

HOUSE BILL 2207

State of Washington **52nd Legislature** **1991 1st Special Session**

By Representatives H. Sommers, May and Betrozoff.

Read first time June 11, 1991. Referred to Committee on Education.

1 AN ACT Relating to cost-of-living compensation differentials among
2 school districts and to adjustments to operations and compensation due
3 to work stoppages; amending RCW 28A.150.220, 28A.150.250, 28A.150.260,
4 28A.150.290, 28A.150.410, 28A.230.090, 28A.410.080, and 28A.510.250;
5 adding a new section to chapter 28A.150 RCW; and creating new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The superintendent shall review cost-of-
8 living differences by county or by area and recommend to the governor
9 and the legislature by February 1, 1992, a compensation formula or
10 formulas for allocation to school districts that take into account
11 cost-of-living differences.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
13 RCW to read as follows:

1 (1) For each day a school district has closed school operations due
2 to a work stoppage, the district shall (a) reduce the school year, as
3 otherwise statutorily required, by one day; (b) reduce pro rata any
4 affected hours or credits for courses or teacher-contact otherwise
5 statutorily required; (c) withhold a pro rata portion of the salary of
6 each employee participating in the work stoppage; and (d) report each
7 day of such school closure to the superintendent of public instruction.

8 (2) For each day a school district has closed school operations due
9 to a work stoppage, the superintendent of public instruction shall
10 withhold from the district a pro rata share of the state allocation for
11 certificated staff salaries.

12 (3) For the purposes of this section:

13 (a) "Pro rata" means the number of days, hours, or credits
14 occurring in one day of a work stoppage for a particular course,
15 curriculum, or attendance requirement divided by the number of days,
16 hours, or credits required for that course, curriculum, or attendance
17 requirement in that school year. For purposes of withholding state
18 allocation for certificated staff salaries, "pro rata share" means one
19 divided by the number of days in the school year certificated staff in
20 a school district are required to work.

21 (b) "Work stoppage" means any concerted action by employees or
22 employee organizations to suspend, curtail, interrupt, withhold, or
23 otherwise fail or refuse to perform fully their normal duties or
24 services as public employees in connection with a controversy
25 concerning terms, tenure, or conditions of their public employment, or
26 concerning the association or representation of persons in negotiating,
27 fixing, maintaining, changing, or seeking to arrange terms or
28 conditions of their public employment, regardless of whether the
29 disputants in the controversy stand in the proximate relation of

1 employer and employee or whether the concerted action is directed
2 against the employer school district.

3 **Sec. 3.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
4 read as follows:

5 (1) For the purposes of this section and RCW 28A.150.250 and
6 28A.150.260:

7 (a) The term "total program hour offering" shall mean those hours
8 when students are provided the opportunity to engage in educational
9 activity planned by and under the direction of school district staff,
10 as directed by the administration and board of directors of the
11 district, inclusive of intermissions for class changes, recess and
12 teacher/parent-guardian conferences which are planned and scheduled by
13 the district for the purpose of discussing students' educational needs
14 or progress, and exclusive of time actually spent for meals.

15 (b) "Instruction in work skills" shall include instruction in one
16 or more of the following areas: Industrial arts, home and family life
17 education, business and office education, distributive education,
18 agricultural education, health occupations education, vocational
19 education, trade and industrial education, technical education and
20 career education.

21 (2) Except as provided in section 2 of this act, satisfaction of
22 the basic education goal identified in RCW 28A.150.210 shall be
23 considered to be implemented by the following program requirements:

24 (a) Each school district shall make available to students in
25 kindergarten at least a total program offering of four hundred fifty
26 hours. The program shall include reading, arithmetic, language skills
27 and such other subjects and such activities as the school district
28 shall determine to be appropriate for the education of the school
29 district's students enrolled in such program;

1 (b) Each school district shall make available to students in grades
2 one through three, at least a total program hour offering of two
3 thousand seven hundred hours. A minimum of ninety-five percent of the
4 total program hour offerings shall be in the basic skills areas of
5 reading/language arts (which may include foreign languages),
6 mathematics, social studies, science, music, art, health and physical
7 education. The remaining five percent of the total program hour
8 offerings may include such subjects and activities as the school
9 district shall determine to be appropriate for the education of the
10 school district's students in such grades;

