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HOUSE BILL 1023

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Peery, Brough, G. Fisher, Heavey, Basich, Wineberry, H. Myers, Phillips, R. Johnson, Sprenkle, Spanel, Sheldon, Wood, Ogden, Rayburn, Jones, Prentice, Kremen, Leonard, Inslee, Bray, Dorn, Cantwell, Jacobsen, Valle, Roland, Hine, Winsley, Rasmussen and Brekke; by request of Governor Gardner.

Read first time January 16, 1991. Referred to Committee on Education.

1 AN ACT Relating to student educational performance; amending RCW  
2 28A.215.100, 28A.150.210, 28A.150.220, 28A.150.230, 28A.150.240,  
3 28A.195.010, 28A.150.290, 28A.230.090, and 28A.150.260; adding a new  
4 section to chapter 28A.230 RCW; creating new sections; repealing RCW  
5 28A.230.240, 28A.230.010, 28A.230.020, 28A.230.030, 28A.230.040,  
6 28A.230.050, 28A.230.060, 28A.230.100, 28A.230.110, 28A.230.130,  
7 28A.230.190, 28A.230.200, 28A.230.210, 28A.230.220, 28A.230.230,  
8 28A.230.250, 28A.230.260, and 28A.165.070; and providing an effective  
9 date.

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

11

PART I

12

EARLY CHILDHOOD EDUCATION



1 which are generally recognized as requisite to learning. Those skills  
2 shall include the ability:

3 (1) To distinguish, interpret and make use of words, numbers and  
4 other symbols, including sound, colors, shapes and textures;

5 (2) To organize words and other symbols into acceptable verbal and  
6 nonverbal forms of expression, and numbers into their appropriate  
7 functions;

8 (3) To perform intellectual functions such as problem solving,  
9 decision making, goal setting, selecting, planning, predicting,  
10 experimenting, ordering and evaluating; and

11 (4) To use various muscles necessary for coordinating physical and  
12 mental functions)) learn and ensure they will:

13 (1) Demonstrate mastery of the basic skills of reading, writing,  
14 speaking, computing, and thinking critically by the completion of  
15 elementary school; and

16 (2) Demonstrate mastery of the essential core competencies of  
17 English, math, science/technology, history, geography, and critical  
18 thinking and analysis by the completion of secondary school.

19 (3) It is the intent of the legislature that students be provided  
20 additional learning opportunities in an additional language, the fine,  
21 visual, or performing arts, and in health and physical education, and  
22 that secondary school students be provided additional learning  
23 opportunities designed to prepare them to enter the work force and that  
24 integrate work force skills with related essential core competencies.

25 **Sec. 202.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to  
26 read as follows:

27 (1) For the purposes of this section and RCW ((28A.150.250 and))  
28 28A.150.230 through 28A.150.260:

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

9 (b) ~~"Instruction in work skills" shall include instruction in one~~  
10 ~~or more of the following areas: Industrial arts, home and family life~~  
11 ~~education, business and office education, distributive education,~~  
12 ~~agricultural education, health occupations education, vocational~~  
13 ~~education, trade and industrial education, technical education and~~  
14 ~~career education)) "Basic skills" means reading, writing, speaking,~~  
15 ~~computing, and thinking critically.~~

16 (b) "Essential core competencies" means English, mathematics,  
17 science/technology, history, geography, and critical thinking and  
18 analysis. Essential core competency subject areas may be provided to  
19 students as single subject area courses or through interdisciplinary  
20 courses that integrate more than one subject area and are for all  
21 students whether their focus is vocational, technical, or academic in  
22 nature.

23 (c) "Standards of achievement" means the specific level of student  
24 performance established by the commission for the assessment of student  
25 learning.

