
HOUSE BILL 3092

State of Washington

56th Legislature

2000 Regular Session

By Representative Thomas

Read first time 01/28/2000. Referred to Committee on Education.

1 AN ACT Relating to increasing the minimum school program
2 requirements; amending RCW 28A.150.220, 28A.150.220, 28A.150.250,
3 28A.150.290, 28A.150.290, 28A.190.030, 28A.195.010, 28A.305.140,
4 28A.310.240, 28A.400.300, and 28A.410.080; reenacting and amending RCW
5 28A.330.100; creating a new section; providing a contingent effective
6 date; and providing contingent expiration dates.

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

8 **Sec. 1.** RCW 28A.150.220 and 1995 c 77 s 1 are each amended to read
9 as follows:

10 (1) For the purposes of this section and RCW 28A.150.250 and
11 28A.150.260:

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

1 (b) "Instruction in work skills" shall include instruction in one
2 or more of the following areas: Industrial arts, home and family life
3 education, business and office education, distributive education,
4 agricultural education, health occupations education, vocational
5 education, trade and industrial education, technical education and
6 career education.

7 (c) "School year" means the minimum school year length as required
8 under subsection (5) of this section.

9 (2) Satisfaction of the basic education goal identified in RCW
10 28A.150.210 shall be considered to be implemented by the following
11 program requirements:

12 (a) Each school district shall make available to students in
13 kindergarten at least ((a)) an average total program offering of ((four
14 hundred fifty hours)) two and one-half hours per school day. The
15 program shall include reading, arithmetic, language skills and such
16 other subjects and such activities as the school district shall
17 determine to be appropriate for the education of the school district's
18 students enrolled in such program;

19 (b) Each school district shall make available to students in grades
20 one through three, at least ((a)) an average total program hour
21 offering of ((two thousand seven hundred hours)) five hours per school
22 day. A minimum of ninety-five percent of the total program hour
23 offerings shall be in the basic skills areas of reading/language arts
24 (which may include languages other than English, including American
25 Indian languages), mathematics, social studies, science, music, art,
26 health and physical education. The remaining five percent of the total
27 program hour offerings may include such subjects and activities as the
28 school district shall determine to be appropriate for the education of
29 the school district's students in such grades;

30 (c) Each school district shall make available to students in grades
31 four through six at least ((a)) an average total program hour offering
32 of ((two thousand nine hundred seventy hours)) five and one-half hours
33 per school day. A minimum of ninety percent of the total program hour
34 offerings shall be in the basic skills areas of reading/language arts
35 (which may include languages other than English, including American
36 Indian languages), mathematics, social studies, science, music, art,
37 health and physical education. The remaining ten percent of the total
38 program hour offerings may include such subjects and activities as the

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

3 (d) Each school district shall make available to students in grades
4 seven through eight, at least ((a)) an average total program hour
5 offering of (~~one thousand nine hundred eighty hours~~) six hours per
6 school day. A minimum of eighty-five percent of the total program hour
7 offerings shall be in the basic skills areas of reading/language arts
8 (which may include languages other than English, including American
9 Indian languages), mathematics, social studies, science, music, art,
10 health and physical education. A minimum of ten percent of the total
11 program hour offerings shall be in the area of work skills. The
12 remaining five percent of the total program hour offerings may include
13 such subjects and activities as the school district shall determine to
14 be appropriate for the education of the school district's students in
15 such grades;

16 (e) Each school district shall make available to students in grades
17 nine through twelve at least a total program hour offering of four
18 thousand three hundred twenty hours. A minimum of sixty percent of the
19 total program hour offerings shall be in the basic skills areas of
20 language arts, languages other than English, which may be American
21 Indian languages, mathematics, social studies, science, music, art,
22 health and physical education. A minimum of twenty percent of the
23 total program hour offerings shall be in the area of work skills. The
24 remaining twenty percent of the total program hour offerings may
25 include traffic safety or such subjects and activities as the school
26 district shall determine to be appropriate for the education of the
27 school district's students in such grades, with not less than one-half
28 thereof in basic skills and/or work skills: PROVIDED, That each school
29 district shall have the option of including grade nine within the
30 program hour offering requirements of grades seven and eight so long as
31 such requirements for grades seven through nine are increased to two
32 thousand nine hundred seventy hours and such requirements for grades
33 ten through twelve are decreased to three thousand two hundred forty
34 hours.