11 (c) Each school district shall make available to students in grades
12 four through six at least a total program hour offering of two thousand
13 nine hundred seventy hours. A minimum of ninety percent of the total
14 program hour offerings shall be in the basic skills areas of
15 reading/language arts (which may include foreign languages),
16 mathematics, social studies, science, music, art, health and physical
17 education. The remaining ten percent of the total program hour
18 offerings may include such subjects and activities as the school
19 district shall determine to be appropriate for the education of the
20 school district's students in such grades;

21 (d) Each school district shall make available to students in grades
22 seven through eight, at least a total program hour offering of one
23 thousand nine hundred eighty hours. A minimum of eighty-five percent
24 of the total program hour offerings shall be in the basic skills areas
25 of reading/language arts (which may include foreign languages),
26 mathematics, social studies, science, music, art, health and physical
27 education. A minimum of ten percent of the total program hour
28 offerings shall be in the area of work skills. The remaining five
29 percent of the total program hour offerings may include such subjects

1 and activities as the school district shall determine to be appropriate
2 for the education of the school district's students in such grades;

3 (e) Each school district shall make available to students in grades
4 nine through twelve at least a total program hour offering of four
5 thousand three hundred twenty hours. A minimum of sixty percent of the
6 total program hour offerings shall be in the basic skills areas of
7 language arts, foreign language, mathematics, social studies, science,
8 music, art, health and physical education. A minimum of twenty percent
9 of the total program hour offerings shall be in the area of work
10 skills. The remaining twenty percent of the total program hour
11 offerings may include traffic safety or such subjects and activities as
12 the school district shall determine to be appropriate for the education
13 of the school district's students in such grades, with not less than
14 one-half thereof in basic skills and/or work skills: PROVIDED, That
15 each school district shall have the option of including grade nine
16 within the program hour offering requirements of grades seven and eight
17 so long as such requirements for grades seven through nine are
18 increased to two thousand nine hundred seventy hours and such
19 requirements for grades ten through twelve are decreased to three
20 thousand two hundred forty hours.

21 (3) In order to provide flexibility to the local school districts
22 in the setting of their curricula, and in order to maintain the intent
23 of this legislation, which is to stress the instruction of basic
24 skills and work skills, any local school district may establish minimum
25 course mix percentages that deviate by up to five percentage points
26 above or below those minimums required by subsection (2) of this
27 section, so long as the total program hour requirement is still met.

28 (4) Nothing contained in subsection (2) of this section shall be
29 construed to require individual students to attend school for any
30 particular number of hours per day or to take any particular courses.

1 (5) Each school district's kindergarten through twelfth grade basic
2 educational program shall be accessible to all students who are five
3 years of age, as provided by RCW 28A.225.160, and less than twenty-one
4 years of age and, except as provided in section 2 of this act, shall
5 consist of a minimum of one hundred eighty school days per school year
6 in such grades as are conducted by a school district, and one hundred
7 eighty half-days of instruction, or equivalent, in kindergarten:
8 PROVIDED, That effective May 1, 1979, a school district may schedule
9 the last five school days of the one hundred and eighty day school year
10 for noninstructional purposes in the case of students who are
11 graduating from high school, including, but not limited to, the
12 observance of graduation and early release from school upon the request
13 of a student, and all such students may be claimed as a full time
14 equivalent student to the extent they could otherwise have been so
15 claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

16 (6) The state board of education shall adopt rules to implement and
17 ensure compliance with the program requirements imposed by this
18 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
19 program approval requirements as the state board may establish:
20 PROVIDED, That each school district board of directors shall establish
21 the basis and means for determining and monitoring the district's
22 compliance with the basic skills and work skills percentage and course
23 requirements of this section. The certification of the board of
24 directors and the superintendent of a school district that the district
25 is in compliance with such basic skills and work skills requirements
26 may be accepted by the superintendent of public instruction and the
27 state board of education.

28 (7) Handicapped education programs, vocational-technical institute
29 programs, state institution and state residential school programs, all
30 of which programs are conducted for the common school age, kindergarten

1 through secondary school program students encompassed by this section,
2 shall be exempt from the basic skills and work skills percentage and
3 course requirements of this section in order that the unique needs,
4 abilities or limitations of such students may be met.

