state funds provided by RCW 28A.525.162 through 28A.525.180, the superintendent of public instruction shall:

(1) Prescribe rules not inconsistent with RCW 28A.525.162 through 28A.525.180 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with applicable rules. [2006 c 263 § 310; 1990 c 33 § 456; 1989 c 321 § 2; 1974 ex.s. c 56 § 2; 1969 ex.s. c 244 § 3. Formerly RCW 28A.47.802, 28.47.802.]

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

Additional notes found at www.leg.wa.gov

28A.525.166 Allotment of appropriations for school plant facilities—Computation of state aid for school plant project. Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state funding assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state funding assistance percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the

school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

	District adjusted 3-valuation per pupil	÷	Total state adjusted valuation per pupil	=	State % Funding Assistance	
Computed State Ratio	=	$\frac{\text{District adjusted 3-valuation per pupil}}{\text{Total state adjusted valuation per pupil}}$			=	% Funding Assistance

PROVIDED, That in the event the state funding assistance percentage to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state funding assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a state funding assistance percentage not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed state funding assistance percentage developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each percent of growth, with a maximum of twenty percent.

(4) In computing the state funding assistance percentage in subsection (2) of this section and adjusting the percentage under subsection (3) of this section, students residing outside the school district who are enrolled in alternative learning experience courses under RCW 28A.232.010 shall be excluded from the count of total pupils. In lieu of the exclusion in this subsection, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a reasonable duration by out-of-district alternative learning experience students subtracted by the headcount of in-district alternative learning experience students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The approved cost of the project determined in the manner prescribed in this section multiplied by the state funding assistance percentage derived as provided for in this section shall be the amount of state funding assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER, That additional state funding assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions

similarly emergent in nature; or (b) a special school housing burden resulting from projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state funding assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state funding assistance because of the inadequacy of state funds available for the purpose; or (d) a condition created by the fact that an excessive number of students live in state owned housing; or (e) a need for the construction of a school building to provide for improved school district organization or racial balance; or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

(6) For the 2015-2017 biennium, schools determined to have a lack of sufficient space to provide science classrooms or labs, to meet the requirements of law, have a special housing burden condition similar to those defined under subsection (5)(b) of this section, creating a like emergency. For the 2015-2017 biennium, school districts are entitled to additional percentage points for school construction projects that have a special housing burden condition only and have received private donations in the form of cash, in-kind, or equipment of more than one hundred thousand dollars. The additional percentage points are determined by (a) school district student enrollments in the free and reduced-price meals program, (b) school district class as defined by RCW 28A.300.065, and (c) the funding assistance percentage as calculated in subsection (2) of this section. The additional percentage points under (a) of this subsection are twenty percent of the percent of student enrollments eligible and enrolled in the free and reduced-price meals program. The additional percentage points under (b) of this subsection are ten for second class school districts. The additional percentage points under (c) of this subsection are ten for school districts with funding assistance percentages of more than fifty percent. [2015 3rd sp.s. c 3 § 7018; 2013 2nd sp.s. c 18 § 514; 2012 c 244 § 3. Prior: 2009 c 421 § 5; 2009 c 129 § 6; 2006 c 263 § 311; 1997 c 369 § 9; 1990 c 33 § 457; 1989 c 321 § 3; 1975 1st ex.s. c 98 § 1; 1974 ex.s. c 56 § 3; 1969 ex.s. c 244 § 4. Formerly RCW 28A.47.803, 28.47.803.]

Effective date—2015 3rd sp.s. c 3: See note following RCW 43.160.080.

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

Intent—Effective date—2012 c 244: See notes following RCW 28A.525.162.

Intent—2009 c 129: See note following RCW 28A.335.230.

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

Project of statewide significance—Defined: RCW 43.157.010.

Additional notes found at www.leg.wa.gov

28A.525.168 Allotment of appropriations for school plant facilities—Use of taxable valuation and state funding assistance percentage in determining eligibility.

(2022 Ed.)

Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.525.162 respecting eligibility for state funding assistance in providing school facilities, the taxable valuation of the district and the state funding assistance percentage in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher state funding assistance percentage prevails on the date that state funds for assistance in financing a project are allotted by the superintendent of public instruction in which case the percentage prevailing on the date of allotment by the superintendent of funds for each project shall govern: PROVIDED, That if the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the state funding assistance percentage prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date specified in this section as applicable in determining the eligibility of an individual school district for state funding assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.540 RCW to determine eligibility for and the amount of state funding assistance for a group of school districts considered as a single school administrative unit. [2009 c 129 § 7; 2006 c 263 § 312; 1990 c 33 § 458; 1969 ex.s. c 244 § 5. Formerly RCW 28A.47.804, 28.47.804.]

Intent—2009 c 129: See note following RCW 28A.335.230.

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

Additional notes found at www.leg.wa.gov

28A.525.170 Allotment of appropriations for school plant facilities—Additional allotment authorized—Effect of allotment on future disbursements to district. If a school district which has qualified for an allotment of state funds under the provisions of RCW 28A.525.162 through 28A.525.180 for school building construction is found by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the superintendent finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the superintendent deter-

mines, shall be deducted, under terms and conditions prescribed by the superintendent, from any state school building construction funds which might otherwise be provided to such district. [2006 c 263 § 313; 1990 c 33 § 459; 1974 ex.s. c 56 § 4; 1969 ex.s. c 244 § 6. Formerly RCW 28A.47.805, 28.47.805.]

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

Additional notes found at www.leg.wa.gov

28A.525.172 Allotment of appropriations for school plant facilities—Application by district for state assistance—Studies and surveys by the superintendent of public instruction. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules adopted by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel. Studies and surveys shall be conducted by the superintendent for the purpose of securing information relating to (a) [(1)] the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) [(2)] the ability of such districts to provide capital funds by local effort, (c) [(3)] the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) [(4)] any other pertinent matters. [2006 c 263 § 314; 1969 ex.s. c 244 § 7. Formerly RCW 28A.47.806, 28.47.806.]

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

Additional notes found at www.leg.wa.gov

28A.525.174 Allotment of appropriations for school plant facilities—Manual, other materials to guide and provide information to district. It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.525.162 through 28A.525.180; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school building maintenance program and the necessity therefor; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the superintendent as pertinent or related to the

purposes and requirements of RCW 28A.525.162 through 28A.525.180. [2006 c 263 § 315; 1990 c 33 § 460; 1979 c 141 § 39; 1974 ex.s. c 56 § 5; 1969 ex.s. c 244 § 8. Formerly RCW 28A.47.807, 28.47.807.]

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

Additional notes found at www.leg.wa.gov

28A.525.176 Allotment of appropriations for school plant facilities—Consultatory and advisory service from the superintendent of public instruction. The superintendent of public instruction shall furnish to school districts seeking state assistance under the provisions of RCW 28A.525.162 through 28A.525.180 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities. [2006 c 263 § 316; 1990 c 33 § 461; 1974 ex.s. c 56 § 6; 1969 ex.s. c 244 § 9. Formerly RCW 28A.47.808, 28.47.808.]

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

Additional notes found at www.leg.wa.gov

28A.525.178 Allotment of appropriations for school plant facilities—Modifiable basic or standard plans for school buildings. When economies may be affected without impairing the usefulness and adequacy of school buildings, the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, may prescribe rules and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW 28A.525.162 through 28A.525.180 are allotted. [2006 c 263 § 317; 1990 c 33 § 462; 1974 ex.s. c 56 § 7; 1969 ex.s. c 244 § 10. Formerly RCW 28A.47.809, 28.47.809.]

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

Additional notes found at www.leg.wa.gov

28A.525.180 Allotment of appropriations for school plant facilities—Reduction of appropriation for receipt of federal funds. The total amount of funds appropriated under the provisions of RCW 28A.525.162 through 28A.525.180 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW 28A.525.162 through 28A.525.180 and available for allotment by the superintendent of public instruction shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW 28A.525.162 through 28A.525.180 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas. [2006 c 263 § 318; 1990 c 33 § 463; 1974 ex.s. c 56 § 8; 1969 ex.s. c 244 § 11. Formerly RCW 28A.47.810, 28.47.810.]

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

Additional notes found at www.leg.wa.gov

28A.525.190 Prioritizing construction of common school facilities. The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel[,] shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund. [2006 c 263 § 319; 1975 1st ex.s. c 98 § 2. Formerly RCW 28A.47.820.]

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

Additional notes found at www.leg.wa.gov

28A.525.200 Allocation and distribution of funds for school plant facilities governed by chapter. Notwithstanding any other provision of RCW 28A.525.010 through 28A.525.200, the allocation and distribution of funds by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, for the purposes of providing assistance in the construction of school plant facilities shall be governed by this chapter. [2015 1st sp.s. c 4 § 24; 2006 c 263 § 320; 1990 c 33 § 465; 1985 c 136 § 2; 1977 ex.s. c 227 § 1. Formerly RCW 28A.47.830.]

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

28A.525.310 Proceeds from voter-approved bonds, voter-approved levies, and other funding—Use for installment purchase contracts and leases with options to purchase. The board of directors of any school district may use the proceeds of voter-approved bonds, voter-approved levies, state allocations for financial assistance, or other funds available to the district for: (1) Payment of an installment purchase contract for school plant facilities; or (2) payments under any financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration. The authority granted by this section for the use of moneys from such sources is in addition to, and not in limitation of, any other authority provided by law, and the proceeds of voter-approved bonds or tax levies may be used for such payments to the full extent allowed by Article VII, section 2 of the state Constitution. [1999 c 386 § 2.]

28A.525.320 School seismic safety and planning grants—Advisory committee—Prioritization. (1) School seismic safety grants and school seismic planning grants must be awarded and determined in accordance with this section.

(2) **ELIGIBILITY.** A school district or state tribal education compact school is eligible to receive a school seismic safety grant for remediation of seismic or tsunami hazards in qualifying buildings that meet the following criteria:

(a) The building is located within a high seismic hazard area as defined in subsection (3) of this section; and

(b) The building was constructed before 1998 and has not received a seismic retrofit to 2005 seismic standards.

(3) **DEFINITIONS.** For the purposes of this section:

(a) "High seismic hazard area" means:

(i) Any location identified by the United States geological survey national seismic hazard map with a two percent

probability of exceedance in 50 years and a national earthquake hazards reduction program site class D that are 0.3 peak horizontal acceleration or greater peak ground acceleration areas; or

(ii) Any area located within a Washington tsunami design zone map or, where a Washington tsunami design zone map is not available, an American society of civil engineers tsunami design zone map, that requires structures in risk category three or four to be designed for tsunamis.

(b) "Remediation" means solutions that mitigate or eliminate site specific seismic or tsunami hazards and may include building relocation or vertical evacuation towers if related to a tsunami hazard.

(c) "Total project cost" means direct and associated indirect costs for the remediation solution as approved by the advisory committee. Associated indirect costs can include site acquisition and development costs for approved building relocations. The combined direct and associated indirect costs cannot exceed the equivalent combined direct and associated indirect costs for building projects participating in the school construction assistance program for that same year.

(4) **ADVISORY COMMITTEE.** (a) The superintendent of public instruction must appoint an advisory committee to evaluate and prioritize grant applications from school districts and state-tribal education compact schools. Advisory committee members must have experience in financing, managing, or planning seismic remediation projects at school facilities but must not be involved in a school seismic safety grant request for the biennium under consideration. The office of the superintendent of public instruction must provide administrative and staff support to the advisory committee and consult with the advisory committee to design a grant application process with specific criteria for prioritizing grant requests.

(b) The advisory committee must submit a prioritized list of grants to the superintendent of public instruction. The list must prioritize applications to achieve the greatest improvement of school facilities, in the school districts and state-tribal education compact schools with the most limited financial capacity, for projects that are likely to improve student health, safety, and academic performance for the largest number of students for the amount of state grant support.

(5) **REQUIRED GRANT LIST.** (a) The superintendent of public instruction must propose a list of prioritized school seismic safety grants to the governor by September 1st of each year, beginning September 1, 2022. This list must include:

(i) A description of the proposed project;

(ii) The proposed school seismic safety grant amount, equal to at least two-thirds of the estimated total project cost;

(iii) The anticipated school construction assistance program amount;

(iv) The anticipated local share of project cost; and

(v) The estimated total project cost.

(b) The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support grants under this section, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(6) SCHOOL CONSTRUCTION ASSISTANCE PROGRAM AND SMALL SCHOOL DISTRICT MODERNIZATION GRANT PROGRAM. (a) The full administrative and procedural process of school construction assistance program funding under RCW 28A.525.162 through 28A.525.180 and the small school district modernization grant program funding under RCW 28A.525.159 may be streamlined by the office of the superintendent of public instruction in order to coordinate eligible school construction assistance program funding and small school district modernization grant program funding with the school seismic safety grants. Such coordination must ensure that total state funding from all three grants does not exceed total project costs minus available local resources.

(b) Projects seeking school seismic safety grants must meet the requirements for a school construction assistance program grant except for the following: (i) The estimated cost of the project may be less than 40 percent of the estimated replacement value of the facility; and (ii) local funding assistance percentage requirements of the school construction assistance program do not apply. However, available school district and state-tribal education compact school resources are considered in prioritizing school seismic safety grants.

(7) DISBURSEMENT OF FUNDS. The superintendent of public instruction must award state and federal grants under this section to eligible school districts and state tribal education compact schools in an amount equal to at least two-thirds of the total project cost. The grant must not be awarded until the school district or state-tribal education compact school has identified available local and other resources sufficient to complete the approved project considering the amount of the state grant. The grant must specify reporting requirements from the school district or state-tribal education compact school, which must include updating all pertinent information in the inventory and condition of schools data system and submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the school facilities citizens advisory panel specified in RCW 28A.525.025.

(8) PLANNING GRANTS. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must assist eligible school districts and state-tribal education compact schools that are interested in applying for a school seismic safety grant under this section by providing technical assistance and planning grants. School districts and state-tribal education compact schools seeking planning grants under this section must provide a brief statement describing existing school conditions, building system and site deficiencies, current and five-year projected student headcount enrollment, student achievement measures, financial constraints, and any information required by the advisory committee established in subsection (4) of this section. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize planning grant requests with primary consideration given to school district financial capacity and facility conditions. [2022 c 113 § 2.]

Finding—Intent—2022 c 113: "The legislature finds that a significant number of Washington students in public school districts and state-tribal education compact schools attend school in older facilities located in geolog-

ically active areas. Accordingly, the legislature intends to create a grant program to help school districts and state-tribal education compact schools cover the cost of retrofitting or relocating school facilities located in high seismic areas or tsunami zones." [2022 c 113 § 1.]

28A.525.325 School seismic safety grant program account. The school seismic safety grant program account is created in the state treasury. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using tax exempt bonds. Expenditures from the account are for the school seismic safety grant program. [2022 c 113 § 3.]

Finding—Intent—2022 c 113: See note following RCW 28A.525.320.

Chapter 28A.527 RCW

SCHOOL FACILITIES—2008 BOND ISSUE

Sections

28A.527.005	Findings—Intent—2008 c 179.
28A.527.010	School construction assistance grants—Capital improvements—Bond issue.
28A.527.020	Bond proceeds—Use.
28A.527.030	Proceeds from sale of bonds—Deposit—Use.
28A.527.040	Payment of principal and interest from nondebt-limit reimbursable bond account.
28A.527.050	Pledge and promise—Remedies.
28A.527.060	Bonds legal investment for public funds.
28A.527.070	Payment of principal and interest—Additional means for raising money authorized.
28A.527.080	Chapter supplemental.
28A.527.090	School construction and skill centers building account.
28A.527.100	Condensed compliance reports—Second-class districts.
28A.527.902	Effective date—2008 c 179.

28A.527.005 Findings—Intent—2008 c 179. The legislature finds that the state's public schools and skill centers are a vital component of the future economic prosperity of our state and provide students with access to high quality academic and technical skills instruction. Skill centers challenge, motivate, and provide opportunities for students to achieve in basic skills, critical thinking, leadership, and work skills through hands-on education, applied academics, and technology training using a cost-effective delivery model. The legislature further finds that barriers to access exist for students in rural and high-density areas, but the development of satellite and branch campus programs will provide the needed access. The legislature further finds that existing and proposed new skill centers will require facilities and equipment that simulate business and industry. Therefore, it is the intent of the legislature to provide a new source of funding for the critical capital needs of the state's skill centers to enhance access to career and technical education opportunities and to improve the condition of existing facilities. Enhanced capital funding will provide skill centers the ability to fulfill their critical role in maintaining and stimulating the state's economy and expanding quality academic and career and technical education opportunities to more students, especially students who lack access to these programs to date.

In the interest of funding equity and ensuring a commitment to the new development, major renovation, or expansion of skill centers, all school district partners must contribute to the acquisition or major capital costs of skill center

projects supported by this act to the greatest extent feasible. [2008 c 179 § 201.]

28A.527.010 School construction assistance grants—Capital improvements—Bond issue. For the purpose of providing school construction assistance grants and needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvements of skill centers facilities, including capital improvements to support satellite or branch campus programs for underserved rural areas or high-density areas, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred million dollars, or as much thereof as may be required, to finance all or a part of these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. If the state finance committee deems it necessary to issue taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. [2008 c 179 § 202.]

28A.527.020 Bond proceeds—Use. This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after one biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued. [2008 c 179 § 203.]

28A.527.030 Proceeds from sale of bonds—Deposit—Use. (1) The proceeds from the sale of the bonds authorized in RCW 28A.527.010 shall be deposited in the school construction and skill centers building account created in RCW 28A.527.090.

(2) The proceeds shall be used exclusively for the purposes stated in RCW 28A.527.010 and for the payment of the expenses incurred in connection with the sale and issuance of the bonds. [2008 c 179 § 204.]

28A.527.040 Payment of principal and interest from nondebt-limit reimbursable bond account. (1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in RCW 28A.527.010.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 28A.527.010.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from

that portion of the common school construction fund derived from the interest on the permanent common school fund into the nondebt-limit reimbursable bond retirement account the amount computed in (a) of this subsection for bonds issued for the purposes of RCW 28A.527.010. Any deficiency in such transfer shall be made up as soon as moneys are available for transfer and shall constitute a continuing obligation of that portion of the common school construction fund derived from the interest on the permanent common school fund until all deficiencies are fully paid. [2008 c 179 § 205.]

28A.527.050 Pledge and promise—Remedies. (1) Bonds issued under RCW 28A.527.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section. [2008 c 179 § 206.]

28A.527.060 Bonds legal investment for public funds. The bonds authorized in RCW 28A.527.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [2008 c 179 § 207.]

28A.527.070 Payment of principal and interest—Additional means for raising money authorized. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 28A.527.010, and *RCW 28A.527.010 shall not be deemed to provide an exclusive method for the payment. [2008 c 179 § 208.]

**Reviser's note:* The reference to RCW 28A.527.010 appears to be erroneous. Reference to RCW 28A.527.040 was apparently intended.

28A.527.080 Chapter supplemental. This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter. [2008 c 179 § 209.]

28A.527.090 School construction and skill centers building account. The school construction and skill centers building account is created in the state treasury. Proceeds from the bonds issued under RCW 28A.527.010 shall be deposited in the account. The account shall be used for purposes stated in RCW 28A.527.010. Moneys in the account may be spent only after appropriation. [2008 c 179 § 210.]

28A.527.100 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 40.]

Additional notes found at www.leg.wa.gov

28A.527.902 Effective date—2008 c 179. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 27, 2008]. [2008 c 179 § 307.]

Chapter 28A.530 RCW

DISTRICT BONDS FOR LAND, BUILDINGS, AND EQUIPMENT

Sections

28A.530.010	Directors may borrow money, issue bonds.
28A.530.020	Bond issuance—Election—Resolution to specify purposes.
28A.530.030	Disposition of bond proceeds—Capital projects fund.
28A.530.040	Refunding former issues without vote of the people.
28A.530.050	Holder to notify treasurer—Redemption.
28A.530.060	Expense of county treasurer.
28A.530.070	Exchange of warrants for bonds.
28A.530.080	Additional authority to contract indebtedness—Notice.
28A.530.090	Condensed compliance reports—Second-class districts.

28A.530.010 Directors may borrow money, issue bonds. The board of directors of any school district may borrow money and issue negotiable bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subsection (2) of this section immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or
- (6) For payment of (a) an installment purchase contract for school plant facilities or (b) a financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration, but only to the extent such payment constitutes a capital expenditure; or
- (7) For any or all of these and other capital purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Except for bonds issued under RCW 28A.530.080, bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds shall be issued and sold in accordance with chapter 39.46 RCW. [1999 c 386 § 3; 1991 c 114 § 3; 1984 c 186 § 10; 1983 c 167 § 21; 1980 c 170 § 1; 1970 ex.s. c 42 § 7; 1969 c 142 § 2; 1969 ex.s. c 223 § 28A.51.010. Prior: 1953 c 163 § 1; 1927 c 99 § 1; 1921 c 147 § 1; 1919 c 90 § 12; 1909 c 97 p 324 § 1; RRS § 4941; prior: 1907 c 240 § 7 1/2; 1907

c 101 § 1; 1903 c 153 § 1; 1897 c 118 § 117; 1890 p 45 § 1. Formerly RCW 28A.51.010, 28.51.010, 28.51.050, part.]

Purpose—1984 c 186: See note following RCW 39.46.110.

School district funds: RCW 28A.320.330.

Additional notes found at www.leg.wa.gov

28A.530.020 Bond issuance—Election—Resolution to specify purposes. (1) The question whether the bonds shall be issued, as provided in RCW 28A.530.010, shall be determined at an election to be held pursuant to RCW 39.36.050. If a majority of the votes cast at such election favor the issuance of such bonds, the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district that only needs a simple majority voter approval, exceeds three-eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, then three-fifths of the votes cast at such election must be in favor of the issuance of such bonds, before the board of directors is authorized to issue said bonds.

(2) The resolution adopted by the board of directors calling the election in subsection (1) of this section shall specify the purposes of the debt financing measure, including the specific buildings to be constructed or remodeled and any additional specific purposes as authorized by RCW 28A.530.010. If the debt financing measure anticipates the receipt of state financing assistance under chapter 28A.525 RCW, the board resolution also shall describe the specific anticipated purpose of the state assistance. If the school board subsequently determines that state or local circumstances should cause any alteration to the specific expenditures from the debt financing or of the state assistance, the board shall first conduct a public hearing to consider those circumstances and to receive public testimony. If the board then determines that any such alterations are in the best interests of the district, it may adopt a new resolution or amend the original resolution at a public meeting held subsequent to the meeting at which public testimony was received. [1996 c 48 § 1; 1990 c 33 § 478; 1984 c 186 § 11; 1970 ex.s. c 42 § 9; 1969 ex.s. c 223 § 28A.51.020. Prior: 1909 c 97 p 324 § 2; RRS § 4942; prior: 1897 c 118 § 118; 1890 p 46 § 2. Formerly RCW 28A.51.020, 28.51.020, 28.51.050, part.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.530.030 Disposition of bond proceeds—Capital projects fund. When the bonds have been sold, the county treasurer shall place the money derived from such sale to the credit of the capital projects fund of the district, and such fund is hereby created. [1984 c 186 § 12; 1983 c 167 § 24; 1979 ex.s. c 257 § 1; 1969 ex.s. c 223 § 28A.51.070. Prior: 1911 c 88 § 1; 1909 c 97 p 326 § 4; RRS § 4944; prior: 1907 c 240 § 9; 1905 c 142 § 7; 1897 c 118 § 120; 1890 p 47 § 4. Formerly RCW 28A.51.070, 28.51.070, 28.51.080, 28.51.090, 28.51.100, and 28.51.110.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.530.040 Refunding former issues without vote of the people. Whenever any bonds lawfully issued by any school district under the provisions of this chapter shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing bonds conformable to the requirements of this chapter and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors in their discretion may exchange such refunding bonds par for par for such outstanding bonds. [1984 c 186 § 13; 1983 c 167 § 25; 1969 ex.s. c 223 § 28A.51.180. Prior: 1969 ex.s. c 232 § 66; 1945 c 32 § 1; 1909 c 97 p 329 § 12; Rem. Supp. 1945 § 4952; prior: 1897 c 118 § 124, part; 1890 p 48 § 8, part. Formerly RCW 28A.51.180, 28.51.180.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.530.050 Holder to notify treasurer—Redemption. Every holder of any of the bonds so issued as a bearer bond as provided in this chapter, within ten days after the owner becomes the owner or holder thereof, shall notify the county treasurer of the county in which such bonds are issued of his or her ownership, together with his or her full name and post office address, and the county treasurer of said county shall deposit in the post office, properly stamped and addressed to each owner of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds. [1990 c 33 § 479; 1983 c 167 § 26; 1969 ex.s. c 223 § 28A.51.190. Prior: 1909 c 97 p 330 § 13; RRS § 4953; prior: 1897 c 118 § 125; 1890 p 49 § 9. Formerly RCW 28A.51.190, 28.51.190.]

Additional notes found at www.leg.wa.gov

28A.530.060 Expense of county treasurer. At any time after the issuance of such bonds as in this chapter provided, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his or her claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law. [1990 c 33 § 480; 1969 ex.s. c 223 § 28A.51.200. Prior: 1909 c 97 p 330 § 14; RRS § 4954; prior: 1897 c 118 § 126; 1890 p 50 § 10. Formerly RCW 28A.51.200, 28.51.200.]

28A.530.070 Exchange of warrants for bonds. If bonds issued under this chapter are not sold as in this chapter provided, the owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election may exchange said warrants at the face

value thereof and accrued interest thereon for bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. [1983 c 167 § 27; 1969 ex.s. c 223 § 28A.51.220. Prior: 1909 c 97 p 327 § 5; RRS § 4945. Formerly RCW 28A.51.220, 28.51.220.]

Additional notes found at www.leg.wa.gov

28A.530.080 Additional authority to contract indebtedness—Notice. (1) In addition to the authority granted under RCW 28A.530.010, a school district may contract indebtedness for any purpose specified in RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any real or personal property, or property rights, in connection with the exercise of any powers or duties which it is now or hereafter authorized to exercise, and issue bonds, notes, or other evidences of indebtedness therefor without a vote of the qualified electors of the district, subject to the limitations on indebtedness set forth in RCW 39.36.020(3).

(2) Before issuing nonvoted bonds in excess of two hundred fifty thousand dollars, a school district shall publish notice of intent to issue such bonds and shall hold a public hearing on the proposal at any regular or special meeting of the school board. The notice shall designate: The date, time, and place of the hearing; the purpose and amount of the bonds; the type, terms, and conditions of bonds; and the means identified for repayment. The notice shall also state that any person may appear and be heard on the issue of issuing such bonds. The notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or if there is none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately before the hearing. At the conclusion of public comment, the board of directors may proceed to determine, by resolution, whether to issue such bonds.

(3) The public notice and hearing requirements in subsection (2) of this section shall not apply to any refinancing or refunding of outstanding nonvoted or voted bonds.

(4) Such bonds, notes, or other evidences of indebtedness shall be issued and sold in accordance with chapter 39.46 RCW, and the proceeds thereof shall be deposited in the capital projects fund, the transportation vehicle fund, or the general fund, as applicable. [2010 c 241 § 1; 1999 c 314 § 2; 1991 c 114 § 1.]

Findings—Intent—1999 c 314: "The legislature finds that current law authorizes school districts to use nonvoter-approved debt to acquire real or personal property but not to construct or repair school district property. It is the intent of the legislature to authorize school districts to use nonvoter-approved debt, within existing debt limits, to finance the acquisition, remodel, and repair of school facilities." [1999 c 314 § 1.]

Additional notes found at www.leg.wa.gov

28A.530.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 41.]

Additional notes found at www.leg.wa.gov

Chapter 28A.535 RCW
VALIDATING INDEBTEDNESS

Sections

28A.535.010	Authority to validate indebtedness.
28A.535.020	Resolution providing for election—Vote required to validate.
28A.535.030	Notice of election.
28A.535.040	Manner and result of election.
28A.535.050	Authority to borrow, issue bonds.
28A.535.060	Exchange of warrants for bonds.
28A.535.070	Notice to county treasurer of authority to issue bonds— Annual levy for payment of interest and principal on bonds—Penalty against officer for expenditures in excess of revenues.
28A.535.080	Validating indebtedness proceedings after merger.
28A.535.090	Condensed compliance reports—Second-class districts.

28A.535.010 Authority to validate indebtedness. Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school purposes, when the same together with all then outstanding legal indebtedness does not exceed that amount permitted for school districts in RCW 39.36.020 (1) and (3). The value of taxable property in such school district shall be ascertained as provided in Article eight, section six, Amendment 27, of the Constitution of the state of Washington. [1969 ex.s. c 223 § 28A.52.010. Prior: 1909 c 97 p 331 § 1; RRS § 4956; prior: 1897 c 118 § 128; 1895 c 21 § 1. Formerly RCW 28A.52.010, 28.52.010.]

Reviser's note: The above reference to RCW 39.36.020 (1) and (3) was apparently based upon the 1967 version of that section [1967 c 107 § 4]; the contents and organization of that section have been altered by subsequent amendments.

28A.535.020 Resolution providing for election—Vote required to validate. Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in RCW 28A.535.010, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district. [1996 c 48 § 2; 1995 c 111 § 1; 1990 c 33 § 481; 1969 ex.s. c 223 § 28A.52.020. Prior: 1909 c 97 p 331 § 2; RRS § 4957; prior: 1897 c 118 § 129; 1895 c 21 § 2. Formerly RCW 28A.52.020, 28.52.020.]

28A.535.030 Notice of election. At the time of the adoption of the resolution provided for in RCW 28A.535.020, the board of directors shall direct the school district superintendent to give notice to the county auditor of the suggested time and purpose of such election, and specifying the amount and general character of the indebtedness proposed to be ratified. Such superintendent shall also cause written or printed notices to be posted in at least five places in such school district at least twenty days before such election. In addition to his or her other duties relating thereto, the

county auditor shall give notice of such election as provided for in RCW 29A.52.355. [2015 c 53 § 16; 1990 c 33 § 482; 1969 ex.s. c 223 § 28A.52.030. Prior: 1909 c 97 p 332 § 3; RRS § 4958; prior: 1897 c 118 § 131; 1895 c 21 § 4. Formerly RCW 28A.52.030, 28.52.030.]

28A.535.040 Manner and result of election. Elections hereunder shall be by ballot, and conducted in the manner provided for conducting annual school elections. The ballot must contain the words, "Validating and ratifying indebtedness, yes," or the words, "Validating and ratifying indebtedness, no." Ballots containing the words, "Validating and ratifying indebtedness, yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words, "Validating and ratifying indebtedness, no," shall be counted against validating and ratifying such indebtedness. At their next meeting following ascertainment of the result of the election from the county auditor, the board of directors of any such district holding such an election shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officials. [1969 ex.s. c 223 § 28A.52.040. Prior: 1909 c 97 p 332 § 4; RRS § 4959; prior: 1897 c 118 § 130; 1895 c 21 § 3. Formerly RCW 28A.52.040, 28.52.040.]

Conduct of elections, canvass: RCW 29A.60.010.

28A.535.050 Authority to borrow, issue bonds. If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue and sell negotiable bonds therefor in accordance with chapter 39.46 RCW. [1984 c 186 § 14; 1983 c 167 § 28; 1975 c 43 § 2; 1969 ex.s. c 223 § 28A.52.050. Prior: 1909 c 97 p 333 § 5; RRS § 4960; prior: 1897 c 118 § 132; 1895 c 21 § 5. Formerly RCW 28A.52.050, 28.52.050.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

28A.535.060 Exchange of warrants for bonds. If bonds issued under this chapter are not sold as herein provided, the owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW 28A.535.020, may exchange said warrants at the face value thereof and accrued interest thereon for bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. [1990 c 33 § 483; 1983 c 167 § 30; 1969 ex.s. c 223 § 28A.52.060. Prior: 1909 c 97 p 334 § 7; RRS § 4962; prior: 1897 c 118 § 134; 1895 c 21 § 7. Formerly RCW 28A.52.060, 28.52.060.]

Additional notes found at www.leg.wa.gov

28A.535.070 Notice to county treasurer of authority to issue bonds—Annual levy for payment of interest and principal on bonds—Penalty against officer for expenditures in excess of revenues. When authorized to issue bonds, as provided in this chapter the board of directors shall

immediately cause to be sent to the appropriate county treasurer, notice thereof. The county officials charged by law with the duty of levying taxes for the payment of said bonds and interest shall do so as provided in RCW 39.46.110.

The annual expense of such district shall not thereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, in addition to any other penalties, whether civil or criminal, as provided by law, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars. [1985 c 7 § 90; 1969 ex.s. c 223 § 28A.52.070. Prior: 1909 c 97 p 335 § 8; RRS § 4963; prior: 1897 c 118 § 135; 1895 c 21 § 8. Formerly RCW 28A.52.070, 28.52.070.]

28A.535.080 Validating indebtedness proceedings after merger. In case any school district has heretofore incurred, or shall hereafter incur, indebtedness for strictly school purposes and has heretofore, or shall hereafter, become merged with another district as provided in *RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the directors of the last named district may, after such merger, cause to be submitted to the voters within the limits of the district which incurred the obligations, the question of validating and ratifying such indebtedness. The vote shall be taken and the question determined in the manner prescribed in RCW 28A.535.020, 28A.535.030, and 28A.535.040. The directors of the district to which the district incurring the obligations was merged shall make provisions for payment of the indebtedness so validated by certifying the amount thereof in the manner prescribed in RCW 28A.535.070: PROVIDED, Such enlarged district may pay a part, or all, of such validating indebtedness from any funds available or by issuing bonds therefor when such enlarged district has taken over property of any district and in making such adjustment and apportionment as provided in *RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the value of the property received shall be found to exceed the total indebtedness of the district annexed to the extent of such value over the total indebtedness of the district annexed. [1990 c 33 § 484; 1969 ex.s. c 223 § 28A.52.080. Prior: 1913 c 136 § 1; RRS § 4964. Formerly RCW 28A.52.080, 28.52.080.]

*Reviser's note: RCW 28A.315.010 through 28A.315.680 and 28A.315.900 were repealed or recodified by 1999 c 315.

28A.535.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 42.]