35 (3) In order to provide flexibility to the local school districts
36 in the setting of their curricula, and in order to maintain the intent
37 of this legislation, which is to stress the instruction of basic skills
38 and work skills, any local school district may establish minimum course
39 mix percentages that deviate by up to five percentage points above or

1 below those minimums required by subsection (2) of this section, so
2 long as the total program hour requirement is still met.

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

6 (5) Each school district's kindergarten through twelfth grade basic
7 educational program shall be accessible to all students who are five
8 years of age, as provided by RCW 28A.225.160, and less than twenty-one
9 years of age and shall consist of a minimum of one hundred (~~((eighty))~~)
10 eighty-five school days for the 2000-01 school year and one hundred
11 ninety school days per school year thereafter in such grades as are
12 conducted by a school district, and one hundred (~~((eighty))~~) eighty-five
13 half-days of instruction, or equivalent for the 2000-01 school year and
14 thereafter one hundred ninety half-days of instruction, or equivalent,
15 in kindergarten: PROVIDED, That effective May 1, 1979, a school
16 district may schedule the last five school days of the (~~((one hundred~~
17 ~~and eighty day))~~) school year for noninstructional purposes in the case
18 of students who are graduating from high school, including, but not
19 limited to, the observance of graduation and early release from school
20 upon the request of a student, and all such students may be claimed as
21 a full time equivalent student to the extent they could otherwise have
22 been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

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

35 (7) Special education programs for students with disabilities,
36 vocational-technical institute programs, state institution and state
37 residential school programs, all of which programs are conducted for
38 the common school age, kindergarten through secondary school program
39 students encompassed by this section, shall be exempt from the basic

1 skills and work skills percentage and course requirements of this
2 section in order that the unique needs, abilities or limitations of
3 such students may be met.

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

12 **Sec. 2.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
13 read as follows:

14 (1) "School year" means the minimum school year length as required
15 under subsection (4) of this section.

16 (2) Satisfaction of the basic education program requirements
17 identified in RCW 28A.150.210 shall be considered to be implemented by
18 the following program:

19 (a) Each school district shall make available to students enrolled
20 in kindergarten at least ((a)) an average total instructional offering
21 of ((four hundred fifty hours)) two and one-half hours per school day.
22 The program shall include instruction in the essential academic
23 learning requirements under RCW 28A.630.885 and such other subjects and
24 such activities as the school district shall determine to be
25 appropriate for the education of the school district's students
26 enrolled in such program;

27 (b) Each school district shall make available to students enrolled
28 in grades one through twelve, at least ((a)) an average district-wide
29 annual average total instructional hour offering of ((one thousand
30 hours)) five and one-half hours per school day. The state board of
31 education may define alternatives to classroom instructional time for
32 students in grades nine through twelve enrolled in alternative learning
33 experiences. The state board of education shall establish rules to
34 determine annual average instructional hours for districts including
35 fewer than twelve grades. The program shall include the essential
36 academic learning requirements under RCW 28A.630.885 and such other
37 subjects and such activities as the school district shall determine to

1 be appropriate for the education of the school district's students
2 enrolled in such group;

3 (c) If the essential academic learning requirements include a
4 requirement of languages other than English, the requirement may be met
5 by students receiving instruction in one or more American Indian
6 languages.

7 ~~((+2))~~ (3) Nothing contained in subsection ~~((+1))~~ (2) of this
8 section shall be construed to require individual students to attend
9 school for any particular number of hours per day or to take any
10 particular courses.

11 ~~((+3))~~ (4) Each school district's kindergarten through twelfth
12 grade basic educational program shall be accessible to all students who
13 are five years of age, as provided by RCW 28A.225.160, and less than
14 twenty-one years of age and shall consist of a minimum of one hundred
15 ~~((eighty))~~ eighty-five school days for the 2000-01 school year and one
16 hundred ninety school days per school year thereafter in such grades as
17 are conducted by a school district, and one hundred ~~((eighty))~~ eighty-
18 five half-days of instruction, or equivalent for the 2000-01 school
19 year and thereafter one hundred ninety half-days of instruction, or
20 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
21 school district may schedule the last five school days of the ~~((one~~
22 ~~hundred and eighty day))~~ school year for noninstructional purposes in
23 the case of students who are graduating from high school, including,
24 but not limited to, the observance of graduation and early release from
25 school upon the request of a student, and all such students may be
26 claimed as a full time equivalent student to the extent they could
27 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
28 28A.150.260.