26 (2) Satisfaction of the basic education goal identified in RCW  
27 28A.150.210 shall be considered to be ~~((implemented))~~ met by ~~((the~~  
28 ~~following program requirements:~~

29 (a) ~~Each school district shall make available to students in~~  
30 ~~kindergarten at least a total program offering of four hundred fifty~~

1 hours. The program shall include reading, arithmetic, language skills  
2 and such other subjects and such activities as the school district  
3 shall determine to be appropriate for the education of the school  
4 district's students enrolled in such program;

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

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

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

1 education.— A minimum of ten percent of the total program hour  
2 offerings shall be in the area of work skills.— The remaining five  
3 percent of the total program hour offerings may include such subjects  
4 and activities as the school district shall determine to be appropriate  
5 for the education of the school district's students in such grades;

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

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

1 (a) Providing a district-wide annual average of at least nine  
2 hundred instructional hours per school year in elementary and secondary  
3 schools, and a district-wide annual average of at least four hundred  
4 fifty instructional hours in kindergarten; and

5 (b) Evidence demonstrating that students have achieved mastery of  
6 the basic skills or the essential core competencies.

7 ~~((4))~~ (3) Nothing ~~((contained))~~ in ~~((subsection (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. All students shall be encouraged to learn as much  
11 as they can, as fast as they can throughout their school careers,  
12 rather than be required to move through arbitrary and inflexible grade  
13 levels for the sake of organizational or administrative convenience.  
14 Class sizes and configurations shall be constructed to meet the  
15 individual needs of students as learners rather than the needs of  
16 schools to mass produce student learning opportunities.

17 ~~((5))~~ (4) Each school district's kindergarten through ~~((twelfth~~  
18 ~~grade))~~ secondary school basic educational program shall be accessible  
19 to all students who are five years of age, as provided by RCW  
20 28A.225.160, and less than twenty-one years of age ~~((and))~~. Each  
21 school district's elementary through secondary school shall consist of  
22 a minimum of one hundred eighty school days per school year in such  
23 ~~((grades))~~ elementary and secondary schools as are conducted by a  
24 school district, and one hundred eighty half-days of ~~((instruction, or~~  
25 ~~equivalent,))~~ school in kindergarten ~~((: PROVIDED, That effective May~~  
26 ~~1, 1979, a school district may schedule the last five school days of~~  
27 ~~the one hundred and eighty day school year for noninstructional~~  
28 ~~purposes in the case of students who are graduating from high school,~~  
29 ~~including, but not limited to, the observance of graduation and early~~  
30 ~~release from school upon the request of a student, and all such~~

1 ~~students may be claimed as a full time equivalent student to the extent~~  
2 ~~they could otherwise have been so claimed for the purposes of RCW~~  
3 ~~28A.150.250 and 28A.150.260~~)).

4 ((~~6~~)) (5) The state board of education shall adopt rules to  
5 implement and ensure ~~((compliance with the program))~~ accountability for  
6 the achievement of the requirements imposed by this section, RCW  
7 28A.150.250 and 28A.150.260, and such standards of achievement of basic  
8 skills and essential core competencies as established by the board of  
9 commissioners of the center for the assessment of student learning  
10 under section 209 of this 1991 act and such related supplemental  
11 program approval requirements as the state board may establish:  
12 PROVIDED, That each school district board of directors shall establish  
13 the basis and means for determining and monitoring the district's  
14 compliance with the ~~((basic skills and work skills percentage and~~  
15 course requirements of this section)) requirement for a district-wide  
16 average of at least nine hundred instructional hours per school year in  
17 elementary and secondary school, a district-wide annual average of at  
18 least four hundred fifty instructional hours in kindergarten, and the  
19 level of student achievement of basic skills and essential core  
20 competencies. The certification of the board of directors and the  
21 superintendent of a school district that the district ~~((is in~~  
22 compliance with)) has met such ~~((basic skills and work skills~~  
23 requirements)) instructional hours and student achievement of basic  
24 skills and essential core competencies may be accepted by the  
25 superintendent of public instruction and the state board of education.

26 ((~~7~~)) (6) Upon petition of a school district, the state board of  
27 education may modify or waive the student achievement standards for  
28 basic skills or essential core competencies for selected students  
29 enrolled in handicapped education programs(~~(, vocational technical~~  
30 institute programs~~)~~)) or participating in state institution and state



1 residential school programs(~~(, all of which programs are conducted for~~  
2 ~~the common school age, kindergarten through secondary school program~~  
3 ~~students encompassed by this section, shall be exempt from the basic~~  
4 ~~skills and work skills percentage and course requirements of this~~  
5 ~~section)) in order that the unique needs, abilities or limitations of~~  
6 such students may be met.