Additional notes found at www.leg.wa.gov

Chapter 28A.540 RCW CAPITAL FUND AID BY NONHIGH SCHOOL DISTRICTS

Sections

- 28A.540.010 High school facilities defined.
- 28A.540.020 Plan for nonhigh district to provide capital funds in aid of high school district.
- 28A.540.030 Factors to be considered in preparation of plan.

(2022 Ed.)

- 28A.540.040 Public hearing—Notice.
- 28A.540.050 Review by superintendent of public instruction—Approval—Revised plan.
- 28A.540.060 Bond, excess levy, elections—Use of proceeds.
- 28A.540.070 Rejection by voters of nonhigh districts—Additional elections—Revised plan—Annexation proposal.
- 28A.540.080 Failure of nonhigh districts to submit proposal to vote within time limits—Annexation procedure.
- 28A.540.090 Nonhigh districts, time of levy and issuance of bonds.
- 28A.540.100 Validation of proceedings under 1955 act, when.
- 28A.540.110 Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise.
- 28A.540.120 Condensed compliance reports—Second-class districts.

28A.540.010 High school facilities defined. High school facilities shall mean buildings for occupancy by grades nine through twelve and equipment and furniture for such buildings and shall include major alteration or major remodeling of buildings and the acquisition of new sites and of additions to existing sites, and improvement of sites but only when included as a part of a general plan for the construction, equipping and furnishing of a building or of an alteration or addition to a building. The term shall also (1) include that portion of any building, alteration, equipment, furniture, site and improvement of site allocated to grade nine when included in a plan for facilities to be occupied by grades seven through nine and (2) includes such facilities for grades seven and eight when included in a plan as aforesaid, if the regional committee on school district organization finds that students of these grades who reside in any nonhigh school districts involved are now attending school in the high school district involved under an arrangement which likely will be continued. [1985 c 385 § 31; 1969 ex.s. c 223 § 28A.56.005. Prior: 1959 c 262 § 2. Formerly RCW 28A.56.005, 28.56.005.]

Additional notes found at www.leg.wa.gov

28A.540.020 Plan for nonhigh district to provide capital funds in aid of high school district. Upon receipt of a written request from the board of directors of a high school district or a nonhigh school district that presents to the regional committee on school district organization satisfactory evidence of a need for high school facilities to be located therein and of ability to provide such facilities, the regional committee shall prepare a plan for participation by any nonhigh school district or districts in providing capital funds to pay the costs of such school facilities and equipment to be provided for the education of students residing in the school districts. Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the regional committee along with the aforesaid request. [1985 c 385 § 32; 1969 ex.s. c 223 § 28A.56.010. Prior: 1959 c 262 § 1; 1955 c 344 § 1; 1953 c 229 § 1. Formerly RCW 28A.56.010, 28.56.010.]

Additional notes found at www.leg.wa.gov

28A.540.030 Factors to be considered in preparation of plan. The regional committee on school district organization shall give consideration to:

(1) The report submitted by the board of directors as stated above;

(2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other nonhigh school district within which the establishment of a high school within a period of two years is warranted;

(3) The assessed valuation of the school districts involved;

(4) The cash balance, if any, in the capital projects fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance; and

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan. [1985 c 385 § 33; 1985 c 7 § 91; 1969 ex.s. c 223 § 28A.56.020. Prior: 1959 c 262 § 3; 1955 c 344 § 2; 1953 c 229 § 2. Formerly RCW 28A.56.020, 28.56.020.]

Additional notes found at www.leg.wa.gov

28A.540.040 Public hearing—Notice. The regional committee on school district organization shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the educational service district superintendent, or his or her designee, may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the regional committee. The regional committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing. [1985 c 385 § 34; 1975 1st ex.s. c 275 § 74; 1971 c 48 § 21; 1969 ex.s. c 223 § 28A.56.030. Prior: 1959 c 262 § 4; 1955 c 344 § 3; 1953 c 229 § 3. Formerly RCW 28A.56.030, 28.56.030.]

Additional notes found at www.leg.wa.gov

28A.540.050 Review by superintendent of public instruction—Approval—Revised plan. Subsequent to the holding of a hearing or hearings as provided in RCW 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the superintendent of public instruction together with such maps and other materials pertaining thereto as the superintendent may require. The superintendent, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, shall review such plan, shall approve any plan which in his or her judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included

in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the superintendent of public instruction, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the superintendent a revised plan which revision shall be subject to approval or disapproval by the superintendent, considering policy recommendations from the school facilities citizen advisory panel, and the procedural requirements and provisions of law applicable to an original plan submitted to the superintendent. [2006 c 263 § 324; 1990 c 33 § 485; 1985 c 385 § 35; 1975 1st ex.s. c 275 § 75; 1971 c 48 § 22; 1969 ex.s. c 223 § 28A.56.040. Prior: 1959 c 262 § 5; 1955 c 344 § 4; 1953 c 229 § 4. Formerly RCW 28A.56.040, 28.56.040.]

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

Additional notes found at www.leg.wa.gov

28A.540.060 Bond, excess levy, elections—Use of proceeds. Within sixty days after receipt of the notice of approval from the educational service district superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the capital projects fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise. [1985 c 7 § 92; 1975 1st ex.s. c 275 § 76; 1971 c 48 § 23; 1969 ex.s. c 223 § 28A.56.050. Prior: 1959 c 262 § 6; 1955 c 344 § 5; 1953 c 229 § 5. Formerly RCW 28A.56.050, 28.56.050.]

Additional notes found at www.leg.wa.gov

28A.540.070 Rejection by voters of nonhigh districts—Additional elections—Revised plan—Annexation proposal. In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the

regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025. Upon approval by the superintendent of public instruction of any such proposal, the educational service district superintendent shall make an order, establishing the annexation. [2006 c 263 § 329; 1990 c 33 § 486; 1985 c 385 § 36; 1975 1st ex.s. c 275 § 77; 1971 c 48 § 24; 1969 ex.s. c 223 § 28A.56.060. Prior: 1959 c 262 § 7; 1955 c 344 § 6; 1953 c 229 § 6. Formerly RCW 28A.56.060, 28.56.060.]

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

Additional notes found at www.leg.wa.gov

28A.540.080 Failure of nonhigh districts to submit proposal to vote within time limits—Annexation procedure. In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in RCW 28A.540.060 and 28A.540.070, the regional committee on school district reorganization may initiate a proposal for annexation of such nonhigh school district as provided for in RCW 28A.540.070. [1990 c 33 § 487; 1985 c 385 § 37; 1969 ex.s. c 223 § 28A.56.070. Prior: 1959 c 262 § 8; 1955 c 344 § 7; 1953 c 229 § 7. Formerly RCW 28A.56.070, 28.56.070.]

Additional notes found at www.leg.wa.gov

28A.540.090 Nonhigh districts, time of levy and issuance of bonds. If the voters of a nonhigh school district approve an excess tax levy, the levy shall be made at the earliest time permitted by law. If the voters of a nonhigh school district approve the issuance of bonds, the board of directors of the nonhigh school district shall issue and sell said bonds within ninety days after receiving a copy of a resolution of the board of directors of the high school district that the high school district is ready to proceed with the construction of the high school facilities provided for in the plan and requesting the sale of the bonds. [1969 ex.s. c 223 § 28A.56.075. Prior: 1959 c 262 § 9. Formerly RCW 28A.56.075, 28.56.075.]

28A.540.100 Validation of proceedings under 1955 act, when. All proceedings had and taken under chapter 344, Laws of 1955, shall be valid and binding although not in compliance with that act if said proceedings comply with the requirements of this chapter. [1969 ex.s. c 223 § 28A.56.170. Prior: 1959 c 262 § 11. Formerly RCW 28A.56.170, 28.56.170.]

28A.540.110 Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise. (1) In cases where high school students resident in a nonhigh school district are to be educated in a high school district, the board of directors of the nonhigh school district shall, by mutual agreement with the serving district(s), designate the serving high school district or dis-

tricts which its high school students shall attend. A nonhigh school district shall designate a district as a serving high school district when more than thirty-three and one-third percent of the high school students residing within the boundaries of the nonhigh school district are enrolled in the serving district.

(2) Students residing in a nonhigh school district shall be allowed to attend a high school other than in the designated serving district referred to in subsection (1) of this section, however the nonhigh school board of directors shall not be required to contribute to building programs in any such high school district. Contribution shall be made only to those districts which are designated as serving high school districts at the time the county auditor is requested by the high school district to place a measure on the ballot regarding a proposal or proposals for the issuance of bonds or the authorization of an excess tax levy to provide capital funds for building programs. The nonhigh school district shall be subject to the capital fund aid provisions contained in this chapter with respect to the designated high school serving district(s). [1989 c 321 § 4; 1981 c 239 § 1. Formerly RCW 28A.56.200.]

28A.540.120 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 43.]

Additional notes found at www.leg.wa.gov

Chapter 28A.545 RCW PAYMENT TO HIGH SCHOOL DISTRICTS

Sections

28A.545.010	School district divisions—High and nonhigh.
28A.545.020	Reimbursement not a tuition charge.
28A.545.030	Purposes.
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Exemptions: State Constitution Art. 7 § 1 (Amendment 14).

28A.545.010 School district divisions—High and nonhigh. For the purposes of this chapter all school districts in the state of Washington shall be and the same are hereby divided into two divisions to be known and designated respectively as high school districts and nonhigh school districts. [1983 c 3 § 31; 1969 ex.s. c 223 § 28A.44.045. Prior: 1917 c 21 § 1; RRS § 4710. Formerly RCW 28A.44.045, 28.44.045, 28.01.040, part.]

28A.545.020 Reimbursement not a tuition charge. The reimbursement of a high school district for cost of educating high school pupils for a nonhigh school district, as provided for in this chapter, shall not be deemed a tuition charge

as affecting the apportionment of current state school funds. [1983 c 3 § 32; 1969 ex.s. c 223 § 28A.44.095. Prior: 1917 c 21 § 11; RRS § 4720. Formerly RCW 28A.44.095, 28.44.095.]

28A.545.030 Purposes. The purposes of RCW 28A.545.030 through 28A.545.110 and 84.52.0531 are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment;

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is the lesser of:

(a) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; or

(b) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the non-high school district;

(4) If the nonhigh school district has not levied an enrichment levy during the current school year, then the amount due per annual average full-time equivalent student by the nonhigh school district is the enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; and

(5) Designate the revenue provided to secondary school buildings to ensure dollars are being spent to support secondary school students. [2020 c 225 § 1; 2017 3rd sp.s. c 13 § 1001; 1990 c 33 § 488; 1981 c 264 § 1. Formerly RCW 28A.44.150.]

Effective date—2017 3rd sp.s. c 13 §§ 1001 and 1002: "Sections 1001 and 1002 of this act take effect January 1, 2019." [2017 3rd sp.s. c 13 § 1007.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Additional notes found at www.leg.wa.gov

28A.545.040 "Student residing in a nonhigh school district" defined. The term "student residing in a nonhigh school district" and its equivalent as used in RCW 28A.545.030 through 28A.545.110 and 84.52.0531 shall mean any common school-age person with or without disabilities who resides within the boundaries of a nonhigh school district that does not conduct the particular kindergarten through grade twelve grade which the person has not yet successfully completed and is eligible to enroll in, not including students enrolled in an innovation academy cooperative established under RCW 28A.340.080 through 28A.340.090. [2010 c 99 § 7; 1995 c 77 § 25; 1990 c 33 § 489; 1981 c 264 § 2. Formerly RCW 28A.44.160.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

Additional notes found at www.leg.wa.gov

28A.545.050 Amounts due from nonhigh districts. Each year at such time as the superintendent of public instruction determines and certifies such maximum allowable amounts of school district levies under RCW 84.52.0531 he or she shall also:

(1) Determine the extent to which the estimated amounts due by nonhigh school districts for the previous school year exceeded or fell short of the actual amounts due; and

(2) Determine the estimated amounts due by nonhigh school districts for the current school year and increase or decrease the same to the extent of overpayments or underpayments for the previous school year. [1985 c 341 § 11; 1981 c 264 § 3. Formerly RCW 28A.44.170.]

Additional notes found at www.leg.wa.gov

28A.545.060 Enrollment data for computation of amounts due. The student enrollment data necessary for the computation of the annual amounts due by nonhigh school districts pursuant to RCW 28A.545.030 through 28A.545.110 and 84.52.0531 shall be established as follows:

(1) On or before July tenth preceding the school year, or such other date as may be established by the superintendent of public instruction, each high school district superintendent shall certify to the superintendent of public instruction:

(a) The estimated number of students residing in a non-high school district that will be enrolled in the high school district during the school year which estimate has been mutually agreed upon by the high school district superintendent and the superintendent of each nonhigh school district in which one or more of such students resides;

(b) The total estimated number of kindergarten through twelfth grade annual average full-time equivalent students, inclusive of nonresident students, that will be enrolled in the high school district during the school year;

(c) The actual number of annual average full-time equivalent students provided for in subsections (1)(a) and (b) of this section that were enrolled in the high school district during the regular school term just completed; and

(d) The name, address, and the school district and county of residence of each student residing in a nonhigh school district reported pursuant to this subsection (1), to the extent the same can reasonably be established.

(2) In the event the superintendents of a high school district and a nonhigh school district are unable to reach agreement respecting the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year, the estimate shall be established by the superintendent of public instruction. [1990 c 33 § 490; 1981 c 264 § 4. Formerly RCW 28A.44.180.]

Additional notes found at www.leg.wa.gov

28A.545.070 Superintendent's annual determination of estimated amount due—Process. (1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's enrichment levy or nonhigh school district's enrichment levy, as determined under RCW 28A.545.030(3), that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which that district's superintendent or the superintendent of public instruction has certi-

fied pursuant to RCW 28A.545.060 will be enrolled in that district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to RCW 28A.545.060; and

(c) The result of the calculation provided for in subsection (1)(b) of this section [(b) of this subsection] shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student enrichment levy rate for the current tax collection year, or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to RCW 28A.545.090.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year. [2020 c 225 § 3; 2017 3rd sp.s. c 13 § 1002; 1990 c 33 § 491; 1981 c 264 § 5. Formerly RCW 28A.44.190.]

Effective date—2017 3rd sp.s. c 13 §§ 1001 and 1002: See note following RCW 28A.545.030.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Additional notes found at www.leg.wa.gov

28A.545.080 Estimated amount due paid in May and November installments. The estimated amounts due by nonhigh school districts as determined pursuant to RCW 28A.545.070 shall be paid in two installments. During the month of May of the school year for which the amount is due, each nonhigh school district shall pay to each high school district fifty percent of the total estimated amount due to the high school district for the school year as determined by the superintendent of public instruction pursuant to RCW 28A.545.070. The remaining fifty percent shall be paid by each nonhigh school district to each high school district during the following November. [1990 c 33 § 492; 1981 c 264 § 6. Formerly RCW 28A.44.200.]

Additional notes found at www.leg.wa.gov

28A.545.090 Assessing nonhigh school lesser amount—Notice of. Notwithstanding any provision of RCW 28A.545.050 through 28A.545.080 to the contrary, any high school district board of directors may elect to assess a nonhigh school district an amount which is less than that otherwise established by the superintendent of public instruction pursuant to RCW 28A.545.070 to be due. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount no later than September first following the school year for which the amount is due. In the absence of such notification, each nonhigh school district shall pay the amount otherwise established by the superintendent of public instruction pursuant to RCW 28A.545.070.

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[1990 c 33 § 493; 1981 c 264 § 7. Formerly RCW 28A.44.210.]

Additional notes found at www.leg.wa.gov

28A.545.100 Amount due reflects cost of education and transportation of students. Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW 28A.545.030 through 28A.545.110 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all students with or without disabilities residing in the nonhigh school district who attend a high school district pursuant to RCW 28A.225.210, and for the transportation of such students by a high school district. [1995 c 77 § 26; 1990 c 33 § 494; 1983 1st ex.s. c 61 § 7; 1981 c 264 § 8. Formerly RCW 28A.44.220.]

Additional notes found at www.leg.wa.gov

28A.545.110 Rules to effect purposes and implement provisions. The superintendent of public instruction is hereby empowered to adopt rules pursuant to chapter 34.05 RCW, as now or hereafter amended, deemed necessary or advisable by the superintendent to effect the purposes and implement the provisions of RCW 28A.545.030 through 28A.545.110 and 84.52.0531. [1990 c 33 § 495; 1981 c 264 § 9. Formerly RCW 28A.44.230.]

Additional notes found at www.leg.wa.gov

28A.545.120 New programs or grades—Approval—Rules. (1) The superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, shall adopt rules governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established, the district must obtain prior approval of the superintendent of public instruction.

(2) This section does not apply to innovation academy cooperatives established under RCW 28A.340.080 through 28A.340.090. [2010 c 99 § 8; 2006 c 263 § 325.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

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

28A.545.130 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 44.]

Additional notes found at www.leg.wa.gov

28A.545.140 Annual data reports. Upon a nonhigh school district's request, a host high school district shall provide an annual data report to the nonhigh school district within sixty days of the request. The report must include attendance, grades, discipline, and state assessment data for all nonhigh secondary students sent to the high school district. [2020 c 225 § 2.]

Chapter 28A.600 RCW
STUDENTS

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28A.600.006 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 45.]

Additional notes found at www.leg.wa.gov

28A.600.010 Enforcement of rules of conduct—Due process guarantees—Computation of days for short-term and long-term suspensions. Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015. [2006 c 263 § 901; 1997 c 265 § 4; 1990 c 33 § 496; 1979 ex.s. c 173 § 2; 1975-'76 2nd ex.s. c 97 § 2; 1975 1st ex.s. c 254 § 1; 1971 ex.s. c 268 § 1; 1969 ex.s.

c 223 § 28A.58.101. Prior: 1969 c 53 § 1, part; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part. Formerly RCW 28A.58.101, 28.58.100(2), (6).]

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

Additional notes found at www.leg.wa.gov

28A.600.015 Expulsions and suspensions—Rules incorporating due process—Short-term and long-term suspensions—Emergency expulsions—Discretionary discipline. (1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9A.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense

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listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state. [2016 c 72 § 105; 2013 2nd sp.s. c 18 § 302; 2006 c 263 § 701; 1996 c 321 § 2; 1975-'76 2nd ex.s. c 97 § 1; 1971 ex.s. c 268 § 2. Formerly RCW 28A.305.160, 28A.04.132.]

Finding—Intent—2016 c 72: "(1) The legislature has already established that it is a goal of the state to provide for a public school system that gives all students the opportunity to achieve personal and academic success. This goal contains within it a promise of excellence and opportunity for all students, not just some students. In 2012, in *McCleary v. State of Washington*, the Washington supreme court reaffirmed the positive constitutional right of every student by noting, "No child is excluded." In establishing the educational opportunity gap oversight and accountability committee in 2009, the legislature recognized that additional work was needed to fulfill the promise of excellence and opportunity for students of certain demographic groups, including English language learners.

(2) In its 2015 report to the legislature, the educational opportunity gap oversight and accountability committee made the following recommendations in keeping with its statutory purpose, which is to recommend specific policies and strategies to close the educational opportunity gap:

(a) Reduce the length of time students of color are excluded from school due to suspension and expulsion and provide students support for reengagement plans;

(b) Enhance the cultural competence of current and future educators and classified staff;

(c) Endorse all educators in English language learner and second language acquisition;

(d) Account for the transitional bilingual instruction program instructional services provided to English language learner students;

(e) Analyze the opportunity gap through deeper disaggregation of student demographic data;

(f) Invest in the recruitment, hiring, and retention of educators of color;

(g) Incorporate integrated student services and family engagement; and

(h) Strengthen student transitions at each stage of the education development pathway: Early learning to elementary, elementary to secondary, secondary to college and career.

(3) The legislature finds that these recommendations represent a holistic approach to making progress toward closing the opportunity gap. The recommendations are interdependent and mutually reinforcing. Closing the opportunity gap requires highly skilled, culturally competent, and diverse educators who understand the communities and cultures that students come from; it requires careful monitoring of not only the academic performance but also the educational environment for all students, at a fine grain of detail to assure adequate accountability; and it requires a robust program of instruction, including appropriately trained educators, to help English language learners gain language proficiency as well as academic proficiency.

(4) Therefore, the legislature intends to adopt policies and programs to implement the six recommendations of the educational opportunity gap oversight and accountability committee and fulfill its promise of excellence and opportunity for all students." [2016 c 72 § 1.]

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

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

28A.600.020 Exclusion of student from classroom—Written disciplinary procedures—Long-term suspension or expulsion. (1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum

learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9A.1280; or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school

may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning. [2019 c 266 § 22; 2016 c 72 § 106; 2013 2nd sp.s. c 18 § 303; 2006 c 263 § 706; 1997 c 266 § 11; 1990 c 33 § 497; 1980 c 171 § 1; 1972 ex.s. c 142 § 5. Formerly RCW 28A.58.1011.]

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

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

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

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.600.022 Suspended or expelled students—Reengagement plan. (1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a peti-

tion for readmission. [2016 c 72 § 107; 2013 2nd sp.s. c 18 § 308.]

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

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: "Nothing in chapter 18, Laws of 2013 2nd sp. sess. prevents a public school district, law enforcement agencies, or law enforcement personnel from enforcing laws protecting health and human safety." [2013 2nd sp.s. c 18 § 309.]

28A.600.025 Students' rights of religious expression—Duty of superintendent of public instruction to inform school districts. (1) The First Amendment to the United States Constitution, and Article I, sections 5 and 11 of the Washington state Constitution guarantee that students retain their rights of free speech and free exercise of religion, notwithstanding the student's enrollment and attendance in a common school. These rights include, but are not limited to, the right of an individual student to freely express and incorporate the student's religious beliefs and opinions where relevant or appropriate in any and all class work, homework, evaluations or tests. School personnel may not grade the class work, homework, evaluation, or test on the religious expression but may grade the student's performance on scholastic content such as spelling, sentence structure, and grammar, and the degree to which the student's performance reflects the instruction and objectives established by the school personnel. School personnel may not subject an individual student who expresses religious beliefs or opinions in accordance with this section to any form of retribution or negative consequence and may not penalize the student's standing, evaluations, or privileges. An employee of the school district may not censure a student's expression of religious beliefs or opinions, when relevant or appropriate, in any class work, homework, evaluations or tests, extracurricular activities, or other activities under the sponsorship or auspices of the school district.

(2) This section is not intended to impose any limit on the exchange of ideas in the common schools of this state. No officer, employee, agent, or contractor of a school district may impose his or her religious beliefs on any student in class work, homework, evaluations or tests, extracurricular activities, or other activities under the auspices of the school district.

(3) The superintendent of public instruction shall distribute to the school districts information about laws governing students' rights of religious expression in school. [1998 c 131 § 2.]

Findings—1998 c 131: "The legislature recognizes the right of free speech and freedom of religion as guaranteed through the First Amendment to the United States Constitution and Article I, sections 5 and 11 of the Washington state Constitution and that these rights extend to students enrolled in the common schools of our state.

The legislature also recognizes that students may choose to exercise these rights, as protected under the law, in response to the challenges of academic pursuit. While the legislature upholds the rights of students to freely express their religious beliefs and right of free speech, it also holds firmly that it is not the role of education to solicit student responses that force students to reveal, analyze, or critique their religious beliefs." [1998 c 131 § 1.]

28A.600.027 Student expression in school-sponsored media. (1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of

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subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

- (a) Is libelous or slanderous;
- (b) Is an unwarranted invasion of privacy;
- (c) Violates federal or state laws, rules, or regulations;
- (d) Incites students to violate federal or state laws, rules, or regulations;

(e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to *RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;

(f) Inciting of students so as to create a clear and present danger of:

- (i) The commission of unlawful acts on school premises;
- (ii) The violation of lawful school district policy or procedure; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media. [2018 c 125 § 2.]

*Reviser's note: RCW 28A.300.285 was repealed by 2019 c 194 § 5.

Finding—Intent—2018 c 125: "The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First Amendment to the United States Constitution and by Article I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to encourage students to become educated, informed, and responsible members of society." [2018 c 125 § 1.]

28A.600.030 Grading policies—Option to consider attendance. Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the superintendent of public instruction under RCW 28A.600.015. [2006 c 263 § 707; 1990 c 33 § 498; 1984 c 278 § 7. Formerly RCW 28A.58.195.]

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

Additional notes found at www.leg.wa.gov

28A.600.035 Policies on secondary school access and egress. School district boards of directors shall review school district policies regarding access and egress by students from secondary school grounds during school hours. Each school district board of directors shall adopt a policy specifying any restrictions on students leaving secondary school grounds during school hours. [1995 c 312 § 82.]

Additional notes found at www.leg.wa.gov

28A.600.040 Pupils to comply with rules and regulations. All pupils who attend the common schools shall comply with the rules and regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine. [1969 ex.s. c 223 § 28A.58.200. Prior: 1909 c 97 p 263 § 6; RRS § 4690; prior: 1897 c 118 § 69; 1890 p 372 § 48. Formerly RCW 28A.58.200, 28.58.200.]

28A.600.045 Comprehensive guidance and planning programs for students. (1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage

an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; exploration of options and opportunities for career and technical education at the secondary and postsecondary level; exploration of career opportunities in emerging and high-demand programs including apprenticeships; and post-secondary options and how to access them;

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide support for comprehensive guidance and planning programs in public schools, including providing ongoing development and improvement of the curriculum described in subsection (2) of this section. [2008 c 170 § 303; 2006 c 117 § 2.]

Findings—Intent—2008 c 170: See RCW 28A.700.005.

Intent—2006 c 117: "The legislature recognizes that there are specific skills and a body of knowledge that each student needs to chart a course through middle school, high school, and posthigh school options. Each student needs active involvement from parents and at least one supportive adult in the school who knows the student well and cares about the student's progress and future. Students, parents, and teachers also need the benefit of immediate feedback and accurate diagnosis of students' academic strengths and weaknesses to inform the students' short-term and long-term plans. To empower and motivate all students and parents to take a greater role in charting the students' own educational experiences, the legislature intends to strengthen schools' guidance and planning programs." [2006 c 117 § 1.]

28A.600.050 State honors awards program established—Purpose. The Washington state honors awards program is hereby established for the purpose of promoting academic achievement among high school students enrolled in public or approved private high schools by recognizing outstanding achievement of students in academic core subjects. This program shall be voluntary on the part of each school district and each student enrolled in high school. [1985 c 62 § 1. Formerly RCW 28A.03.440.]

Washington scholars' program: RCW 28A.600.100 through 28A.600.150.

28A.600.060 State honors awards program—Areas included. The recipients of the Washington state honors awards shall be selected based on student achievement in

both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and languages other than English, which may be American Indian languages. The performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year. [1993 c 371 § 4; 1991 c 116 § 22; 1985 c 62 § 2. Formerly RCW 28A.03.442.]

28A.600.070 State honors awards program—Rules.

The superintendent of public instruction shall adopt rules for the establishment and administration of the Washington state honors awards program. The rules shall establish: (1) The test or tests of general achievement that are used to measure verbal and quantitative achievement, (2) academic subject performance levels, (3) timelines for participating school districts to notify students of the opportunity to participate, (4) procedures for the administration of the program, and (5) the procedures for providing the appropriate honors award designation. [1991 c 116 § 23; 1985 c 62 § 3. Formerly RCW 28A.03.444.]

28A.600.080 State honors awards program—Materials—Recognition by business and industry encouraged.

The superintendent of public instruction shall provide participating high schools with the necessary materials for conferring honors. The superintendent of public instruction shall require participating high schools to encourage local representatives of business and industry to recognize students in their communities who receive an honors designation based on the Washington state honors awards program. [1985 c 62 § 4. Formerly RCW 28A.03.446.]

28A.600.100 Washington scholars' program—Purpose. Each year high schools in the state of Washington graduate a significant number of students who have distinguished themselves through outstanding academic achievement. The purpose of RCW 28A.600.100 through 28A.600.150 is to establish a consistent and uniform program which will recognize and honor the accomplishments of these students; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of this state. [1990 c 33 § 499; 1985 c 341 § 14; 1981 c 54 § 1. Formerly RCW 28A.58.820.]

Grants for undergraduate coursework for recipients of the Washington scholars award: RCW 28B.15.543.

State honors awards program: RCW 28A.600.050 through 28A.600.080.

Additional notes found at www.leg.wa.gov

28A.600.110 Washington scholars' program—Established—Scope. There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

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(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers, except that during fiscal year 2007, no more than two seniors plus one alternate may be selected.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in *RCW 28B.15.543 and grants under RCW 28B.76.660. [2005 c 518 § 915; 2004 c 275 § 46; 1994 c 234 § 4; 1988 c 210 § 4; 1987 c 465 § 1; 1981 c 54 § 2. Formerly RCW 28A.58.822.]

*Reviser's note: RCW 28B.15.543 was amended by 2015 c 55 § 219, changing tuition waivers to grants for undergraduate coursework.

Additional notes found at www.leg.wa.gov

28A.600.120 Washington scholars' program—Administration—Cooperation with other agencies.

The office of student financial assistance shall have the responsibility for administration of the Washington scholars program. The program will be developed cooperatively with the Washington association of secondary school principals, a voluntary professional association of secondary school principals. The cooperation of other state agencies and private organizations having interest and responsibility in public and private education shall be sought for planning assistance. [2011 1st sp.s. c 11 § 126; 1985 c 370 § 32; 1981 c 54 § 3. Formerly RCW 28A.58.824.]

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Additional notes found at www.leg.wa.gov

28A.600.130 Washington scholars' program—Planning committee—Composition—Duties.

The office of student financial assistance shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the office of superintendent of public instruction, the council of presidents, the state board for community and technical colleges, and the Washington friends of higher education. [2011 1st sp.s. c 11 § 127; 2006 c 263 § 916; 1995 1st sp.s. c 5 § 1; 1990

c 33 § 500; 1985 c 370 § 33; 1981 c 54 § 4. Formerly RCW 28A.58.826.]

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

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

Additional notes found at www.leg.wa.gov

28A.600.140 Washington scholars' program—Principals' association to submit names to office of student financial assistance. Each year on or before March 1st, the Washington association of secondary school principals shall submit to the office of student financial assistance the names of graduating senior high school students who have been identified and recommended to be outstanding in academic achievement by their school principals based on criteria to be established under RCW 28A.600.130. [2011 1st sp.s. c 11 § 128; 1990 c 33 § 501; 1985 c 370 § 34; 1981 c 54 § 5. Formerly RCW 28A.58.828.]

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Additional notes found at www.leg.wa.gov

28A.600.150 Washington scholars' program—Selection of scholars and scholars-alternates—Notification process—Certificates—Awards ceremony. Each year, three Washington scholars and one Washington scholars-alternate shall be selected from the students nominated under RCW 28A.600.140, except that during fiscal year 2007, no more than two scholars plus one alternate may be selected. The office of student financial assistance shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The office, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars and the Washington scholars-alternates. An awards ceremony at an appropriate time and place shall be planned by the office in cooperation with the Washington association of secondary school principals, and with the approval of the governor. [2011 1st sp.s. c 11 § 129; 2005 c 518 § 916; 1999 c 159 § 2; 1985 c 370 § 35; 1981 c 54 § 6. Formerly RCW 28A.58.830.]

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Intent—1999 c 159: "The legislature finds that approximately thirty-five percent of the recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 choose to enroll in an out-of-state college and therefore do not use the grants that would have been available to them under RCW 28B.80.245 had they chosen to attend a college or university in the state of Washington. It is the intent of the legislature to require high school seniors who are announced as recipients of the Washington scholars award to demonstrate in a timely manner that they will be using any grants they may receive with their awards to enroll in a college or university in Washington state during the fall term of the same year in which they receive the award. Any grants not used by initial recipients should be awarded to alternate recipients who must also demonstrate in a timely manner that they will be using their grants to enroll in a Washington college or university in Washington state during the fall term." [1999 c 159 § 1.]

Additional notes found at www.leg.wa.gov

28A.600.160 Educational pathways. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions.

Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as worksite learning, internships, career and technical education, running start, college in the high school, and preparation for technical college, community college, or university education. [2022 c 75 § 5. Prior: 2009 c 556 § 14; 2009 c 450 § 6; 1998 c 225 § 2.]

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.600.190 Youth sports—Concussion and head injury guidelines—Injured athlete restrictions—Short title. (1)(a) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The centers for disease control and prevention estimates that as many as three million nine hundred thousand sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(b) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occurs without loss of consciousness.

(c) Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Washington.

(2) Each school district's board of directors shall work in concert with the Washington interscholastic activities association to develop the guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and play of concussion and head injury including continuing to play after

concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete and the athlete's parent and/or guardian prior to the youth athlete's initiating practice or competition.

(3) A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time.

(4) A youth athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussion and receives written clearance to return to play from that health care provider. The health care provider may be a volunteer. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(5) This section may be known and cited as the Zackery Lystedt law. [2009 c 475 § 2.]

28A.600.192 Diagnosed concussions—Annual reports by public schools. (1) Beginning with the 2020-21 school year, public schools must annually report information about each diagnosed concussion sustained by a student during athletic and other activities using a procedure developed by the department of health under RCW 43.70.435.

(2) At a minimum, the following information must be reported: Student's grade and gender, whether the student had a previous concussion, the event date and location of the diagnosed concussion, the type and level of activity that the student was participating in at the time of the event, whether it was a practice or competition, any known cause of the event, when during the activity the injury occurred, whether protective equipment was worn on the injured student's head at the time of the event, the type of surface on which the event occurred, who initially examined the student at the time of the event, whether the student was removed from the activity at the time of the event, and follow-up information related to whether the student was given a written authorization to return to the activity by the end of the season in which the event occurred and the amount of time before the student was authorized to return to the learning environment. [2020 c 347 § 1.]

28A.600.195 Sudden cardiac arrest in youth athletes—Online pamphlet—Online prevention program for coaches. (1) The Washington interscholastic activities association shall work with member schools' board of directors, a nonprofit organization that educates communities about sudden cardiac arrest in youth athletes, and the University of Washington medicine center for sports cardiology to develop and make available an online pamphlet that provides youth athletes, their parents or guardians, and coaches with information about sudden cardiac arrest. The online pamphlet must include information on the nature, risk, symptoms and warning signs, prevention, and treatment of sudden cardiac arrest. The online pamphlet shall be posted on the office of the superintendent of public instruction's website.