29 ~~((+4))~~ (5) The state board of education shall adopt rules to
30 implement and ensure compliance with the program requirements imposed
31 by this section, RCW 28A.150.250 and 28A.150.260, and such related
32 supplemental program approval requirements as the state board may
33 establish.

34 **Sec. 3.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
35 read as follows:

36 From those funds made available by the legislature for the current
37 use of the common schools, the superintendent of public instruction
38 shall distribute annually as provided in RCW 28A.510.250 to each school

1 district of the state operating a program approved by the state board
2 of education an amount which, when combined with an appropriate portion
3 of such locally available revenues, other than receipts from federal
4 forest revenues distributed to school districts pursuant to RCW
5 28A.520.010 and 28A.520.020, as the superintendent of public
6 instruction may deem appropriate for consideration in computing state
7 equalization support, excluding excess property tax levies, will
8 constitute a basic education allocation in dollars for each annual
9 average full time equivalent student enrolled, based upon one full
10 school year (~~(of one hundred eighty days)~~) as prescribed in RCW
11 28A.150.220, except that for kindergartens one full school year shall
12 be (~~(one hundred eighty half days of instruction, or)~~) the half-day
13 school year equivalent as provided in RCW 28A.150.220.

14 Basic education shall be considered to be fully funded by those
15 amounts of dollars appropriated by the legislature pursuant to RCW
16 28A.150.250 and 28A.150.260 to fund those program requirements
17 identified in RCW 28A.150.220 in accordance with the formula and ratios
18 provided in RCW 28A.150.260 and those amounts of dollars appropriated
19 by the legislature to fund the salary requirements of RCW 28A.150.100
20 and 28A.150.410.

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

36 If a school district's basic education program fails to meet the
37 basic education requirements enumerated in RCW 28A.150.250,
38 28A.150.260, and 28A.150.220, the state board of education shall
39 require the superintendent of public instruction to withhold state

1 funds in whole or in part for the basic education allocation until
2 program compliance is assured: PROVIDED, That the state board of
3 education may waive this requirement in the event of substantial lack
4 of classroom space.

5 **Sec. 4.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall have the power
8 and duty to make such rules and regulations as are necessary for the
9 proper administration of this chapter and RCW 28A.160.150 through
10 ~~((28A.160.220))~~ 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
11 not inconsistent with the provisions thereof, and in addition to
12 require such reports as may be necessary to carry out his or her duties
13 under this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~
14 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

15 (2) The superintendent of public instruction shall have the
16 authority to make rules ~~((and regulations which))~~ that establish the
17 terms and conditions for allowing school districts to receive state
18 basic education moneys as provided in RCW 28A.150.250 when said
19 districts are unable to fulfill for one or more schools as officially
20 scheduled the requirement of a ~~((full))~~ minimum school year ~~((of one
21 hundred eighty days))~~ as provided in RCW 28A.150.220 or the total
22 program hour offering, teacher contact hour, or course mix and
23 percentage requirements imposed by RCW 28A.150.220 and 28A.150.260 due
24 to one or more of the following conditions:

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

30 (b) An unforeseen mechanical failure or an unforeseen action or
31 inaction by one or more persons, including negligence and threats, that
32 (i) is beyond the control of both a school district board of directors
33 and its employees and (ii) has the direct or indirect effect of
34 rendering one or more school district facilities unsafe, unhealthy,
35 inaccessible, or inoperable. Such actions, inactions or mechanical
36 failures may include, but are not necessarily limited to, arson,
37 vandalism, riots, insurrections, bomb threats, bombings, delays in the
38 scheduled completion of construction projects, and the discontinuance

1 or disruption of utilities such as heating, lighting and water:
2 PROVIDED, That an unforeseen action or inaction shall not include any
3 labor dispute between a school district board of directors and any
4 employee of the school district.

5 A condition is foreseeable for the purposes of this subsection to
6 the extent a reasonably prudent person would have anticipated prior to
7 August first of the preceding school year that the condition probably
8 would occur during the ensuing school year because of the occurrence of
9 an event or a circumstance which existed during such preceding school
10 year or a prior school year. A board of directors of a school district
11 is deemed for the purposes of this subsection to have knowledge of
12 events and circumstances which are a matter of common knowledge within
13 the school district and of those events and circumstances which can be
14 discovered upon prudent inquiry or inspection.

