
ENGROSSED HOUSE BILL 2240

State of Washington 52nd Legislature 1991 1st Special Session

By Representative Peery.

Read first time June 27, 1991.

1 AN ACT Relating to education; amending RCW 28A.215.100,
2 28A.215.180, 28A.305.140, 28A.150.260, 28A.150.210, 28A.150.220,
3 28A.150.290, 28A.195.010, 28A.150.260, 28A.230.090, 28A.410.040,
4 28A.410.050, 28A.405.220, and 84.52.0531; adding new sections to
5 chapter 28A.600 RCW; adding new sections to chapter 28A.630 RCW; adding
6 new sections to chapter 28A.150 RCW; adding a new section to chapter
7 28A.320 RCW; adding a new section to chapter 28A.410 RCW; adding a new
8 section to chapter 28A.300 RCW; creating new sections; repealing RCW
9 28A.320.210, 28A.305.140, 28A.320.200, and 28A.230.110; providing
10 effective dates; providing an expiration date; and declaring an
11 emergency.

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

13 NEW SECTION. **Sec. 1.** (1) The legislature finds that
14 improvements in Washington's education system have been hindered by
15 excessive state regulation, which has made it difficult for schools to

1 respond to the changing needs of society. The legislature further
2 finds that issues of school funding, accountability, student
3 assessment, and teacher preparation and certification need to be
4 addressed, and intends that:

5 (a) The governor's council on education reform and funding carry
6 out the tasks set forth under executive order 91-04, with a particular
7 focus on funding and accountability issues;

8 (b) The commission on student learning established under section
9 301 of this act identify essential learnings for students, develop a
10 state-wide student assessment system, and support local educational
11 restructuring efforts through the reach for excellence program; and

12 (c) The house of representatives and senate education committees of
13 the legislature undertake a study of educator preparation and
14 certification issues and identify steps that must be taken to improve
15 teacher and administrator preparation and certification.

16 (2) The legislature further finds that the goal of Washington's
17 education system should be to enable all students to be successful
18 learners and responsible citizens, and that the purpose of education is
19 to develop flexible, self-directed, and interactive learners who
20 demonstrate mastery of identified attitudes, knowledge, and skills
21 considered essential to help students be prepared upon high school
22 graduation to enter the work force or receive further academic or
23 vocational training.

24 PART I

25 EARLY CHILDHOOD EDUCATION

26 **Sec. 101.** RCW 28A.215.100 and 1985 c 418 s 1 are each amended to
27 read as follows:

1 It is the intent of the legislature to establish a preschool state
2 education and assistance program. This special assistance program is
3 a voluntary enrichment program to help prepare some children to enter
4 the common school system and shall be offered only as funds are
5 available to eligible children not served by the federal head start
6 program. This program is not a part of the basic program of education
7 which must be fully funded by the legislature under Article IX, section
8 1 of the state Constitution.

9 **Sec. 102.** RCW 28A.215.180 and 1990 c 33 s 214 are each amended to
10 read as follows:

11 (~~For the purposes of RCW 28A.215.100 through 28A.215.200 and~~
12 ~~28A.215.900 through 28A.215.908, the department may award state support~~
13 ~~under RCW 28A.215.100 through 28A.215.160 to increase the numbers of~~
14 ~~eligible children assisted by the federal or state-supported preschool~~
15 ~~programs in this state by up to five thousand additional children.))
16 Priority shall be given to groups in those geographical areas which
17 include a high percentage of families qualifying under the federal "at
18 risk" criteria. The overall program funding level shall be based on an
19 average grant per child consistent with state appropriations made for
20 program costs: PROVIDED, That programs addressing special needs of
21 selected groups or communities shall be recognized in the department's
22 rules.~~

23 PART II
24 FAIR START PROGRAM

25 NEW SECTION. **Sec. 201.** (1) A student's ability to learn can be
26 adversely impacted by a number of factors, including but not limited
27 to: Lack of parent involvement and support; child abuse and neglect;

1 poverty, including parental unemployment or underemployment; family
2 transiency and homelessness; drug and alcohol abuse; poor health and
3 nutrition; crime; and peer influence. Such factors can be manifested
4 in forms such as underachievement and failure, absenteeism and truancy,
5 drug and alcohol abuse, delinquency, suicide, disruption of the
6 classroom learning environment, dropping out, teen pregnancy, and,
7 later in life, unemployment, a need for public assistance, treatment or
8 institutionalization for mental health reasons, involvement with the
9 judicial system, and possible imprisonment for criminal convictions.

10 (2) The legislature finds that:

11 (a) Prevention and intervention services at the elementary school
12 level can offer early identification, encouragement, and follow-up of
13 each child's special interests, creative talents, and particular
14 abilities as well as identification of and cooperative assistance with
15 learning, emotional, environmental, social, or physical obstacles to
16 normal child growth and development; and

17 (b) The provision of counseling and related prevention and
18 intervention services at the elementary school level can contribute to
19 enhancement of the classroom environment for students and teachers, and
20 better enable students to realize their academic and personal
21 potential.