(2) The Washington interscholastic activities association shall work with member schools' board of directors, an orga-

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nization that provides educational training for safe participation in athletic activity, and the University of Washington medicine center for sports cardiology to make available an existing online sudden cardiac arrest prevention program for coaches.

(3) On a yearly basis, prior to participating in an interscholastic athletic activity a sudden cardiac arrest form stating that the online pamphlet was reviewed shall be signed by the youth athlete and the athlete's parents and/or guardian and returned to the school.

(4) Every three years, prior to coaching an interscholastic athletic activity coaches shall complete the online sudden cardiac arrest prevention program described in this section. Coaches shall provide a certificate showing completion of the online sudden cardiac arrest prevention program to the school. [2015 c 26 § 3.]

Findings—Intent—2015 c 26: "The legislature finds that sudden cardiac death is the result of an unexpected failure of proper heart function that may occur during or immediately after exercise. The legislature further finds that it has been reported that cardiac arrest is the leading cause of death in young athletes. The legislature finds that approximately one in two hundred fifty young athletes has a heart disorder that may increase his or her risk of sudden cardiac arrest. The legislature intends to make youth athletes, their families, and coaches aware of sudden cardiac arrest." [2015 c 26 § 1.]

Short title—2015 c 26: "This act may be known and cited as the sudden cardiac arrest awareness act." [2015 c 26 § 4.]

28A.600.200 Interscholastic athletic and other extracurricular activities for students—Authority to regulate and impose penalties—Delegation of authority—Conditions. Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(2)(a) Any rules and policies adopted and applied by the voluntary nonprofit entity that governs student participation in any interschool activity shall be written; and

(b) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity.

(3)(a) The association or other voluntary nonprofit entity is authorized to impose penalties for rules violations upon coaches, school district administrators, school administrators, and students, as appropriate, to punish the offending party or parties;

(b) No penalty may be imposed on a student or students unless the student or students knowingly violated the rules or unless a student gained a significant competitive advantage or materially disadvantaged another student through a rule violation;

(c) Any penalty that is imposed for rules violations must be proportional to the offense;

(d) Any decision resulting in a penalty shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

(4) The school districts, Washington interscholastic activities association districts, and leagues that participate in the interschool extracurricular activities shall not impose more severe penalties for rule violations than can be imposed by the rules of the association or the voluntary nonprofit entity.

(5) As used in this section and RCW 28A.600.205, "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved. [2012 c 155 § 2; 2006 c 263 § 904; 1990 c 33 § 502; 1975-'76 2nd ex.s. c 32 § 1. Formerly RCW 28A.58.125.]

Finding—Intent—2012 c 155: "The legislature finds that the mission of the Washington interscholastic activities association is to assist member schools in operating student programs that foster achievement, respect, equity, enthusiasm, and excellence in a safe and organized environment. The legislature intends to ensure that this mission is successfully carried out so that arbitrary sanctions that result in students unfairly being denied to participate or cause students' achievements to be diminished do not occur. It is the intent of the legislature to impact the association's current processes for establishing penalties for rules violations and to redefine the scope of penalties that are permitted to be imposed. It is further the intent of the legislature to build protections into state law so that punishment, when necessary, is meted out to the appropriate party and in a proportional manner. The legislature further intends to ensure that state and local rules relating to interschool extracurricular activities be consistent with one another, promote fairness, and allow for a clear process of appeal." [2012 c 155 § 1.]

Short title—2012 c 155: "This act may be known and cited as the Knight act." [2012 c 155 § 4.]

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

School buses, transport of general public to interscholastic activities—Limitations: RCW 28A.160.100.

28A.600.205 Interscholastic activities—Appeals from noneligibility issues—Appeals committee—Appeals to Washington interscholastic activities association executive board—Limitations on penalties and sanctions.

(1)(a) The Washington interscholastic activities association shall establish a nine-person appeals committee to address appeals of noneligibility issues. The committee shall be comprised of the secretary from each of the activity districts of the Washington interscholastic activities association. The committee shall begin hearing appeals by July 1, 2006. No committee member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal.

(b) Any penalty or sanction that is imposed or upheld by the appeals committee must be proportional to the offense and must be imposed upon only the offending individual or individuals, including coaches, school district administrators, school administrators, and students. However, only the Washington interscholastic activities association executive board has the authority to remove a team from postseason competition. Should a school violate a Washington interscholastic activities association rule, that violation does not automatically remove that school's team from postseason compe-

tion. Penalties levied against coaches and school programs must be considered before removing a team from postseason competition. Removal of a team from postseason competition must be the last option.

(2)(a) A decision of the appeals committee may be appealed to the executive board of the association. If a matter is appealed to the executive board, then the board shall conduct a de novo review of the matter before making a decision.

(b) Any penalty or sanction that is imposed or upheld by the executive board must be proportional to the offense and must be imposed upon only the offending individual or individuals including coaches, school district administrators, school administrators, or students. However, only the Washington interscholastic activities association executive board has the authority to remove a team from postseason competition. Should a school violate a Washington interscholastic activities association rule, that violation does not automatically remove that school's team from postseason competition. Penalties levied against coaches and school programs must be considered before removing a team from postseason competition. Removal of a team from postseason competition must be the last option.

(c) If a rule violation is reported to the association within ten days of the relevant postseason play, then the only review shall be conducted by the executive board of the Washington interscholastic activities association so that a decision can be rendered in a timely manner. The executive board must take all possible actions to render a decision before the postseason play takes place. [2012 c 155 § 3; 2006 c 263 § 905.]

Finding—Intent—Short title—2012 c 155: See notes following RCW 28A.600.200.

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

28A.600.207 Extracurricular activities—Streamlining fee collection.

(1) The process for charging and collecting associated student body card fees, school-based athletic program fees, optional noncredit school club fees, and other fees from students in grades nine through twelve who are low income must be identical to the process for charging and collecting fees from other students in grades nine through twelve, except that the fee waivers described under RCW 28A.325.010 must be automatically applied where applicable.

(2) The legislature recommends, but does not require, that the requirements under subsection (1) of this section are made applicable to students in grades six through eight. [2020 c 13 § 8.]

Findings—Intent—2020 c 13: See note following RCW 28A.320.580.

28A.600.210 School locker searches—Findings. The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole. [1989 c 271 § 244. Formerly RCW 28A.67.300.]

Additional notes found at www.leg.wa.gov

28A.600.220 School locker searches—No expectation of privacy. No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240. [1990 c 33 § 503; 1989 c 271 § 245. Formerly RCW 28A.67.310.]

Additional notes found at www.leg.wa.gov

28A.600.230 School locker searches—Authorization—Limitations. (1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070. [1999 c 167 § 3; 1989 c 271 § 246. Formerly RCW 28A.67.320.]

Additional notes found at www.leg.wa.gov

28A.600.240 School locker searches—Notice and reasonable suspicion requirements. (1) In addition to the provisions in RCW 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW 28A.600.230(2). [1990 c 33 § 504; 1989 c 271 § 247. Formerly RCW 28A.67.330.]

Additional notes found at www.leg.wa.gov

28A.600.280 Dual credit programs—Annual report.

(1) The education data center established in RCW 43.41.400, in collaboration with the office of the superintendent of public instruction, the state board of education, the state board for community and technical colleges, the Washington state apprenticeship and training council, the workforce training and education coordinating board, the student achievement council, and the public four-year institutions of higher education, shall prepare the dual credit report required by this section.

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(2) Annually, by September 1st, the education data center must submit the report to the appropriate committees of the legislature, in accordance with RCW 43.01.036.

(3) The report must include:

(a) Data about student participation rates, award of high school credit, award of postsecondary credit at an institution of higher education, and academic performance for each dual credit program; and

(b) Data on the total unduplicated head count and percentage of students enrolled, students who have been awarded high school credit, and students who have been awarded postsecondary credit at an institution of higher education, in at least one dual credit program course.

(4) Data described in subsection (3) of this section must be disaggregated by dual credit program, by the student categories and subcategories described in RCW 28A.300.042 (1) and (3), and by:

(a) Gender;

(b) Students who are dependent pursuant to chapter 13.34 RCW;

(c) Students who are homeless as defined in RCW 43.330.702; and

(d) Multilingual/English learners.

(5)(a) The report must also recommend additional categories of data reporting and disaggregation. For each additional category, the report must describe:

(i) The purpose for reporting on, or disaggregating by, the category;

(ii) The specific metric or indicator to be used;

(iii) Whether the specific metric or indicator is a new data point; and

(iv) Which educational entities should be responsible for collecting the data.

(b) The 2022 report must recommend whether to require:

(i) Reporting of data related to the application of postsecondary credits earned through a dual credit program towards postsecondary credentials and degrees; and (ii) comparison of postsecondary credential and degree attainment between students who did or did not participate in a dual credit program, and between students who participated in different dual credit programs.

(6) For the purposes of this section, "dual credit program" means running start under RCW 28A.600.300, college in the high school under RCW 28A.600.287, career and technical education dual credit, Cambridge international, international baccalaureate, advanced placement, and other programs in which a student qualifies for postsecondary and high school credit upon either successfully completing the course or passing an exam. [2022 c 75 § 1; 2012 c 229 § 505; 2009 c 450 § 2.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Intent—2009 c 450: "(1) The legislature finds that the economy of the state of Washington requires a well-prepared workforce. To meet the need, more Washington students need to be prepared for postsecondary education and training. Further, the personal enrichment and success of Washington citizens increasingly relies on their ability to use the state's postsecondary education and training system. To accomplish those ends, the legislature desires to increase the number of students who begin earning college credits while still in high school.

(2) The legislature further finds that dual credit programs introduce students to college-level work, provide a jump start on getting a college degree,

and, perhaps most importantly, show students that they can succeed in college. Dual credit programs also provide another avenue of student financial aid, since many programs are offered for little or no cost to students.

(3) The legislature also finds that students must be provided a choice when selecting a dual credit program that is right for them. Options should be available for the student who wants to learn on a college campus and the student who wants to stay at the high school and take college-level courses. Options must also be available for the hands-on learner who seeks to complete an apprenticeship program.

(4) The legislature intends to blur the line between high school and college by articulating a vision to dramatically increase participation in dual credit programs. It is for this reason that the legislature should call on all education stakeholders to come together to coordinate resources, track outcomes, and improve program availability.

(5) The legislature further intends to provide high schools, colleges, and universities with a set of tools for growing and coordinating dual credit programs. Institutions should be given some flexibility in determining the best methods to secure long-term, ample financial support for these programs, while students should be given some help in offsetting instructional costs." [2009 c 450 § 1.]

28A.600.285 Dual credit programs—Impact on financial aid eligibility—Guidelines. The superintendent of public instruction and the office of student financial assistance shall develop advising guidelines to assure that students and parents understand that college credits earned in high school dual credit programs may impact eligibility for financial aid. [2011 1st sp.s. c 11 § 131; 2009 c 450 § 4.]

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

Additional notes found at www.leg.wa.gov

28A.600.287 College in the high school program. (1) College in the high school is a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and college credit by completing college level courses with a passing grade. A college in the high school program must meet the accreditation requirements in RCW 28B.10.035 and the requirements in this section.

(2) A college in the high school program may include both academic and career and technical education.

(3) Ninth, 10th, 11th, and 12th grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the ninth, 10th, 11th, or 12th grades, may participate in a college in the high school program.

(4) A college in the high school program must be governed by a local contract between an institution of higher education and a school district, charter school, or state-tribal compact school, in compliance with the rules adopted by the superintendent of public instruction under this section. The local contract must include the qualifications for students to enroll in a program course.

(5)(a) An institution of higher education may charge tuition fees per credit to each student enrolled in a program course as established in this subsection (5).

(b)(i) The maximum per college credit tuition fee for a program course is \$65 per college credit adjusted for inflation using the implicit price deflator for that fiscal year, using fiscal year 2021 as the base, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington.

(ii) Annually by July 1st, the office of the superintendent of public instruction must calculate the maximum per college credit tuition fee and post the fee on its website.

(c) The funds received by an institution of higher education under this subsection (5) are not tuition or operating fees and may be retained by the institution of higher education.

(6) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(7) Each school district, charter school, and state-tribal compact school must award high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, charter school, or state-tribal compact school, the chief administrator shall determine how many credits to award for the successful completion of the program course. The determination must be made in writing before the student enrolls in the program course. The awarded credit must be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course must be included in the student's high school records and transcript.

(8) An institution of higher education must award college credit to a student enrolled in a program course if the student successfully completes the course. The awarded college credit must be applied toward general education requirements or degree requirements at the institution of higher education. Evidence of successful completion of each program course must be included in the student's college transcript.

(9)(a) A high school that offers a college in the high school program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students.

(b) A high school that offers a college in the high school program must include the following information about program courses in the high school catalogue or equivalent:

(i) There is no fee for students to enroll in a program course to earn only high school credit. Fees apply for students who choose to enroll in a program course to earn both high school and college credit;

(ii) A description and breakdown of the fees charged to students to earn college credit;

(iii) A description of fee payment and financial assistance options available to students; and

(iv) A notification that paying for college credit automatically starts an official college transcript with the institution of higher education offering the program course regardless of student performance in the program course, and that college credit earned upon successful completion of a program course may count only as elective credit if transferred to another institution of higher education.

(10) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(11) Students enrolled in a program course may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced

college tuition payment program governing body under chapter 28B.95 RCW.

(12) The superintendent of public instruction shall adopt rules for the administration of this section. The rules must be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(13) The definitions in this subsection apply throughout this section.

(a) "Charter school" means a school established under chapter 28A.710 RCW.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(c) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(d) "Program course" means a college course offered in a high school under a college in the high school program.

(e) "State-tribal compact school" means a school established under chapter 28A.715 RCW. [2021 c 71 § 1.]

28A.600.290 College in the high school program—

Funding. (1)(a) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, funding may be allocated at an amount per college credit for eleventh and twelfth grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade, who are enrolled in college in the high school courses under RCW 28A.600.287 as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of allocated credits per participating student shall be specified in the omnibus appropriations act, which must not exceed ten credits. Funding shall be prioritized in the following order:

(i) High schools offering a running start in the high school program in school year 2014-15. These schools shall only receive prioritized funding in school year 2015-16;

(ii) Students whose residence or the high school in which they are enrolled is located twenty driving miles or more as measured by the most direct route from the nearest eligible institution of higher education offering a running start program, whichever is greater; and

(iii) High schools eligible for the small school funding enhancement in the omnibus appropriations act.

(b)(i) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, and only after the programs in (a) of this subsection are funded, a subsidy may be provided per college credit for eleventh and twelfth grade students and students who have not yet received a high school diploma or its equivalent

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and are eligible to be in the eleventh or twelfth grade, who have been deemed eligible for free or reduced-price lunch and are enrolled in college in the high school courses under RCW 28A.600.287 as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of subsidized credits per participating student shall be specified in the omnibus appropriations act, which must not exceed five credits.

(ii) Districts wishing to participate in the subsidy program must apply to the office of the superintendent of public instruction by July 1st of each year and report the preliminary estimate of eligible students to receive the subsidy and the total number of projected credit hours.

(iii) The office of the superintendent of public instruction shall notify districts by September 1st of each school year if the district's students will receive the subsidy. If more districts apply than funding is available, the office of the superintendent of public instruction shall prioritize the district applications. The superintendent shall develop factors to determine priority including, but not limited to, the number of dual credit opportunities available for low-income students in the districts.

(c) Districts shall remit any allocations or subsidies on behalf of participating students under (a) and (b) of this subsection to the participating institution of higher education and those students shall not be required to pay for the credits.

(2) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the definition in RCW 28B.10.016, and also includes a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program. [2021 c 71 § 2; 2015 c 202 § 3; 2012 c 229 § 801; 2009 c 450 § 3.]

Findings—Intent—2015 c 202: See note following RCW 28A.320.196.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

28A.600.300 Running start program—Definition.

(1) The program established in this section through RCW 28A.600.400 shall be known as the running start program.

(2) For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(a) A community or technical college as defined in RCW 28B.50.030;

(b) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

(c) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to

participate in the program in RCW 28A.600.310 through 28A.600.400. [2009 c 450 § 7; 2005 c 207 § 5; 2002 c 80 § 1; 1994 c 205 § 1; 1990 1st ex.s. c 9 § 401.]

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

Findings—Intent—2005 c 207: "The legislature finds that the dropout rate of the state's Native American students is the highest in the state. Approximately one-half of all Native American high school students drop out before graduating with a diploma. The legislature also finds that culturally relevant educational opportunities are important contributors to other efforts to increase the rates of high school graduation for Native American students. The legislature further finds that the higher education participation rate for Native American students is the lowest in the state, and that more can be done to encourage Native American students to pursue higher educational opportunities. The legislature intends to authorize accredited public tribal colleges to participate in the running start program for the purposes of reducing the dropout rate of Native American students and encouraging greater participation rates in higher education." [2005 c 207 § 4.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.310 Running start program—Enrollment in institutions of higher education—Student fees—Fee waivers—Transmittal of funds. (1)(a) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(c) A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals or to learn the state learning standards. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection (2) shall be prorated based on credit load.

(c) Students may pay fees under this subsection with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(3)(a) The institutions of higher education must make available fee waivers for low-income running start students. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b)(i) By the beginning of the 2020-21 school year, school districts, upon knowledge of a low-income student's enrollment in running start, must provide documentation of the student's low-income status, under (a) of this subsection, directly to institutions of higher education.

(ii) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the Washington student achievement council, shall develop a centralized process for school districts to provide students' low-income status to institutions of higher education to meet the requirements of (b)(i) of this subsection.

(c) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to websites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate monies appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent

thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act. [2019 c 252 § 115; 2019 c 176 § 2; 2015 c 202 § 4; 2012 c 229 § 702; 2011 1st sp.s. c 10 § 10; 2009 c 450 § 8; 2005 c 125 § 1; 1994 c 205 § 2; 1993 c 222 § 1; 1990 1st ex.s. c 9 § 402.]

Reviser's note: This section was amended by 2019 c 176 § 2 and by 2019 c 252 § 115, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—2019 c 252: See note following RCW 28A.655.250.

Findings—Intent—2015 c 202: See note following RCW 28A.320.196.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Intent—Short title—2011 1st sp.s. c 10: See notes following RCW 28B.15.031.

Findings—Intent—2009 c 450: See note following RCW 28A.600.280.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Additional notes found at www.leg.wa.gov

28A.600.320 Running start program—Information on enrollment. A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education. [2009 c 524 § 4; 2008 c 95 § 3; 1994 c 205 § 3; 1990 1st ex.s. c 9 § 403.]

Intent—2009 c 524: See note following RCW 28B.50.535.

Finding—2008 c 95: See note following RCW 28A.300.119.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.330 Running start program—Maximum terms of enrollment for high school credit. A pupil who enrolls in an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and postsecondary credit for more than the equivalent of the

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coursework for two academic years. A pupil who first enrolls in an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and postsecondary credit for more than the equivalent of the coursework for one academic year. [1994 c 205 § 4; 1990 1st ex.s. c 9 § 404.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.340 Running start program—Enrolled students not displaced. Once a pupil has been enrolled in a postsecondary course or program under RCW 28A.600.300 through 28A.600.400, the pupil shall not be displaced by another student. [1994 c 205 § 5; 1990 1st ex.s. c 9 § 405.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.350 Running start program—Enrollment for secondary and postsecondary credit. A pupil may enroll in a course under RCW 28A.600.300 through 28A.600.390 for both high school credit and postsecondary credit. [1994 c 205 § 6; 1990 1st ex.s. c 9 § 406.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.360 Running start program—Enrollment in postsecondary institution—Determination of high school credits—Application toward graduation requirements. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in an institution of higher education shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at an institution of higher education. [1994 c 205 § 7; 1990 1st ex.s. c 9 § 407.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.370 Running start program—Postsecondary credit. Any state institution of higher education may award postsecondary credit for college-level academic and vocational courses successfully completed by a student while in high school and taken at an institution of higher education. The state institution of higher education shall not charge a fee for the award of the credits. [1994 c 205 § 8; 1990 1st ex.s. c 9 § 408.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.380 Running start program—School district not responsible for transportation. Transportation to and from the institution of higher education is not the responsibility of the school district. [1994 c 205 § 9; 1990 1st ex.s. c 9 § 409.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.385 Running start program—Cooperative agreements with community colleges in Oregon and Idaho. (1) School districts in Washington and community colleges in Oregon and Idaho may enter into cooperative agreements under chapter 39.34 RCW for the purpose of allowing eleventh and twelfth grade students who are enrolled in the school districts to earn high school and college credit concurrently.

(2) Except as provided in subsection (3) of this section, if a school district exercises the authority granted in subsection (1) of this section, the provisions of RCW 28A.600.310 through 28A.600.360 and 28A.600.380 through 28A.600.400 shall apply to the agreements.

(3) A school district may enter an agreement in which the community college agrees to accept an amount less than the statewide uniform rate under *RCW 28A.600.310(2) if the community college does not charge participating students tuition and fees. A school district may not pay a per-credit rate in excess of the statewide uniform rate under *RCW 28A.600.310(2).

(4) To the extent feasible, the agreements shall permit participating students to attend the community college without paying any tuition and fees. The agreements shall not permit the community college to charge participating students nonresident tuition and fee rates.

(5) The agreements shall ensure that participating students are permitted to enroll only in courses that are transferable to one or more institutions of higher education as defined in RCW 28B.10.016. [1998 c 63 § 2.]

***Reviser's note:** RCW 28A.600.310 was amended by 2009 c 450 § 8, changing subsection (2) to subsection (4).

Finding—1998 c 63: "The legislature finds that students may have difficulty attending community college for the purpose of the running start program due to the distance of the nearest community college. In these cases, it may be more advantageous for students in border counties to attend community colleges in neighboring states. The legislature encourages school districts to pursue interagency agreements with community colleges in neighboring states when it is in the best interests of the student's educational progress." [1998 c 63 § 1.]

28A.600.390 Running start program—Rules. The superintendent of public instruction, the state board for community and technical colleges, and the student achievement council shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380. [2012 c 229 § 506; 1994 c 205 § 10; 1990 1st ex.s. c 9 § 410.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.400 Running start program—Existing agreements not affected. RCW 28A.600.300 through 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and institutions of

higher education in effect on April 11, 1990, and in the future. [1994 c 205 § 11; 1990 1st ex.s. c 9 § 412.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

28A.600.405 Participation in high school completion pilot program—Eligible students—Funding allocations—Rules—Information for students and parents. (1) For purposes of this section and *RCW 28B.50.534, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school statewide student assessment;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under *RCW 28B.50.534 from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under *RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under *RCW 28B.50.534 and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), and (c) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting require-

ments necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under *RCW 28B.50.534.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8, chapter 355, Laws of 2007 to participate in the pilot program shall provide information about the high school completion option under *RCW 28B.50.534 to students in grades ten, eleven, and twelve and the parents or guardians of those students. [2012 1st sp.s. c 10 § 4; 2007 c 355 § 4.]

***Reviser's note:** RCW 28B.50.534 expired August 1, 2015, pursuant to 2015 c 55 § 122.

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

Finding—Intent—2007 c 355: See note following RCW 28B.50.535.

28A.600.410 Alternatives to suspension—Encouraged. School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension. [1992 c 155 § 1.]

28A.600.420 Firearms on school premises, transportation, or facilities—Penalty—Exemptions. (1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington center for deaf and hard of hearing youth, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. [2019 c 266 § 23; 2009 c 381 § 31; 1997 c 265 § 5; 1995 c 335 § 304; 1995 c 87 § 2.]

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

Additional notes found at www.leg.wa.gov

28A.600.455 Gang activity—Suspension or expulsion. (1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.

(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes. [1997 c 266 § 2.]

Findings—Intent—1997 c 266: "The legislature finds that the children of this state have the right to an effective public education and that both students and educators have the need to be safe and secure in the classroom if learning is to occur. The legislature also finds, however, that children in many of our public schools are forced to focus on the threat and message of violence contained in many aspects of our society and reflected through and in gang violence activities on school campuses.

The legislature recognizes that the prevalence of weapons, including firearms and dangerous knives, is an increasing problem that is spreading rapidly even to elementary schools throughout the state. Gang-related apparel and regalia compound the problem by easily concealing weapons that threaten and intimidate students and school personnel. These threats have resulted in tragic and unnecessary bloodshed over the past two years and must be eradicated from the system if student and staff security is to be restored on school campuses. Many educators believe that school dress significantly influences student behavior in both positive and negative ways. Special school dress up and color days signify school spirit and provide students with a sense of unity. Schools that have adopted school uniforms report a feeling of togetherness, greater school pride, and better student behavior in and out of the classroom. This sense of unity provides students with the positive attitudes needed to avert the pressures of gang involvement.

The legislature also recognizes there are other more significant factors that impact school safety such as the pervasive use of drugs and alcohol in school. In addition to physical safety zones, schools should also be drug-free zones that expressly prohibit the sale, use, or possession of illegal drugs on school property. Students involved in drug-related activity are unable to benefit fully from educational opportunities and are disruptive to the learning environment of their fellow students. Schools must be empowered to make decisions that positively impact student learning by eradicating drug use and possession on their campuses. This flexibility should also be afforded to schools as they deal with other harmful substance abuse activities engaged in by their students.

Toward this end, the legislature recognizes the important role of the classroom teacher who must be empowered to restore discipline and safety in the classroom. Teachers must have the ability to control the conduct of students to ensure that their mission of educating students may be achieved. Disruptive behavior must not be allowed to continue to divert attention, time, and resources from educational activities.

The legislature therefore intends to define gang-related activities as criminal behavior disruptive not only to the learning environment but to society as a whole, and to provide educators with the authority to restore order and safety to the student learning environment, eliminate the influence of gang activities, and eradicate drug and substance abuse on school campuses, thus empowering educators to regain control of our classrooms and provide our students with the best educational opportunities available in our schools.

The legislature also finds that students and school employees have been subjected to violence such as rapes, assaults, or harassment that has not been

gang or drug-related criminal activity. The legislature intends that all violence and harassment directed at students and school personnel be eradicated in public schools." [1997 c 266 § 1.]

Additional notes found at www.leg.wa.gov

28A.600.460 Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions. (1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address. [2013 2nd sp.s. c 18 § 305; 1997 c 266 § 9.]

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

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

28A.600.475 Exchange of information with law enforcement and juvenile court officials—Notification of parents and students. School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to

the information. Except as provided in RCW 13.40.480, parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them. [1998 c 269 § 11; 1992 c 205 § 120.]

Intent—Finding—Effective date—1998 c 269: See notes following RCW 72.05.020.

Additional notes found at www.leg.wa.gov

28A.600.477 Prohibition of harassment, intimidation, and bullying. (1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.

(b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying. In addition to other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure prohibiting harassment, intimidation, and bullying;

(B) Receive copies of all formal and informal complaints relating to harassment, intimidation, or bullying;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, and the primary contact regarding the school district's policies and procedures related to transgender students under RCW 28A.642.080; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on the policy and procedure prohibiting harassment, intimidation, and bullying.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policies and procedures relating to transgender students under RCW 28A.642.080.

(2) School districts are encouraged to adopt and update the policy and procedure prohibiting harassment, intimidation, and bullying through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction's school safety center

website, and must also provide the office of the superintendent of public instruction with a link to the school district's website for further information. The school district's primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its website, with a link to the school safety center website, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment, intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts' communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors' association model transgender student policy and procedure as provided in RCW 28A.642.080.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying. [2019 c 194 § 1.]

28A.600.480 Reporting of harassment, intimidation, or bullying—Retaliation prohibited—Immunity. (1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness,

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or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident. [2002 c 207 § 4.]

Findings—2002 c 207: "The legislature declares that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The legislature finds that harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Furthermore, the legislature finds that students learn by example. The legislature commends school administrators, faculty, staff, and volunteers for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying." [2002 c 207 § 1.]

28A.600.485 Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint—Publishing to website. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Isolation" means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

(b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.

(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This section shall not be construed as encouraging the use of these devices.

(2) The provisions of this section apply to all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student is participating in school-sponsored instruction or activities.

(3)(a) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation as a planned

behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy developed under subsection (3)(b) of this section. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

(b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in *RCW 70.96B.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.

(4) Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: (a) Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and (b) reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:

- (a) The date and time of the incident;
- (b) The name and job title of the individual who administered the restraint or isolation;
- (c) A description of the activity that led to the restraint or isolation;
- (d) The type of restraint or isolation used on the student, including the duration;
- (e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and
- (f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and sub-

mit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.

(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its website the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation. [2015 c 206 § 3; 2013 c 202 § 2.]

*Reviser's note: RCW 70.96B.010 was repealed by 2016 sp.s. c 29 § 301, effective April 1, 2018.

Finding—2015 c 206: See note following RCW 28A.155.020.

Findings—2013 c 202: "The legislature finds that preserving a safe and beneficial learning environment for all students requires the establishment and enforcement of appropriate student discipline policies. The legislature further finds that although physical restraint and isolation of a student should be avoided, there may be circumstances where school district boards of directors have authorized these actions to preserve the safety of other students and school staff. Nevertheless, if an incident of student restraint or isolation occurs, school personnel should be held accountable for providing a thorough explanation of the circumstances." [2013 c 202 § 1.]

28A.600.486 District policy on the use of isolation and restraint—Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973. Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created. [2013 c 202 § 4.]

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

28A.600.490 Discipline task force—Development of standard definitions—Development of data collection standards—Membership—Statewide student data system revision. (1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organiza-

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year. [2016 c 72 § 101; 2013 2nd sp.s. c 18 § 301.]

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

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

28A.600.500 Graduation ceremonies—Tribal regalia. (1) School districts and public schools may not prohibit students who are members of a federally recognized tribe from wearing traditional tribal regalia or objects of Native American cultural significance along with or attached to a gown at graduation ceremonies or related school events. School districts and public schools may not require such students to wear a cap if it is incompatible with the regalia or significant object.

(2) School districts and, when necessary, public schools shall update any relevant policies or procedures in accordance with this section.

(3) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010. [2020 c 35 § 2.]

Intent—2020 c 35: "The legislature recognizes that relationships between sovereign governments are strengthened when decisions of mutual interest are based in a shared respect of cultural values. The legislature recognizes also that school districts, public schools, and institutions of higher education may use dress codes and other requirements to restrict the wearing of tribal regalia and objects of cultural significance at graduation ceremonies.

Although the restrictions may be premised on promoting uniformity, they are not appropriate in the context of government-to-government relationships and do not recognize the distinct and unique cultural heritage of Native Americans.

The legislature, therefore, intends to affirm inherent rights assured through tribal sovereignty and expressly acknowledge that students in public schools and institutions of higher education may wear traditional tribal regalia or objects of cultural significance at graduation ceremonies and related events." [2020 c 35 § 1.]

Applicability—2020 c 35: "Sections 2 and 4 of this act apply to the graduating class of 2020 and subsequent graduating classes." [2020 c 35 § 3.]

Short title—2020 c 35: "This act may be known and cited as the right to tribal regalia act." [2020 c 35 § 5.]

Effective date—2020 c 35: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 18, 2020]." [2020 c 35 § 6.]

28A.600.510 Office of the education ombuds—Notification. (1) Beginning August 1, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a link to the website of the office of the education ombuds; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, stu-

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dents, and school employees, such as welcome packets, orientation guides, and newsletters.

(2) Public schools are encouraged to comply with both subsection (1)(b)(i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010. [2022 c 222 § 2.]

Intent—2022 c 222: "(1) The legislature recognizes that the office of the education ombuds within the office of the governor was established by the legislature in 2006 to reduce educational opportunity gaps by supporting families, students, educators, and communities in understanding the K-12 school system and resolving concerns collaboratively. The legislature recognizes that it placed the education ombuds within the office of the governor to ensure independence and impartiality.

(2) The legislature further recognizes that the education ombuds provides services including:

(a) Informing students, parents or guardians, employees, and members of the public about the state's public elementary and secondary education system;

(b) Identifying obstacles and recommending strategies to help students and community members to participate effectively in schools;

(c) Identifying and recommending strategies for improving student success;

(d) Referring individuals and families to appropriate resources, agencies, or departments;

(e) Facilitating the resolution of informal complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(f) Serving as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

(3) The legislature intends for public schools to annually notify parents or guardians, students, and school employees about these services." [2022 c 222 § 1.]

Chapter 28A.604 RCW

STUDENT USER PRIVACY IN EDUCATION RIGHTS

Sections

28A.604.010	Definitions.
28A.604.020	Student personal information—Information about collection and use—Changes to privacy policies—Access to and correction of information—Application to education data center.
28A.604.030	Collection, sharing, and use of student personal information—Authorized purposes and uses—Consent.
28A.604.040	Comprehensive information security program—Deletion of student personal information.
28A.604.050	Allowable uses of student personal information—Adaptive learning and customized education.
28A.604.060	Consent.
28A.604.900	Short title—2015 c 277.
28A.604.901	Construction—Limitations.
28A.604.902	Transitional provisions.
28A.604.903	Effective date—2015 c 277.

28A.604.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "School service" means a website, mobile application, or online service that: (a) Is designed and marketed primarily for use in a K-12 school; (b) is used at the direction of teachers or other employees of a K-12 school; and (c) collects, maintains, or uses student personal information. A "school service" does not include a website, mobile application, or online service that is designed and marketed for use

by individuals or entities generally, even if also marketed to a United States K-12 school.

(2) "School service provider" means an entity that operates a school service to the extent it is operating in that capacity.

(3) "Student personal information" means information collected through a school service that personally identifies an individual student or other information collected and maintained about an individual student that is linked to information that identifies an individual student.

(4) "Students" means students of K-12 schools in Washington state.

(5) "Targeted advertising" means sending advertisements to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or student personal information. It does not include (a) advertising to a student at an online location based upon that student's current visit to that location without the collection and retention of a student's online activities over time or (b) adaptive learning, personalized learning, or customized education. [2015 c 277 § 2.]

28A.604.020 Student personal information—Information about collection and use—Changes to privacy policies—Access to and correction of information—Application to education data center. (1) School service providers shall provide clear and easy to understand information about the types of student personal information they collect and about how they use and share the student personal information.

(2) School service providers shall provide prominent notice before making material changes to their privacy policies for school services.

(3) School service providers shall facilitate access to and correction of student personal information by students or their parent or guardian either directly or through the relevant educational institution or teacher.