15 (3) The superintendent of public instruction shall make every
16 effort to reduce the amount of paperwork required in administration of
17 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,
18 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
19 monitoring and evaluation processes used; to eliminate all duplicative
20 requests for information from local school districts; and to make every
21 effort to integrate and standardize information requests for other
22 state education acts and federal aid to education acts administered by
23 the superintendent of public instruction so as to reduce paperwork
24 requirements and duplicative information requests.

25 **Sec. 5.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
26 read as follows:

27 (1) The superintendent of public instruction shall have the power
28 and duty to make such rules and regulations as are necessary for the
29 proper administration of this chapter and RCW 28A.160.150 through
30 ((28A.160.220)) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
31 not inconsistent with the provisions thereof, and in addition to
32 require such reports as may be necessary to carry out his or her duties
33 under this chapter and RCW 28A.160.150 through ((28A.160.220))
34 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

35 (2) The superintendent of public instruction shall have the
36 authority to make rules and regulations which establish the terms and
37 conditions for allowing school districts to receive state basic
38 education moneys as provided in RCW 28A.150.250 when said districts are

1 unable to fulfill for one or more schools as officially scheduled the
2 requirement of a ~~((full))~~ minimum school year ~~((of one hundred eighty~~
3 ~~days))~~ as provided in RCW 28A.150.220 or the annual average total
4 instructional hour offering imposed by RCW 28A.150.220 and 28A.150.260
5 due to one or more of the following conditions:

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

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

24 A condition is foreseeable for the purposes of this subsection to
25 the extent a reasonably prudent person would have anticipated prior to
26 August first of the preceding school year that the condition probably
27 would occur during the ensuing school year because of the occurrence of
28 an event or a circumstance which existed during such preceding school
29 year or a prior school year. A board of directors of a school district
30 is deemed for the purposes of this subsection to have knowledge of
31 events and circumstances which are a matter of common knowledge within
32 the school district and of those events and circumstances which can be
33 discovered upon prudent inquiry or inspection.

34 (3) The superintendent of public instruction shall make every
35 effort to reduce the amount of paperwork required in administration of
36 this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210,
37 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
38 monitoring and evaluation processes used; to eliminate all duplicative
39 requests for information from local school districts; and to make every

1 effort to integrate and standardize information requests for other
2 state education acts and federal aid to education acts administered by
3 the superintendent of public instruction so as to reduce paperwork
4 requirements and duplicative information requests.

5 **Sec. 6.** RCW 28A.190.030 and 1995 c 77 s 19 are each amended to
6 read as follows:

7 Each school district within which there is located a residential
8 school shall, singly or in concert with another school district
9 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
10 39.34 RCW, conduct a program of education, including related student
11 activities, for residents of the residential school. Except as
12 otherwise provided for by contract pursuant to RCW 28A.190.050, the
13 duties and authority of a school district and its employees to conduct
14 such a program shall be limited to the following:

15 (1) The employment, supervision and control of administrators,
16 teachers, specialized personnel and other persons, deemed necessary by
17 the school district for the conduct of the program of education;

18 (2) The purchase, lease or rental and provision of textbooks, maps,
19 audio-visual equipment, paper, writing instruments, physical education
20 equipment and other instructional equipment, materials and supplies,
21 deemed necessary by the school district for the conduct of the program
22 of education;

23 (3) The development and implementation, in consultation with the
24 superintendent or chief administrator of the residential school or his
25 or her designee, of the curriculum;

26 (4) The conduct of a program of education, including related
27 student activities, for residents who are three years of age and less
28 than twenty-one years of age, and have not met high school graduation
29 requirements as now or hereafter established by the state board of
30 education and the school district which includes:

31 (a) ~~((Not less than one hundred and eighty school days each school
32 year))~~ The minimum school year length as prescribed in RCW 28A.150.220;

33 (b) Special education pursuant to RCW 28A.155.010 through
34 28A.155.100, and vocational education, as necessary to address the
35 unique needs and limitations of residents; and

36 (c) Such courses of instruction and school related student
37 activities as are provided by the school district for nonresidential
38 school students to the extent it is practical and judged appropriate

1 for the residents by the school district after consultation with the
2 superintendent or chief administrator of the residential school:
3 PROVIDED, That a preschool special education program may be provided
4 for residential school students with disabilities;

5 (5) The control of students while participating in a program of
6 education conducted pursuant to this section and the discipline,
7 suspension or expulsion of students for violation of reasonable rules
8 of conduct adopted by the school district; and

9 (6) The expenditure of funds for the direct and indirect costs of
10 maintaining and operating the program of education that are
11 appropriated by the legislature and allocated by the superintendent of
12 public instruction for the exclusive purpose of maintaining and
13 operating residential school programs of education, and funds from
14 federal and private grants, bequests and gifts made for the purpose of
15 maintaining and operating the program of education.