5 (8) Any school district may petition the state board of education
6 for a reduction in the total program hour offering requirements for one
7 or more of the grade level groupings specified in this section. The
8 state board of education shall grant all such petitions that are
9 accompanied by an assurance that the minimum total program hour
10 offering requirements in one or more other grade level groupings will
11 be exceeded concurrently by no less than the number of hours of the
12 reduction.

13 **Sec. 4.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
14 read as follows:

15 Except as provided in section 2 of this act, from those funds made
16 available by the legislature for the current use of the common schools,
17 the superintendent of public instruction shall distribute annually as
18 provided in RCW 28A.510.250 to each school district of the state
19 operating a program approved by the state board of education an amount
20 which, when combined with an appropriate portion of such locally
21 available revenues, other than receipts from federal forest revenues
22 distributed to school districts pursuant to RCW 28A.520.010 and
23 28A.520.020, as the superintendent of public instruction may deem
24 appropriate for consideration in computing state equalization support,
25 excluding excess property tax levies, will constitute a basic education
26 allocation in dollars for each annual average full time equivalent
27 student enrolled, based upon one full school year of one hundred eighty
28 days, except that for kindergartens one full school year shall be one

1 hundred eighty half days of instruction, or the equivalent as provided
2 in RCW 28A.150.220.

3 Basic education shall be considered to be fully funded by those
4 amounts of dollars appropriated by the legislature pursuant to RCW
5 28A.150.250 and 28A.150.260 to fund those program requirements
6 identified in RCW 28A.150.220 in accordance with the formula and ratios
7 provided in RCW 28A.150.260 and those amounts of dollars appropriated
8 by the legislature to fund the salary requirements of RCW 28A.150.100
9 and 28A.150.410.

10 Operation of a program approved by the state board of education,
11 for the purposes of this section, shall include a finding that the
12 ratio of students per classroom teacher in grades kindergarten through
13 three is not greater than the ratio of students per classroom teacher
14 in grades four and above for such district: PROVIDED, That for the
15 purposes of this section, "classroom teacher" shall be defined as an
16 instructional employee possessing at least a provisional certificate,
17 but not necessarily employed as a certificated employee, whose primary
18 duty is the daily educational instruction of students: PROVIDED
19 FURTHER, That the state board of education shall adopt rules and
20 regulations to insure compliance with the student/teacher ratio
21 provisions of this section, and such rules and regulations shall allow
22 for exemptions for those special programs and/or school districts which
23 may be deemed unable to practicably meet the student/teacher ratio
24 requirements of this section by virtue of a small number of students.

25 If a school district's basic education program fails to meet the
26 basic education requirements enumerated in RCW 28A.150.250,
27 28A.150.260, and 28A.150.220, the state board of education shall
28 require the superintendent of public instruction to withhold state
29 funds in whole or in part for the basic education allocation until
30 program compliance is assured: PROVIDED, That the state board of

1 education may waive this requirement in the event of substantial lack
2 of classroom space.

3 **Sec. 5.** RCW 28A.150.260 and 1991 c 116 s 10 are each amended to
4 read as follows:

5 The basic education allocation for each annual average full time
6 equivalent student shall be determined in accordance with the following
7 procedures:

8 (1) The governor shall and the superintendent of public instruction
9 may recommend to the legislature a formula based on a ratio of students
10 to staff for the distribution of a basic education allocation for each
11 annual average full time equivalent student enrolled in a common
12 school. The distribution formula shall have the primary objective of
13 equalizing educational opportunities and shall provide appropriate
14 recognition of the following costs among the various districts within
15 the state:

16 (a) Certificated instructional staff and their related costs;

17 (b) Certificated administrative staff and their related costs;

18 (c) Classified staff and their related costs;

19 (d) Nonsalary costs;

20 (e) Extraordinary costs of remote and necessary schools and small
21 high schools, including costs of additional certificated and classified
22 staff; and

23 (f) The attendance of students pursuant to RCW 28A.335.160 and
24 28A.225.250 who do not reside within the servicing school district.

25 (2)(a) This formula for distribution of basic education funds shall
26 be reviewed biennially by the superintendent and governor. The
27 recommended formula shall be subject to approval, amendment or
28 rejection by the legislature. The formula shall be for allocation
29 purposes only. While the legislature intends that the allocations for

1 additional instructional staff be used to increase the ratio of such
2 staff to students, nothing in this section shall require districts to
3 reduce the number of administrative staff below existing levels.