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

15 **Sec. 203.** RCW 28A.150.230 and 1990 c 33 s 106 are each amended to  
16 read as follows:

17 (1) It is the intent and purpose of this section to guarantee that  
18 each common school district board of directors, whether or not acting  
19 through its respective administrative staff, be held accountable for  
20 the proper operation of their district to the local community and its  
21 electorate. In accordance with the provisions of Title 28A RCW, as now  
22 or hereafter amended, each common school district board of directors  
23 shall be vested with the final responsibility for the setting of  
24 policies ensuring quality in the content and extent of its educational  
25 program and that such program provide students with the opportunity to  
26 learn and ensure they will achieve ~~((those skills which are generally~~  
27 ~~recognized as requisite to learning))~~ mastery of basic skills and  
28 essential core competencies. The school district board of directors  
29 shall set such policies that delegate to the professional certificated

1 staff at each school sufficient program and budget authority and  
2 accountability to allow it to effectively accomplish the goal of the  
3 Basic Education Act.

4 (2) In conformance with the provisions of Title 28A RCW, as now or  
5 hereafter amended, it shall be the responsibility of each common school  
6 district board of directors, (~~acting through its respective~~  
7 ~~administrative staff,~~) to set such policies that will:

8 (a) Establish school and student performance (~~criteria~~) goals and  
9 an evaluation process for its (~~certificated personnel, including~~  
10 ~~administrative staff, and for all programs constituting a part of such~~  
11 ~~district's curriculum~~) staff;

12 (b) Determine the final assignment of staff(~~, certificated or~~  
13 ~~classified, according to board enumerated classroom and program~~  
14 ~~needs~~);

15 (c) Determine the amount of instructional hours necessary for  
16 (~~any~~) all students to (~~acquire a quality education in such district,~~  
17 ~~in not less than an amount otherwise~~) achieve mastery of basic skills  
18 and of essential core competencies as required in RCW 28A.150.220, or  
19 rules and regulations of the state board of education;

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

22 (e) Establish (~~final~~) curriculum (~~standards~~) guidelines  
23 consistent with law and rules and regulations of the state board of  
24 education, relevant to the particular needs of district students or the  
25 unusual characteristics of the district, and ensuring a quality  
26 education for each student in the district; and

27 (f) Establish a process to evaluate teaching materials, including  
28 text books, teaching aids such as video or visual aids, handouts, or  
29 other printed material, in public hearing upon complaint by parents,

1 guardians or custodians of students who consider dissemination of such  
2 material to students objectionable or inappropriate.

3 (3) In keeping with the accountability purpose expressed in this  
4 section and to ~~((insure))~~ ensure that the local community and  
5 electorate have access to information on the educational programs in  
6 the school districts, each school district's board of directors shall  
7 set policies to require each school to annually publish for the public  
8 a descriptive guide ~~((to the district's common schools. This guide~~  
9 ~~shall be made available at each school in the district for examination~~  
10 ~~by the public. The guide shall include, but not be limited to, the~~  
11 ~~following:~~

12 ~~(a) Criteria used for written evaluations of staff members pursuant~~  
13 ~~to RCW 28A.405.100;~~

14 ~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~

15 ~~(c) Results of comparable testing for all schools within the~~  
16 ~~district; and~~

17 ~~(d) Budget information which will include the following:~~

18 ~~(i) Student enrollment;~~

19 ~~(ii) Number of full time equivalent personnel per school in the~~  
20 ~~district itemized according to classroom teachers, instructional~~  
21 ~~support, and building administration and support services, including~~  
22 ~~itemization of such personnel by program;~~

23 ~~(iii) Number of full time equivalent personnel assigned in the~~  
24 ~~district to central administrative offices, itemized according to~~  
25 ~~instructional support, building and central administration, and support~~  
26 ~~services, including itemization of such personnel by program;~~

27 ~~(iv) Total number of full time equivalent personnel itemized by~~  
28 ~~classroom teachers, instructional support, building and central~~  
29 ~~administration, and support services, including itemization of such~~  
30 ~~personnel by program; and~~

1       ~~(v) Special levy budget request presented by program and~~  
2 ~~expenditure for purposes over and above those requirements identified~~  
3 ~~in RCW 28A.150.220))~~ of its budget, programs, and its students' and  
4 schools' performance.