16 **Sec. 7.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
17 read as follows:

18 The legislature hereby recognizes that private schools should be
19 subject only to those minimum state controls necessary to insure the
20 health and safety of all the students in the state and to insure a
21 sufficient basic education to meet usual graduation requirements. The
22 state, any agency or official thereof, shall not restrict or dictate
23 any specific educational or other programs for private schools except
24 as hereinafter in this section provided.

25 Principals of private schools or superintendents of private school
26 districts shall file each year with the state superintendent of public
27 instruction a statement certifying that the minimum requirements
28 hereinafter set forth are being met, noting any deviations. After
29 review of the statement, the state superintendent will notify schools
30 or school districts of those deviations which must be corrected. In
31 case of major deviations, the school or school district may request and
32 the state board of education may grant provisional status for one year
33 in order that the school or school district may take action to meet the
34 requirements. Minimum requirements shall be as follows:

35 (1) The minimum school year for instructional purposes shall
36 consist of no less than (~~one hundred eighty school days~~) the minimum
37 school year length or the equivalent in annual minimum program hour
38 offerings as prescribed in RCW 28A.150.220.

1 (2) The school day shall be the same as that required in RCW
2 28A.150.030 and 28A.150.220, except that the percentages of total
3 program hour offerings as prescribed in RCW 28A.150.220 for basic
4 skills, work skills, and optional subjects and activities shall not
5 apply to private schools or private sectarian schools.

6 (3) All classroom teachers shall hold appropriate Washington state
7 certification except as follows:

8 (a) Teachers for religious courses or courses for which no
9 counterpart exists in public schools shall not be required to obtain a
10 state certificate to teach those courses.

11 (b) In exceptional cases, people of unusual competence but without
12 certification may teach students so long as a certified person
13 exercises general supervision. Annual written statements shall be
14 submitted to the office of the superintendent of public instruction
15 reporting and explaining such circumstances.

16 (4) An approved private school may operate an extension program for
17 parents, guardians, or persons having legal custody of a child to teach
18 children in their custody. The extension program shall require at a
19 minimum that:

20 (a) The parent, guardian, or custodian be under the supervision of
21 an employee of the approved private school who is certified under
22 chapter 28A.410 RCW;

23 (b) The planning by the certified person and the parent, guardian,
24 or person having legal custody include objectives consistent with this
25 subsection and subsections (1), (2), (5), (6), and (7) of this section;

26 (c) The certified person spend a minimum average each month of one
27 contact hour per week with each student under his or her supervision
28 who is enrolled in the approved private school extension program;

29 (d) Each student's progress be evaluated by the certified person;
30 and

31 (e) The certified employee shall not supervise more than thirty
32 students enrolled in the approved private school's extension program.

33 (5) Appropriate measures shall be taken to safeguard all permanent
34 records against loss or damage.

35 (6) The physical facilities of the school or district shall be
36 adequate to meet the program offered by the school or district:
37 PROVIDED, That each school building shall meet reasonable health and
38 fire safety requirements. However, the state board shall not require
39 private school students to meet the student learning goals, obtain a

1 certificate of mastery to graduate from high school, to master the
2 essential academic learning requirements, or to be assessed pursuant to
3 RCW 28A.630.885. However, private schools may choose, on a voluntary
4 basis, to have their students master these essential academic learning
5 requirements, take these assessments, and obtain certificates of
6 mastery. A residential dwelling of the parent, guardian, or custodian
7 shall be deemed to be an adequate physical facility when a parent,
8 guardian, or person having legal custody is instructing his or her
9 child under subsection (4) of this section.

10 (7) Private school curriculum shall include instruction of the
11 basic skills of occupational education, science, mathematics, language,
12 social studies, history, health, reading, writing, spelling, and the
13 development of appreciation of art and music, all in sufficient units
14 for meeting state board of education graduation requirements.