4 (b) Commencing with the 1988-89 school year, the formula adopted by
5 the legislature shall reflect the following ratios at a minimum: (i)
6 Forty-nine certificated instructional staff to one thousand annual
7 average full time equivalent students enrolled in grades kindergarten
8 through three; (ii) forty-six certificated instructional staff to one
9 thousand annual average full time equivalent students in grades four
10 through twelve; (iii) four certificated administrative staff to one
11 thousand annual average full time equivalent students in grades
12 kindergarten through twelve; and (iv) sixteen and sixty-seven one-
13 hundredths classified personnel to one thousand annual average full
14 time equivalent students enrolled in grades kindergarten through
15 twelve.

16 (c) In the event the legislature rejects the distribution formula
17 recommended by the governor, without adopting a new distribution
18 formula, the distribution formula for the previous school year shall
19 remain in effect: PROVIDED, That the distribution formula developed
20 pursuant to this section shall be for state apportionment and
21 equalization purposes only and shall not be construed as mandating
22 specific operational functions of local school districts other than
23 those program requirements identified in RCW 28A.150.220 and
24 28A.150.100. The enrollment of any district shall be the annual
25 average number of full time equivalent students and part time students
26 as provided in RCW 28A.150.350, enrolled on the first school day of
27 each month and shall exclude full time equivalent handicapped students
28 recognized for the purposes of allocation of state funds for programs
29 under RCW 28A.155.010 through 28A.155.100. The definition of full time
30 equivalent student shall be determined by rules and regulations of the

1 superintendent of public instruction: PROVIDED, That the definition
2 shall be included as part of the superintendent's biennial budget
3 request: PROVIDED, FURTHER, That any revision of the present
4 definition shall not take effect until approved by the house
5 appropriations committee and the senate ways and means committee:
6 PROVIDED, FURTHER, That the office of financial management shall make
7 a monthly review of the superintendent's reported full time equivalent
8 students in the common schools in conjunction with RCW 43.62.050.

9 (3)(a) Certificated instructional staff shall include those persons
10 employed by a school district who are nonsupervisory employees within
11 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
12 people of unusual competence but without certification may teach
13 students so long as a certificated person exercises general
14 supervision: PROVIDED, FURTHER, That the hiring of such
15 noncertificated people shall not occur during a labor dispute and such
16 noncertificated people shall not be hired to replace certificated
17 employees during a labor dispute.

18 (b) Certificated administrative staff shall include all those
19 persons who are chief executive officers, chief administrative
20 officers, confidential employees, supervisors, principals, or assistant
21 principals within the meaning of RCW 41.59.020(4).

22 (4) Each annual average full time equivalent certificated classroom
23 teacher's direct classroom contact hours shall average at least twenty-
24 five hours per week. Direct classroom contact hours shall be exclusive
25 of time required to be spent for preparation, conferences, or any other
26 nonclassroom instruction duties. Up to two hundred minutes per week
27 may be deducted from the twenty-five contact hour requirement, at the
28 discretion of the school district board of directors, to accommodate
29 authorized teacher/parent-guardian conferences, recess, passing time
30 between classes, and informal instructional activity. Implementing

1 rules to be adopted by the state board of education pursuant to RCW
2 28A.150.220(6) shall provide that compliance with the direct contact
3 hour requirement shall be based upon teachers' normally assigned weekly
4 instructional schedules, as assigned by the district administration.
5 Additional record-keeping by classroom teachers as a means of
6 accounting for contact hours shall not be required. However, upon
7 request from the board of directors of any school district, the
8 provisions relating to direct classroom contact hours for individual
9 teachers in that district may be waived by the state board of education
10 if the waiver is necessary to implement a locally approved plan for
11 educational excellence and the waiver is limited to those individual
12 teachers approved in the local plan for educational excellence. The
13 state board of education shall develop criteria to evaluate the need
14 for the waiver. Granting of the waiver shall depend upon verification
15 that: (a) The students' classroom instructional time will not be
16 reduced; and (b) the teacher's expertise is critical to the success of
17 the local plan for excellence.

18 (5) The formula and other requirements of this section are subject
19 to modification under section 2 of this act.