(4) Where the school service is offered to an educational institution or teacher, information required by subsections (1) and (2) of this section may be provided to the educational institution or teacher.

(5) The provisions of this section do not apply to the education data center established under RCW 43.41.400, but do apply to any subcontractors of the education data center. [2015 c 277 § 3.]

28A.604.030 Collection, sharing, and use of student personal information—Authorized purposes and uses—Consent. (1) School service providers may collect, use, and share student personal information only for purposes authorized by the relevant educational institution or teacher, or with the consent of the student or the student's parent or guardian.

(2) School service providers may not sell student personal information. This prohibition does not apply to the purchase, merger, or other type of acquisition of a school service provider, or any assets of a school service provider by another entity, as long as the successor entity continues to be subject to the provisions of this section with respect to previously acquired student personal information to the extent that

the school service provider was regulated by this chapter with regard to its acquisition of student personal information.

(3) School service providers may not use or share any student personal information for purposes of targeted advertising to students.

(4) School service providers may not use student personal information to create a personal profile of a student other than for supporting purposes authorized by the relevant educational institution or teacher, or with the consent of the student or the student's parent or guardian.

(5) School service providers must obtain consent before using student personal information in a manner that is materially inconsistent with the school service provider's privacy policy or school contract for the applicable school service in effect at the time of collection.

(6) The provisions of subsections (1), (2), (4), and (5) of this section may not apply to the use or disclosure of personal information by a school service provider to:

(a) Protect the security or integrity of its website, mobile application, or online service;

(b) Ensure legal or regulatory compliance or to take precautions against liability;

(c) Respond to or participate in judicial process;

(d) Protect the safety of users or others on the website, mobile application, or online service;

(e) Investigate a matter related to public safety; or

(f) A subcontractor, if the school service provider: (i) Contractually prohibits the subcontractor from using any student personal information for any purpose other than providing the contracted service to, or on behalf of, the school service provider; (ii) prohibits the subcontractor from disclosing any student personal information provided by the school service provider to subsequent third parties unless the disclosure is expressly permitted by (a) through (e) of this subsection or by RCW 28A.604.050 and 28A.604.060; and (iii) requires the subcontractor to comply with the requirements of this chapter. [2015 c 277 § 4.]

28A.604.040 Comprehensive information security program—Deletion of student personal information. (1) School service providers must maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information. The information security program should make use of appropriate administrative, technological, and physical safeguards.

(2) School service providers must delete student personal information within a reasonable period of time if the relevant educational institution requests deletion of the data under the control of the educational institution unless:

(a) The school service provider has obtained student consent or the consent of the student's parent or guardian to retain information related to that student; or

(b) The student has transferred to another educational institution and that educational institution has requested that the school service provider retain information related to that student. [2015 c 277 § 5.]

28A.604.050 Allowable uses of student personal information—Adaptive learning and customized education. Notwithstanding RCW 28A.604.010 through

28A.604.060, nothing in this chapter is intended to prohibit the use of student personal information for purposes of:

- (1) Adaptive learning or personalized or customized education;
- (2) Maintaining, developing, supporting, improving, or diagnosing the school service provider's website, mobile application, online service, or application;
- (3) Providing recommendations for school, educational, or employment purposes within a school service without the response being determined in whole or in part by payment or other consideration from a third party; or
- (4) Responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party. [2015 c 277 § 6.]

28A.604.060 Consent. This chapter adopts and does not modify existing law regarding consent, including consent from minors and employees on behalf of educational institutions. [2015 c 277 § 7.]

28A.604.900 Short title—2015 c 277. This act may be known and cited as the student user privacy in education rights act or SUPER act. [2015 c 277 § 1.]

28A.604.901 Construction—Limitations. This chapter shall not be construed to:

- (1) Impose a duty upon a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section by third-party content providers;
- (2) Apply to general audience internet websites, general audience mobile applications, or general audience online services even if login credentials created for a school service provider's website, mobile application, or online service may be used to access those general audience websites, mobile applications, or online services;
- (3) Impede the ability of students to download, export, or otherwise save or maintain their own student data or documents;
- (4) Limit internet service providers from providing internet connectivity to schools or students and their families;
- (5) Prohibit a school service provider from marketing educational products directly to parents so long as the marketing did not result from use of student personal information obtained by the school service provider through the provision of its website, mobile application, or online service; or
- (6) Impose a duty on a school service provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this chapter on those applications or software. [2015 c 277 § 8.]

28A.604.902 Transitional provisions. If a school service provider entered into a signed, written contract with an educational institution or teacher before July 1, 2016, the school service provider is not liable for the requirements of RCW 28A.604.010 through 28A.604.050 with respect to that contract until the next renewal date of the contract. [2015 c 277 § 9.]

(2022 Ed.)

28A.604.903 Effective date—2015 c 277. This act takes effect July 1, 2016. [2015 c 277 § 11.]

Chapter 28A.605 RCW PARENT ACCESS

Sections

28A.605.010	Removing child from school grounds during school hours.
28A.605.020	Parents' access to classroom or school sponsored activities—Limitation.
28A.605.030	Student education records—Parental review—Release of records—Procedure.
28A.605.040	Family, school, and community partnerships—School building spaces.

28A.605.010 Removing child from school grounds during school hours. The board of directors of each school district by rule or regulation shall set forth proper procedure to ensure that each school within their district is carrying out district policy providing that no child may be removed from any school grounds or building thereon during school hours except by a person so authorized by a parent or legal guardian having legal custody thereof, except that a student may leave secondary school grounds only in accordance with the school district's open campus policy under RCW 28A.600.035. Such rules shall be applicable to school employees or their designees who may not remove, cause to be removed, or allow to be removed, any student from school grounds without authorization from the student's parent or legal guardian unless the employee is: The student's parent, legal guardian, or immediate family member, a school employee providing school bus transportation services in accordance with chapter 28A.160 RCW, a school employee supervising an extracurricular activity in which the student is participating and the employee is providing transportation to or from the activity; or, the student is in need of emergent medical care, and the employee is unable to reach the parent for transportation of the student. School security personnel may remove a student from school grounds without parental authorization for disciplinary reasons.

Nothing in this section shall be construed to limit removal of a student from school grounds by any person acting in his or her official capacity in response to a 911 emergency call. [1997 c 411 § 1; 1975 1st ex.s. c 248 § 1. Formerly RCW 28A.58.050.]

28A.605.020 Parents' access to classroom or school sponsored activities—Limitation. Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity. [1979 ex.s. c 250 § 8. Formerly RCW 28A.58.053.]

Additional notes found at www.leg.wa.gov

28A.605.030 Student education records—Parental review—Release of records—Procedure. The parent or guardian of a student who is or has been in attendance at a school has the right to review all education records of the student. A school may not release the education records of a student without the written consent of the student's parent or

guardian, except as authorized by RCW 28A.600.475 and the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g.

The board of directors of each school district shall establish a procedure for:

(1) Granting the request by a parent or guardian for access to the education records of his or her child; and

(2) Prohibiting the release of student information without the written consent of the student's parent or guardian, after the parent or guardian has been informed what information is being requested, who is requesting the information and why, and what will be done with the information.

The procedure adopted by the school district must be in compliance with the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. [1997 c 119 § 1.]

28A.605.040 Family, school, and community partnerships—School building spaces. School districts are encouraged to strengthen family, school, and community partnerships by creating spaces in school buildings, if space is available, where students and families can access the services they need, such as after-school tutoring, dental and health services, counseling, or clothing and food banks. [2010 c 235 § 701.]

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

Chapter 28A.620 RCW COMMUNITY EDUCATION PROGRAMS

Sections

- 28A.620.010 Purposes.
28A.620.020 Restrictions—Classes on parenting skills and child abuse prevention encouraged.
28A.620.030 Condensed compliance reports—Second-class districts.

28A.620.010 Purposes. The purposes of this section and RCW 28A.620.020 are to:

(1) Provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity;

(2) Promote a more efficient and expanded use of existing school buildings and equipment;

(3) Help provide personnel to work with schools, citizens and with other agencies and groups;

(4) Provide a wide range of opportunities for all citizens including programs, if resources are available, to promote parenting skills and promote awareness of the problem of child abuse and methods to avoid child abuse;

(5) As used in this section, "parenting skills" shall include: The importance of consistency in parenting; the value of providing children with a balance of love and firm discipline; the instruction of children in honesty, morality, ethics, and respect for the law; and the necessity of preserving and nurturing the family unit; and

(6) Help develop a sense of community in which the citizens cooperate with the public schools and community agencies and groups to resolve their school and community concerns and to recognize that the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the preschool

through grade twelve program. [1990 c 33 § 510. Prior: 1985 c 344 § 1; 1985 c 341 § 12; 1979 ex.s. c 120 § 1. Formerly RCW 28A.58.246.]

28A.620.020 Restrictions—Classes on parenting skills and child abuse prevention encouraged. Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized and encouraged to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That school districts are encouraged to provide programs for prospective parents, prospective foster parents, and prospective adoptive parents on parenting skills, violence prevention, and on the problems of child abuse and methods to avoid child abuse situations: PROVIDED FURTHER, That community education programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community and technical colleges and shall be programs receiving the approval of said superintendent. [1994 sp.s. c 7 § 603; 1985 c 344 § 2; 1979 ex.s. c 120 § 2; 1973 c 138 § 1. Formerly RCW 28A.58.247.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

28A.620.030 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 46.]

Additional notes found at www.leg.wa.gov

Chapter 28A.623 RCW MEAL PROGRAMS

Sections

- 28A.623.005 Condensed compliance reports—Second-class districts.
28A.623.010 Nonprofit program for elderly—Purpose.
28A.623.020 Nonprofit program for elderly—Authorized—Restrictions.
28A.623.030 Nonprofit program for certain children and students—Conditions and restrictions.

28A.623.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 47.]

Additional notes found at www.leg.wa.gov

28A.623.010 Nonprofit program for elderly—Purpose. The legislature finds that many elderly persons suffer dietary deficiencies and malnutrition due to inadequate financial resources, immobility, lack of interest due to isolation and loneliness, and characteristics of the aging process, such as physiological, social, and psychological changes which

result in a way of life too often leading to feelings of rejection, abandonment, and despair. There is a real need as a matter of public policy to provide the elderly citizens with adequate nutritionally sound meals, through which their isolation may be penetrated with the company and the social contacts of their own. It is the declared purpose of RCW 28A.235.120, 28A.623.010, and 28A.623.020 to raise the level of dignity of the aged population where their remaining years can be lived in a fulfillment equal to the benefits they have bestowed, the richness they have added, and the great part they have played in the life of our society and nation. [1990 c 33 § 511; 1973 c 107 § 1. Formerly RCW 28A.58.720.]

28A.623.020 Nonprofit program for elderly—Authorized—Restrictions. The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program for feeding elderly persons residing within the area served by such school district using school facilities, and may authorize the extension of any school food services for the purpose of feeding elderly persons, subject to the following conditions and restrictions:

(1) The charge to such persons for each meal shall not exceed the actual cost of such meal to the school.

(2) The program will utilize methods of administration which will assure that the maximum number of eligible individuals may have an opportunity to participate in such a program, and will coordinate, whenever possible, with the local area agency on aging.

(3) Any nonprofit meal program established pursuant to RCW 28A.235.120, 28A.623.010, and 28A.623.020 may not be operated so as to interfere with the normal educational process within the schools.

(4) No school district funds may be used for the operation of such a meal program.

(5) For purposes of RCW 28A.235.120, 28A.623.010, and 28A.623.020, "elderly persons" shall mean persons who are at least sixty years of age. [1990 c 33 § 512; 1973 c 107 § 3. Formerly RCW 28A.58.722.]

28A.623.030 Nonprofit program for certain children and students—Conditions and restrictions. The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program using school facilities for feeding children who are participating in educational programs or activities conducted by private, nonprofit organizations and entities and students who are attending private elementary and secondary schools, and may authorize the extension of any school food services for the purpose of feeding such children and students, subject to the following conditions and restrictions:

(1) The charge to such persons, organizations, entities or schools for each meal shall be not less than the actual cost of such meal to the school, inclusive of a reasonable charge for overhead and the value of the use of the facilities.

(2) The meal program shall not be operated so as to interfere with the educational process within the school district.

(3) The meal program shall not be operated so as to impair or reduce the provision of food services to students of the school districts. [1979 c 58 § 2. Formerly RCW 28A.58.724.]

Additional notes found at www.leg.wa.gov

Chapter 28A.625 RCW AWARDS

Sections

- 28A.625.005 Condensed compliance reports—Second-class districts.
EMPLOYEE SUGGESTION PROGRAM
- 28A.625.100 Board of directors of a school district may establish.
28A.625.110 Awards.
COMMENDABLE EMPLOYEE SERVICE
AND RECOGNITION AWARD
- 28A.625.150 Award program.

28A.625.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 48.]

Additional notes found at www.leg.wa.gov

EMPLOYEE SUGGESTION PROGRAM

28A.625.100 Board of directors of a school district may establish. The board of directors of any school district may establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by certificated and classified school employees. The program shall be designed to promote efficiency or economy in the performance of any function of the school district. Each board establishing an employee suggestion program shall establish procedures for the proper administration of the program. [1986 c 143 § 1. Formerly RCW 28A.02.320.]

Additional notes found at www.leg.wa.gov

28A.625.110 Awards. The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of RCW 28A.400.200 or chapter 41.40 RCW. [1990 c 33 § 519; 1987 1st ex.s. c 2 § 207; 1986 c 143 § 2. Formerly RCW 28A.02.325.]

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

Additional notes found at www.leg.wa.gov

COMMENDABLE EMPLOYEE SERVICE AND RECOGNITION AWARD

28A.625.150 Award program. The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award.

The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of RCW 28A.400.200 or chapter 41.32 RCW. [1990 c 33 § 520; 1987 1st ex.s. c 2 § 210; 1985 c 399 § 2. Formerly RCW 28A.58.842.]

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

Chapter 28A.630 RCW

TEMPORARY PROVISIONS—SPECIAL PROJECTS

Sections

- 28A.630.002 Condensed compliance reports—Second-class districts.
WORK-INTEGRATED LEARNING
- 28A.630.135 Work-integrated learning.
EDUCATIONAL SERVICE DISTRICT
ALTERNATIVE ROUTE PILOT PROGRAM
- 28A.630.197 Educational service district alternative route pilot program.
TEACHER PREPARATION PROGRAMS
- 28A.630.198 Teacher preparation programs—Report.
DEVELOPMENT OF EDUCATIONAL PARAPROFESSIONAL
TRAINING PROGRAM
- 28A.630.400 Paraeducator associate of arts degree.
RUNNING START SUMMER SCHOOL PILOT PROGRAM
- 28A.630.600 Running start summer school pilot program.
AT-RISK STUDENTS
- 28A.630.810 Rules.

28A.630.002 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 49.]

Additional notes found at www.leg.wa.gov

WORK-INTEGRATED LEARNING

28A.630.135 Work-integrated learning. (1) The work-integrated learning initiative is established. The purpose of the initiative is to promote work-integrated learning experiences for students by providing:

(a) An opportunity for students to engage in work-based academic programs with public and private sector employers, such as internships, externships, and registered apprenticeships; and

(b) A framework for the development and replication of successful work-integrated learning programs throughout the state.

(2) Local applicant schools receiving funding through participation in the initiative must:

(a) Provide academic curricula in a work-integrated and career-contextualized manner and include an external mentor for each student in the program;

(b) Demonstrate collaboration with and input from students, parents or guardians, local employers, community members, a workforce development council, and a labor organization. Evidence of local collaborations may include but are not limited to partnerships with a dropout reengage-

ment organization, an apprenticeship sponsor, a community and technical college, a STEM network, or a homeless youth service organization;

(c) Reflect local circumstances, including local industries, employers, and labor markets;

(d) Comply with graduation requirements established by the state board of education; and

(e) Align the high school and beyond plans of participating students to reflect opportunities that may be available through the initiative.

(3)(a) Local applicant schools selected to participate in the work-integrated learning initiative must, in accordance with this section and RCW 28A.300.196, submit to the work-integrated learning advisory committee created in RCW 28A.300.196 an interim and an end-of-project report that includes numeric and other data summarizing the effects of their work-integrated learning project programs on high school graduation rates, state test scores, and community partnerships, including partnerships with local employers and industries.

(b) In complying with this subsection (3), local applicant schools must also provide other data and information as requested by the work-integrated learning advisory committee in accordance with RCW 28A.300.196.

(4) For the purposes of this section and RCW 28A.300.195 and 28A.300.196, "work-integrated learning" includes but is not limited to early, frequent, and systematic learning experiences that are essential for preparing Washington youth for high-demand, family-wage jobs in Washington state, and that engage students in grades five through twelve or through high school dropout reengagement plans. [2018 c 206 § 1.]

EDUCATIONAL SERVICE DISTRICT ALTERNATIVE ROUTE PILOT PROGRAM

28A.630.197 Educational service district alternative route pilot program. (Expires August 1, 2025.) (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington professional educator standards board shall distribute grants to an educational service district that volunteers to pilot an alternative route teacher certification program, under chapter 28A.660 RCW. The purpose of the grant is to provide financial assistance to teacher candidates enrolled in the educational service district's alternative route teacher certification program with the intent to pursue an initial teacher certificate. The Washington professional educator standards board must provide a grant sufficient to provide up to five thousand dollars of financial assistance for up to twenty teacher candidates in the 2019-20 school year and for up to thirty teacher candidates in the 2020-21 school year.

(b) In piloting the program, the educational service district must:

(i) Engage retired or practicing teachers and administrators who are knowledgeable and experienced classroom teachers to inform the development and curriculum of the program;

(ii) Provide extended support and mentoring through the first three years of a teacher's career, using the components of

the beginning educator support team, under RCW 28A.415.265;

(iii) Support school districts in developing school staff and community members to become teachers, so that the district's teachers better reflect the region's demographics, values, and interests; and

(iv) Provide opportunities for classified staff to become teachers.

(2) By November 1, 2024, the volunteer educational service district must report to the Washington professional educator standards board with the outcomes of the pilot and any recommendations for implementing alternative route teacher certification programs in other educational service districts. The report must include the following data: (a) The number of teacher candidates applying for, and completing, the alternative route teacher certification program; (b) the number of program completers who are hired as teachers, both in the educational service district and elsewhere in the state; and (c) the retention of teachers in the educational service district before and after implementation of the pilot. The data must be disaggregated by race and ethnicity, gender, type of endorsement, and school. The report must also include feedback from school principals and teachers in the local school districts on the quality of the teacher candidates they worked with during the pilot.

(3) By December 1, 2024, and in compliance with RCW 43.01.036, the Washington professional educator standards board must submit the educational service district's report, required under subsection (2) of this section, to the appropriate committees of the legislature, with recommendations for whether the pilot program should be expanded, modified, or terminated.

(4) This section expires August 1, 2025. [2019 c 295 § 109.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

TEACHER PREPARATION PROGRAMS

28A.630.198 Teacher preparation programs—Report. By December 1, 2019, and in compliance with RCW 43.01.036, the student achievement council, in cooperation with the Washington professional educator standards board-approved teacher preparation programs, the Washington state school directors' association, and the rural education center at Washington State University, must submit a report to the appropriate committees of the legislature. The report must include policy recommendations to encourage or require the Washington professional educator standards board-approved teacher preparation programs to develop relationships with, and provide supervisory support for field placements of student teachers in, school districts that are not in the general geographic area of an approved teacher preparation program. [2019 c 295 § 204.]

(2022 Ed.)

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

DEVELOPMENT OF EDUCATIONAL PARAPROFESSIONAL TRAINING PROGRAM

28A.630.400 Paraeducator associate of arts degree.

(1) The professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3)(a) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(b) Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the training program for a paraeducator associate of arts degree must incorporate the state paraeducator standards of practice adopted by the paraeducator board under RCW 28A.413.050.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities. [2017 c 237 § 17; 2011 1st sp.s. c 11 § 132; 2006 c 263 § 815. Prior: 1995 c 335 § 202; 1995 c 77 § 27; 1991 c 285 § 2; 1989 c 370 § 1. Formerly RCW 28A.04.180.]

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

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

Additional notes found at www.leg.wa.gov

RUNNING START SUMMER SCHOOL PILOT PROGRAM

28A.630.600 Running start summer school pilot program. (Expires December 31, 2022.) (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the state board for community and technical

colleges, shall establish the running start summer school pilot program as described in this section. The purpose of the pilot program is to evaluate interest in and barriers to expanding the running start program to include the summer term.

(2) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, must select up to three community colleges that choose to participate in the pilot program during the 2021 and 2022 summer academic terms. One community college must be located east of the crest of the Cascade mountains and another must be located in a county with a population between one hundred fifteen thousand and one hundred fifty thousand.

(3) Participating community colleges must establish agreements with the school districts of eligible students about data sharing, credit transfer, funds transfer, and other administrative matters.

(4) Under the pilot program, an eligible student may enroll in a participating community college tuition-free. Students who are eligible under subsection (7)(a)(ii) of this section may enroll for a maximum of five college credits per summer academic term. Provisions in RCW 28A.600.310 (2) and (3), which describe fees paid by running start students and fee waivers for low-income running start students, apply to eligible students participating in the pilot program.

(5) The school district of an eligible student must transmit to the participating community college an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate amounts appropriated for this specific purpose under the omnibus operating appropriations act to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset pilot program related costs. The calculations and allocations must be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and rules adopted under RCW 28A.600.390. The funds received by the community college from the school district are not tuition or operating fees and may be retained by the community college. A student enrolled under this section must be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus operating appropriations act.

(6) By November 10, 2022, and in accordance with RCW 43.01.036, the office of the superintendent of public instruction and the state board for community and technical colleges shall jointly report to the appropriate committees of the legislature with findings from and recommendations regarding the pilot program, including recommending whether to expand the running start program to include the summer term.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible student" means:

(i) A student attending a participating high school who will be eligible to enroll in grade eleven or twelve in the subsequent school year; or

(ii) A student who graduated from a participating high school in the current school year and who has five or fewer

college credits to earn before meeting associate degree requirements.

(b) "Participating community college" means a community college selected, as described in subsection (2) of this section, to participate in the pilot program.

(c) "Participating high school" means a high school in a school district that has an agreement, as described under subsection (3) of this section, with a participating community college.

(d) "Pilot program" means the running start summer pilot program established in this section.

(e) "Running start program" has the same meaning as in RCW 28A.600.300.

(8)(a) Except as provided in (b) of this subsection, and unless the context clearly requires otherwise, the requirements established in RCW 28A.600.300 through 28A.600.400 apply to the running start summer school pilot program.

(b) The provisions of RCW 28A.600.310(4) relating to calculation, allocation, and distribution of funds and RCW 28A.600.385 relating to cooperative agreements with community colleges in Oregon and Idaho do not apply to this section.

(9) This section expires December 31, 2022. [2020 c 348 § 2.]

Findings—Intent—2020 c 348: "(1) The legislature finds that the successes of the running start program, a program that allows students to earn high school and college credit through courses taken at participating institutions of higher education, have enabled students throughout the state to meaningfully advance their secondary and postsecondary education goals. However, because running start program schedules are constrained by the academic calendar of the applicable high school, students are precluded from participating in running start programs during the summer academic term.

(2) The legislature finds that creating a summer term running start pilot program for students who have completed grade ten or eleven would result in numerous benefits, including providing students with additional opportunities to: Complete requirements for earning a high school diploma or an associate's degree; and explore college-level courses in a lower stress environment that does not include concurrent high school obligations. The expansion of these opportunities could be especially beneficial for students who:

(a) Need or want additional academic credit for high school requirements;

(b) Are interested in maximizing opportunities to earn college credit before or immediately after graduating from high school;

(c) Have not determined which career and educational pathways to pursue after high school and wish to explore academic options; and

(d) May be the first in their family to attend an institution of higher education.

(3) The legislature, therefore, intends to establish a two-year running start summer school pilot program to evaluate interest in and barriers to expanding the running start program to include the summer term." [2020 c 348 § 1.]

AT-RISK STUDENTS

28A.630.810 Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of chapter 233, Laws of 1989. [1989 c 233 § 17. Formerly RCW 28A.120.800.]

Chapter 28A.635 RCW

OFFENSES RELATING TO SCHOOL PROPERTY
AND PERSONNEL

Sections

28A.635.010	Abusing or insulting teachers, liability for—Penalty.
28A.635.020	Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.
28A.635.030	Disturbing school, school activities or meetings—Penalty.
28A.635.040	Examination questions—Disclosing—Penalty.
28A.635.050	Certain corrupt practices of school officials—Penalty.
28A.635.060	Defacing or injuring school property—Liability of pupil, parent, or guardian—Withholding diplomas—Suspension and restitution—Community service program as alternative—Publication of information on withheld diplomas—Student rights protected.
28A.635.070	Property, failure of officials or employees to account for—Mutilation by—Penalties.
28A.635.080	Director's connivance to employ uncertified teachers—Liability.
28A.635.090	Interference by force or violence—Penalty.
28A.635.100	Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty.
28A.635.110	Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception.

Educational employment relations act: Chapter 41.59 RCW.

28A.635.010 Abusing or insulting teachers, liability for—Penalty. Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his or her official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars. [1990 c 33 § 536; 1984 c 258 § 314; 1969 ex.s. c 199 § 55; 1969 ex.s. c 223 § 28A.87.010. Prior: 1909 c 97 p 360 § 11; RRS § 5054; prior: 1903 c 156 § 11; 1897 c 118 § 169; 1890 p 383 § 86. Formerly RCW 28A.87.010, 28.87.010.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty. (1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial

harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

(4) Any person guilty of violating this section shall be deemed guilty of a gross misdemeanor punishable as provided in chapter 9A.20 RCW. [1997 c 266 § 6; 1981 c 36 § 1; 1975-'76 2nd ex.s. c 100 § 1. Formerly RCW 28A.87.055.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Additional notes found at www.leg.wa.gov

28A.635.030 Disturbing school, school activities or meetings—Penalty. Any person who shall willfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars. [1984 c 258 § 315; 1969 ex.s. c 199 § 57; 1969 ex.s. c 223 § 28A.87.060. Prior: 1909 c 97 p 361 § 12; RRS § 5055; prior: 1903 c 156 § 12; 1897 c 118 § 170; 1890 p 383 § 87. Formerly RCW 28A.87.060, 28.87.060.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.040 Examination questions—Disclosing—Penalty. Any person having access to any question or questions prepared for the examination of teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars. [1984 c 258 § 316; 1969 ex.s. c 199 § 58; 1969 ex.s. c 223 § 28A.87.070. Prior: 1909 c 97 p 357 § 1; RRS § 5043; prior: 1903 c 156 § 1; 1897 c 118 § 159. Formerly RCW 28A.87.070, 28.87.070.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.050 Certain corrupt practices of school officials—Penalty. (1) Except as otherwise provided in chapter 42.23 RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of the superintendent's office, any educational service district superintendent, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, anything of

value for or on account of his or her influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of educational service district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

(2) Any willful violation of this section is a misdemeanor. [2003 c 53 § 168; 1990 c 33 § 537; 1975 1st ex.s. c 275 § 143; 1969 ex.s. c 176 § 150; 1969 ex.s. c 223 § 28A.87.090. Prior: 1917 c 126 § 1; RRS § 5050. Formerly RCW 28A.87.090, 28.87.090.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Additional notes found at www.leg.wa.gov

28A.635.060 Defacing or injuring school property—Liability of pupil, parent, or guardian—Withholding diplomas—Suspension and restitution—Community service program as alternative—Publication of information on withheld diplomas—Student rights protected. (1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, may be subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the diploma, but not the grades or transcripts, of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages. When the student and parent or guardian are unable to pay for the damages, the school district shall provide a program of community service for the student in lieu of the payment of monetary damages. Upon completion of community service the diploma of the student must be released. The parent or guardian of the student shall be liable for damages as otherwise provided by law.

(2) Before the diploma is withheld under this section, a school district board of directors shall adopt procedures which insure that students' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

(4)(a) Each school district that withholds a diploma under this section shall publish and maintain the following information on its website:

(i) The number of diplomas withheld under this section, by graduating class, during the previous three school years; and

(ii) The number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years of enrollment in the school district.

(b) To the extent practicable, school districts must publish the information required by this subsection (4) with the information published under RCW 28A.325.050. [2021 c 120 § 1; 1997 c 266 § 13; 1994 c 304 § 1; 1993 c 347 § 3; 1989 c 269 § 6; 1982 c 38 § 1; 1969 ex.s. c 223 § 28A.87.120. Prior: 1909 c 97 p 361 § 41; RRS § 5057; prior: 1903 c 156 §

14; 1897 c 118 § 172; 1890 p 372 § 48. Formerly RCW 28A.87.120, 28.87.120.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Action against parent for willful injury to property by minor—Monetary limitation—Common law liability preserved: RCW 4.24.190.

Additional notes found at www.leg.wa.gov

28A.635.070 Property, failure of officials or employees to account for—Mutilation by—Penalties. Any school district official or employee who shall refuse or fail to deliver to his or her qualified successor all books, papers, and records pertaining to his or her position, or who shall willfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred. [1990 c 33 § 538; 1984 c 258 § 317; 1969 ex.s. c 199 § 60; 1969 ex.s. c 223 § 28A.87.130. Prior: 1909 c 97 p 359 § 7, part; RRS § 5049, part; prior: 1907 c 240 § 16, part; 1903 c 156 § 7, part; 1897 c 118 § 165, part. Formerly RCW 28A.87.130, 28.87.130, part.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

28A.635.080 Director's connivance to employ uncertified teachers—Liability. Any school district director who shall aid in or give his or her consent to the employment of a teacher who is not the holder of a valid teacher's certificate issued under authority of chapter 28A.410 RCW authorizing him or her to teach in the school district by which employed shall be personally liable to his or her district for any loss which it may sustain by reason of the employment of such person. [1990 c 33 § 539; 1969 ex.s. c 223 § 28A.87.135. Prior: 1909 c 97 p 359 § 7, part; RRS § 5049, part; prior: 1907 c 240 § 16, part; 1903 c 156 § 7, part; 1897 c 118 § 165, part. Formerly RCW 28A.87.135, 28.87.130, part, 28.87.160.]

28A.635.090 Interference by force or violence—Penalty. (1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment. [2003 c 53 § 169; 1996 c 321 § 3; 1990 c 33 § 540; 1988 c 2 § 1; 1971 c 45 § 3. Formerly RCW 28A.87.230.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty. (1) It shall be unlawful for any person, singly or in concert with others, to intimidate by

threat of force or violence any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment. [2003 c 53 § 170; 1990 c 33 § 541; 1988 c 2 § 2; 1971 c 45 § 4. Formerly RCW 28A.87.231.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception. The crimes defined in RCW 28A.635.090 and 28A.635.100 shall not apply to school administrators, teachers, or classified employees who are engaged in the reasonable exercise of their disciplinary authority. [1990 c 33 § 542; 1988 c 2 § 3; 1971 c 45 § 5. Formerly RCW 28A.87.232.]

Chapter 28A.640 RCW SEXUAL EQUALITY

Sections

28A.640.010	Purpose—Discrimination prohibited.
28A.640.020	Regulations, guidelines to eliminate discrimination— Scope—Sexual harassment policies.
28A.640.030	Administration.
28A.640.040	Civil relief for violations.
28A.640.050	Enforcement—Superintendent's orders, scope.
28A.640.900	Chapter supplementary.

Discrimination—Separation of sexes in dormitories, residence halls, etc.: RCW 49.60.222.

28A.640.010 Purpose—Discrimination prohibited. Inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state is a breach of Article XXXI, section 1, Amendment 61, of the Washington state Constitution, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited. [1975 1st ex.s. c 226 § 1. Formerly RCW 28A.85.010.]

Additional notes found at www.leg.wa.gov

28A.640.020 Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies. (1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(2022 Ed.)

(ii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audiovisual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws.

[Title 28A RCW—page 403]

The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment. [1994 c 213 § 1; 1975 1st ex.s. c 226 § 2. Formerly RCW 28A.85.020.]

Additional notes found at www.leg.wa.gov

28A.640.030 Administration. The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts. [1975 1st ex.s. c 226 § 3. Formerly RCW 28A.85.030.]

Additional notes found at www.leg.wa.gov

28A.640.040 Civil relief for violations. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any regulation or guideline adopted hereunder, shall have a right of action in superior court for civil damages and such equitable relief as the court shall determine. [1975 1st ex.s. c 226 § 4. Formerly RCW 28A.85.040.]

Additional notes found at www.leg.wa.gov

28A.640.050 Enforcement—Superintendent's orders, scope. The superintendent of public instruction shall have the power to enforce and obtain compliance with the

provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.05 RCW, which order, by way of illustration, may include, the termination of all or part of state apportionment or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved. [1975 1st ex.s. c 226 § 5. Formerly RCW 28A.85.050.]

Additional notes found at www.leg.wa.gov

28A.640.900 Chapter supplementary. This chapter shall be supplementary to, and shall not supersede, existing law and procedures and future amendments thereto relating to unlawful discrimination based on sex. [1975 1st ex.s. c 226 § 6. Formerly RCW 28A.85.900.]

Additional notes found at www.leg.wa.gov

Chapter 28A.642 RCW DISCRIMINATION PROHIBITION

Sections

28A.642.005	Findings.
28A.642.010	Discrimination prohibited—Definitions.
28A.642.020	Rules and guidelines.
28A.642.030	Compliance—Monitoring—Compliance enforcement.
28A.642.040	Individual right of action.
28A.642.050	Authority of superintendent of public instruction—Administrative orders.
28A.642.060	Chapter supplementary.
28A.642.070	Schools established under state-tribal education compacts.
28A.642.080	Transgender student policy and procedure.

28A.642.005 Findings. The legislature finds that in 1975 legislation was adopted, codified as chapter 28A.640 RCW, recognizing the deleterious effect of discrimination on the basis of sex, specifically prohibiting such discrimination in Washington public schools, and requiring the office of the superintendent of public instruction to monitor and enforce compliance. The legislature further finds that, while numerous state and federal laws prohibit discrimination on other bases in addition to sex, the common school provisions in Title 28A RCW do not include specific acknowledgment of the right to be free from discrimination because of race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, nor do any common school provisions specifically direct the office of the superintendent of public instruction to monitor and enforce compliance with these laws. The legislature finds that one of the recommendations made to the legislature by the *achievement gap oversight and accountability committee created in chapter 468, Laws of 2009, was that the office of the superintendent of public instruction should be specifically authorized to take affirmative steps to ensure that school districts comply with all civil rights laws, similar to what has already been authorized in chapter 28A.640 RCW with respect to discrimination on the basis of sex. [2010 c 240 § 1.]