15 (8) Each school or school district shall be required to maintain
16 up-to-date policy statements related to the administration and
17 operation of the school or school district.

18 All decisions of policy, philosophy, selection of books, teaching
19 material, curriculum, except as in subsection (7) above provided,
20 school rules and administration, or other matters not specifically
21 referred to in this section, shall be the responsibility of the
22 administration and administrators of the particular private school
23 involved.

24 **Sec. 8.** RCW 28A.305.140 and 1992 c 141 s 302 are each amended to
25 read as follows:

26 (1) The (~~self-study process requirements under RCW 28A.320.200,~~
27 ~~the~~) teacher classroom contact requirements under RCW
28 28A.150.260(4)(~~7~~) and the program hour offerings requirements under
29 RCW 28A.150.200 through 28A.150.220 shall be waived for school
30 districts or individual schools within a district if the school
31 district submits to the state board of education a plan for
32 restructuring its educational program, or the educational program of
33 individual schools within the district that includes:

34 (a) Specific standards for increased student learning that the
35 district expects to achieve;

36 (b) How the district plans to achieve the higher standards,
37 including timelines for implementation;

1 (c) How the district plans to determine if the higher standards are
2 met;

3 (d) Evidence that the board of directors, teachers, administrators,
4 and classified employees are committed to working cooperatively in
5 implementing the plan;

6 (e) Evidence that opportunities were provided for parents and
7 citizens to be involved in the development of the plan; and

8 (f) Identification of the state requirements that will be waived.

9 (2) Waivers granted by the state board of education under this
10 section shall be renewed every three years upon the state board of
11 education receiving a renewal request from the school district board of
12 directors. Before filing the request, the school district shall
13 conduct at least one public meeting to evaluate the educational
14 programs that were implemented as a result of the waivers. The request
15 to the state board of education shall include information regarding the
16 activities and programs implemented as a result of the waivers, whether
17 the higher standards for students are being achieved, and a summary of
18 the comments received at the public meeting or meetings.

19 (3) If a school district intends to waive the program hour
20 offerings under RCW 28A.150.220, it shall make available to students
21 enrolled in kindergarten at least ((a)) an average total instructional
22 offering of ((four hundred fifty hours)) two and one-half hours per
23 school day. Each school district also shall make available to students
24 enrolled in grades one through twelve at least ((a)) an annual
25 district-wide annual average total instructional hour offering of ((one
26 thousand hours)) five and one-half hours per school day. A school
27 district may schedule the last thirty instructional hours of any school
28 year for noninstructional purposes in the case of students who are
29 graduating from high school, including, but not limited to, the
30 observance of graduation and early release from school upon the request
31 of a student, and all such students may be claimed as full-time
32 equivalent students to the extent they could otherwise have been so
33 claimed for the purposes of RCW 28A.150.250 and 28A.150.260. The state
34 board of education may define alternatives to classroom instructional
35 time for students in grades nine through twelve enrolled in alternative
36 learning experiences. The state board of education shall establish
37 rules to determine annual average instructional hours for districts
38 having fewer than twelve grades. The program shall include instruction
39 in the essential academic learning requirements under RCW 28A.630.885

1 and other subjects and activities the school district determines to be
2 appropriate.

3 (4) "Instructional hours" means those hours students are provided
4 the opportunity to engage in educational activity planned by and under
5 the direction of school district staff, as directed by the
6 administration and board of directors of the district, inclusive of
7 intermissions for class changes, recess, and teacher/parent-guardian
8 conferences that are planned and scheduled by the district for the
9 purpose of discussing students' educational needs or progress, and
10 exclusive of time actually spent for meals.