5       **Sec. 204.** RCW 28A.150.240 and 1979 ex.s. c 250 s 5 are each  
6 amended to read as follows:

7       (1) It is the intended purpose of this section to guarantee that  
8 the professional certificated (~~teaching~~) instructional and  
9 administrative staff in each common school in each school district be  
10 held accountable for the proper and efficient conduct of classroom  
11 teaching in their school which will provide all students with the  
12 opportunity to learn and ensure they will achieve (~~those skills which~~  
13 ~~are generally recognized as requisite to learning~~) mastery of basic  
14 skills or the essential core competencies.

15       (2) In conformance with the other provisions of Title 28A RCW, it  
16 shall be the professional responsibility of the certificated  
17 (~~teaching~~) instructional and administrative staff in each common  
18 school to:

19       (a) Implement the district's prescribed curriculum and enforce,  
20 within their area of responsibility, the rules and regulations of the  
21 school district, the state superintendent of public instruction, and  
22 the state board of education, taking into due consideration individual  
23 and cultural differences among students, and maintain and render  
24 appropriate records and reports pertaining thereto.

25       (b) Maintain good order and discipline in their classrooms at all  
26 times.

27       (c) Hold students to a strict accountability while in school for  
28 any disorderly conduct while under their supervision.

1 (d) Require excuses from the parents, guardians, or custodians of  
2 minor students in all cases of absence, late arrival to school, or  
3 early dismissal.

4 (e) Give careful attention to the maintenance of a healthful  
5 atmosphere in the classroom.

6 (f) Give careful attention to the safety of the student in the  
7 classroom and report any doubtful or unsafe conditions to the building  
8 administrator.

9 (g) Evaluate each student's educational growth (~~(and development)~~)  
10 in the basic skills and essential core competencies and make periodic  
11 reports thereon to parents, guardians, or custodians and to school  
12 administrators.

13 Failure to carry out such professional requirements as set forth in  
14 subsection (2) (a) through (g) (~~(above)~~) of this section shall  
15 constitute sufficient cause for discharge of any member of such  
16 (~~(teaching)~~) certificated instructional or administrative staff.

17 **Sec. 205.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to  
18 read as follows:

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

28 Principals of private schools or superintendents of private school  
29 districts shall file each year with the state superintendent of public

1 instruction a statement certifying that the minimum requirements  
2 hereinafter set forth are being met, noting any deviations. After  
3 review of the statement, the state superintendent will notify schools  
4 or school districts of those deviations which must be corrected. In  
5 case of major deviations, the school or school district may request and  
6 the state board of education may grant provisional status for one year  
7 in order that the school or school district may take action to meet the  
8 requirements. Minimum requirements shall be as follows:

9 (1) The minimum school year for instructional purposes shall  
10 consist of no less than one hundred eighty school days (~~or the~~  
11 ~~equivalent in annual minimum program hour offerings as prescribed in~~  
12 ~~RCW 28A.150.220~~) with a district-wide or school-wide average of at  
13 least nine hundred instructional hours per year for elementary through  
14 secondary school and an average of at least four hundred fifty  
15 instructional hours per year for kindergarten.

16 (2) The school day shall be the same as that required in RCW  
17 28A.150.030 and 28A.150.220(~~(, except that the percentages of total~~  
18 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~  
19 ~~skills, work skills, and optional subjects and activities shall not~~  
20 ~~apply to private schools or private sectarian schools)).~~

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

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

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

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

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

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

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

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

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

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

20 (6) The physical facilities of the school or district shall be  
21 adequate to meet the program offered by the school or district:  
22 PROVIDED, That each school building shall meet reasonable health and  
23 fire safety requirements. A residential dwelling of the parent,  
24 guardian, or custodian shall be deemed to be an adequate physical  
25 facility when a parent, guardian, or person having legal custody is  
26 instructing his or her child under subsection (4) of this section.

27 (7) Private school curriculum shall include instruction (~~of the~~  
28 ~~basic skills of occupational education, science, mathematics, language,~~  
29 ~~social studies, history, health, reading, writing, spelling, and the~~  
30 ~~development of appreciation of art and music, all in sufficient units~~

1 ~~for meeting state board of education graduation requirements))~~  
2 sufficient for students to demonstrate mastery of basic skills and core  
3 competencies as defined in RCW 28A.150.220.