*Reviser's note: The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

28A.642.010 Discrimination prohibited—Definitions. Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter unless the context clearly requires otherwise. [2010 c 240 § 2.]

28A.642.020 Rules and guidelines. The superintendent of public instruction shall develop rules and guidelines to eliminate discrimination prohibited in RCW 28A.642.010 as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students. [2010 c 240 § 3.]

28A.642.030 Compliance—Monitoring—Compliance enforcement. The office of the superintendent of public instruction shall monitor local school districts' compliance with this chapter, and shall establish a compliance timetable, rules, and guidelines for enforcement of this chapter. [2010 c 240 § 4.]

28A.642.040 Individual right of action. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any rule or guideline adopted under this chapter, has a right of action in superior court for civil damages and such equitable relief as the court determines. [2010 c 240 § 5.]

28A.642.050 Authority of superintendent of public instruction—Administrative orders. The superintendent of public instruction has the power to enforce and obtain compliance with the provisions of this chapter and the rules and guidelines adopted under this chapter, by appropriate order made pursuant to chapter 34.05 RCW. The order may include, but is not limited to, termination of all or part of state apportionment or categorical moneys to the offending school district, termination of specified programs in which violations may be flagrant within the offending school district, institution of corrective action, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved. [2010 c 240 § 6.]

28A.642.060 Chapter supplementary. This chapter is supplementary to, and does not supersede, existing law and procedures and future amendments to those laws and procedures relating to unlawful discrimination. [2010 c 240 § 7.]

28A.642.070 Schools established under state-tribal education compacts. Nothing in this chapter prohibits schools established under chapter 28A.715 RCW from:

(1) Implementing a policy of Indian preference in employment; or

(2) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand. [2013 c 242 § 6.]

28A.642.080 Transgender student policy and procedure. (1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to transgender students that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students that meet the requirements of subsection (1)(a) of this section.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure

prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's website at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure described in subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to transgender students.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material. [2019 c 194 § 2.]

Chapter 28A.645 RCW APPEALS FROM BOARD

Sections

28A.645.010	Appeals—Notice of—Scope—Time limitation.
28A.645.020	Transcript filed, certified.
28A.645.030	Appeal to be heard de novo and expeditiously.
28A.645.040	Certified copy of decision to county assessor when school district boundaries changed.

Educational employment relations act: Chapter 41.59 RCW.

28A.645.010 Appeals—Notice of—Scope—Time limitation. (1) Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

(2)(a) Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapters 28A.400 and 28A.405 RCW therefor and in all other cases shall be governed by chapter 28A.645 RCW.

(b) Appeals from nonrenewal or discharge by employees of school districts that are dissolved due to financial insolvency shall be as provided in RCW 28A.315.229. [2012 c 186 § 22; 1990 c 33 § 544; 1971 ex.s. c 282 § 40; 1969 ex.s.

c 34 § 17; 1969 ex.s. c 223 § 28A.88.010. Prior: 1961 c 241 § 9; 1909 c 97 p 362 § 1; RRS § 5064. Formerly RCW 28A.88.010, 28.88.010.] [SLC-RO-1.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

RCW 28A.645.010 not applicable to contract renewal of school superintendent: RCW 28A.400.010.

Additional notes found at www.leg.wa.gov

28A.645.020 Transcript filed, certified. Within twenty days of service of the notice of appeal, the school board, at its expense, or the school official, at such official's expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct. [1971 ex.s. c 282 § 41. Formerly RCW 28A.88.013.]

Additional notes found at www.leg.wa.gov

28A.645.030 Appeal to be heard de novo and expeditiously. Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously. [1971 ex.s. c 282 § 42. Formerly RCW 28A.88.015.]

Additional notes found at www.leg.wa.gov

28A.645.040 Certified copy of decision to county assessor when school district boundaries changed. In cases of appeal resulting in the change of any school district boundaries the decision shall within five days thereafter be also certified by the proper officer to the county assessor of the county, or to the county assessors of the counties, wherein the territory may lie. [1969 ex.s. c 223 § 28A.88.090. Prior: 1909 c 97 p 364 § 8; RRS § 5071. Formerly RCW 28A.88.090, 28.88.090.]

Chapter 28A.650 RCW EDUCATION TECHNOLOGY

Sections

28A.650.010	Definitions.
28A.650.035	Gifts, grants, and endowments.
28A.650.040	Rules.
28A.650.045	Digital citizenship, internet safety, and media literacy—Best practices and recommendations—Annual review—Model policy update and checklist for future updates.
28A.650.050	Digital citizenship, internet safety, and media literacy—Web-based location with links recommending practices and resources.
28A.650.060	Technology consultation, procurement, and training.
28A.650.065	Technology grant program.
28A.650.070	Technology initiatives—Technology levies—Data—Reports.

28A.650.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Digital citizenship" includes the norms of appropriate, responsible, and healthy behavior related to current technology use, including digital and media literacy, ethics, etiquette, and security. The term also includes the ability to access, analyze, evaluate, develop, produce, and interpret media, as well as internet safety and cyberbullying prevention and response.

(2) "Learning device" means an internet-accessible computer, tablet, or other device, with an appropriate operating system, software applications, and data security, that can be used to access curricula, educational web applications and websites, and learning management systems, and with telecommunications capabilities sufficient for videoconferencing. [2021 c 301 § 2; 2017 c 90 § 1; 1993 c 336 § 702.]

Finding—Purpose—2021 c 301: See note following RCW 28A.650.060.

28A.650.035 Gifts, grants, and endowments. The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of educational technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments. [2010 1st sp.s. c 9 § 3; 1993 c 336 § 708.]

Additional notes found at www.leg.wa.gov

28A.650.040 Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW governing the operation and scope of this chapter. [1993 c 336 § 709.]

28A.650.045 Digital citizenship, internet safety, and media literacy—Best practices and recommendations—Annual review—Model policy update and checklist for future updates. (1)(a) By December 1, 2016, the office of the superintendent of public instruction shall develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy, and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on strategies to implement the best practices and recommendations statewide. The best practices and recommendations must be developed in consultation with an advisory committee as specified in (b) of this subsection. Best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information.

(b) The office of the superintendent of public instruction must convene and consult with an advisory committee when developing best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy. The advisory committee must include: Representatives from the Washington state school directors' association; experts in digital citizenship, internet safety, and media literacy; teacher-librarians as defined in RCW 28A.320.240; and other stakeholders, including parent associations, educators, and administrators. Recommendations produced by the committee may include, but are not limited to:

(i) Revisions to the state learning standards for educational technology, required under RCW 28A.655.075;

(ii) Revisions to the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(iii) School district processes necessary to develop customized district policies and procedures on electronic resources and internet safety;

(iv) Best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and

(v) Strategies that will support school districts in local implementation of the best practices and recommendations developed by the office of the superintendent of public instruction under (a) of this subsection.

(2) Beginning in the 2017-18 school year, a school district shall annually review its policy and procedures on electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:

(a) Involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;

(b) Consider customizing the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(c) Consider existing school district resources; and

(d) Consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents.

(3)(a) By December 1, 2017, the Washington state school directors' association shall review and revise its model policy and procedures on electronic resources and internet safety to better support digital citizenship, media literacy, and internet safety in schools. The model policy and procedures must contain provisions requiring that media literacy resources consist of a balance of sources and perspectives.

(b) By December 1, 2017, the Washington state school directors' association shall develop a checklist of items for school districts to consider when updating their policy and procedures under subsection (2) of this section. [2017 c 90 § 2; 2016 c 59 § 2.]

Intent—2016 c 59: "The legislature recognizes that as technology becomes more prevalent, students must learn how to safely, ethically, responsibly, and effectively use technology. The legislature intends to provide a process in which students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives will engage in an ongoing discussion on safe technology use, internet use, digital citizenship, and media literacy as part of implementing the state's basic education goal outlined in RCW 28A.150.210(3) and essential academic learning requirements for technology outlined in RCW 28A.655.075." [2016 c 59 § 1.]

28A.650.050 Digital citizenship, internet safety, and media literacy—Web-based location with links recommending practices and resources. (1) The office of the superintendent of public instruction shall create a web-based location with links to recommended successful practices and resources to support digital citizenship, media literacy, and internet safety for use in the 2017-18 school year. The web-based location must incorporate the information gathered by the survey in section 3, chapter 90, Laws of 2017.

(2) Thereafter, the office of the superintendent of public instruction shall continue to identify and develop additional open educational resources to support digital citizenship, media literacy, and internet safety in schools for the web-based location.

(3) Media literacy resources must consist of a balance of sources and perspectives. [2017 c 90 § 4.]

28A.650.060 Technology consultation, procurement, and training. (1) Each educational service district shall provide technology consultation, procurement, and training, in consultation with teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and as described in this section. An educational service district may meet the requirements of this section in cooperation with one or more other educational service districts.

(2) Technology consultation involves providing technical assistance and guidance to local school districts related to technology needs and financing, and may include consultation with other entities.

(3)(a) Technology procurement involves negotiating for local school district purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, device insurance, and other technology-related goods and services.

(b) When selecting goods and services for procurement, the educational service district must consider a variety of student needs, as well as accessibility, age appropriateness, privacy and security, data storage and transfer capacity, and telecommunications capability.

(c) Technology procurement may be performed in consultation and contract with the department of enterprise services under chapter 39.26 RCW.

(4) Technology training involves developing and offering direct services to local school districts related to staff development and capacity building to provide digital navigation services to students and their families. The educational service districts must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training. These services may be provided on a fee-for-service basis.

(5) Technology consultation, procurement, and training under this section must be provided to local public schools, as defined in RCW 28A.150.010, the Washington center for deaf and hard of hearing youth, and the school for the blind, in addition to local school districts. Technology training under this section may also be offered to child care providers.

(6) The educational service districts must cooperate with the office of the superintendent of public instruction to provide the data required under RCW 28A.650.070(1). [2021 c 301 § 3.]

Finding—Purpose—2021 c 301: "(1) The legislature recognizes that the COVID-19 pandemic exposed the importance of internet-accessible learning devices for the ability of students to receive a modern education. When Washington schools closed in March 2020, schools and school districts shifted quickly to offering education in an online environment. Teachers adapted their lessons for videoconferencing platforms and arranged for students to submit homework via email. However, limited opportunities for in-person instruction amplified digital deserts and disparities among students that are likely to continue to grow for the foreseeable future.

(2) The legislature finds that students from low-income families face disproportionate barriers to accessing learning over the internet in their homes, partly because they do not have internet-accessible devices appropriate for learning. The legislature also recognizes that accessing learning over the internet requires more than just an internet-accessible device appropriate for learning. For students and their families to be truly connected, they need the digital literacy, digital skills, and digital support to use internet-accessible devices and to navigate the web in support of student learning. (3) Therefore, the purposes of this act are to: (a) Accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c)

build the capacity of schools and districts to support digital navigation services for students and their families." [2021 c 301 § 1.]

28A.650.065 Technology grant program. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop and administer a technology grant program, as described in this section, to advance the following objectives:

(a) Attain a universal 1:1 student to learning device ratio;

(b) Expand technical support and training of school and district staff in using technology to support student learning; and

(c) Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support student learning.

(2) The following entities, individually or in cooperation, may apply to the office of the superintendent of public instruction for a grant under this section: A public school as defined in RCW 28A.150.010; a school district; an educational service district; the Washington center for deaf and hard of hearing youth; and the state school for the blind.

(3) At a minimum, grant applications must include:

(a) The applicant's technology plan for accomplishing the goals of the grant program, the applicant's student demographics, including the percent of students eligible for free and reduced-price meals, and any specialized technology needs of the applicant's students, such as students with disabilities and English learners who may need adaptive or assistive technologies; and

(b) A description of preexisting programs and funding sources used by the applicant to provide learning devices to students, staff, or both.

(4) When ranking and selecting applicants, the office of the superintendent of public instruction must prioritize both of the following:

(a) Applicants without preexisting programs to provide a device for every student and that have 30 percent or more students eligible for free and reduced-price meals; and

(b) Applicants with students who have specialized technology needs. [2021 c 301 § 4.]

Finding—Purpose—2021 c 301: See note following RCW 28A.650.060.

28A.650.070 Technology initiatives—Technology levies—Data—Reports. (1) The office of the superintendent of public instruction shall collect and analyze the following data:

(a) Demographic, distribution, and other data related to technology initiatives; and

(b) Biennial survey data on school and school district progress to accomplish the objectives listed in RCW 28A.650.065(1).

(2) By November 1, 2022, and by November 1st every even year thereafter, the office of the superintendent of public instruction shall provide a report to the appropriate policy and fiscal committees of the legislature, in accordance with RCW 43.01.036, with:

(a) A summary of the technology initiatives data collected under subsection (1) of this section;

(b) The status of the state's progress in accomplishing the following: (i) Accelerate student access to learning devices

and related goods and services; (ii) expand training programs and technical assistance on using technology to support student learning; and (iii) build the capacity of schools and districts to support digital navigation services for students and their families;

(c) Recommendations for improving the administration and oversight of the technology initiatives; and

(d) An update on innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices.

(3) By November 1, 2022, the office of the superintendent of public instruction shall survey districts, collect data, and provide a report to the appropriate policy and fiscal committees of the legislature that contains, at a minimum, the following:

(a) A list of districts that have a separate technology levy;

(b) The total amount of funding generated by the technology levies; and

(c) A detailed breakdown on how the funds generated by the technology levies are being used, including, but not limited to, the number of technology devices being purchased with those funds, personnel costs related to servicing and maintaining those devices covered by those funds, and any training or professional development for use of technology provided with those funds.

(4) For the purposes of this section, "technology initiatives" means the technology grants awarded by the office of the superintendent of public instruction under RCW 28A.650.065, and the provision of technology consultation, procurement, and training by educational service districts under RCW 28A.650.060. [2021 c 301 § 5.]

Finding—Purpose—2021 c 301: See note following RCW 28A.650.060.

**Chapter 28A.655 RCW
ACADEMIC ACHIEVEMENT AND
ACCOUNTABILITY**

Sections

28A.655.005 Findings.
 28A.655.006 Condensed compliance reports—Second-class districts.
 28A.655.010 Washington commission on student learning—Definitions.
 28A.655.061 High school assessment system—Certificate of academic achievement—Exception—Options to retake high school assessment—Objective alternative assessments—Locally determined courses—High school transition courses—Interventions and academic supports—Student learning plans.
 28A.655.065 Objective alternative assessment methods—Appeals from assessment scores—Waivers and appeals from assessment requirements—Rules.
 28A.655.068 Statewide high school assessment in science.
 28A.655.070 State learning standards—Duties of the superintendent of public instruction.
 28A.655.071 Revised essential academic learning requirements—Legislative review—Implementation.
 28A.655.075 Essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency—Assessments—Reports.
 28A.655.080 Washington kindergarten inventory of developing skills—Implementation and administration—Work group—Reports—Grants—Waivers.
 28A.655.090 Statewide student assessment—Reporting requirements.
 28A.655.095 Students with cognitive disabilities—Alternative assessment system.
 28A.655.100 Performance goals—Reporting requirements.

28A.655.110 Annual school performance report—Model report form.
 28A.655.115 Outreach and feedback—Working group—Model feedback tools and strategies.
 28A.655.130 Accountability implementation funds.
 28A.655.140 Technical assistance.
 28A.655.150 Consolidation of requirements for categorical grant programs—Use of electronic applications and reporting.
 28A.655.180 Waivers for educational restructuring programs.
 28A.655.185 Intent—Apple award program.
 28A.655.200 Norm-referenced assessments—Diagnostic assessments.
 28A.655.210 K-12 education data improvement system.
 28A.655.220 Washington kindergarten inventory of developing skills—Fairness and bias review.
 28A.655.230 Reading skills—Meeting for grade placement and strategies for student improvement—Exemptions.
 28A.655.235 Reading skills—Intensive reading and literacy improvement strategy—Calculation of tested students at or below basic on third grade student assessment—State menu of best practices.
 28A.655.250 Graduation pathway options.
 28A.655.260 Graduation pathway options—Report and survey.
 28A.655.270 Student support for graduation—Student learning plans.
 28A.655.280 Applicability of certificates of individual achievement and assessments.
 28A.655.300 Global citizens in a global society.

28A.655.005 Findings. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on student achievement and continuous improvement at all levels of Washington's education system and on a fundamental principle that all public school students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with schools needing assistance.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students. [1999 c 388 § 1.]

28A.655.006 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 50.]

Additional notes found at www.leg.wa.gov

28A.655.010 Washington commission on student learning—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW *28A.630.885 and 28A.300.130.

(1) "Commission" means the commission on student learning created in *RCW 28A.630.885.

(2) "Student learning goals" mean[s] the goals established in RCW 28A.150.210.

(3) "Essential academic learning requirements" means more specific academic and technical skills and knowledge, based on the student learning goals, as determined under *RCW 28A.630.885(3)(a). Essential academic learning requirements shall not limit the instructional strategies used by schools or school districts or require the use of specific curriculum.

(4) "Performance standards" or "standards" means the criteria used to determine if a student has successfully learned the specific knowledge or skill being assessed as determined under *RCW 28A.630.885(3)(b). The standards should be set at internationally competitive levels.

(5) "Assessment system" or "student assessment system" means a series of assessments used to determine if students have successfully learned the essential academic learning requirements. The assessment system shall be developed under *RCW 28A.630.885(3)(b).

(6) "Performance-based education system" means an education system in which a significantly greater emphasis is placed on how well students are learning, and significantly less emphasis is placed on state-level laws and rules that dictate how instruction is to be provided. The performance-based education system does not require that schools use an outcome-based instructional model. Decisions regarding how instruction is provided are to be made, to the greatest extent possible, by schools and school districts, not by the state. [1993 c 336 § 201. Formerly RCW 28A.630.883.]

***Reviser's note:** RCW 28A.630.885 was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607. RCW 28A.655.060 was subsequently repealed by 2004 c 19 § 206.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.655.061 High school assessment system—Certificate of academic achievement—Exception—Options to retake high school assessment—Objective alternative assessments—Locally determined courses—High school transition courses—Interventions and academic supports—Student learning plans. (Expires August 31, 2022.)

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection (9) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, and concluding with the graduating class of 2019, a certificate of academic achievement shall be obtained and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045,

acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008 through the graduating class of 2015, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the English language arts and mathematics high school statewide student assessment shall earn a certificate of academic achievement. The mathematics assessment shall be the end-of-course assessment for the first year of high school mathematics that assesses the standards common to algebra I and integrated mathematics I or the end-of-course assessment for the second year of high school mathematics that assesses standards common to geometry and integrated mathematics II.

(b) As the state transitions from reading and writing assessments to an English language arts assessment and from end-of-course assessments to a comprehensive assessment for high school mathematics, a student in a graduating class of 2016 through 2018 shall earn a certificate of academic achievement if the student meets the high school graduation standard as follows:

(i) Students in the graduating class of 2016 may use the results from:

(A) The reading and writing assessment or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(ii) Students in the graduating classes of 2017 and 2018 may use the results from:

(A) The tenth grade English language arts assessment developed by the superintendent of public instruction using resources from the multistate consortium or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(c) Beginning with the graduating class of 2019, a student who meets the high school graduation standard on the high school English language arts assessment developed with the multistate consortium and the comprehensive mathematics assessment developed with the multistate consortium shall earn a certificate of academic achievement.

(d) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area at least twice a year at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (9) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student

has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(5) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(6) School districts must make available to students the following options:

(a) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(7) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(8) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(9)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education

determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(iii) A student who scores at least a four on selected externally administered international baccalaureate (IB) examinations may use the score as an objective alternative assessment under this section for demonstrating that the student has met or exceeded state standards for the certificate of academic achievement. A score of four on the higher level IB examinations for any of the IB English language and literature courses or for any of the IB individuals and societies courses may be used as an alternative assessment for the reading, writing, or English language arts portions of the statewide student assessment. A score of four on the higher level IB examinations for any of the IB mathematics courses may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of four on the higher level IB examinations for IB biology, chemistry, or physics may be used as an alternative assessment for the science portion of the statewide student assessment.

(iv)(A) In the 2018-19 school year, high school students who have not earned a certificate of academic achievement due to not meeting the high school graduation standard on the mathematics or English language arts assessment may take and pass a locally determined course in the content area in which the student was not successful, and may use the passing score on a locally administered assessment tied to that course and approved under the provisions of this subsection (9)(b)(iv), as an objective alternative assessment for demonstrating that the student has met or exceeded the high school graduation standard. High school transition courses and the assessments offered in association with high school transition courses shall be considered an approved locally determined course and assessment for demonstrating that the student met

or exceeded the high school graduation standard. The course must be rigorous and consistent with the student's educational and career goals identified in his or her high school and beyond plan, and may include career and technical education equivalencies in English language arts or mathematics adopted pursuant to RCW 28A.230.097. School districts shall record students' participation in locally determined courses under this section in the statewide individual data system.

(B) The office of the superintendent of public instruction shall develop a process by which local school districts can submit assessments for review and approval for use as objective alternative assessments for graduation as allowed by (b)(iv) of this subsection. This process shall establish means to determine whether a local school district-administered assessment is comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and is objective in its determination of student achievement of the state standards. The office of the superintendent of public instruction shall post on its agency website a compiled list of local school district-administered assessments approved as objective alternative assessments, including the comparable scores on these assessments necessary to meet the standard.

(C) For the purpose of this section, "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must, in accordance with this section, satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to any institution of higher education as defined in RCW 28B.10.016.

(v) A student who completes a dual credit course in English language arts or mathematics in which the student earns college credit may use passage of the course as an objective alternative assessment under this section for demonstrating that the student has met or exceeded the high school graduation standard for the certificate of academic achievement.

(10) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall:

(a) Provide students who have not earned a certificate of academic achievement before the beginning of grade eleven with the opportunity to access interventions and academic supports, courses, or both, designed to enable students to meet the high school graduation standard. These interventions, supports, or courses must be rigorous and consistent with the student's educational and career goals identified in his or her high school and beyond plan, and may include career and technical education equivalencies in English language arts or mathematics adopted pursuant to RCW 28A.230.097; and

(b) Prepare student learning plans and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade

students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (i) The student's results on the state assessment;
- (ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (iii) Any credit deficiencies;
- (iv) The student's attendance rates over the previous two years;
- (v) The student's progress toward meeting state and local graduation requirements;
- (vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (viii) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(11) This section expires August 31, 2022. [2019 c 252 § 105; 2017 3rd sp.s. c 31 § 1; 2017 3rd sp.s. c 31 § 5; 2015 3rd sp.s. c 42 § 2; 2013 2nd sp.s. c 22 § 2; 2011 1st sp.s. c 22 § 2; 2010 c 244 § 1; 2009 c 524 § 5; 2008 c 321 § 2. Prior: 2007 c 355 § 5; 2007 c 354 § 2; 2006 c 115 § 4; 2004 c 19 § 101.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Retroactive application—2017 3rd sp.s. c 31 § 5: "Section 5 of this act applies retroactively to students in the graduating class of 2017." [2017 3rd sp.s. c 31 § 7.]

Effective date—2017 3rd sp.s. c 31: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 7, 2017]." [2017 3rd sp.s. c 31 § 8.]

Finding—Purpose—2015 3rd sp.s. c 42: "The legislature finds that the graduating class of 2015 is the first class required to meet the state standard on the state science assessment. The legislature recognizes that the educational system needs more time before this graduation requirement is implemented. Therefore, the sole purpose of the legislature with this legislation is to delay for no more than two years, but not eliminate, the requirement that students must meet the state standard on the science assessment." [2015 3rd sp.s. c 42 § 1.]

Retroactive application—2015 3rd sp.s. c 42 § 2: "Section 2 of this act applies retroactively to students in the graduating class of 2015, and prospectively beginning with students in the graduating class of 2016." [2015 3rd sp.s. c 42 § 3.]

Findings—Intent—2013 2nd sp.s. c 22: "The legislature finds that the superintendent of public instruction was authorized to align the state essential academic learning requirements for mathematics, reading, writing, and communication with the common set of standards for students in grades kin-

ergarten through twelve, known as the common core state standards, which were initiated by the governors and chief school officers of forty-five states, including Washington. The legislature further finds that Washington has joined one of two multistate consortia using a federal grant to develop new English language arts and mathematics assessments in grades three through eight and grade eleven that are, among other factors, aligned with the common core state standards and intended to demonstrate a student's career and college readiness. The legislature further finds that the assessments are required to be ready for use by the 2014-15 school year.

The legislature intends to reduce the overall costs of the state assessment system by implementing the eleventh grade English language arts and mathematics assessments being developed by a multistate consortium in which Washington is participating, maximize use of the consortium assessments by developing a tenth grade high school English language arts assessment and modifying the algebra I and geometry end-of-course assessment to be used only during the transition to the consortium-developed assessments, and reduce to three the number of assessments that will be required for students to graduate beginning with the class of 2019.

The legislature further intends that the eleventh grade consortium-developed assessments have two different student performance standards: One for the purposes of high school graduation that will be established by the state board of education and one that is intended to demonstrate a student's career and college readiness." [2013 2nd sp.s. c 22 § 1.]

Finding—Intent—2011 1st sp.s. c 22: "(1) The legislature continues to support end-of-course assessments as a fair and practical way to measure students' knowledge and skills in high school science, but the legislature also recognizes that there are important scientific concepts, principles, and content that are not able to be captured in a single course or a single assessment. The legislature also does not wish to narrow the high school science curriculum to a singular focus on biology.

(2) However, the legislature finds that the financial resources for developing additional end-of-course assessments for high school science are not available in the 2011-2013 biennium. Nevertheless, the legislature intends to revisit this issue in the future and further intends at an appropriate time to direct the superintendent of public instruction to develop one or more end-of-course assessments in additional science subjects." [2011 1st sp.s. c 22 § 1.]

Intent—2009 c 524: See note following RCW 28B.50.535.

Findings—2008 c 321: "The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in 1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements." [2008 c 321 § 1.]

Finding—Intent—2007 c 355: See note following RCW 28B.50.535.

Findings—Intent—2007 c 354: "(1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements

in mathematics and science only for the minimum period for corrections to be fully implemented." [2007 c 354 § 1.]

Additional notes found at www.leg.wa.gov

28A.655.065 Objective alternative assessment methods—Appeals from assessment scores—Waivers and appeals from assessment requirements—Rules. (Expires August 31, 2022.)

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the statewide student assessment. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, and concluding with the graduating class of 2019, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school statewide student assessment. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school statewide student assessment, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the statewide student assessment.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall

be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments;

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances;

(c)(i) For the graduating classes of 2014, 2015, 2016, 2017, 2018, 2019, and 2020, an expedited appeal process for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and the certificate of individual achievement for eligible students who have not met the state standard on the English language arts statewide student assessment, the mathematics high school statewide student assessment, or both. The student or the student's parent, guardian, or principal may initiate an appeal with the district and the district has the authority to determine which appeals are submitted to the superintendent of public instruction for review and approval. The superintendent of public instruction may only approve an appeal if it has been demonstrated that the student has the necessary skills and knowledge to meet the high school graduation standard and that the student has the skills necessary to successfully achieve the college or career goals established in his or her high school and beyond plan. Pathways for demonstrating the necessary skills and knowledge may include, but are not limited to:

(A) Successful completion of a college-level class in the relevant subject area;

(B) Admission to a higher education institution or career preparation program;

(C) Award of a scholarship for higher education; or

(D) Enlistment in a branch of the military.

(ii) A student in the class of 2014, 2015, 2016, or 2017 is eligible for the expedited appeal process in (c)(i) of this subsection if he or she has met all other graduation requirements established by the state and district.

(iii) A student in the class of 2018 is eligible for the expedited appeal process in (c)(i) of this subsection if he or she has met all other graduation requirements established by the state and district and has attempted at least one alternative assessment option as established in this section.

(6) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to

the education committees of the legislature by January 10, 2008.

(7) The superintendent of public instruction shall adopt rules to implement this section.

(8) This section expires August 31, 2022. [2019 c 252 § 102; 2017 3rd sp.s. c 31 § 2; 2009 c 556 § 19; 2008 c 170 § 205; 2007 c 354 § 6; 2006 c 115 § 1.]

Effective date—2019 c 252 § 102: "Section 102 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 15, 2019." [2019 c 252 § 505.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Effective date—2017 3rd sp.s. c 31: See note following RCW 28A.655.061.

Findings—Intent—2008 c 170: See RCW 28A.700.005.

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

28A.655.068 Statewide high school assessment in science. (1) The statewide high school assessment in science shall be a comprehensive assessment that measures the state standards for the application of science and engineering practices, disciplinary core ideas, and crosscutting concepts in the domains of physical sciences, life sciences, earth and space sciences, and engineering design.

(2) The superintendent of public instruction shall develop or adopt a science assessment in accordance with RCW 28A.655.070(10) that is not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(3) The superintendent of public instruction may participate with consortia of multiple states as common student learning standards and assessments in science are developed. The superintendent of public instruction, in consultation with the state board of education, may modify the state learning standards and statewide student assessments in science, including the high school assessment, according to the multi-state common student learning standards and assessments as long as the education committees of the legislature have opportunities for review before the modifications are adopted, as provided under RCW 28A.655.070.

(4) The statewide high school assessment under this section shall be used to demonstrate that a student meets the state standards in the science content area of the statewide student assessment until a comprehensive science assessment is required under RCW 28A.655.061. [2019 c 252 § 118; 2017 3rd sp.s. c 31 § 6; 2013 2nd sp.s. c 22 § 4; 2011 1st sp.s. c 22 § 3.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Effective date—2017 3rd sp.s. c 31: See note following RCW 28A.655.061.

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

Finding—Intent—2011 1st sp.s. c 22: See note following RCW 28A.655.061.

28A.655.070 State learning standards—Duties of the superintendent of public instruction. (1) The superintendent of public instruction shall develop state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assess-

ments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the state learning standards, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the state learning standards; and

(b) Review and prioritize the state learning standards and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its website any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the state learning standards identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year, and beginning with the graduating class of 2020, the assessments must be administered to students in the tenth grade. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c)(i) of this subsection shall be used for

the purposes of federal and state accountability and for assessing student career and college readiness.

(d) The statewide academic assessment system must also include the Washington access to instruction and measurement assessment for students with significant cognitive challenges.

(4) If the superintendent proposes any modification to the state learning standards or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the state learning standards before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the state learning standards at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the state learning standards and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the state learning standards, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the state learning standards. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(14) The superintendent shall post on the superintendent's website lists of resources and model assessments in social studies, the arts, and health and fitness.

(15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the state learning standards under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

- (i) The subject matter of the state learning standards;
- (ii) The reason or reasons the superintendent is initiating the development or revision; and
- (iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised state learning standards, the superintendent shall submit the proposed new or revised state learning standards to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

(17) The state board of education may propose new or revised state learning standards to the superintendent. The superintendent must respond to the state board of education's proposal in writing. [2019 c 252 § 119; 2018 c 177 § 401; 2015 c 211 § 3; 2013 2nd sp.s. c 22 § 5; 2008 c 163 § 2; 2007 c 354 § 5; 2005 c 497 § 106; 2004 c 19 § 204; 1999 c 388 § 501.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

Findings—2008 c 163: "The legislature finds that, according to a recent report from a consultant retained by the state board of education, end-of-course assessments have certain advantages over comprehensive assessments such as the current form of the Washington assessment of student learning, and in most other areas end-of-course assessments are comparable to comprehensive assessments in meeting public policy objectives for a statewide assessment system. The legislature further finds that because the state's assessment contract will be renegotiated before the end of 2008, the 2008 legislature has an opportunity to provide policy direction in the design of the state assessment system and the design of the Washington assessment of student learning." [2008 c 163 § 1.]

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

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Additional notes found at www.leg.wa.gov

28A.655.071 Revised essential academic learning requirements—Legislative review—Implementation. (1) By August 2, 2010, the superintendent of public instruction may revise the *state essential academic learning require-

ments authorized under RCW 28A.655.070 for mathematics, reading, writing, and communication by provisionally adopting a common set of standards for students in grades kindergarten through twelve. The revised *state essential academic learning requirements may be substantially identical with the standards developed by a multistate consortium in which Washington participated, must be consistent with the requirements of RCW 28A.655.070, and may include additional standards if the additional standards do not exceed fifteen percent of the standards for each content area. However, the superintendent of public instruction shall not take steps to implement the provisionally adopted standards until the education committees of the house of representatives and the senate have an opportunity to review the standards.

(2) By January 1, 2011, the superintendent of public instruction shall submit to the education committees of the house of representatives and the senate:

(a) A detailed comparison of the provisionally adopted standards and the *state essential academic learning requirements as of June 10, 2010, including the comparative level of rigor and specificity of the standards and the implications of any identified differences; and

(b) An estimated timeline and costs to the state and to school districts to implement the provisionally adopted standards, including providing necessary training, realignment of curriculum, adjustment of state assessments, and other actions.

(3) The superintendent may implement the revisions to the *essential academic learning requirements under this section after the 2011 legislative session unless otherwise directed by the legislature. [2010 c 235 § 601.]

***Reviser's note:** The term "essential academic learning requirements" in RCW 28A.655.070 was changed to "state learning standards" by 2019 c 252 s 119.

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

28A.655.075 Essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency—Assessments—Reports. (1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments. [2007 c 396 § 16; (2009 c 556 § 15 expired July 1, 2011).]

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Essential academic learning requirements and grade level expectations—Revised standards and curricula for mathematics and science—Duties of the state board of education and the superintendent of public instruction: RCW 28A.305.215.

Additional notes found at www.leg.wa.gov

28A.655.080 Washington kindergarten inventory of developing skills—Implementation and administration—Work group—Reports—Grants—Waivers. (1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of children, youth, and families, shall convene a work group to provide:

(i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills;

(ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in *RCW 28A.150.205; and

(iii) Recommendations with respect to achieving the goal of replacing assessments currently required by school districts with the Washington kindergarten inventory of developing skills.