11 **Sec. 9.** RCW 28A.310.240 and 1997 c 13 s 6 are each amended to read
12 as follows:

13 (1) Every educational service district board shall adopt written
14 policies granting leaves to persons under contracts of employment with
15 the district in positions requiring either certification or classified
16 qualifications, including but not limited to leaves for attendance at
17 official or private institutes and conferences and sabbatical leaves
18 for employees in positions requiring certification qualification, and
19 leaves for illness, injury, bereavement, and emergencies for both
20 certificated and classified employees, with such compensation as the
21 board prescribes. The board shall adopt written policies granting
22 annual leave with compensation for illness, injury, and emergencies as
23 follows:

24 (a) For persons under contract with the district for a full fiscal
25 year, at least ten days;

26 (b) For persons under contract with the district as part-time
27 employees, at least that portion of ten days as the total number of
28 days contracted for bears to one (~~hundred eighty days~~) school year as
29 prescribed in RCW 28A.150.220;

30 (c) For certificated and classified employees, annual leave with
31 compensation for illness, injury, and emergencies shall be granted and
32 accrue at a rate not to exceed twelve days per fiscal year. Provisions
33 of any contract in force on July 23, 1989, which conflict with
34 requirements of this subsection shall continue in effect until contract
35 expiration; after expiration, any new contract executed between the
36 parties shall be consistent with this subsection;

1 (d) Compensation for leave for illness or injury actually taken
2 shall be the same as the compensation the person would have received
3 had the person not taken the leave provided in this section;

4 (e) Leave provided in this section not taken shall accumulate from
5 fiscal year to fiscal year up to a maximum of one hundred eighty days
6 for the purposes of RCW 28A.310.490, and for leave purposes up to a
7 maximum of the number of contract days agreed to in a given contract,
8 but not greater than one fiscal year. Such accumulated time may be
9 taken at any time during the fiscal year, or up to twelve days per year
10 may be used for the purpose of payments for unused sick leave; and

11 (f) Accumulated leave under this section shall be transferred to
12 educational service districts, school districts, and the office of the
13 superintendent of public instruction, and from any such district or
14 office to another such district or office. An intervening customary
15 summer break in employment or the performance of employment duties
16 shall not preclude such a transfer.

17 (2) Leave accumulated by a person in a district prior to leaving
18 the district may, under rules of the board, be granted to the person
19 when the person returns to the employment of the district.

20 (3) Leave for illness or injury accumulated before July 23, 1989,
21 under the administrative practices of an educational service district,
22 and such leave transferred before July 23, 1989, to or from an
23 educational service district, school district, or the office of the
24 superintendent of public instruction under the administrative practices
25 of the district or office, is declared valid and shall be added to such
26 leave for illness or injury accumulated after July 23, 1989.

27 **Sec. 10.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22
28 are each reenacted and amended to read as follows:

29 Every board of directors of a school district of the first class,
30 in addition to the general powers for directors enumerated in this
31 title, shall have the power:

32 (1) To employ for a term of not exceeding three years a
33 superintendent of schools of the district, and for cause to dismiss him
34 or her; and to fix his or her duties and compensation.

35 (2) To employ, and for cause dismiss one or more assistant
36 superintendents and to define their duties and fix their compensation.

37 (3) To employ a business manager, attorneys, architects, inspectors
38 of construction, superintendents of buildings and a superintendent of

1 supplies, all of whom shall serve at the board's pleasure, and to
2 prescribe their duties and fix their compensation.

3 (4) To employ, and for cause dismiss, supervisors of instruction
4 and to define their duties and fix their compensation.

5 (5) To prescribe a course of study and a program of exercises which
6 shall be consistent with the course of study prepared by the state
7 board of education for the use of the common schools of this state.

8 (6) To, in addition to the minimum requirements imposed by this
9 title establish and maintain such grades and departments, including
10 night, high, kindergarten, vocational training and, except as otherwise
11 provided by law, industrial schools, and schools and departments for
12 the education and training of any class or classes of youth with
13 disabilities, as in the judgment of the board, best shall promote the
14 interests of education in the district.

15 (7) To determine the length of time over and above (~~one hundred~~
16 ~~eighty days~~) the minimum school year length as prescribed in RCW
17 28A.150.220 that school shall be maintained: PROVIDED, That for
18 purposes of apportionment no district shall be credited with more than
19 (~~one hundred and eighty three~~) three days' attendance in excess of
20 any school year; and to fix the time for annual opening and closing of
21 schools and for the daily dismissal of pupils before the regular time
22 for closing schools.

23 (8) To maintain a shop and repair department, and to employ, and
24 for cause dismiss, a foreman and the necessary help for the maintenance
25 and conduct thereof.

26 (9) To provide free textbooks and supplies for all children
27 attending school.