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

7 All decisions of policy, philosophy, selection of books, teaching  
8 material, curriculum, except as in subsection (7) (~~above provided~~) of  
9 this section, school rules and administration, or other matters not  
10 specifically referred to in this section, shall be the responsibility  
11 of the administration and administrators of the particular private  
12 school involved.

13 **Sec. 206.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to  
14 read as follows:

15 (1) The superintendent of public instruction shall have the power and  
16 duty to make such rules and regulations as are necessary for the proper  
17 administration of this chapter and RCW 28A.160.150 through 28A.160.220,  
18 28A.300.170, and 28A.500.010 not inconsistent with the provisions  
19 thereof, and in addition to require such reports as may be necessary to  
20 carry out his or her duties under this chapter and RCW 28A.160.150  
21 through 28A.160.220, 28A.300.170, and 28A.500.010.

22 (2) The superintendent of public instruction shall have the  
23 authority to make rules and regulations which establish the terms and  
24 conditions for allowing school districts to receive state basic  
25 education moneys as provided in RCW 28A.150.250 when said districts are  
26 unable to fulfill for one or more schools as officially scheduled the  
27 requirement of a full school year of one hundred eighty days (~~or the~~  
28 ~~total program hour offering, teacher contact hour, or course mix and~~  
29 percentage) with a district-wide average of at least nine hundred



1 instructional hours per year in elementary through secondary school and  
2 at least four hundred fifty instructional hours per year in  
3 kindergarten or the requirements imposed by RCW 28A.150.220 and  
4 28A.150.260 due to one or more of the following conditions:

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

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

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

1 the school district and of those events and circumstances which can be  
2 discovered upon prudent inquiry or inspection.

3 (3) The superintendent of public instruction shall make every  
4 effort to reduce the amount of paperwork required in administration of  
5 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and  
6 28A.500.010; to simplify the application, monitoring and evaluation  
7 processes used; to eliminate all duplicative requests for information  
8 from local school districts; and to make every effort to integrate and  
9 standardize information requests for other state education acts and  
10 federal aid to education acts administered by the superintendent of  
11 public instruction so as to reduce paperwork requirements and  
12 duplicative information requests.

13 **Sec. 207.** RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each  
14 amended to read as follows:

15 ~~((1) The state board of education shall establish high school~~  
16 ~~graduation requirements or equivalencies for students who commence the~~  
17 ~~ninth grade subsequent to July 1, 1985, that meet or exceed the~~  
18 ~~following:~~

19	SUBJECT	CREDITS
20	English	3
21	Mathematics	2
22	Social Studies	
23	United States history	
24	— and government	1
25	Washington state	
26	— history and government	1/2
27	Contemporary world	

1	<del>—history, geography,</del>	
2	<del>—and problems</del>	<del>1</del>
3	<del>Science (1 credit</del>	
4	<del>must be in</del>	
5	<del>laboratory science)</del>	<del>2</del>
6	<del>Occupational Education</del>	<del>1</del>
7	<del>Physical Education</del>	<del>2</del>
8	<del>Electives</del>	<del>5 1/2</del>
9	<del>Total</del>	<del>18</del>

10       ~~(2) For the purposes of this section one credit is equivalent to~~  
11 ~~one year of study.~~

12       ~~(3) The Washington state history and government requirement may be~~  
13 ~~fulfilled by students in grades seven or eight or both. Students who~~  
14 ~~have completed the Washington state history and government requirement~~  
15 ~~in grades seven or eight or both shall be considered to have fulfilled~~  
16 ~~the Washington state history and government requirement.~~

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

22       ~~(5) In recognition of the statutory authority of the state board of~~  
23 ~~education to establish and enforce minimum high school graduation~~  
24 ~~requirements, the state board shall periodically reevaluate the~~  
25 ~~graduation requirements and shall report such findings to the~~  
26 ~~legislature in a timely manner as determined by the state board.~~

27       ~~(6)) Pursuant to any foreign language requirement established by~~  
28 ~~the state board of education or a local school district, or both, for~~  
29 ~~purposes of ((high)) secondary school graduation, students who receive~~

1 instruction in sign language shall be considered to have satisfied the  
2 state or local school district foreign language graduation requirement.