20 **Sec. 6.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
21 read as follows:

22 (1) The superintendent of public instruction shall have the power
23 and duty to make such rules and regulations as are necessary for the
24 proper administration of this chapter and RCW 28A.160.150 through
25 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the
26 provisions thereof, and in addition to require such reports as may be
27 necessary to carry out his or her duties under this chapter and RCW
28 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

1 (2) The superintendent of public instruction shall have the
2 authority to make rules and regulations which establish the terms and
3 conditions for allowing school districts to receive state basic
4 education moneys as provided in RCW 28A.150.250 when said districts are
5 unable to fulfill for one or more schools as officially scheduled the
6 requirement of a full school year of one hundred eighty days or the
7 total program hour offering, teacher contact hour, or course mix and
8 percentage requirements imposed by RCW 28A.150.220 and 28A.150.260 due
9 to one or more of the following conditions:

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

15 (b) An unforeseen mechanical failure or an unforeseen action or
16 inaction by one or more persons, including negligence and threats, that
17 (i) is beyond the control of both a school district board of directors
18 and its employees and (ii) has the direct or indirect effect of
19 rendering one or more school district facilities unsafe, unhealthy,
20 inaccessible, or inoperable. Such actions, inactions or mechanical
21 failures may include, but are not necessarily limited to, arson,
22 vandalism, riots, insurrections, bomb threats, bombings, delays in the
23 scheduled completion of construction projects, and the discontinuance
24 or disruption of utilities such as heating, lighting and water:
25 PROVIDED, That an unforeseen action or inaction shall not include any
26 (~~labor dispute between a school district board of directors and any~~
27 ~~employee of the school district~~) work stoppage as defined in section
28 2 of this act.

29 A condition is foreseeable for the purposes of this subsection to
30 the extent a reasonably prudent person would have anticipated prior to

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

9 (3) The superintendent of public instruction shall make every
10 effort to reduce the amount of paperwork required in administration of
11 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and
12 28A.500.010; to simplify the application, monitoring and evaluation
13 processes used; to eliminate all duplicative requests for information
14 from local school districts; and to make every effort to integrate and
15 standardize information requests for other state education acts and
16 federal aid to education acts administered by the superintendent of
17 public instruction so as to reduce paperwork requirements and
18 duplicative information requests.

19 **Sec. 7.** RCW 28A.150.410 and 1990 c 33 s 118 are each amended to
20 read as follows:

21 (1) The legislature shall establish for each school year in the
22 appropriations act a state-wide salary allocation schedule, for
23 allocation purposes only and subject to notification under section 2 of
24 this act, to be used to distribute funds for basic education
25 certificated instructional staff salaries under RCW 28A.150.260.

26 (2) The superintendent of public instruction shall calculate salary
27 allocations for state funded basic education certificated instructional
28 staff by determining the district average salary for basic education
29 instructional staff using the salary allocation schedule established

1 pursuant to this section. However, no district shall receive an
2 allocation based upon an average basic education certificated
3 instructional staff salary which is less than the average of the
4 district's 1986-87 actual basic education certificated instructional
5 staff salaries, as reported to the superintendent of public instruction
6 prior to June 1, 1987, and the legislature may grant minimum salary
7 increases on that base: PROVIDED, That the superintendent of public
8 instruction may adjust this allocation based upon the education and
9 experience of the district's certificated instructional staff.

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

16 (a) The employee has a masters degree; or

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

19 **Sec. 8.** RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each
20 amended to read as follows:

21 (1) The state board of education shall establish high school
22 graduation requirements or equivalencies for students who commence the
23 ninth grade subsequent to July 1, 1985, that meet or exceed the
24 following:

25	SUBJECT	CREDITS
26	English	3
27	Mathematics	2

1	Social Studies	
2	United States history	
3	and government	1
4	Washington state	
5	history and government	1/2
6	Contemporary world	
7	history, geography,	
8	and problems	1
9	Science (1 credit	
10	must be in	
11	laboratory science)	2
12	Occupational Education	1
13	Physical Education	2
14	Electives	5 1\2
15	Total	18

16 (2) For the purposes of this section one credit is equivalent to
17 one year of study, except as provided in section 2 of this act.

18 (3) The Washington state history and government requirement may be
19 fulfilled by students in grades seven or eight or both. Students who
20 have completed the Washington state history and government requirement
21 in grades seven or eight or both shall be considered to have fulfilled
22 the Washington state history and government requirement.