28 (10) To require of the officers or employees of the district to
29 give a bond for the honest performance of their duties in such penal
30 sum as may be fixed by the board with good and sufficient surety, and
31 to cause the premium for all bonds required of all such officers or
32 employees to be paid by the district: PROVIDED, That the board may, by
33 written policy, allow that such bonds may include a deductible proviso
34 not to exceed two percent of the officer's or employee's annual salary.

35 (11) To prohibit all secret fraternities and sororities among the
36 students in any of the schools of the said districts.

37 (12) To appoint a practicing physician, resident of the school
38 district, who shall be known as the school district medical inspector,
39 and whose duty it shall be to decide for the board of directors all

1 questions of sanitation and health affecting the safety and welfare of
2 the public schools of the district who shall serve at the board's
3 pleasure: PROVIDED, That children shall not be required to submit to
4 vaccination against the will of their parents or guardian.

5 **Sec. 11.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
6 read as follows:

7 Every board of directors, unless otherwise specially provided by
8 law, shall:

9 (1) Employ for not more than one year, and for sufficient cause
10 discharge all certificated and classified employees;

11 (2) Adopt written policies granting leaves to persons under
12 contracts of employment with the school district(s) in positions
13 requiring either certification or classified qualifications, including
14 but not limited to leaves for attendance at official or private
15 institutes and conferences and sabbatical leaves for employees in
16 positions requiring certification qualification, and leaves for
17 illness, injury, bereavement and, emergencies for both certificated and
18 classified employees, and with such compensation as the board of
19 directors prescribe: PROVIDED, That the board of directors shall adopt
20 written policies granting to such persons annual leave with
21 compensation for illness, injury and emergencies as follows:

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

24 (b) For such persons under contract with the school district as
25 part time employees, at least that portion of ten days as the total
26 number of days contracted for bears to one (~~hundred eighty days~~)
27 school year as prescribed in RCW 28A.150.220;

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

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

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

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

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

19 (h) Accumulated leave under this proviso shall be transferred to
20 and from one district to another, the office of superintendent of
21 public instruction and offices of educational service district
22 superintendents and boards, to and from such districts and such
23 offices;

24 (i) Leave accumulated by a person in a district prior to leaving
25 said district may, under rules and regulations of the board, be granted
26 to such person when the person returns to the employment of the
27 district.

28 When any certificated or classified employee leaves one school
29 district within the state and commences employment with another school
30 district within the state, the employee shall retain the same
31 seniority, leave benefits and other benefits that the employee had in
32 his or her previous position: PROVIDED, That classified employees who
33 transfer between districts after July 28, 1985, shall not retain any
34 seniority rights other than longevity when leaving one school district
35 and beginning employment with another. If the school district to which
36 the person transfers has a different system for computing seniority,
37 leave benefits, and other benefits, then the employee shall be granted
38 the same seniority, leave benefits and other benefits as a person in

1 that district who has similar occupational status and total years of
2 service.

3 **Sec. 12.** RCW 28A.410.080 and 1969 ex.s. c 223 s 28A.01.025 are
4 each amended to read as follows:

5 The school year for all matters pertaining to teacher certification
6 or for computing experience in teaching shall consist of not ((fewer))
7 less than ((one hundred eighty school days)) the minimum school year
8 length prescribed in RCW 28A.150.220.

9 NEW SECTION. **Sec. 13.** Section 1 of this act expires September 1,
10 2000. However, section 1 of this act shall not expire if, by September
11 1, 2000, a law is not enacted stating that a school accountability and
12 academic assessment system is not in place.

13 NEW SECTION. **Sec. 14.** With respect to school employees and school
14 districts who are parties to a collective bargaining agreement in
15 effect on the effective date of this section that conflicts with RCW
16 28A.150.220, this act does not apply to the extent of the conflict
17 until the first day following expiration of the collective bargaining
18 agreement or until a superseding agreement resolving the conflict is
19 executed by the parties before expiration. After expiration of the
20 agreement, this act shall apply without regard to renewal or extension
21 of the agreement.

22 NEW SECTION. **Sec. 15.** Sections 2 and 5 of this act take effect
23 September 1, 2000. However, sections 2 and 5 of this act shall not
24 take effect if, by September 1, 2000, a law is enacted stating that a
25 school accountability and academic assessment system is not in place.

26 NEW SECTION. **Sec. 16.** Section 8 of this act expires September 1,
27 2000, unless by September 1, 2000, a law is enacted stating that a
28 school accountability and academic assessment system is not in place.

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