(b) The work group shall include:

(i) One representative from the office of the superintendent of public instruction;

(ii) One representative from the department of children, youth, and families;

(iii) One representative from the nongovernmental private-public partnership defined in RCW 43.216.010;

(iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children and family services organization with a main campus in North Bend, Washington.

(c) The work group may solicit input from people who are recent implementers of the Washington kindergarten inventory of developing skills.

(d) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(e) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of the superintendent of public instruction, in consultation with the department of children, youth, and families.

(4) Until full statewide implementation of all-day kindergarten programs, the superintendent of public instruction, in consultation with the secretary of the department of children, youth, and families, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. [2018 c 58 § 1; 2012 c 51 § 2.]

***Reviser's note:** The reference to RCW 28A.150.205, which contains the definition of "instructional hours," appears to be erroneous.

Effective date—2018 c 58: "This act takes effect July 1, 2018." [2018 c 58 § 82.]

28A.655.090 Statewide student assessment—Reporting requirements. (1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall report to schools, school districts, and the legislature on the results of the statewide student assessment.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the statewide student assessment, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment;

(c) Disaggregation of results by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and, beginning with the 2009-10 school year, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794); and

(d) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the statewide student assessment.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet website.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of statewide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines. [2019 c 252 § 120; 2008 c 165 § 3; 1999 c 388 § 301; 1998 c 319 § 301. Formerly RCW 28A.630.889.]

Intent—2019 c 252: See note following RCW 28A.655.250.

Additional notes found at www.leg.wa.gov

28A.655.095 Students with cognitive disabilities—Alternative assessment system. The office of the superintendent of public instruction shall continue to actively collaborate with teachers and directors of special education programs in the development and implementation of a process to transition from the current portfolio system of assessment of students with significant cognitive challenges to a perfor-

mance task-based alternative assessment system based on state standards. Before such time as a new assessment becomes available, and within existing resources, the office of the superintendent of public instruction shall coordinate efforts to: Align academic goals in a student's individualized education program with the current statewide assessment system by identifying detailed statewide alternate achievement benchmarks for use by teachers in the current portfolio system; develop a transparent and reliable scoring process; efficiently use technology; and develop a sensible approval process to shorten the time involved in developing and collecting current assessment data for students with significant cognitive disabilities. [2011 c 75 § 2.]

Findings—2011 c 75: "The legislature finds that:

(1) One of the difficult issues facing states and school districts throughout the country is the meaningful inclusion of students with significant cognitive challenges in their current state assessment and accountability systems.

(2) Assessment and accountability systems provide valuable information to parents and educators, and all students deserve a system that encourages them to meaningfully access and make progress in the general education curriculum. Nevertheless, assessing the academic knowledge and skills of students with unique and significant cognitive disabilities can be challenging concerning the student's access to and progress in the general education curriculum. Furthermore, the development of meaningful assessment portfolios in the current system can be extremely time-consuming for both teachers and students, provide limited information for parents, and include questionable test and measurement practices." [2011 c 75 § 1.]

28A.655.100 Performance goals—Reporting requirements. Each school district board of directors shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level performance improvement goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.655.110.

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement. [1999 c 388 § 302.]

28A.655.110 Annual school performance report—Model report form. (1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily

understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in *RCW 28A.655.060 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years, student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the learning improvement plans for the school; (i) a summary of the feedback from parents and community members obtained under RCW 28A.655.115; and (j) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet website. [2010 c 235 § 703; 1999 c 388 § 303; 1993 c 336 § 1006. Formerly RCW 28A.320.205.]

***Reviser's note:** RCW 28A.655.060 was repealed by 2004 c 19 § 206.

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

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

28A.655.115 Outreach and feedback—Working group—Model feedback tools and strategies. (1) Beginning with the 2010-11 school year, each school shall conduct outreach and seek feedback from a broad and diverse range of parents, other individuals, and organizations in the community regarding their experiences with the school. The school shall summarize the responses in its annual report under RCW 28A.655.110.

(2) The office of the superintendent of public instruction shall create a working group with representatives of organizations representing parents, teachers, and principals as well as diverse communities. The working group shall also include a representative from the *achievement gap oversight and accountability committee. By September 1, 2010, the working group shall develop model feedback tools and strategies that school districts may use to facilitate the feedback

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process required in subsection (1) of this section. The model tools and strategies are intended to provide assistance to school districts. School districts are encouraged to adapt the models or develop unique tools and strategies that best fit the circumstances in their communities. [2010 c 235 § 702.]

***Reviser's note:** The "achievement gap oversight and accountability committee" was renamed the "educational opportunity gap oversight and accountability committee" by 2011 1st sp.s. c 21 § 33.

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

28A.655.130 Accountability implementation funds.

(1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) The amount of allocations shall be determined in the omnibus appropriations act.

(4) The state schools for the deaf and blind are eligible to receive allocations under this section.

(5) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds. [1999 c 388 § 402.]

28A.655.140 Technical assistance. (1) In order to increase the availability and quality of technical assistance statewide, the superintendent of public instruction, subject to available funding, may employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

(a) Assistance to schools to use student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning. [1999 c 388 § 403.]

28A.655.150 Consolidation of requirements for categorical grant programs—Use of electronic applications and reporting. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting. [1999 c 388 § 602.]

28A.655.180 Waivers for educational restructuring programs. (1) The state board of education may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) The state board of education may adopt rules establishing the waiver application process under this section. [2018 c 177 § 507; (2018 c 177 § 506 expired June 30, 2019); (2012 c 53 § 9 expired June 30, 2019); (2011 c 260 § 9 expired June 30, 2019); 2009 c 543 § 3; (1997 c 431 § 23 expired June 30, 1999); 1995 c 208 § 1. Formerly RCW 28A.630.945.]

Expiration date—2018 c 177 § 506: "Section 506 of this act expires June 30, 2019." [2018 c 177 § 704.]

Effective dates—2018 c 177 §§ 201, 202, 501-504, 507, and 701: See note following RCW 28A.150.222.

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Finding—Intent—2009 c 543: "The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day-to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four-day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential

value of operating on a flexible calendar, so long as adequate safeguards are put in place to prevent any negative impact on student learning." [2009 c 543 § 1.]

28A.655.185 Intent—Apple award program. (1) It is the intent of the legislature, through the creation of the apple award, to honor and reward students in Washington's public elementary schools who have shown significant improvement in their school's results on the statewide student assessment.

(2) The apple award program is created to honor and reward public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the statewide student assessment each school year. Beginning in the 2014-15 school year, the award shall be based on the percentage of students meeting the fourth grade English language arts and mathematics standards. The program shall be administered by the superintendent of public instruction.

(3) Within the amounts appropriated for this purpose, each school that receives an apple award shall be provided with a twenty-five thousand dollar grant to be used for capital construction purposes that have been selected by students in the school and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located. [2013 2nd sp.s. c 22 § 9; 2005 c 495 § 1.]

Findings—Intent—2013 2nd sp.s. c 22: See note following RCW 28A.655.061.

28A.655.200 Norm-referenced assessments—Diagnostic assessments. (1) The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance student learning at all grade levels and provide early intervention before the high school statewide student assessment.

(2) In addition to the diagnostic assessments provided under this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction shall post on its website for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Subject to the availability of amounts appropriated for this purpose, beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary, middle, and high school grades available to school districts. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school statewide student assessment. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

- (b) Individualized to each student's performance level;
 - (c) Administered efficiently to provide results either immediately or within two weeks;
 - (d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;
 - (e) Readily available to parents; and
 - (f) Cost-effective.
- (5) The office of the superintendent of public instruction shall offer training at statewide and regional staff development activities in:
- (a) The interpretation of diagnostic assessments; and
 - (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data. [2019 c 252 § 121; 2009 c 539 § 1; 2007 c 354 § 8; 2006 c 117 § 4; 2005 c 217 § 2.]

Intent—2019 c 252: See note following RCW 28A.655.250.

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

Intent—2006 c 117: See note following RCW 28A.600.045.

Additional notes found at www.leg.wa.gov

28A.655.210 K-12 education data improvement system. (1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and evaluation of a comprehensive K-12 education data improvement system by assigning the review and monitoring responsibilities to the education data center and the legislative evaluation and accountability program committee.

(2) It is the intent that the data system specifically service reporting requirements for teachers, parents, superintendents, school boards, the legislature, the office of the superintendent of public instruction, and the public.

(3) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

- (a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources available for curriculum and other classroom needs, and number and type of instructional support staff in the building;
- (b) The capacity to link educator assignment information with educator certification information such as certification number, type of certification, route to certification, certifica-

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tion program, and certification assessment or evaluation scores;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, performance on statewide and district summative and formative assessments to the extent district assessments are used, and performance on college readiness tests;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) The capacity to link educator information with student information;

(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(h) Separate accounting of state, federal, and local revenues and costs;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures:

(i) To support the accuracy and auditing of financial data; and

(ii) Using the prototypical school model for school district financial accounting reporting;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs;

(k) Information that is centrally accessible and updated regularly; and

(l) An anonymous, nonidentifiable replicated copy of data that is updated at least quarterly, and made available to the public by the state.

(4) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support a statewide K-12 education data improvement system under this section.

(5) It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under RCW 28A.300.507 available.

(6) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400, this section, and RCW 28A.300.507, only to the extent funds are available for this purpose. [2009 c 548 § 202.]

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

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

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

28A.655.220 Washington kindergarten inventory of developing skills—Fairness and bias review. Before implementing the Washington kindergarten inventory of developing skills as provided under RCW 28A.150.315, the superintendent of public instruction and the department of children, youth, and families must assure that a fairness and bias review of the assessment process has been conducted, including providing an opportunity for input from the educational opportunity gap oversight and accountability committee under RCW 28A.300.136 and from an additional diverse group of community representatives, parents, and educators

to be convened by the superintendent and the secretary of the department. [2018 c 58 § 28; 2011 c 340 § 2.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

28A.655.230 Reading skills—Meeting for grade placement and strategies for student improvement—Exemptions.

(1) The definitions in this subsection apply throughout this section and RCW 28A.655.235 unless the context clearly requires otherwise.

(a) "Basic" means a score on the statewide student assessment at a level two in a four-level scoring system.

(b) "Below basic" means a score on the statewide student assessment at a level one in a four-level scoring system.

(c) "Not meet the state standard" means a score on the statewide student assessment at either a level one or a level two in a four-level scoring system.

(2) Prior to the return of the results of the statewide student assessment in English language arts, elementary schools shall require meetings between teachers and parents of students in third grade who are reading below grade-level or who, based on formative or diagnostic assessment, and other indicators, are likely to score in the below basic level on the third grade statewide student assessment in English language arts. At the meeting, the teacher shall inform the parents or guardians of the requirements of this section and the intensive reading improvement strategies that will be available to students before fourth grade. The teacher also shall inform the parents and guardians of the school district's grade placement policy for the following year. Schools that have regularly scheduled parent teacher conferences may use those meetings to comply with this section.

(3) For students to be placed in fourth grade, the strategies provided by the school district must include an intensive improvement strategy provided, supported, or contracted by the school district that includes a summer program or other options developed to meet the needs of students to prepare for fourth grade.

(4) If a student in third grade scores below grade level on the third grade statewide student assessment in English language arts, and there was no meeting under subsection (2) of this section, the principal or his or her designee shall notify the student's parents or guardians of the following:

- (a) The below basic score;
- (b) An explanation of the requirements of this section;
- (c) The intensive improvement strategy options that are available;
- (d) The school district's grade placement policy;
- (e) Contact information for a school district employee who can respond to questions and provide additional information; and

(f) A reasonable deadline for obtaining the parent's consent regarding the student's intensive improvement strategies that will be implemented and the student's grade placement.

(5) The parent's or guardian's consent must be obtained regarding the appropriate grade placement and the intensive improvement strategy to be implemented. The school district must implement the strategy selected in consultation with the student's parents or guardians. If the school district does not receive a response from a parent by the deadline or a reasonable time thereafter, the principal or his or her designee shall make a decision on the student's grade placement for the fol-

lowing year and the intensive improvement strategies that will be implemented during the following school year.

(6) If the school principal and parent cannot agree on the appropriate grade placement and improvement strategies from the list of available options, the parent's request will be honored.

(7) If a student does not have a score in English language arts on the third grade statewide student assessment but the district determines, or is able to anticipate from, using district or classroom-based formative or diagnostic assessments or another standardized assessment, that the student's performance is equivalent to below basic in English language arts, the policy in subsections (2) through (6) of this section applies.

(8) Students participating in the transitional bilingual instruction program are exempt from the policy in subsections (2) through (6) of this section, unless the student has participated in the transitional bilingual instruction program for three school years and receives a score of below basic on the third grade statewide student assessment in English language arts.

(9) Students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts are exempt from subsections (2) through (8) of this section. Communication and consultation with parents or guardians of such students shall occur through the individualized education program process required under chapter 28A.155 RCW and associated administrative rules. [2015 c 125 § 1; 2013 2nd sp.s. c 18 § 105.]

Effective date—2015 c 125: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 2015]." [2015 c 125 § 2.]

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

28A.655.235 Reading skills—Intensive reading and literacy improvement strategy—Calculation of tested students at or below basic on third grade student assessment—State menu of best practices.

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best prac-

tices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students. [2013 2nd sp.s. c 18 § 106.]

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

28A.655.250 Graduation pathway options. (1)(a) Beginning with the class of 2020, except as provided in RCW 28A.230.320, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW 28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section. The pathway

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options established in this section are intended to provide a student with multiple pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student. A student may choose to pursue one or more of the pathway options under (b) of this subsection, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

(b) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with (a)(iv) of this subsection:

(i) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

(ii) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

(iii) Earn high school credit in a high school transition course in English language arts and mathematics, an example of which includes a bridge to college course. For the purposes of this subsection (1)(b)(iii), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

(iv) Earn high school credit, with a C+ grade, or receiving a three or higher on the AP exam, or equivalent, in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics; or receiving a four or higher on international baccalaureate exams. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition literature, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics; or any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following courses meets the standard: AP statistics, computer science, computer science principles, or calculus; or any of the international baccalaureate mathematics courses;

(v) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

(vi) Meet any combination of at least one English language arts option and at least one mathematics option established in (b)(i) through (v) of this subsection (1);

(vii) Meet standard in the armed services vocational aptitude battery; and

(viii) Complete a sequence of career and technical education courses that are relevant to a student's postsecondary

pathway, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, and that meet either: The curriculum requirements of core plus programs for aerospace, maritime, health care, information technology, or construction and manufacturing; or the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection (1)(b)(viii) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

(2) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in determining which pathway options under this section they will offer to students.

(3) The state board of education shall adopt rules to implement the graduation pathway options established in this section. [2021 c 7 § 3; 2019 c 252 § 201.]

Finding—Intent—Effective date—2021 c 7: See notes following RCW 28A.230.320.

Intent—2019 c 252: "The legislature intends to continue providing students with the opportunity to access a challenging learning environment and a meaningful diploma that supports every student in achieving his or her individualized career and college goals.

In an ongoing effort to create an educational system focused on individualized student learning that is culturally responsive to the needs of our diverse student population, the legislature must provide a system that allows each student to work with his or her teachers, parents or guardians, and counselors to identify the best ways to demonstrate appropriate readiness in furtherance of the student's career and college goals.

The legislature further recognizes that student-focused graduation pathways must be adaptable and allow students to change pathways as their goals shift. While standardized tests may be a graduation pathway option chosen by some to demonstrate career and college readiness, students should have other rigorous and meaningful pathway options to select from when demonstrating their proficiencies. The legislature, therefore, intends to create a system of multiple graduation pathway options that enable students to support their individual goals for high school and beyond." [2019 c 252 § 101.]

28A.655.260 Graduation pathway options—Report and survey. (1) The superintendent of public instruction shall collect the following information from school districts: Which of the graduation pathways under RCW 28A.655.250 are available to students at each of the school districts; and the number of students using each graduation pathway for graduation purposes. This information shall be reported annually to the education committees of the legislature beginning January 10, 2021. To the extent feasible, data on student participation in each of the graduation pathways shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

(2) Beginning August 1, 2019, the state board of education shall survey interested parties regarding what additional graduation pathways should be added to the existing graduation pathways identified in RCW 28A.655.250 and whether modifications should be made to any of the existing pathways. Interested parties shall include at a minimum: High school students; recent high school graduates; representatives from the state board for community and technical colleges and four-year higher education institutions; representatives from the apprenticeship and training council; associations representing business; members of the educational opportunity gap oversight and accountability committee; and associ-

ations representing educators, school board members, school administrators, superintendents, and parents. The state board of education shall provide reports to the education committees of the legislature by August 1, 2020, and December 10, 2022, summarizing the information collected in the surveys.

(3) Using the data reported by the superintendent of public instruction under subsection (1) of this section, the state board of education shall survey a sampling of the school districts unable to provide all of the graduation pathways under RCW 28A.655.250 in order to identify the types of barriers to implementation school districts have. Using the survey results from this subsection and the survey results collected under subsection (2) of this section, the state board of education shall review the existing graduation pathways, suggested changes to those graduation pathways, and the options for additional graduation pathways, and shall provide a report to the education committees of the legislature by December 10, 2022, on the following:

(a) Recommendations on whether changes to the existing pathways should be made and what those changes should be;

(b) The barriers school districts have to offering all of the graduation pathways and recommendations for ways to eliminate or reduce those barriers for school districts;

(c) Whether all students have equitable access to all of the graduation pathways and, if not, recommendations for reducing the barriers students may have to accessing all of the graduation pathways; and

(d) Whether additional graduation pathways should be included and recommendations for what those pathways should be. [2021 c 144 § 3; 2019 c 252 § 202.]

Intent—2019 c 252: See note following RCW 28A.655.250.

28A.655.270 Student support for graduation—Student learning plans. (*Effective August 31, 2022.*) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation in whichever graduation pathway the student chooses, each school district shall:

(1) Provide students who did not meet or exceed the standard on the high school assessments in English language arts or mathematics under RCW 28A.655.070, with the opportunity to access any combination of interventions, academic supports, or courses, that are designed to support students in meeting high school graduation requirements. These interventions, supports, and courses must be rigorous and consistent with the student's educational and career goals identified in his or her high school and beyond plan, and may include career and technical education equivalencies in English language arts or mathematics adopted under RCW 28A.230.097; and

(2) Prepare student learning plans and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who are not on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the

extent feasible, schools serving English language learner students and their parents shall translate the student learning plan into the primary language of the family. The student learning plan must include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual instruction program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps the student needs to take to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until age twenty-one;
- (h) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (i) Available programs offered through skill centers or community and technical colleges, including diploma options under RCW 28B.50.535. [2019 c 252 § 203.]

Effective date—2019 c 252 § 203: "Section 203 of this act takes effect August 31, 2022." [2019 c 252 § 506.]

Intent—2019 c 252: See note following RCW 28A.655.250.

28A.655.280 Applicability of certificates of individual achievement and assessments. RCW 28A.155.045, 28A.655.061, and 28A.655.065, as they existed on January 1, 2019, apply to students in the graduating class of 2018 and prior graduating classes. [2019 c 252 § 401.]

Intent—2019 c 252: See note following RCW 28A.655.250.

28A.655.300 Global citizens in a global society. By September 1, 2021, the office of the superintendent of public instruction shall identify existing state learning standards that address the knowledge and skills that all public school students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures. These state learning standards must be periodically updated to incorporate best practices in ethnic studies. [2020 c 59 § 1; 2019 c 279 § 2.]

Intent—2019 c 279: "The legislature stated in RCW 28A.150.210 that a "basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens." In order to prepare students to be global citizens, the legislature intends to require the office of the superintendent of public instruction to develop, and periodically update, essential academic learning requirements and grade-level expectations that identify the knowledge and skills that all public school students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures. The office of the superintendent of public instruction must also identify and make available ethnic studies materials and resources for use in grades seven through twelve. The legislature also intends to encourage public schools with students in grades seven through twelve to offer an ethnic studies course that incorporates the materials and resources." [2019 c 279 § 1.]

Intent—2019 c 279: See note following RCW 28A.300.112.

**Chapter 28A.657 RCW
ACCOUNTABILITY SYSTEM**

Sections

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28A.657.005 Findings. (1) The legislature finds that an effective educational accountability system is premised on creating and maintaining partnerships between the state and local school district boards of directors. The legislature also recognizes it takes time to make significant changes that are sustainable over the long term in an educational system that serves more than one million students from diverse communities.

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

(3) The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support.

(4) For a specific group of persistently lowest-achieving schools and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified schools. The legislature finds that state takeover of persistently lowest-achieving schools is unlikely to produce long-term improvement in student achievement because takeover is an unsustainable approach to school governance and an inadequate response to addressing the underlying barriers to improved outcomes for all students. However, in the rare case of a persistently lowest-achieving school that continues to fail to improve even after required action and supplemental assistance, it is appropriate and necessary to assign the superintendent of public instruction the responsibility to intercede, provide robust technical assistance, and direct the necessary interventions. Even though the superintendent of public instruction continues to work in partnership with the local school board, the superintendent of public instruction is accountable for assuring that adequate steps are taken to improve student achievement in these schools.

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

(6) Phase II of this accountability system will work toward implementing the Washington achievement index for identification of challenged schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and federal and state funds through a comprehensive system of differentiated support, targeted assistance, and intervention beginning in the 2014-15 school year. If federal approval of the Washington achievement index is not obtained, the federal guidelines for identifying schools will continue to be used. If it ever becomes necessary, a process is established to assign responsibility to the superintendent of public instruction to intervene in persistently lowest-achieving schools that have failed to improve despite required action.

(7) The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century. [2013 c 159 § 1; 2010 c 235 § 101.]

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

28A.657.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

(3) "Turnaround principles" include but are not limited to the following:

- (a) Providing strong leadership;
- (b) Ensuring teachers are effective and able to improve instruction;
- (c) Increasing learning time;
- (d) Strengthening the school's instructional program;
- (e) Using data to inform instruction;
- (f) Establishing a safe and supportive school environment; and
- (g) Engaging families and communities. [2013 c 159 § 2; 2010 c 235 § 112.]

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

28A.657.020 Persistently lowest-achieving schools—Challenged schools—Identification—Criteria—Washington achievement index. (1) Beginning in 2010, and each year thereafter through December 1, 2012, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

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

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

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

(3)(a) Beginning February 1, 2014, and each February thereafter, the superintendent of public instruction shall annually identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state.

(b) The criteria for determining whether a school is a challenged school in need of improvement shall be adopted by the superintendent of public instruction in rule. The criteria must meet all applicable federal requirements under Title I of the elementary and secondary education act of 1965 and other federal rules or guidance, including applicable requirements for the receipt of federal school improvement funds if available, but shall apply equally to Title I, Title I-eligible, and non-Title I schools in the state. The criteria must take into account the academic achievement of the "all students" group

and subgroups of students in a school in terms of proficiency on the state assessments in reading or English language arts and mathematics and a high school's graduation rate for all students and subgroups of students. The superintendent may establish tiered categories of challenged schools based on the relative performance of all students, subgroups of students, and other factors.

(c) The superintendent of public instruction shall also adopt criteria in rule for determining whether a challenged school in need of improvement is also a persistently lowest-achieving school for purposes of the required action district process under this chapter, which shall include the school's lack of progress for all students and subgroups of students over a number of years. The criteria for identifying persistently lowest-achieving schools shall also take into account the level of state or federal resources available to implement a required action plan.

(d) If the Washington achievement index is approved by the United States department of education for use in identifying schools for federal purposes, the superintendent of public instruction shall use the approved index to identify schools under (b) and (c) of this subsection. [2014 c 191 § 1; 2013 c 159 § 3; 2010 c 235 § 102.]

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

28A.657.030 Required action districts—Recommendation for designation—Reconsideration—Designation—Notice. (1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest-achieving school according to the criteria established by the superintendent of public instruction under RCW 28A.657.020 shall be designated as a required action district. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 or 2011 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 or 2011 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

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

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsec-

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tion (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in RCW 28A.657.040 through 28A.657.100. [2013 c 159 § 4; 2010 c 235 § 103.]

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

28A.657.040 Academic performance audits of lowest-achieving schools in required action districts—External review teams—Audit findings. (1) The superintendent of public instruction shall contract with an external review team to conduct an academic performance audit of the district and each persistently lowest-achieving school in a required action district to identify the potential reasons for the school's low performance and lack of progress. The review team must consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and may not include staff from the agency, the school district that is the subject of the audit, or members or staff of the state board of education.

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

- (a) Student demographics;
- (b) Mobility patterns;
- (c) School feeder patterns;
- (d) The performance of different student groups on assessments;
- (e) Effective school leadership;
- (f) Strategic allocation of resources;
- (g) Clear and shared focus on student learning;
- (h) High standards and expectations for all students;
- (i) High level of collaboration and communication;
- (j) Aligned curriculum, instruction, and assessment to state standards;
- (k) Frequency of monitoring of learning and teaching;
- (l) Focused professional development;
- (m) Supportive learning environment;
- (n) High level of family and community involvement;
- (o) Alternative secondary schools best practices; and
- (p) Any unique circumstances or characteristics of the school or district.

(3) Audit findings must be made available to the local school district, its staff, the community, and the state board of education. [2010 c 235 § 104.]

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

28A.657.050 Required action plans—Development—Publication of guidelines, research, and models—Submission—Contents—Effect on existing collective bargaining agreements. (1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions rep-

representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turn-around principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of an approved school improvement model required for the receipt of federal or state funds for school improvement for those persistently lowest-achieving schools that the district will be focusing on for required action. The approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for federal or state funds for school improvement to the superintendent of public instruction;

(c) A budget that provides for adequate resources to implement the model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW

after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic perfor-

mance audit, and allows for the award of federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement an approved school improvement model. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement an approved school improvement model in a required action plan. [2013 c 159 § 6; (2013 c 159 § 5 expired June 30, 2019); (2012 c 53 § 10 expired June 30, 2019); 2010 c 235 § 105.]

Effective date—2013 c 159 § 6: "Section 6 of this act takes effect June 30, 2019." [2013 c 159 § 16.]

Expiration date—2013 c 159 § 5: "Section 5 of this act expires June 30, 2019." [2013 c 159 § 15.]

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

28A.657.060 Required action plans—Approval or nonapproval by state board of education—Resubmission or reconsideration—Implementation. A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in RCW 28A.657.050. The state board of education shall approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement. Any addendum or modification to an existing collective bargaining agreement, negotiated under RCW 28A.657.050 or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under RCW 28A.657.080. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall either: (1) Submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected, or (2) submit a request to the required action plan

review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. If federal or state funds for school improvement are not available, the plan is not required to be implemented until such funding becomes available. If federal or state funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district. [2013 c 159 § 7; 2010 c 235 § 106.]

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

28A.657.070 Required action plan review panel—Membership—Duties—Timelines and procedures for deliberations. (1) A required action plan review panel shall be established to offer an objective, external review of a request from a school district for reconsideration of the state board of education's rejection of the district's required action plan or reconsideration of a level two required action plan developed only by the superintendent of public instruction as provided under RCW 28A.657.105. The review and reconsideration by the panel shall be based on whether the state board of education or the superintendent of public instruction gave appropriate consideration to the unique circumstances and characteristics identified in the academic performance audit or level two needs assessment and review of the local school district.

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

(b) The speaker of the house of representatives, president of the senate, and governor shall solicit recommendations for possible panel members from the Washington association of school administrators, the Washington state school directors' association, the association of Washington school principals, the educational opportunity gap oversight and accountability committee, and associations representing certificated teachers, classified school employees, and parents.

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

(3)(a) In the case of a rejection of a required action plan, the required action plan review panel may reaffirm the decision of the state board of education, recommend that the state board reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and the state board of education to secure approval of the plan. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within forty days of the board's decision.

(b) In the case of a level two required action plan where the local school district and the superintendent of public instruction have not come to agreement, the required action plan review panel may reaffirm the level two required action plan submitted by the superintendent of public instruction or recommend changes to the plan that should be considered by the state board of education, the superintendent of public instruction, and the local school district. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district, the superintendent of public instruction, and the panel.

(4) The state board of education and superintendent of public instruction must develop timelines and procedures for the deliberations under this section so that school districts can implement a required action plan within the time frame required under RCW 28A.657.060. [2013 c 159 § 8; 2010 c 235 § 107.]

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

28A.657.080 Redirecting Title I funds based on academic performance audit findings. The state board of education may direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings. [2010 c 235 § 108.]

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

28A.657.090 Required action plans—Implementation—Technical assistance and funds—Progress report. A school district must implement a required action plan upon approval by the state board of education. The office of the superintendent of public instruction must provide the required action district with technical assistance and federal or state funds for school improvement, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan. [2013 c 159 § 9; 2010 c 235 § 109.]

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

28A.657.100 Required action districts—Progress reports—Release from designation—Assignment to level two of the required action process. (1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria adopted under RCW 28A.657.020 including progress in closing the

educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release after at least three years of implementing a required action plan, the board may recommend that the district remain in required action and submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in RCW 28A.657.105. If the required action district received a federal school improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress. [2020 c 114 § 3; 2013 c 159 § 10; 2010 c 235 § 110.]

Effective date—2020 c 114: See note following RCW 28A.175.075.

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

28A.657.105 Required action process—Level two schools and plans. (1) School districts assigned by the state board of education to level two of the required action process under this chapter are those with one or more schools that have remained as persistently lowest-achieving for more than three years and have not demonstrated recent and significant improvement or progress toward exiting persistently lowest-achieving status, despite implementation of a required action plan.

(2) Within ninety days following assignment of a school district to level two of the required action process, the superintendent of public instruction shall direct that a needs assessment and review be conducted to determine the reasons why the previous required action plan did not succeed in improving student achievement.

(3)(a) Based on the results of the needs assessment and review, the superintendent of public instruction shall work collaboratively with the school district board of directors to develop a revised required action plan for level two.

(b) The level two required action plan must explicitly address the reasons why the previous plan did not succeed and must specify the interventions that the school district must implement, which may include assignment or reassignment of personnel, reallocation of resources, use of specified curriculum or instructional strategies, use of a specified school improvement model, or any other conditions determined by the superintendent of public instruction to be necessary for the level two required action plan to succeed, which conditions shall be binding on the school district. The level two required action plan shall also include the specific technical assistance and support to be provided by the office of the superintendent of public instruction, which may include assignment of school improvement specialists to have a regular on-site presence in the school and technical assistance provided through the educational service district. Individuals assigned as on-site school improvement specialists must have demonstrated experience in school turnaround and cultural competence.

(c) The level two required action plan must be submitted to the state board of education for approval.

(4) If the superintendent of public instruction and the school district board of directors are unable to come to an agreement on a level two required action plan within ninety days of the completion of the needs assessment and review conducted under subsection (2) of this section, the superintendent of public instruction shall complete and submit a level two required action plan directly to the state board of education for approval. The school district board of directors may submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the superintendent's level two required action plan within ten days of the submission of the plan to the state board of education. After the state board of education considers the recommendations of the required action plan review panel, the decision of the board regarding the level two required action plan is final and not subject to further reconsideration.

(5) If changes to a collective bargaining agreement are necessary to implement a level two required action plan, the parties must reopen the agreement, or negotiate an addendum, using the process outlined under RCW 28A.657.050. If the level two required action plan is developed by the superintendent of public instruction under subsection (4) of this section, a designee of the superintendent shall participate in the discussions among the parties to the collective bargaining agreement.

(6) While a school district is assigned to level two of the required action process under this chapter, the superintendent of public instruction is responsible and accountable for assuring that the level two required action plan is implemented with fidelity. The superintendent of public instruction shall defer to the school district board of directors as the governing authority of the school district and continue to work in partnership with the school district to implement the level two required action plan. However, if the superintendent of public instruction finds that the level two required action plan is not being implemented as specified, including the implementation of any binding conditions within the plan, the superintendent may direct actions that must be taken by school district personnel to implement the level two required action plan or the binding conditions. If necessary, the superintendent of public instruction may exercise authority under RCW 28A.505.120 regarding allocation of funds.

(7) The superintendent of public instruction shall include in the budget estimates and information submitted to the governor under RCW 28A.300.170 a request for sufficient funds to support implementation of the level two required action plans established under this section.

(8) The superintendent of public instruction must recommend to the state board of education that a school district be released from assignment to level two of the required action process after the district implements the level two required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria established under RCW 28A.657.020; and no longer has a school within the district identified as persistently lowest-achieving. The state board of education shall release a school district from the level two assignment upon confirmation that the school district has met the requirements for a release. [2013 c 159 § 11.]

(2022 Ed.)

28A.657.110 Accountability framework for system of support for challenged schools—Washington achievement index—Recognition of schools for exemplary performance—Use of state system to replace federal accountability system.

(1) By November 1, 2013, the state board of education shall propose rules for adoption establishing an accountability framework that creates a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. The board must seek input from the public and interested groups in developing the framework. Based on the framework, the superintendent of public instruction shall design a comprehensive system of specific strategies for recognition, provision of differentiated support and targeted assistance, and, if necessary, requiring intervention in schools and school districts. The superintendent shall submit the system design to the state board of education for review. The state board of education shall recommend approval or modification of the system design to the superintendent no later than January 1, 2014, and the system must be implemented statewide no later than the 2014-15 school year. To the extent state funds are appropriated for this purpose, the system must apply equally to Title I, Title I-eligible, and non-Title I schools in the state.

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

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

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

(5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in *RCW 28A.290.020 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and school districts but also as

a tool for schools and school districts to report to the state legislature and the state board of education on how the state resources received are being used. [2013 c 159 § 12; 2010 c 235 § 111; 2009 c 548 § 503. Formerly RCW 28A.305.225.]

*Reviser's note: RCW 28A.290.020 was repealed by 2016 c 162 § 5.

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

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

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

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

28A.657.120 Rules. The superintendent of public instruction and the state board of education may each adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter. [2010 c 235 § 113.]

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

28A.657.150 Identification of schools with highest growth in English language learner students—Cultural competence professional development and training. At the beginning of each school year, the office of the superintendent of public instruction shall identify schools in the top five percent of schools with the highest percent growth during the previous two school years in enrollment of English language learner students as compared to previous enrollment trends. The office shall notify the identified schools, and the school districts in which the schools are located are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and *28A.415.420 for classified, certificated instructional, and administrative staff of the schools. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community. [2016 c 72 § 402.]