23 (4) A candidate for graduation must have in addition earned a
24 minimum of 18 credits including all required courses. These credits
25 shall consist of the state requirements listed above and such
26 additional requirements and electives as shall be established by each
27 district.

28 (5) In recognition of the statutory authority of the state board of
29 education to establish and enforce minimum high school graduation

1 requirements, the state board shall periodically reevaluate the
2 graduation requirements and shall report such findings to the
3 legislature in a timely manner as determined by the state board.

4 (6) Pursuant to any foreign language requirement established by the
5 state board of education or a local school district, or both, for
6 purposes of high school graduation, students who receive instruction in
7 sign language shall be considered to have satisfied the state or local
8 school district foreign language graduation requirement.

9 (7) If requested by the student and his or her family, a student
10 who has completed high school courses while in seventh and eighth grade
11 shall be given high school credit which shall be applied to fulfilling
12 high school graduation requirements if:

13 (a) The course was taken with high school students and the student
14 has successfully passed by completing the same course requirements and
15 examinations as the high school students enrolled in the class; or

16 (b) The course would qualify for high school credit, because the
17 course is similar or equivalent to a course offered at a high school in
18 the district as determined by the school district board of directors.

19 (8) Students who have taken and successfully completed high school
20 courses under the circumstances in subsection (7) of this section shall
21 not be required to take an additional competency examination or perform
22 any other additional assignment to receive credit. Subsection (7) of
23 this section shall also apply to students enrolled in high school on
24 April 11, 1990, who took the courses while they were in seventh and
25 eighth grade.

26 **Sec. 9.** RCW 28A.410.080 and 1969 ex.s. c 223 s 28A.01.025 are each
27 amended to read as follows:

28 Except as provided in section 2 of this act, the school year for
29 all matters pertaining to teacher certification or for computing

1 experience in teaching shall consist of not fewer than one hundred
2 eighty school days.

3 **Sec. 10.** RCW 28A.510.250 and 1990 c 33 s 426 are each amended to
4 read as follows:

5 Except as provided in section 2 of this act, on or before the last
6 business day of September 1969 and each month thereafter, the
7 superintendent of public instruction shall apportion from the state
8 general fund to the several educational service districts of the state
9 the proportional share of the total annual amount due and apportionable
10 to such educational service districts for the school districts thereof
11 as follows:

12	September	9.0%
13	October	9.0%
14	November	5.5%
15	December	9.0%
16	January	9.0%
17	February	9.0%
18	March	9.0%
19	April	9.0%
20	May	5.5%
21	June	6.0%
22	July	10.0%
23	August	10.0%

24 The annual amount due and apportionable shall be the amount
25 apportionable for all apportionment credits estimated to accrue to the
26 schools during the apportionment year beginning September first and
27 continuing through August thirty-first. Appropriations made for school

1 districts for each year of a biennium shall be apportioned according to
2 the schedule set forth in this section for the fiscal year starting
3 September 1st of the then calendar year and ending August 31st of the
4 next calendar year. The apportionment from the state general fund for
5 each month shall be an amount which will equal the amount due and
6 apportionable to the several educational service districts during such
7 month: PROVIDED, That any school district may petition the
8 superintendent of public instruction for an emergency advance of funds
9 which may become apportionable to it but not to exceed ten percent of
10 the total amount to become due and apportionable during the school
11 districts apportionment year. The superintendent of public instruction
12 shall determine if the emergency warrants such advance and if the funds
13 are available therefor. If the superintendent determines in the
14 affirmative, he or she may approve such advance and, at the same time,
15 add such an amount to the apportionment for the educational service
16 district in which the school district is located: PROVIDED, That the
17 emergency advance of funds and the interest earned by school districts
18 on the investment of temporary cash surpluses resulting from obtaining
19 such advance of state funds shall be deducted by the superintendent of
20 public instruction from the remaining amount apportionable to said
21 districts during that apportionment year in which the funds are
22 advanced.

23 NEW SECTION. **Sec. 11.** Under their respective rule-making
24 authority, the superintendent of public instruction and the state board
25 of education shall adopt rules implementing the provisions of this act.

26 NEW SECTION. **Sec. 12.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other

1 persons or circumstances is not affected.