22 (c) The legislature finds that services should be provided to the
23 extent possible by public or private human service agencies.

24 NEW SECTION. **Sec. 202.** Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout sections
26 202 through 209 of this act.

27 (1) "Child intervention specialist" means a person who provides
28 early intervention and prevention services and includes but is not
29 limited to services provided by licensed mental health professionals,

1 child psychiatrists, health care providers, social service caseworkers
2 or social workers, school counselors, school psychologists, school
3 nurses, and school social workers.

4 (2) "Early grades," "elementary grades," and "elementary level"
5 mean kindergarten through grade six and may include preschool age
6 children served by the school district.

7 (3) "Elementary grades prevention and intervention program" means
8 a program of early detection, prevention, and intervention of learning,
9 emotional, environmental, social, or physical problems of elementary
10 students.

11 (4) "Superintendent" means the superintendent of public
12 instruction.

13 NEW SECTION. **Sec. 203.** (1) From funds appropriated by the
14 legislature, the superintendent shall establish the fair start program
15 to assist school districts in providing prevention and intervention
16 programs for elementary grade students. The fair start program shall
17 not become a part of the state's basic program of education obligation
18 as set forth under Article IX of the state Constitution.

19 (2) The superintendent shall distribute funds equitably to all
20 school districts based on the district's enrollment in grades
21 kindergarten through six. Fair start funds shall not be used to
22 replace funding for existing activities. However, any district
23 currently providing elementary students with prevention and
24 intervention services that loses the source of funding for those
25 services, for reasons beyond the control of the district, may use fair
26 start funds to continue or enhance the existing level of prevention and
27 intervention services.

1 (3) School districts accepting fair start funds shall submit within
2 six months of receipt of the funds the following information to the
3 superintendent:

4 (a) District goals relating to prevention and intervention services
5 for elementary students and the district's plan, based on the goals,
6 for providing prevention and intervention services to students. The
7 goals and plan shall be developed with the participation of, but not
8 limited to, district and building-level staff and administrators, child
9 intervention specialists, and parents;

10 (b) Procedures for notifying parents or guardians regarding the
11 referral of students for prevention and intervention services and
12 liability issues relating to the provision of prevention and
13 intervention services to students outside school buildings;

14 (c) Use of grant funds for prevention and intervention related
15 inservice purposes, including, as necessary and appropriate,
16 multicultural inservice training for child intervention specialists;
17 and

18 (d) Other information as requested by the superintendent.

19 (4) Two or more school districts may submit a joint application for
20 the purpose of establishing or enhancing a cooperative prevention and
21 intervention program for elementary grades students. An educational
22 service district may submit an application on behalf of one or more
23 school districts for the purpose of establishing or enhancing an
24 elementary grades prevention and intervention program.

25 NEW SECTION. **Sec. 204.** School districts and educational service
26 districts accepting fair start funds shall enter into written
27 interagency agreements with community-based public or private human
28 service providers to assure delivery of appropriate services to
29 students. To the greatest extent possible, the delivery of services to

1 students shall not be duplicative of other programs, shall maximize the
2 use of community-based and school-based child intervention specialists,
3 shall emphasize the most efficient and cost-effective use of fair start
4 funds, and shall be provided on a twelve-month basis. School districts
5 and educational service districts are strongly encouraged to contract
6 with public or private community-based human service providers to
7 provide elementary students with prevention and intervention services
8 under the local fair start program.

9 NEW SECTION. **Sec. 205.** (1) Districts shall use fair start funds
10 to provide prevention and intervention services to students with
11 priority given to students based on need. Districts shall establish
12 the criteria determining need and include this information in the
13 report required under section 208 of this act.

14 (2) In developing their elementary grades prevention and
15 intervention programs, districts shall, as appropriate, take into
16 consideration the multicultural background and needs of students and,
17 as necessary, provide appropriate multicultural materials.

18 (3) Nothing under sections 202 through 209 of this act precludes a
19 district from incorporating a primary intervention program model or a
20 family support worker model as part of the district's fair start
21 program.

22 NEW SECTION. **Sec. 206.** The superintendent shall develop
23 specific measures to evaluate the success of the grant projects and the
24 fair start program. The department of social and health services shall
25 provide the superintendent with information the superintendent may use
26 in developing measures to evaluate the fair start program and projects.

1 NEW SECTION. **Sec. 207.** (1) The superintendent of public
2 instruction shall adopt rules as necessary under chapter 34.05 RCW to
3 implement sections 203 through 208 of this act. The rules shall permit
4 school districts to provide prevention and intervention services
5 through the local educational service district. The rules shall
6 provide for appropriate coordination between the superintendent and the
7 department of social and health services regarding the primary
8 intervention program and the fair start program.