*Reviser's note: RCW 28A.415.420 was repealed by 2021 c 197 § 14.

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

Chapter 28A.660 RCW ALTERNATIVE ROUTE TEACHER CERTIFICATION

Sections

28A.660.005	Findings—Declaration.
28A.660.020	Program design—Funding—Reports.
28A.660.035	Partnership programs—Priority assistance in advancing cultural competency skills.
28A.660.060	Employment of certain personnel not affected.
28A.660.080	Application—Conditional scholarship and loan repayment agreements.

28A.660.005 Findings—Declaration. (1) The legislature finds and declares:

(a) Teacher qualifications and effectiveness are the most important influences on student learning in schools;

(b) Preparation of individuals to become well-qualified, effective teachers must be high quality;

(c) Teachers who complete high quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs;

(d) High quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching;

(e) High quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location;

(f) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state; and

(g) Teachers need an adequate background in subject matter content if they are to teach it well, and should hold full, appropriate credentials in those subject areas.

(2) The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools, current certificated staff, and unemployed certificate holders represent a great untapped resource for recruiting more teachers in critical shortage areas. [2007 c 396 § 5; 2001 c 158 § 1.]

Finding—Intent—2007 c 396: See note following RCW 28A.188.020.

Additional notes found at www.leg.wa.gov

28A.660.020 Program design—Funding—Reports.

(1)(a) Alternative route programs are partnerships between Washington professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate. Program design of alternative route programs must evolve over time to reflect innovations and improvements in educator preparation.

(b) The Washington professional educator standards board must construct rules that address the competitive grant process and program design.

(2) As provided in RCW 28A.410.210, it is the duty of the Washington professional educator standards board to establish policies for the approval of nontraditional preparation programs and to provide oversight and accountability related to the quality of these programs. In establishing and amending rules for alternative route programs, the Washington professional educator standards board shall:

(a) Uphold design criteria for alternative route programs that are innovative and reflect evidence-based practice;

(b) Ensure that approved partnerships reflect district engagement in their resident alternative route program as an integral part of their future workforce development, as well as school and student learning improvement strategies;

(c) Issue certificates necessary for student teachers to serve as substitute teachers in classrooms within the residency school for up to ten days per school year;

(d) Prioritize program designs tailored to the needs of experienced paraeducators and candidates of high academic attainment in, or with occupational industry experience relevant to, the subject area they intend to teach. In doing so the program designs must take into account school district demand for certain teacher credentials;

(e) Expand access and opportunity for individuals to become teachers statewide; and

(f) Give preference in admissions to applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program.

(3) Beginning December 1, 2017, and by December 1st each odd-numbered year thereafter, the Washington profes-

sional educator standards board shall report to the education committees of the house of representatives and the senate the following outcomes as indicators that alternative route programs are meeting legislative intent through the regulation and oversight of the Washington professional educator standards board. In considering administrative rules for, and reporting outcomes of, alternative route programs, the Washington professional educator standards board shall examine the following data on alternative route program participants:

- (a) The number and percentage hired as certificated teachers;
- (b) The percentage from underrepresented populations;
- (c) Three-year and five-year retention rates of participants hired as certificated teachers;
- (d) The average hiring dates; and
- (e) The percentage hired by districts in which the participants completed their alternative route programs.

(4) Subject to the availability of amounts appropriated for this specific purpose, alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars. [2019 c 295 § 106; 2017 c 14 § 1; 2010 c 235 § 503; 2006 c 263 § 816; 2004 c 23 § 2; 2003 c 410 § 1; 2001 c 158 § 3.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

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

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

28A.660.035 Partnership programs—Priority assistance in advancing cultural competency skills. The office of the superintendent of public instruction shall identify school districts that have the most significant academic disparities among subgroups of students and for large numbers of those students, and districts that should receive priority for assistance in advancing cultural competency skills in their workforce. The Washington professional educator standards board shall provide assistance to the identified school districts to develop partnership programs between the districts and teacher preparation programs to provide alternative route programs under RCW 28A.660.020 and to recruit paraeducators and other persons in the local community to become certificated as teachers. An alternative route partnership program proposed by an identified school district shall receive priority eligibility for partnership grants under RCW 28A.660.020. To the maximum extent possible, the board shall coordinate the recruiting Washington teachers program under RCW 28A.415.370 with the alternative route partnership programs under this section. [2019 c 295 § 107; 2017 c 14 § 2; 2009 c 468 § 6.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

(2022 Ed.)

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

28A.660.060 Employment of certain personnel not affected. School districts or approved private schools' ability to employ personnel under certification for emergency or temporary, substitute, or provisional duty as authorized by chapter 28A.410 RCW are not affected by the provisions of this chapter. [2001 c 158 § 10.]

28A.660.080 Application—Conditional scholarship and loan repayment agreements. Nothing in RCW 28B.102.020, 28B.102.030, 28B.102.045, 28B.102.055, 28B.102.080 through 28B.102.160, 43.79A.040, or sections 210 and 226, chapter 295, Laws of 2019 modifies or otherwise affects conditional scholarship or loan repayment agreements under this chapter or chapter 28B.102 RCW existing before May 8, 2019. [2019 c 295 § 228.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

Chapter 28A.690 RCW AGREEMENT ON QUALIFICATIONS OF PERSONNEL

Sections

- 28A.690.010 Compact entered into—Terms.
- 28A.690.020 Superintendent as "designated state official," compact administrator—Professional educator standards board to approve text of contracts.
- 28A.690.030 True copies of contracts filed in office of superintendent—Publication.

28A.690.010 Compact entered into—Terms. The Interstate Agreement on Qualifications of Educational Personnel is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

Article I

1. The states party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose

of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states or origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his or her state, contracts pursuant to this Agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

1. The designated state official of a party state may make one or more contracts on behalf of his or her state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with states in which he or she finds that there are programs of education, certification standards or other acceptable qualifica-

tions that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his or her own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certifi-

cation and other elements of educational personnel qualification.

Article VI

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII

1. This Agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this Agreement.

2. Any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters. [1990 c 33 § 545; 1969 ex.s. c 283 § 4. Formerly RCW 28A.93.010, 28.93.010.]

Additional notes found at www.leg.wa.gov

28A.690.020 Superintendent as "designated state official," compact administrator—Professional educator standards board to approve text of contracts. The "designated state official" for this state under Article II of RCW 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to adopt rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the professional educator standards board. [2006 c 263 § 818; 1990 c 33 § 546; 1969 ex.s. c 283 § 5. Formerly RCW 28A.93.020, 28.93.020.]

(2022 Ed.)

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

Additional notes found at www.leg.wa.gov

28A.690.030 True copies of contracts filed in office of superintendent—Publication. True copies of all contracts made on behalf of this state pursuant to the Agreement as provided in RCW 28A.690.010 shall be kept on file in the office of the superintendent of public instruction. The superintendent of public instruction shall publish all such contracts in convenient form. [1990 c 33 § 547; 1969 ex.s. c 283 § 6. Formerly RCW 28A.93.030, 28.93.030.]

Additional notes found at www.leg.wa.gov

Chapter 28A.700 RCW

SECONDARY CAREER AND TECHNICAL EDUCATION

Sections

28A.700.005	Findings—Intent—2008 c 170.
28A.700.010	Career and technical education—Plans—Standards—Technical assistance—Leadership development.
28A.700.020	List of statewide high-demand programs—Definitions.
28A.700.030	Preparatory secondary career and technical education programs—Criteria.
28A.700.040	Performance measures and targets—Improvement plans—Denial of approval or reapproval of program.
28A.700.050	Grants to develop or upgrade high-demand career and technical education programs.
28A.700.060	Model career and technical education programs.
28A.700.070	Course equivalencies for career and technical courses—Curriculum frameworks and course lists—Grants to increase academic rigor.
28A.700.080	Awareness campaign for career and technical education.
28A.700.090	Grants for state or industry certification testing fees.
28A.700.100	Entry-level aerospace assembler training program—Grants to high schools—Selection criteria—Data collection by education data center—Reports.
28A.700.110	Enhanced manufacturing skills programs—Grants to skill centers—Selection criteria—Data collection by education data center—Reports.
28A.700.130	Career launch program funding.
28A.700.900	Short title.

28A.700.005 Findings—Intent—2008 c 170. (1) The legislature finds that many secondary career and technical education programs have made progress in retooling for the twenty-first century by aligning with state and nationally certified programs that meet industry standards and by increasing the rigor of academic content in core skills such as reading, writing, mathematics, and science.

(2) However, the legislature also finds that increased expectations for students to meet the state's academic learning standards require students to take remedial courses. The state board of education is considering increasing credit requirements for high school graduation. Together these policies could restrict students from pursuing high quality career and technical education programs because students would not have adequate time in their schedules to enroll in a progressive sequence of career and technical courses.

(3) The legislature further finds that teachers, counselors, students, and parents are not well-informed about the opportunities presented by high quality career and technical education. Secondary career and technical education is not a stopping point but a beginning point for further education, including through a bachelor's degree. Secondary preapprenticeships and courses aligned to industry standards can lead

directly to workforce entry as well as to additional education. Career and technical education is a proven strategy to engage and motivate students, including students at risk of dropping out of school entirely.

(4) Finally, the legislature finds that state policies have been piecemeal in support of career and technical education. Laws exist to require state approval of career and technical programs, but could be strengthened by requiring alignment with industry standards and focusing on high-demand fields. Tech prep consortia have developed articulation agreements for dual credit and smooth transitions between high schools and colleges, but agreements remain highly decentralized between individual faculty and individual schools. Laws require school districts to create equivalences between academic and career and technical courses, but more support and professional development is needed to expand these opportunities.

(5) Therefore it is the legislature's intent to identify the gaps in current laws and policies regarding secondary career and technical education and fill those gaps in a comprehensive fashion to create a coherent whole. This act seeks to increase the quality and rigor of secondary career and technical education, improve links to postsecondary education, encourage and facilitate academic instruction through career and technical courses, and expand access to and awareness of the opportunities offered by high quality career and technical education. [2008 c 170 § 1.]

28A.700.010 Career and technical education—Plans—Standards—Technical assistance—Leadership development. (1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall periodically review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall develop a schedule for career and technical education plan reapproval under this section that includes an abbreviated review process for programs reapproved after 2005, but before June 12, 2008. All school district career and technical education programs must meet the requirements of this section by August 31, 2010.

(2) To receive approval, school district plans must:

(a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education;

(b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district career and technical program planning requirements that include:

(i) An assessment of equipment and technology needs to support the skills training of technical students;

(ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;

(iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community;

(iv) A description of the leadership activities to be provided for technical education students; and

(v) Annual local school board approval;

(c) Demonstrate that all preparatory career and technical education courses offered by the district meet the requirements of RCW 28A.700.030;

(d) Demonstrate progress toward meeting or exceeding the targets established under RCW 28A.700.040 of an increased number of career and technical programs in high-demand fields; and

(e) Demonstrate that approved career and technical programs maximize opportunities for students to earn dual credit for high school and college.

(3) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

(4) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington SkillsUSA, Washington family, career and community leaders, and Washington technology students associations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

(5) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education. [2008 c 170 § 101; 2001 c 336 § 2. Formerly RCW 28C.04.100.]

28A.700.020 List of statewide high-demand programs—Definitions. (1) The office of the superintendent of public instruction, in consultation with the workforce training and education coordinating board, the Washington state apprenticeship and training council, and the state board for community and technical colleges, shall develop a list of statewide high-demand programs for secondary career and technical education. The list shall be developed using the high-demand list maintained by workforce development councils in consultation with the employment security department, and the high employer demand programs of study identified by the workforce training and education coordinating board. Local school districts may recommend additional high-demand programs in consultation with local career and technical education advisory committees by submitting evidence of local high demand.

(2) As used in this section and in RCW 28A.700.040, 28A.700.050, and 28A.700.060, and *section 307 of this act:

(a) "High-demand program" means a career and technical education program that prepares students for either a high employer demand program of study or a high-demand occupation, or both.

(b) "High employer demand program of study" means an apprenticeship or an undergraduate or graduate certificate or degree program in which the number of students per year prepared for employment from in-state programs is substantially fewer than the number of projected job openings per year in that field, either statewide or in a substate region.

(c) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities. [2012 c 229 § 802; 2008 c 170 § 102.]

***Reviser's note:** Section 307 of this act was vetoed.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.700.030 Preparatory secondary career and technical education programs—Criteria. All approved preparatory secondary career and technical education programs must meet the following minimum criteria:

(1) Either:

(a) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field; or

(b) Allow students to earn dual credit for high school and college through career and technical education, advanced placement, or other agreements or programs;

(2) Be comprised of a sequenced progression of multiple courses that are technically intensive and rigorous; and

(3) Lead to workforce entry, state or nationally approved apprenticeships, or postsecondary education in a related field. [2022 c 75 § 6; 2008 c 170 § 103; 2006 c 115 § 2. Formerly RCW 28C.04.110.]

28A.700.040 Performance measures and targets—Improvement plans—Denial of approval or reapproval of program. (1) The office of the superintendent of public instruction shall establish performance measures and targets and monitor the performance of career and technical education programs in at least the following areas:

(a) Student participation in and completion of high-demand programs as identified under RCW 28A.700.020;

(b) Students earning dual credit for high school and college; and

(c) Performance measures and targets established by the workforce training and education coordinating board, including but not limited to student academic and technical skill attainment, graduation rates, postgraduation employment or enrollment in postsecondary education, and other measures and targets as required by the federal Carl Perkins act, as amended.

(2) If a school district fails to meet the performance targets established under this section, the office of the superintendent of public instruction may require the district to submit an improvement plan. If a district fails to implement an improvement plan or continues to fail to meet the performance targets for three consecutive years, the office of the

superintendent of public instruction may use this failure as the basis to deny the approval or reapproval of one or more of the district's career and technical education programs. [2008 c 170 § 104.]

28A.700.050 Grants to develop or upgrade high-demand career and technical education programs. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to middle schools, high schools, or skill centers, to develop or upgrade high-demand career and technical education programs as identified under RCW 28A.700.020. Grant funds shall be allocated on a one-time basis and may be used to purchase or improve curriculum, create preapprenticeship programs, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new program or improve the rigor and quality of a high-demand program. Priority in allocating the funds shall be given to programs that are also considered high cost due to the types of technology and equipment necessary to maintain industry certification. Priority shall also be given to programs considered in most high demand in the state or applicable region. [2008 c 170 § 105.]

28A.700.060 Model career and technical education programs. (1) The office of the superintendent of public instruction, the workforce training and education coordinating board, the state board for community and technical colleges, and the council of presidents shall work with local school districts, workforce education programs in colleges, tech prep consortia, and four-year institutions of higher education to develop model career and technical education programs of study as described by this section.

(2) Career and technical education programs of study:

(a) Incorporate secondary and postsecondary education elements;

(b) Include coherent and rigorous academic content aligned with state learning standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that are aligned with postsecondary education in a related field;

(c) Include opportunities for students to earn dual high school and college credit; and

(d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

(3) During the 2008-09 school year, model career and technical education programs of study shall be developed for the following high-demand programs: Construction, health care, and information technology. Each school year thereafter, the office of the superintendent of public instruction, the state board for community and technical colleges, and the workforce training and education coordinating board shall select additional programs of study to develop, with a priority on high-demand programs as identified under RCW 28A.700.020. [2012 c 229 § 803; 2008 c 170 § 107.]

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

28A.700.070 Course equivalencies for career and technical courses—Curriculum frameworks and course lists—Grants to increase academic rigor. (1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop and, after an opportunity for public comment, approve curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose academic standards content is considered equivalent in full or in part to the academic courses that meet high school graduation requirements. These courses may include equivalency to English language arts, mathematics, science, social studies, arts, world languages, or health and physical education. The content of the courses must be aligned with the most current Washington K-12 learning standards in English language arts, mathematics, science, arts, world languages, health and physical education, social studies, and required industry standards. The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the superintendent of public instruction may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers. The superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources. [2018 c 191 § 1; 2018 c 177 § 304; 2014 c 217 § 101; 2008 c 170 § 201.]

Reviser's note: This section was amended by 2018 c 177 § 304 and by 2018 c 191 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

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

28A.700.080 Awareness campaign for career and technical education. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall develop and conduct an ongoing campaign

for career and technical education to increase awareness among teachers, counselors, students, parents, principals, school administrators, and the general public about the opportunities offered by rigorous career and technical education programs. Messages in the campaign shall emphasize career and technical education as a high quality educational pathway for students, including for students who seek advanced education that includes a bachelor's degree or beyond. In particular, the office shall provide information about the following:

(a) The model career and technical education programs of study developed under RCW 28A.700.060;

(b) Career and technical education course equivalencies and dual credit for high school and college;

(c) The availability of scholarships for postsecondary workforce education, including the Washington award for vocational excellence, and apprenticeships through the opportunity grant program under RCW 28B.50.271, grants under RCW 28A.700.090, and other programs; and

(d) Education, apprenticeship, and career opportunities in emerging and high-demand programs.

(2) The office shall use multiple strategies in the campaign depending on available funds, including developing an interactive website to encourage and facilitate career exploration; conducting training and orientation for guidance counselors and teachers; and developing and disseminating printed materials.

(3) The office shall seek advice, participation, and financial assistance from the workforce training and education coordinating board, higher education institutions, foundations, employers, apprenticeship and training councils, workforce development councils, and business and labor organizations for the campaign. [2019 c 252 § 116; 2008 c 170 § 301.]

Intent—2019 c 252: See note following RCW 28A.655.250.

28A.700.090 Grants for state or industry certification testing fees. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide grants to eligible students to offset the costs of required examination or testing fees associated with obtaining state or industry certification in the student's career and technical education program.

(2) The office shall establish maximum grant amounts and a process for students to apply for the grants.

(3) For the purposes of this section, "eligible student" means:

(a) A student enrolled in a secondary career and technical education program where state or industry certification can be obtained without additional postsecondary work or study; or

(b) A student who completed a secondary career and technical education program in a Washington public school and is seeking state or industry certification in a program requiring additional postsecondary work or study or where there are age limitations on certification.

(4) Eligible students must have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services. [2008 c 170 § 302.]

28A.700.100 Entry-level aerospace assembler training program—Grants to high schools—Selection criteria—Data collection by education data center—Reports.

(1)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to high schools to implement a training program to prepare students for employment as entry-level aerospace assemblers. Grant funds must be allocated on a one-time basis and may be used to purchase or improve course curriculum, purchase course equipment, and support professional development for course teachers. The office of the superintendent of public instruction shall consult and team with the community and technical colleges' center of excellence for aerospace and advanced materials manufacturing regarding the developing aerospace program of study and industry career needs. This information must assist the office of the superintendent of public instruction in refining specific aspects to the criteria in (b) of this subsection and leveraging advantages and opportunities for students in selected high schools.

(b) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (1)(b). This is a competitive grant process. Successful high school applicants must:

(i) Demonstrate engaged and committed high school and district leadership and faculty in support of the aerospace assembler program;

(ii) Demonstrate capacity to offer the program and maximize the use of grant resources addressing: Availability of appropriate physical space, meeting program technology requirements, providing projected enrollment from the high school as well as from other area high schools as appropriate, planned hours and days each week the program is to be offered, and other specific program requirements set forth by the office of the superintendent of public instruction;

(iii) Demonstrate linkages to programs at local community and technical colleges and private technical schools to provide a seamless pathway for students to continue their education and career preparation beyond high school;

(iv) Demonstrate a history of successful partnerships within the community and partner support for implementing an entry-level aerospace assembler program that includes one or more of the following: Apprenticeships, supplying materials, instruction support, internships, mentorships, and other program components;

(v) Provide the plan for program implementation that includes a beginning date for first classes as well as plans for recruiting and retaining students in the course; and

(vi) Demonstrate capacity to continue the program in years succeeding the initial grant year.

(2) The education data center in the office of financial management must collect aerospace assembler program student participation and completion data for grant recipient high schools. The center must follow students to employment or further training and education in the two years following the students' completion of the program. Findings must be reported beginning in January 2014 and each January thereafter through January 2018 to the governor, the office of the superintendent of public instruction, other appropriate state agencies, and the appropriate education and fiscal committees of the legislature. [2011 2nd sp.s. c 1 § 2.]

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Findings—Intent—2011 2nd sp.s. c 1: "The legislature finds that careers in science, technology, engineering, and mathematics (STEM) are critically important to the state's economy and will grow in importance in the future. The vitality of STEM product and process development, manufacturing, international trade, and research are dependent on a well-educated, trained, creative workforce. The legislature also finds that there are current employment opportunities and projected high employer demands in STEM careers. The legislature further finds that the interdisciplinary connections of science, technology, engineering, and mathematics taught in integrated, applied, and hands-on courses not only deepens content understanding but also extends and expands that learning to thoughtful and creative problem-solving practices on the assembly line, in the laboratory, and at the drawing board.

It is the intent of the legislature to support STEM education programs to help increase the number of Washingtonians prepared to enter STEM career fields. It is also the intent of the legislature to support courses and programs that begin in high school and build upon one another so that technical certifications and degrees are connected from high schools and skill centers to community and technical colleges and four-year universities." [2011 2nd sp.s. c 1 § 1.]

28A.700.110 Enhanced manufacturing skills programs—Grants to skill centers—Selection criteria—Data collection by education data center—Reports.

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to skill centers to implement enhanced manufacturing skills programs. Grant funds must be allocated on a one-time basis and may be used to purchase or improve program curriculum, purchase course equipment, and support professional development for program teachers. The office of the superintendent of public instruction shall consult and team with the community and technical colleges' center of excellence for aerospace and advanced materials manufacturing regarding the developing aerospace program of study and industry career needs as well as other community and technical college manufacturing programs. This information must assist the office of the superintendent of public instruction in refining specific aspects to the criteria in subsection (2) of this section and leveraging advantages and opportunities for students in selected skill centers.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (2). This is a competitive grant process. Successful skill center applicants must:

(a) Demonstrate that enhanced manufacturing skills programs meet industry certification standards;

(b) Demonstrate engaged and committed skill center and school district leadership and faculty in support of the program;

(c) Demonstrate capacity to offer the enhanced manufacturing skills programs and maximize the use of grant resources addressing: Availability of appropriate physical space, meeting program technology requirements, providing projected enrollment from area high schools and students from area community and technical colleges if space is available, planned hours and days each week the program is to be offered, and other specific program requirements set forth by the office of the superintendent of public instruction;

(d) Demonstrate linkages to programs at local community and technical colleges and private technical schools to provide a seamless pathway for students to continue their education and career preparation beyond high school;

(e) Demonstrate a history of successful partnerships within the community and partner support for implementing

an enhanced manufacturing skills program that includes one or more of the following: Apprenticeships, supplying materials, instruction support, internships, mentorships, and other program components;

(f) Provide the plan for program implementation that includes a beginning date for first classes as well as plans for recruiting and retaining students in the program; and

(g) Demonstrate capacity to continue the program in years succeeding the initial grant year.

(3) The education research center in the office of financial management must collect enhanced manufacturing skills programs student participation and completion data for grant recipient skill centers. The center must follow students to employment or further training and education in the two years following the students' completion of the program. Findings must be reported beginning in January 2014 and each January thereafter through January 2018 to the governor, the office of the superintendent of public instruction, other appropriate state agencies, and the appropriate education and fiscal committees of the legislature. [2011 2nd sp.s. c 1 § 3.]

Findings—Intent—2011 2nd sp.s. c 1: See note following RCW 28A.700.100.

28A.700.130 Career launch program funding. (1) Beginning in the 2019-20 school year, to allow students to engage in learning outside of the school day or in a summer program, school districts shall be funded up to one and two-tenths full-time equivalents for career launch programs, as defined in RCW 28C.30.020.

(2) The office of the superintendent of public instruction shall develop procedures to ensure that school districts do not report any student for more than one and two-tenths full-time equivalent students, combining both the student's high school enrollment and career launch enrollment. [2019 c 406 § 60.]

Findings—Intent—2019 c 406: See note following RCW 43.79.195.

Findings—Short title—2019 c 406: See notes following RCW 28B.92.200.

Findings—2019 c 406: See note following RCW 28B.94.020.

Findings—Intent—2019 c 406: See note following RCW 28C.30.050.

Findings—Intent—2019 c 406: See note following RCW 43.216.135.

28A.700.900 Short title. This chapter may be known and cited as the career and technical education act. [2008 c 170 § 406.]

Chapter 28A.705 RCW

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Sections

28A.705.010 Compact provisions.

28A.705.020 Review of implementation—Recommendation.

28A.705.010 Compact provisions.

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families

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because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, ath-

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letic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;

2. Members of the uniformed services now retired, except as provided in section A of this article;

3. Veterans of the uniformed services, except as provided in section A of this article; and

4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations - On or before the first day of attendance, the parent or guardian must meet the immunization documentation requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for

students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and if space is available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the

school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for

graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year - Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: The state superintendent of public instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K-12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commis-

sion and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;
 2. Disclose matters specifically exempted from disclosure by federal and state statute;
 3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
 4. Involve accusing a person of a crime, or formally censuring a person;
 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 6. Disclose investigative records compiled for law enforcement purposes; or
 7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;
- H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

- A. To provide for dispute resolution among member states;
- B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. Establishing an executive committee, and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start-up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a

reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as

may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to

the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United State[s] District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(2022 Ed.)

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. [2009 c 380 § 1.]

28A.705.020 Review of implementation—Recommendation. By December 1, 2014, the state council, created in accordance with RCW 28A.705.010, shall conduct a review of the implementation of the interstate compact on educational opportunity for military children and recommend to the state legislature whether Washington should continue to be a member of the compact and whether any other actions should be taken. [2009 c 380 § 9.]

Chapter 28A.710 RCW CHARTER SCHOOLS

Sections

28A.710.010 Definitions.

28A.710.020 Charter schools—Parameters.

28A.710.030	Charter school boards—Powers.
28A.710.040	Charter schools—Requirements.
28A.710.050	Admission and enrollment of students—Capacity—Specialized learning environments.
28A.710.060	Enrollment options information—Earned credits—Participation in district-sponsored interscholastic programs.
28A.710.070	Washington state charter school commission.
28A.710.080	Charter school authorizers.
28A.710.090	Charter school authorizers—Approval process.
28A.710.100	Charter school authorizers—Powers and duties—Delegation of authority—Annual report—Liability.
28A.710.110	Authorizer oversight fee—Establishment—Use.
28A.710.120	Oversight of authorizers—Notification of identified problems—Process for revocation of authorizer's authority—Timelines for actions.
28A.710.130	Charter school applications—Solicitation for proposals, content—Charter school application, content.
28A.710.140	Charter applications—Submission—Approval or denial.
28A.710.150	Maximum number of charter public schools—Process—Certification—Lottery—Notice.
28A.710.160	Charter contracts.
28A.710.170	Charter contracts—Performance framework.
28A.710.180	Charter schools—Oversight—Corrective action.
28A.710.190	Charter contracts—Renewal.
28A.710.200	Charter contracts—Revocation or refusal to renew.
28A.710.210	Charter school termination protocol—Dissolution of nonprofit corporation applicant—Transfer of charter contract.
28A.710.220	Student enrollment reporting—Funding—Distribution and reconciling of funding in school's first year of operation.
28A.710.230	Facilities—State funding for common school construction.
28A.710.240	Calculation of certificated instructional staff service years.
28A.710.250	Annual reports—Recommendation regarding additional schools.
28A.710.260	Charter schools oversight account.
28A.710.270	Appropriations from Washington opportunity pathways account.
28A.710.280	Distribution of funding—Rules.
28A.710.290	Personal financial affairs statements—Commission members—Charter school board members.
28A.710.300	Interscholastic athletic activities—Washington interscholastic activities association rules.
28A.710.310	Notifications—Appeals.
28A.710.350	School employees' benefits board—Insurance benefits.
28A.710.355	School safety and security staff.
28A.710.360	Professional development.
28A.710.370	Student transportation allocation—Additional uses under emergency.
28A.710.380	Office of the education ombuds—Notification.
28A.710.390	Arts instruction.
28A.710.400	Language access program.
28A.710.901	Effective date—2016 c 241.

28A.710.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03A.245, or a nonprofit corporation organized under chapter 24.03A RCW that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in

English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(9) "Student" means a child eligible to attend a public school in the state. [2021 c 176 § 5210; 2016 c 241 § 101. Prior: 2013 c 2 § 201 (Initiative Measure No. 1240, approved November 6, 2012).]

Effective date—2021 c 176: See note following RCW 24.03A.005.

28A.710.020 Charter schools—Parameters. A charter school established under this chapter:

(1) Is a public school that is:

(a) Open to all children free of charge and by choice; and
(b) Operated separately from the common school system as an alternative to traditional common schools;

(2) May offer any program or course of study that any other public school may offer, including one or more of grades kindergarten through twelve;

(3) Is governed by a charter school board according to the terms of a renewable, five-year charter contract executed under RCW 28A.710.160;

(4) Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), the McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431 et seq.), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.). [2016 c 241 § 102. Prior: 2013 c 2 § 202 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.030 Charter school boards—Powers. (1) To fulfill its duty to manage and operate the charter school, and to execute the terms of its charter contract, a charter school board may:

(a) Hire, manage, and discharge charter school employees in accordance with the terms of this chapter and the school's charter contract;

(b) Receive and disburse funds for the purposes of the charter school;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services, pupil transportation services, and for the management and operation of the charter school, provided the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;

(e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or equipment. However, the charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. Debt issued under this subsection (1)(e) is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, or any political subdivision or agency of the state, may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding sectarian or religious organizations. A charter school board may not accept any gifts or donations that violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board must contract for an independent performance audit of the school to be conducted: (a) The second year immediately following the school's first full school year of operation; and (b) every three years thereafter. The performance audit must be conducted in accordance with United States general accounting office government auditing standards. A performance audit in compliance with this section does not inhibit the state auditor's office from conducting a performance audit of the school.

(3) A charter school board may not levy taxes or issue tax-backed bonds.

(4) A charter school board may not acquire property by eminent domain.

(5) A charter school board, through website postings and written notice with receipt acknowledged by signature of the recipient, must advise families of new, ongoing, and prospective students of any ongoing litigation challenging the constitutionality of charter schools or that may require charter

schools to cease operations. [2016 c 241 § 103. Prior: 2013 c 2 § 203 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.040 Charter schools—Requirements. (1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under RCW 28A.320.260;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire non-certificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(e) Comply with the employee record check requirements in RCW 28A.400.303;

(f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(g) Comply with the annual performance report under RCW 28A.655.110;

(h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided

in this chapter. [2018 c 75 § 9; 2016 c 241 § 104. Prior: 2013 c 2 § 204 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.050 Admission and enrollment of students—Capacity—Specialized learning environments.

(1) Except as provided in subsection (3) of this section, a charter school may not limit admission on any basis other than age group, grade level, or enrollment capacity. A charter school is open to any student regardless of his or her location of residence.

(2) A charter school may not charge tuition, but may charge fees for participation in optional extracurricular events and activities in the same manner and to the same extent as do other public schools.

(3) If capacity is insufficient to enroll all students who apply to a charter school, the charter school must grant an enrollment preference to siblings of enrolled students, with any remaining enrollments allocated through a lottery. A charter school may offer, pursuant to an admissions policy approved by the authorizer, a weighted enrollment preference for at-risk students or to children of full-time employees of the school if the employees' children reside within the state.

(4) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

(5) Nothing in this section prevents formation of a charter school whose mission is to offer a specialized learning environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract. [2020 c 49 § 1; 2016 c 241 § 105. Prior: 2013 c 2 § 205 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.060 Enrollment options information—Earned credits—Participation in district-sponsored interscholastic programs.

(1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

(2) If a student who was previously enrolled in a charter school enrolls in another public school in the state, the student's new school must accept credits earned by the student in the charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

(3) A charter school may participate in state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools. [2016 c 241 § 106. Prior: 2013 c 2 § 206 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.070 Washington state charter school commission. (1) The Washington state charter school commission is established as an independent state agency whose mission is to authorize high quality charter public schools throughout the state, especially schools that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the charter schools it authorizes in the same manner as a school district board of directors administers other schools.

(3)(a) The commission shall consist of:

(i) Nine appointed members;

(ii) The superintendent of public instruction or the superintendent's designee; and

(iii) The chair of the state board of education or the chair's designee.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the senate, with two members appointed by the leader of the largest caucus of the senate and one member appointed by the leader of the minority caucus of the senate; and three members shall be appointed by the house of representatives, with two members appointed by the speaker of the house of representatives and one member appointed by the leader of the minority caucus of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is the parent of a Washington public school student.

(4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All appointed members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(5) Appointed members shall serve four-year, staggered terms. The initial appointments from each of the appointing authorities must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No appointed member may serve more than two consecutive terms. Initial appointments must be made by July 1, 2016.

(6) Whenever a vacancy on the commission exists among its appointed membership, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

(7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(8) The commission may hire an executive director and may employ staff as necessary to carry out its duties under this chapter. The commission may delegate to the executive director the duties as necessary to effectively and efficiently execute the business of the commission, including the authority to employ necessary staff. In accordance with RCW

41.06.070, the executive director and the executive director's confidential secretary are exempt from the provisions of chapter 41.06 RCW.

(9) The commission shall reside within the office of the superintendent of public instruction for administrative purposes only.

(10) RCW 28A.710.090 and 28A.710.120 do not apply to the commission. [2020 c 49 § 2; 2016 c 241 § 107. Prior: 2013 c 2 § 208 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.080 Charter school authorizers. The following entities may be authorizers of charter schools:

(1) The commission may exercise the authority granted under this section for charter schools located anywhere in the state; and

(2) A school district board of directors may exercise the authority granted under this section only after receiving approval from the state board of education under RCW 28A.710.090, and only for charter schools located within the school district's boundaries. [2016 c 241 § 108. Prior: 2013 c 2 § 207 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.090 Charter school authorizers—Approval process. (1) The state board of education shall establish an annual application and approval process and timelines for school districts seeking approval to become charter school authorizers. The initial process and timelines must be established by July 1, 2016.

(2) At a minimum, each applicant district must submit to the state board of education:

(a) The applicant's strategic vision for chartering;

(b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;

(c) A draft or preliminary outline of the annual charter school application process that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

(d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the establishment of a charter contract and use for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200;

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that, if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the state board of education.