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

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

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

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

20 **Sec. 208.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to  
21 read as follows:

22 The basic education allocation for each annual average full time  
23 equivalent student shall be determined in accordance with the following  
24 procedures:

25 (1) The governor shall and the superintendent of public instruction  
26 may recommend to the legislature a formula based on a ratio of students  
27 to staff for the distribution of a basic education allocation for each  
28 annual average full time equivalent student enrolled in a common  
29 school. The distribution formula shall have the primary objective of

1 equalizing educational opportunities and shall provide appropriate  
2 recognition of the following costs among the various districts within  
3 the state:

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

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

6 (c) Classified staff and their related costs;

7 (d) Nonsalary costs;

8 (e) Extraordinary costs of remote and necessary schools and small  
9 high schools, including costs of additional certificated and classified  
10 staff; and

11 (f) The attendance of students pursuant to RCW 28A.335.160 and  
12 28A.225.250 who do not reside within the servicing school district.

13 (2)(a) This formula for distribution of basic education funds shall  
14 be reviewed biennially by the superintendent and governor. The  
15 recommended formula shall be subject to approval, amendment or  
16 rejection by the legislature. The formula shall be for allocation  
17 purposes only. While the legislature intends that the allocations for  
18 additional instructional staff be used to increase the ratio of such  
19 staff to students, nothing in this section shall require districts to  
20 reduce the number of administrative staff below existing levels.

21 (b) (~~The formula adopted by the legislature for the 1987-88 school~~  
22 ~~year shall reflect the following ratios at a minimum:—(i) Forty-eight~~  
23 ~~certificated instructional staff to one thousand annual average full~~  
24 ~~time equivalent students enrolled in grades kindergarten through three;~~  
25 ~~(ii) forty-six certificated instructional staff to one thousand annual~~  
26 ~~average full time equivalent students enrolled in grades four through~~  
27 ~~twelve;—(iii) four certificated administrative staff to one thousand~~  
28 ~~annual average full time equivalent students enrolled in grades~~  
29 ~~kindergarten through twelve;—and—(iv) sixteen and sixty-seven~~  
30 ~~one hundredths classified personnel to one thousand annual average full~~

1 ~~time equivalent students enrolled in grades kindergarten through~~  
2 ~~twelve.~~

3 ~~(c) Commencing with the 1988-89 school year,~~) The formula adopted  
4 by the legislature shall reflect the following ratios at a minimum:

5 (i) Forty-nine certificated instructional staff to one thousand annual  
6 average full time equivalent students enrolled in grades kindergarten  
7 through three; (ii) forty-six certificated instructional staff to one  
8 thousand annual average full time equivalent students in grades four  
9 through twelve; (iii) four certificated administrative staff to one  
10 thousand annual average full time equivalent students in grades  
11 kindergarten through twelve; and (iv) sixteen and sixty-seven  
12 one-hundredths classified personnel to one thousand annual average full  
13 time equivalent students enrolled in grades kindergarten through  
14 twelve.

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

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

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

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

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

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

17 NEW SECTION. **Sec. 209.** A new section is added to chapter 28A.230  
18 RCW to read as follows:

19 (1) The commission for the assessment of student learning is  
20 established. The commission shall be located in the Washington state  
21 institute for public policy at The Evergreen State College. The  
22 commission shall establish the performance standards of achievement  
23 expected of all students in the basic skills by the end of elementary  
24 school and of all students in the essential core competencies for  
25 secondary school graduation, and to establish a state examination  
26 system to assess student mastery of the performance standards.

27 (2) The governor shall appoint seven persons to the commission  
28 and shall appoint a chair from the commissioners. In addition, the  
29 commission shall include the superintendent of public instruction, the



1 president of the state board of education, the chair of the higher  
2 education coordinating board, the chair of the state board for  
3 community college education, and the chair of the state board for  
4 vocational education and/or its successor agency as ex officio members.

5 (3) The commission shall adopt specific student performance  
6 standards of achievement for what a student should know and be able to  
7 do in the basic skills and in the essential core competencies.

8 (4) The commission shall adopt a state-wide performance-based  
9 assessment system using a variety of methodologies such as projects,  
10 portfolios, and examinations to measure student achievement in the  
11 basic skills and in the essential core competencies. The assessment  
12 system shall include a secondary school competency examination, which  
13 should include a year-long interdisciplinary project, that leads to the  
14 awarding of a certificate of initial mastery.