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the applicant district. The initial term of an authorizing contract must be six years. The authorizing contract must specify each approved applicant district's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering.

(5) No approved school district may commence charter authorizing without an authorizing contract in effect. [2016 c 241 § 109. Prior: 2013 c 2 § 209 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.100 Charter school authorizers—Powers and duties—Delegation of authority—Annual report—Liability. (1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

(b) Approving charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Denying charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

(d) Negotiating and executing charter contracts with each authorized charter school;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; and

(f) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

(d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board that includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools under its jurisdiction, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: (i) Approved but not yet open; (ii) operating; (iii) renewed; (iv) transferred; (v) revoked; (vi) not renewed; (vii) voluntarily closed; or (viii) never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer. [2016 c 241 § 110. Prior: 2013 c 2 § 210 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.110 Authorizer oversight fee—Establishment—Use. (1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which must be calculated as a percentage of the state operating funding distributed to charter schools under RCW 28A.710.220 to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding.

(2) The state board of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of years of authorizing or after a certain number of charter schools have been authorized.

(3) The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's distribution under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.

(4) An authorizer must use its oversight fee exclusively for the purpose of fulfilling its duties under RCW 28A.710.100.

(5) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under RCW 28A.710.100. An authorizer may not charge more than market rates for the contracted services provided. An authorizer may not require a charter school to purchase contracted services provided by an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually to the state board of education. [2016 c 241 § 111. Prior: 2013 c 2 § 211 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.120 Oversight of authorizers—Notification of identified problems—Process for revocation of authorizer's authority—Timelines for actions. (1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers approved under RCW 28A.710.090.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the state board of education must apply nationally rec-

ognized principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with these principles and standards constitutes grounds for revocation of the authorizing contract by the state board of education, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, the board must notify the authorizer in writing of the identified problems, and the authorizer must have reasonable opportunity to respond and remedy the problems.

(5) If, after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer. [2016 c 241 § 112. Prior: 2013 c 2 § 212 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.130 Charter school applications—Solicitation for proposals, content—Charter school application, content. (1)(a) Each authorizer must annually issue and broadly publicize a solicitation for proposals for charter school applicants by the date established by the state board of education under RCW 28A.710.140.

(b) Each authorizer's solicitation for proposals must:

(i) Present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer wishes to grant to applications that employ proven methods for educating at-risk students or students with special needs;

(ii) Include or otherwise direct applicants to the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with RCW 28A.710.170;

(iii) Provide the criteria that will guide the authorizer's decision to approve or deny a charter application; and

(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(2) A charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the student population and community the school hopes to serve;

(c) The location or geographic area proposed for the school and the school district within which the school will be located;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned, and maximum enrollment per grade per year for the full term of the charter contract;

(f) Evidence of need and parent and community support for the proposed charter school;

(g) Background information on the proposed founding charter school board members and, if identified, the proposed school leadership and management team;

(h) The school's proposed calendar and sample daily schedule;

(i) A description of the academic program aligned with state standards;

(j) A description of the school's proposed instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;

(k) Evidence that the educational program is based on proven methods;

(l) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with RCW 28A.710.170;

(m) The school's plans for identifying, successfully serving, and complying with applicable laws and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(n) A description of cocurricular or extracurricular programs and how those programs will be funded and delivered;

(o) Plans and timelines for student recruitment and enrollment, including targeted plans for recruiting at-risk students and including lottery procedures;

(p) The school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(r) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

(s) A staffing plan for the school's first year and for the term of the charter;

(t) Plans for recruiting and developing school leadership and staff;

(u) The school's leadership and teacher employment policies, including performance evaluation plans;

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale, and other items;

(x) Explanations of any other partnerships or contractual relationships central to the school's operations or mission;

(y) Plans for providing transportation, food service, and all other significant operational or ancillary services;

(z) Opportunities and expectations for parent involvement;

(aa) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(bb) A description of the school's financial plan and policies, including financial controls and audit requirements;

(cc) A description of the insurance coverage the school will obtain;

(dd) Start-up and five-year cash flow projections and budgets with clearly stated assumptions;

(ee) Evidence of anticipated fund-raising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(3) If an applicant intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

(a) Provide evidence of the nonprofit education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(b) Provide a term sheet setting forth: (i) The proposed duration of the service contract; (ii) the roles and responsibilities of the governing board, the school staff, and the service provider; (iii) the scope of services and resources to be provided by the service provider; (iv) performance evaluation measures and timelines; (v) the compensation structure, including clear identification of all fees to be paid to the service provider; (vi) methods of contract oversight and enforcement; (vii) investment disclosure; and (viii) conditions for renewal and termination of the contract; and

(c) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

(4) If an applicant operates one or more schools in any state or nation, the applicant must provide evidence of the performance of those schools, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

(5) Applicants may submit a proposal for a particular charter public school to no more than one authorizer at a time. [2016 c 241 § 113. Prior: 2013 c 2 § 213 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.140 Charter applications—Submission—Approval or denial. (1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial that must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations. However, nothing in this chapter may be construed as

intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students, or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity to learn about and provide input on each application in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff.

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful charter public school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest, whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state. [2016 c 241 § 114. Prior: 2013 c 2 § 214 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.150 Maximum number of charter public schools—Process—Certification—Lottery—Notice. (1) A maximum of forty charter public schools may be established under this chapter over the five-year period commencing with April 3, 2016. No more than eight charter schools may be established in any year during the five-year period, except that if in any year fewer than eight charter schools are established, additional charter schools, equal in number to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

(2)(a) To ensure compliance with the limits for establishing new charter schools, certification from the state board of education must be obtained before final authorization of a charter school.

(b) Within ten days of taking action to approve or deny an application under RCW 28A.710.140, an authorizer must submit a report of the action to the applicant and the state board of education. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements and application elements under RCW 28A.710.130 and 28A.710.140. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to RCW 28A.710.140, the latest annual date by

which the authorizer may submit the report. The state board of education must send to each authorizer notice of the date by which a report must be submitted at least six months before the date established by the board.

(3) Upon the receipt of notice from an authorizer that a charter school has been approved, the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters allowed under subsection (1) of this section. If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached. [2016 c 241 § 115. Prior: 2013 c 2 § 215 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.160 Charter contracts. (1) The purposes of the charter application submitted under RCW 28A.710.130 are to present the proposed charter school's academic and operational vision and plans, and to demonstrate and provide the authorizer with a clear basis for evaluating the applicant's capacities to execute the proposed vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract. The contract must establish the terms by which the charter school agrees to provide educational services that, at a minimum, meet basic education standards, in return for a distribution of public funds that will be used for the purposes established in the contract and in this and other applicable statutes. The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be evaluated and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(3) If the charter school is authorized by a school district board of directors, the charter contract must be signed by the president of the applicable school district board of directors and the president of the charter school board. If the charter school is authorized by the commission, the charter contract must be signed by the chair of the commission and the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract

must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract.

(5) An initial charter contract must be granted for a term of five operating years. The contract term must commence on the charter school's first day of operation. An approved charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the contract extension depending on the school's circumstances.

(6) Authorizers shall establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools, ensure that they are prepared to open smoothly on the date agreed, and ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

(7) No charter school may commence operations without a charter contract executed in accordance with this section. [2020 c 49 § 4; 2016 c 241 § 116. Prior: 2013 c 2 § 216 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.170 Charter contracts—Performance framework. (1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide an authorizer's evaluations of a charter school within its jurisdiction.

(2) At a minimum, the performance framework must include indicators, measures, and metrics for:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) Achievement gaps in both proficiency and growth between major student subgroups;
- (d) Attendance;
- (e) Recurrent enrollment from year to year;
- (f) High school graduation rates and student postsecondary readiness;
- (g) Financial performance and sustainability; and
- (h) Charter school board performance and stewardship, including compliance with all applicable laws, rules, and terms of the charter contract.

(3) Annual performance targets must be set by each charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal, state, and authorizer expectations.

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the charter school's performance.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(6) Multiple schools operating under a single charter contract or overseen by a single charter school board must

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report their performance as separate schools, and each school shall be held independently accountable for its performance. [2016 c 241 § 117. Prior: 2013 c 2 § 217 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.180 Charter schools—Oversight—Corrective action. (1) Each authorizer must continually monitor the performance and legal compliance of the charter schools under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem. However, if the problem warrants revocation of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame. [2016 c 241 § 118. Prior: 2013 c 2 § 218 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.190 Charter contracts—Renewal. (1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal. The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision. [2016 c 241 § 119. Prior: 2013 c 2 § 219 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.200 Charter contracts—Revocation or refusal to renew. (1) An authorizer may revoke a charter contract at any time, or may refuse to renew it, if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) Except as provided otherwise by this subsection (2), an authorizer may not renew a charter contract if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the Washington achievement index developed by the state board of education under RCW 28A.657.110. A contract may be renewed without violating this subsection (2), however, if the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school;

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter contract, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the charter school and the state board of education. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section. [2016 c 241 § 120. Prior: 2013 c 2 § 220 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.210 Charter school termination protocol—Dissolution of nonprofit corporation applicant—Transfer of charter contract. (1) Before making a decision to not renew or to revoke a charter contract, an authorizer must develop a charter school termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer.

(2) If the nonprofit corporation operator of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the charter school that have been provided pursuant to RCW 28A.710.220 must be returned to the state or local account from which the public funds originated. If the charter school has commingled the funds, the funds must be returned in proportion to the proportion of those funds received by the charter school from the public accounts in the last year preceding the dissolution. The dissolution of a nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students. [2016 c 241 § 121. Prior: 2013 c 2 § 221 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.220 Student enrollment reporting—Funding—Distribution and reconciling of funding in school's first year of operation. (1) Charter schools must report student enrollment in the same manner, and based on the same definitions of enrolled students and annual average full-time equivalent enrollment, as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is distributed based on student characteristics.

(2) In accordance with appropriations made under RCW 28A.710.270 and 28A.710.280, the superintendent of public instruction shall distribute state funding to charter schools according to the schedule established in RCW 28A.510.250.

(3) Amounts distributed to a charter school under RCW 28A.710.280 in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts distributed in the first year of operation to the amounts that would have been distributed based on actual student enrollment and make adjustments to the charter school's distributions over the course of the second year of operation.

(4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of a budget year must remain in the school's accounts for use by the school during subsequent budget years. [2016 c 241 § 122. Prior: 2013 c 2 § 222 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.230 Facilities—State funding for common school construction. (1) Charter schools are eligible for state funding for school construction. However, such appropriations may not be made from the common school construction fund.

(2) If a school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120, a charter school located within the boundaries of the district has a right of first refusal to purchase or lease at fair market value a closed public school facility or property or unused portions of a public school facility or property by negotiated agreement with mutual consideration. The consideration may include the provision of educational services by the charter school.

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at fair market rent.

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations. [2016 c 241 § 123. Prior: 2013 c 2 § 223 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.240 Calculation of certificated instructional staff service years. Years of service in a charter school by certificated instructional staff shall be included in the years of service calculation for purposes of the statewide salary allocation schedule under RCW 28A.150.410. This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school. [2016 c 241 § 124. Prior: 2013 c 2 § 224 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.250 Annual reports—Recommendation regarding additional schools. (1) By March 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue a report on the performance of the state's charter schools during the preceding school year to the governor, the legislature, and the public at large.

(2) The annual report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the state board of education. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in other public schools. In addition, the annual report must include the state board of education's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for charter schools, the efficacy of the formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional charter public schools. [2020 c 49 § 3; 2016 c 241 § 125. Prior: 2013 c 2 § 225 (Initiative Measure No. 1240, approved November 6, 2012).]

28A.710.260 Charter schools oversight account. The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter. [2016 c 241 § 126. Prior: 2014 c 221 § 911.]

Effective date—2014 c 221: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 4, 2014]." [2014 c 221 § 927.]

28A.710.270 Appropriations from Washington opportunity pathways account. The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account for the current use of charter public schools amounts as determined in accordance with RCW 28A.710.280, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium. [2016 c 241 § 127.]

28A.710.280 Distribution of funding—Rules. (1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

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

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

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements. [2021 c 111 § 12; 2018 c 266 § 403; 2016 c 241 § 128.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

28A.710.290 Personal financial affairs statements—Commission members—Charter school board members.

(1) Members of the commission must file personal financial affairs statements with the public disclosure commission.

(2) Members of a charter school board must file personal financial affairs statements with the public disclosure commission. [2016 c 241 § 130.]

28A.710.300 Interschool athletic activities—Washington interscholastic activities association rules. (1) The eligibility of a charter school student to participate in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association.

(2) A proposal by a charter school to regulate the conduct of interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association.

(3) The charter school is responsible for the full cost, minus any student participation fee, for any student who par-

ticipates in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association. [2017 c 60 § 1; 2016 c 241 § 129.]

28A.710.310 Notifications—Appeals. The administrator of a charter public school governed by this chapter must comply with the notification provisions of RCW 28A.320.163 that apply to superintendents, designees of superintendents, and principals. [2020 c 167 § 3.]

28A.710.350 School employees' benefits board—Insurance benefits. (1) A function of the school employees' benefits board established under RCW 41.05.740 is to design and approve insurance benefit plans and to establish eligibility criteria for participation in insurance benefit plans by January 1, 2020. In order for the school employees' benefits board to develop these benefit plans, charter school employees' information must be provided to the school employees' benefits board and the health care authority.

(2) Charter schools and their benefit providers must submit data to the health care authority in accordance with RCW 41.05.075(3).

(3) Any benefit provider offering a benefit plan by contract or agreement with a charter school must make available to the charter school the benefit plan descriptions and, where available, the demographic information on plan subscribers that the charter school and benefit providers are required to report to the health care authority under this section.

(4) Each charter school must:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those actions necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority. [2018 c 260 § 24.]

28A.710.355 School safety and security staff. RCW 28A.320.1241, 28A.400.345, 28A.320.1242, and 28A.320.124 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. [2021 c 38 § 7.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

28A.710.360 Professional development. RCW 28A.343.100 and 28A.415.445 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under chapter 28A.710 RCW [this chapter]. [2021 c 197 § 9.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

28A.710.370 Student transportation allocation—Additional uses under emergency. RCW 28A.160.185 governs school operation and management under RCW 28A.710.040 and applies to charter schools established under this chapter. [2021 c 234 § 4.]

Intent—Effective date—2021 c 234: See notes following RCW 28A.160.185.

28A.710.380 Office of the education ombuds—Notification. RCW 28A.600.510 (1) and (2), related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. [2022 c 222 § 4.]

Intent—2022 c 222: See note following RCW 28A.600.510.

28A.710.390 Arts instruction. RCW 28A.230.305, related to arts instruction, governs school operation and management under RCW 28A.710.040 and applies to charter schools with more than 200 enrolled students established under this chapter. [2022 c 250 § 4.]

Intent—2022 c 250: See note following RCW 28A.230.020.

28A.710.400 Language access program. RCW 28A.183.040 and 28A.183.050 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. [2022 c 107 § 7.]

Findings—Intent—2022 c 107: See note following RCW 28A.183.010.

28A.710.901 Effective date—2016 c 241. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 3, 2016]. [2016 c 241 § 302.]

Chapter 28A.715 RCW

STATE-TRIBAL EDUCATION COMPACTS AUTHORITY

Sections

28A.715.005	Findings—Intent—Purpose.
28A.715.010	Authority to enter into compacts—Process—Rules—Retirement systems.
28A.715.020	Operation of schools.
28A.715.030	Tuition—Fees—Admission—Enrollment priorities.
28A.715.040	Student enrollment reporting—Funding apportionment and allocations—Retention of moneys in accounts.
28A.715.050	Student transportation allocation—Additional uses under emergency.
28A.715.060	Office of the education ombuds—Notification.
28A.715.070	Arts instruction.
28A.715.800	Modifications to school requirements—Pilot project.
28A.715.810	Modifications to school requirements—Pilot project—Exemptions.

28A.715.005 Findings—Intent—Purpose. (1) The legislature finds that:

(a) American Indian and Alaska Native students make up 2.5 percent of the total student population in the state and twenty-five percent or more of the student population in fifty-seven schools across the state.

(b) American Indian students in Washington have the highest annual dropout rate at 9.5 percent, compared to 4.6 percent of all students in each of grades nine through twelve. Of the students expected to graduate in 2010 because they entered the ninth grade in 2006, the American Indian on-time graduation rate was only fifty-eight percent, compared to 76.5 percent of all students.

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(c) The teaching of American Indian language, culture, and history are [is] important to American Indian people and critical to the educational attainment and achievement of American Indian children.

(d) The state-tribal education compacts authorized under this chapter reaffirm the state's important commitment to government-to-government relationships with the tribes that has been recognized by proclamation, and in the centennial accord and the millennium agreement. These state-tribal education compacts build upon the efforts highlighted by the office of the superintendent of public instruction in its 2012 Centennial Accord Agency Highlights, including: The Since Time Immemorial (STI): Tribal Sovereignty in Washington State Curriculum Project that imbeds the history surrounding sovereignty and intergovernmental responsibilities into this state's classrooms; the agency's regular meetings with the superintendents of the seven current tribal schools, as well as the federal bureau of Indian education representatives at the regional and national level on issues relating to student academic achievement, accessing of funding for tribal schools, and connecting tribal schools to the K-20 network; and the recent establishment, in statute, of the office of native education within the office of the superintendent of public instruction.

(e) School funding should honor tribal sovereignty and reflect the government-to-government relationship between the state and the tribes, however the current structure that requires negotiation of an interlocal agreement between a school district and a tribal school ignores tribal sovereignty and results in a siphoning of funds for administration that could be better used for teaching and learning.

(2) The legislature further finds that:

(a) There is a preparation gap among entering kindergartners with many children, especially those from low-income homes, arriving at kindergarten without the knowledge, skills, and good health necessary to succeed in school;

(b) Upon entry into the K-12 school system, the educational opportunity gap becomes more evident, with children of color and from low-income homes having lower scores on math, reading, and writing standardized tests, as well as lower graduation rates and higher rates of dropping out of school; and

(c) Comprehensive, culturally competent early learning and greater collaboration between the early learning and K-12 school systems will ensure appropriate connections and smoother transitions for children, and help eliminate or bridge gaps that might otherwise develop.

(3) In light of these findings, it is the intent and purpose of the legislature to authorize the superintendent of public instruction to enter into state-tribal education compacts. [2013 c 242 § 1.]

28A.715.010 Authority to enter into compacts—Process—Rules—Retirement systems. (1) The superintendent of public instruction is authorized to enter into state-tribal education compacts.

(2) No later than six months after July 28, 2013, the superintendent of public instruction shall establish an application and approval process, procedures, and timelines for the negotiation, approval or disapproval, and execution of state-tribal education compacts.

(3) The process may be initiated by submission, to the superintendent of public instruction, of a resolution by:

(a) The governing body of a tribe in the state of Washington; or

(b) The governing body of any of the schools in Washington that are currently funded by the federal bureau of Indian affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

(4) The resolution must be accompanied by an application that indicates the grade or grades from kindergarten through twelve that will be offered and that demonstrates that the school will be operated in compliance with all applicable laws, the rules adopted thereunder, and the terms and conditions set forth in the application.

(5) Within ninety days of receipt of a resolution and application under this section, the superintendent must convene a government-to-government meeting for the purpose of considering the resolution and application and initiating negotiations.

(6) State-tribal education compacts must include provisions regarding:

(a) Compliance;

(b) Notices of violation;

(c) Dispute resolution, which may include nonjudicial processes such as mediation;

(d) Recordkeeping and auditing;

(e) The delineation of the respective roles and responsibilities;

(f) The term or length of the contract, and whether or not it is renewable; and

(g) Provisions for compact termination.

(7) If a tribal school chooses to participate in the teachers' retirement system, the school employees' retirement system, or both, the state-tribal education compact must also include the following:

(a) Acknowledgment by the tribal school that it affirmatively chooses to participate in the teachers' retirement system, the school employees' retirement system, or both;

(b) Evidence that the person or persons who sign the compact on behalf of a tribe, dependent Indian community, or subdivision thereof have authority under tribal or community law to bind the tribe or dependent Indian community to all provisions in the compact, including any waiver of sovereign immunity;

(c) If the tribal school chooses to participate in the teachers' retirement system:

(i) Agreement by the tribal school that it meets the definition of an employer as defined in chapter 41.32 RCW;

(ii) Agreement by the tribal school to adhere to all reporting, contribution, and auditing requirements as defined in chapter 41.32 RCW, and all rules adopted under authority of RCW 41.50.050(5);

(iii) Agreement between the superintendent of public instruction and the tribal school that for the duration of the compact the school will be a public school for the purposes of retirement plan membership as defined in chapter 41.32 RCW; and

(iv) Agreement by the tribal school that, at the request of the superintendent of public instruction, the tribal school will make available to the superintendent any records the tribal school has provided to the department of retirement systems

as required under the reporting, contribution, and auditing requirements defined in chapter 41.32 RCW, and rules implementing that chapter;

(d) If the tribal school chooses to participate in the school employees' retirement system:

(i) Agreement by the tribal school that it meets the definition of an employer as defined in chapter 41.35 RCW;

(ii) Agreement by the tribal school to adhere to all reporting, contribution, and auditing requirements as defined in chapter 41.35 RCW, and all rules adopted under authority of RCW 41.50.050(5); and

(iii) Agreement by the tribal school that, at the request of the superintendent of public instruction, the tribal school will make available to the superintendent any records the tribal school has provided to the department of retirement systems as required under the reporting, contribution, and auditing requirements defined in chapter 41.35 RCW, and rules implementing that chapter;

(e) Agreement by the tribe or, if applicable, the dependent Indian community, to a limited waiver of sovereign immunity and consent to the jurisdiction of the Washington state courts for the purpose of enforcing the reporting, contribution, and auditing requirements defined in chapters 41.32 and 41.35 RCW and all rules adopted under authority of RCW 41.50.050(5);

(f) Agreement by the tribal school to dissolution procedures memorialized in the state-tribal education compact so that all parties are aware of their expectations and duties if the compact terminates or the tribal school chooses to no longer participate in the state retirement systems at a future date;

(g) Acknowledgment by the tribal school that it has been advised that choosing to no longer participate in the retirement systems may result in federal tax implications for the governing body and its employees that are outside the control of the state of Washington, the department of retirement systems, and the superintendent of public instruction, and that the tribal school is encouraged to seek counsel before agreeing to any dissolution procedures in the compact; and

(h) Acknowledgment by both parties that the pension plan participation portions of the state-tribal education compact are null and void if the federal internal revenue service issues guidance stating that any portion of those sections are in conflict with the plan qualification requirements for governmental plans in section 401(a) of the internal revenue code, and the conflict cannot be resolved through administrative action, statutory change, or amendment to the state-tribal education compact.

(8) For tribal schools that opt out of pension plan participation, such schools' employees shall have no right to earn additional service credit in the plan.

(9) The superintendent of public instruction shall adopt such rules as are necessary to implement this chapter.

(10) "Tribal school" for the purposes of this section means any school qualified to participate in a state-tribal education compact under this section. [2018 c 257 § 1; 2013 c 242 § 2.]

Contingency—Conflict with federal law—2018 c 257: "The department of retirement systems shall make reasonable efforts to seek guidance, if available, from the federal internal revenue service to ensure this act does not jeopardize qualification of the state retirement plans under section 401(a) of the internal revenue code. If the federal internal revenue service issues guidance stating that this act is in conflict with the plan qualification require-

ments for governmental plans in section 401(a) of the internal revenue code, and the conflict cannot be resolved through administrative action or statutory change, then this act is null and void." [2018 c 257 § 4.]

28A.715.020 Operation of schools. (1) A school that is the subject of a state-tribal education compact must operate according to the terms of its compact executed in accordance with RCW 28A.715.010.

(2) Schools that are the subjects of state-tribal education compacts are exempt from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules made applicable under this chapter and in the state-tribal education compact executed under RCW 28A.715.010.

(3) Each school that is the subject of a state-tribal education compact must:

(a) Provide a curriculum and conduct an educational program that satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and 28A.230.010 through 28A.230.195;

(b) Employ certificated instructional staff as required in RCW 28A.410.010, however such schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(c) Comply with the employee record check requirements in RCW 28A.400.303 and the mandatory termination and notification provisions of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

(d) Comply with nondiscrimination laws;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(f) Be subject to and comply with legislation enacted after July 28, 2013, governing the operation and management of schools that are the subject of a state-tribal education compact.

(4) No such school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Nothing in this chapter may limit or restrict any enrollment or school choice options otherwise available under Title 28A RCW. [2013 c 242 § 3.]

28A.715.030 Tuition—Fees—Admission—Enrollment priorities. (1) A school that is the subject of a state-tribal education compact may not charge tuition except to the same extent as school districts may be permitted to do so with respect to out-of-state and adult students pursuant to chapter 28A.225 RCW, but may charge fees for participation in optional extracurricular events and activities.

(2) Such schools may not limit admission on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply.

(3) If capacity is insufficient to enroll all students who apply, a school that is the subject of a state-tribal education compact may prioritize the enrollment of tribal members and siblings of already enrolled students. [2013 c 242 § 4.]

28A.715.040 Student enrollment reporting—Funding apportionment and allocations—Retention of moneys

(2022 Ed.)

in accounts. (1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the statewide average salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years. [2018 c 266 § 404; 2013 c 242 § 5.]

28A.715.050 Student transportation allocation—Additional uses under emergency. RCW 28A.160.185 governs school operation and management under RCW 28A.715.020 and applies to state-tribal compact schools established under this chapter. [2021 c 234 § 5.]

Intent—Effective date—2021 c 234: See notes following RCW 28A.160.185.

28A.715.060 Office of the education ombuds—Notification. RCW 28A.600.510 (1) and (2), related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools established under this chapter. [2022 c 222 § 5.]

Intent—2022 c 222: See note following RCW 28A.600.510.

28A.715.070 Arts instruction. RCW 28A.230.305, related to arts instruction, governs school operation and management under RCW 28A.715.020 and applies to state-tribal education compact schools with more than 200 enrolled students established under this chapter. [2022 c 250 § 5.]

Intent—2022 c 250: See note following RCW 28A.230.020.

28A.715.800 Modifications to school requirements—Pilot project. (Expires September 1, 2023.) (1) The office of the superintendent of public instruction shall establish a pilot project for one or more schools that are the subject of a state-tribal education compact, schools also known as "tribal

compact schools," to implement modifications to requirements governing school attendance, school year length, and assessments. Tribal compact schools that apply to the office of the superintendent of public instruction to participate in the pilot project must be included in the pilot project.

(2) The purpose of the pilot project is to grant participating schools flexibility regarding:

(a) Accommodating cultural, fisheries, and agricultural events and practices; and

(b) Replacing, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards.

(3) Schools participating in the pilot project may:

(a) Request a waiver, in accordance with RCW 28A.300.109, to the requirement for a one hundred eighty-day school year established in RCW 28A.150.220. The waiver requested in accordance with this subsection (3)(a) may be for allowing additional instructional days, including an allowance for year-round instruction;

(b) Develop curricula that links student learning with engagement in cultural, fisheries, and agricultural programs, and aligns with the Washington state learning standards;

(c) Request authorization to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5);

(d) Replace, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards; and

(e) Consider and implement, to the maximum extent permitted by state and federal law, other modifications to requirements as determined by each participating school.

(4) The office of native education within the office of the superintendent of public instruction must collaborate with each tribal compact school participating in the pilot project, including providing technical support and assistance, and review any terms of the compact that relate to the school's implementation of the pilot project.

(5) The office of the superintendent of public instruction, in establishing the pilot project required by this section, shall explore and pursue options for granting flexibility to participating schools from state and federal requirements, including requirements related to assessments, to further the purpose of the pilot project as expressed in subsection (2) of this section.

(6) If requested by a tribal compact school participating or intending to participate in the pilot project, the superintendent of public instruction shall convene a government-to-government meeting with the tribal compact school for the purpose of revising the compact to reflect the terms of the pilot project. The superintendent of public instruction may also convene a government-to-government meeting on his or her own accord.

(7) Nothing contained in this section is intended or may be construed to limit the amount of funding allocated to tribal compact schools participating in the pilot project.

(8)(a) Each tribal compact school participating in the pilot project shall submit a report every two years to the appropriate committees of the house of representatives and

senate and the office of the superintendent of public instruction, with the first report submitted no later than August 1, 2021.

(b) Reports submitted in accordance with this subsection (8) must include:

(i) Information about student performance on assessments required for state and federal accountability purposes and locally developed assessments under subsection (3)(d) of this section, including differences in student performance between the statewide and locally developed assessments; and

(ii) Recommendations for lessening or removing barriers that may affect either student performance on assessments, the effective administration of assessments, or both.

(c) The final report of each participating school must include a recommendation of whether the pilot project should be modified, continued, expanded, or discontinued.

(d) Reports submitted to the house of representatives and the senate in accordance with this subsection (8) must comply with RCW 43.01.036.

(9) The pilot project expires August 1, 2023.

(10) This section expires September 1, 2023. [2018 c 290 § 1.]

Conflict with federal requirements—2018 c 290: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2018 c 290 § 4.]

28A.715.810 Modifications to school requirements—Pilot project—Exemptions. (Expires September 1, 2023.)

(1) Students in a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in RCW 28A.715.800 are exempt from the obligation to earn:

(a) A certificate of academic achievement as a prerequisite for graduating from a public high school under RCW 28A.230.090 and 28A.655.061; or

(b) A certificate of individual achievement as a prerequisite for graduating from a public high school under RCW 28A.155.045 and 28A.230.090.

(2) If a student attends a school that is participating in the pilot project established in RCW 28A.715.800, the statewide high school assessments in English language arts and mathematics that are administered under RCW 28A.655.070 may not be used:

(a) To determine whether the student has met the requirements for graduating from a public high school; or

(b) For assessing the student's career and college readiness.

(3) Schools participating in the pilot project established in RCW 28A.715.800 are exempt from the provisions in RCW 28A.230.125 that require standardized high school transcripts to include a notation of whether the student has earned a certificate of individual achievement or certificate of academic achievement.

(4) This section expires September 1, 2023. [2018 c 290 § 3.]

Conflict with federal requirements—2018 c 290: See note following RCW 28A.715.800.

Chapter 28A.900 RCW CONSTRUCTION

Sections

28A.900.010	Repeals and savings.
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28A.900.070	"This code" defined.
28A.900.080	Effective date—1969 ex.s. c 223.
28A.900.100	Purpose—1990 c 33.
28A.900.101	Statutory references—1990 c 33.
28A.900.102	Severability—1990 c 33.
28A.900.105	Effect of repeal—1995 c 335.

28A.900.010 Repeals and savings. See 1969 ex.s. c 223 s 28A.98.010. Formerly RCW 28A.98.010.

28A.900.030 Continuation of existing law. The provisions of this title, Title 28A RCW, insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1969 code revision of Title 28 RCW shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this 1969 act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this 1969 act shall not operate to terminate, extend or otherwise affect any appropriation for the biennium commencing July 1, 1967, and ending June 30, 1969. [1969 ex.s. c 223 § 28A.98.030. Formerly RCW 28A.98.030.]

28A.900.040 Provisions to be construed in pari materia. The provisions of this title, Title 28A RCW, shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 28B RCW, and with other laws relating to education. This section shall not operate retroactively. [1969 ex.s. c 223 § 28A.98.040. Formerly RCW 28A.98.040.]

28A.900.050 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title, Title 28A RCW, do not constitute any part of the law. [1969 ex.s. c 223 § 28A.98.050. Formerly RCW 28A.98.050.]

28A.900.060 Invalidity of part of title not to affect remainder. If any provision of this title, Title 28A RCW, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision

to other persons or circumstances is not affected. [1969 ex.s. c 223 § 28A.98.060. Formerly RCW 28A.98.060.]

28A.900.070 "This code" defined. As used in this title, Title 28A RCW, "this code" means Titles 28A and 28B RCW. [1969 ex.s. c 223 § 28A.98.070. Formerly RCW 28A.98.070.]

28A.900.080 Effective date—1969 ex.s. c 223. Title 28A RCW shall be effective July 1, 1970. [1969 ex.s. c 223 § 28A.98.080. Formerly RCW 28A.98.080.]

28A.900.100 Purpose—1990 c 33. (1) The purpose of chapter 33, Laws of 1990 is to reorganize Title 28A RCW. There are three goals to this reorganization: (a) To place related sections in chapters organized by subject matter; (b) to make all terms gender neutral; and (c) to clarify existing language. Chapter 33, Laws of 1990 is technical in nature and is not intended to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of Title 28A RCW or other statutory provisions included in chapter 33, Laws of 1990 and rules adopted under those provisions.

(2) Chapter 33, Laws of 1990 shall not have the effect of terminating or in any way modifying any proceedings or liability, civil or criminal, which exists on June 7, 1990. [1990 c 33 § 1.]

28A.900.101 Statutory references—1990 c 33. (1) The code reviser shall correct all statutory references to code sections recodified by *section 4 of this act.

(2)(a) References to "RCW 28A.47.732 through 28A.47.748" in Title 28A RCW have intentionally not been changed since those code sections were repealed by chapter 189, Laws of 1983. These references are not being eliminated because it is not the purpose of this act to correct obsolete references.

(b) References to "RCW 28A.58.095" in Title 28A RCW have intentionally not been changed since that code section was repealed by chapter 2, Laws of 1987 1st ex. sess. These references are not being eliminated because it is not the purpose of this act to correct obsolete references. [1990 c 33 § 2.]

***Reviser's note:** Section 4 of this act is an uncodified section that recodifies sections in Title 28A RCW.

28A.900.102 Severability—1990 c 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1990 c 33 § 603.]

28A.900.105 Effect of repeal—1995 c 335. The repeal of any programs that are not funded as of July 23, 1995, is not intended to comment on the value of the services provided by the programs. The repeal of statutes in chapter 335, Laws of 1995 does not affect the general authority of school districts to provide services to accomplish the purposes of these programs. The deletion or repeal of language that permitted school districts to carry out specific activities that would be within their general authority is not intended to affect the

general authority of school districts to continue to carry out those activities. [1995 c 335 § 801.]

Additional notes found at www.leg.wa.gov