15 (5) The commission shall employ a director and such other staff as  
16 may be necessary and may enter into contracts and supplemental  
17 contracts with master teachers, higher education faculty, and state or  
18 national educational research institutes or organizations such as the  
19 Washington education renewal institute and the national alliance for  
20 restructuring education to assist in the development of the assessment  
21 system. The commission shall seek advice broadly from the public and  
22 all interested educational organizations in the conduct of its work.

23 (6) Student performance standards of achievement adopted by the  
24 commission shall be in effect in the 1992-93 school year for the basic  
25 skills, and in the 1993-94 school year for the essential core  
26 competencies.

27 (7) A state-wide assessment system shall be in effect in the 1993-  
28 94 school year for the basic skills and in the 1994-95 school year for  
29 the essential core competencies. Financing for the assessment system  
30 shall be recommended by the commission to the governor, the

1 superintendent of public instruction, and the legislature for inclusion  
2 in the 1993-95 biennial budget.

3 NEW SECTION. **Sec. 210.** RCW 28A.230.240 and 1990 c 101 s 3 are  
4 each repealed.

5 NEW SECTION. **Sec. 211.** The following acts or parts of acts as  
6 now existing or hereafter amended are each repealed, effective June 30,  
7 1993:

8 (1) RCW 28A.230.010 and 1990 c 33 s 237 & 1984 c 278 s 2;

9 (2) RCW 28A.230.020 and 1988 c 206 s 403, 1987 c 232 s 1, 1986 c  
10 149 s 4, 1969 c 71 s 3, & 1969 ex.s. c 223 s 28A.05.010;

11 (3) RCW 28A.230.030 and 1969 c 71 s 4;

12 (4) RCW 28A.230.040 and 1984 c 52 s 1 & 1969 ex.s. c 223 s  
13 28A.05.030;

14 (5) RCW 28A.230.050 and 1985 c 384 s 3, 1984 c 52 s 2, & 1969 ex.s.  
15 c 223 s 28A.05.040;

16 (6) RCW 28A.230.060 and 1969 ex.s. c 57 s 2 & 1969 ex.s. c 223  
17 s 28A.05.050;

18 (7) RCW 28A.230.100 and 1990 c 33 s 239 & 1985 c 384 s 1;

19 (8) RCW 28A.230.110 and 1990 c 33 s 240 & 1985 c 384 s 4;

20 (9) RCW 28A.230.130 and 1988 c 172 s 2 & 1984 c 278 s 16;

21 (10) RCW 28A.230.190 and 1990 c 101 s 6, 1985 c 403 s 1, 1984 c 278  
22 s 8, & 1975-'76 2nd ex.s. c 98 s 1;

23 (11) RCW 28A.230.200 and 1984 c 278 s 10;

24 (12) RCW 28A.230.210 and 1984 c 278 s 11;

25 (13) RCW 28A.230.220 and 1990 c 101 s 1;

26 (14) RCW 28A.230.230 and 1990 c 101 s 2;

27 (15) RCW 28A.230.250 and 1990 c 101 s 4;

28 (16) RCW 28A.230.260 and 1990 c 101 s 5; and

1 (17) RCW 28A.165.070 and 1990 c 33 s 150 & 1987 c 478 s 7.

2 NEW SECTION. **Sec. 212.** The superintendent of public  
3 instruction, in consultation with the legislative budget committee and  
4 the office of financial management, shall evaluate distribution  
5 formulas for allocating learning assistance program funds to school  
6 districts and report and make recommendations on such formulas to the  
7 legislature December 15, 1991.

8 NEW SECTION. **Sec. 213.** School districts ready to begin  
9 restructuring their schools to increase substantially student  
10 performance are not required to wait until all the changes in the basic  
11 education act take effect on June 30, 1993. During the intervening  
12 period, under RCW 28A.630.180, the state board of education or the  
13 superintendent of public instruction may waive laws and rules for any  
14 school district involved in such restructuring process upon request.

15 NEW SECTION. **Sec. 214.** Section 207 of this act shall take  
16 effect June 30, 1993.