9 (2) The secretary of social and health services shall adopt rules
10 as necessary under chapter 34.05 RCW to provide for appropriate
11 coordination between the secretary and the superintendent regarding the
12 fair start program and the primary intervention program.

13 (3) The department of social and health services shall, to the
14 extent practical, assist with the development of school district
15 elementary grades prevention and intervention programs by rotating or
16 loaning department employees to schools to serve as child intervention
17 specialists.

18 NEW SECTION. **Sec. 208.** (1) School districts and educational
19 service districts shall submit biennially to the superintendent a
20 report on their fair start programs. The first report shall include
21 the criteria established by districts to provide prevention and
22 intervention services to students on a priority basis based on need.

23 (2) The superintendent shall submit biennially a report to the
24 governor and the legislature on the fair start program established
25 under section 203 of this act. The first report shall be submitted not
26 later than December 1, 1992. The first report shall include
27 information on districts' criteria establishing students' needs to
28 receive prevention and intervention services on a priority basis.

1 Subsequent reports shall be submitted not later than December 1st in
2 even-numbered years.

3 NEW SECTION. **Sec. 209.** Upon request, the superintendent shall
4 provide information to districts regarding how other districts have
5 used fair start funds locally or how other districts have established
6 formal agreements for coordinated case management under section 204 of
7 this act.

8 NEW SECTION. **Sec. 210.** Sections 202 through 209 of this act are
9 each added to chapter 28A.600 RCW.

10 PART III

11 COMMISSION ON STUDENT LEARNING - REACH FOR EXCELLENCE

12 NEW SECTION. **Sec. 301.** (1) The Washington commission on student
13 learning is hereby established. The primary purposes of the commission
14 are to:

15 (a) Identify essential learnings, what students need to know and be
16 able to do;

17 (b) Develop a state-wide assessment system to determine if
18 individual students have mastered the essential learnings; and

19 (c) Develop a state-wide accountability system for evaluating the
20 level of learning occurring in schools and school districts.

21 (2) The reach for excellence program is hereby established. The
22 primary purposes of the program are to:

23 (a) Enhance student achievement and learning through locally
24 identified educational outcomes linked to the essential learnings;

1 (b) Allow schools and school districts to field test alternative
2 methods of assessing students' mastery of the essential learnings
3 before state-wide implementation of a new assessment system; and

4 (c) Assure broad-based participation by the education community in
5 the work of the commission on student learning. The results of reach
6 for excellence projects shall be considered by the commission, the
7 superintendent of public instruction, and the state board of education.

8 (3) The superintendent of public instruction may adopt rules as
9 necessary to implement the reach for excellence program.

10 NEW SECTION. **Sec. 302.** (1) The governor shall appoint nine
11 persons to the commission on student learning established under section
12 301 of this act and shall appoint a chair from the commissioners. In
13 making the appointments, the governor shall ensure that educators,
14 business leaders, and parents are represented, and shall request
15 nominations from state-wide education, business, and parent
16 organizations. In addition, the commission shall include the
17 superintendent of public instruction. When making appointments, the
18 governor shall ensure that the commission reflects the cultural
19 diversity of the state's K-12 student population and that the major
20 geographic regions in the state are represented. The governor shall
21 select the most qualified individuals available who are supportive of
22 educational restructuring, who have a positive record of service, and
23 who will devote sufficient time to the responsibilities of the
24 commission to ensure that the objectives of the commission are
25 achieved.

26 (2) The commission on student learning shall establish technical
27 advisory committees. Members of the technical advisory committees
28 shall include both state and local educational practitioners, including
29 but not limited to, as appropriate, representatives from the following

1 groups: Secondary vocational education, teacher preparation programs,
2 and schools and school districts participating in the schools for the
3 twenty-first century program established in RCW 28A.630.100 and the
4 reach for excellence program established in section 301 of this act.

5 (3) The commission, with the assistance of the technical advisory
6 committees, shall:

7 (a) By September 1, 1992, determine what is essential for
8 elementary students to know and be able to do. At a minimum, these
9 essential learnings shall include reading, writing, speaking, science,
10 history, geography, mathematics, and critical thinking. Consideration
11 also shall be given to including attitudes as an essential learning;

12 (b) By December 1, 1994, present to the state board of education
13 and superintendent of public instruction a state-wide assessment system
14 for use in the elementary grades designed to determine if each student
15 has mastered the essential learnings under (a) of this subsection. The
16 assessment system shall include a variety of methodologies, including
17 performance-based measures. The assessment system shall be designed so
18 that the results under the assessment system are used by educators as
19 tools to evaluate instructional practices, and are used to initiate
20 appropriate educational support for students who do not master the
21 essential learnings. Mastery of each component of the essential
22 learnings shall be required before students progress in subsequent
23 components of the essential learnings. The state board of education
24 and superintendent of public instruction shall implement the elementary
25 assessment system beginning in the 1995-96 school year, unless the
26 legislature takes action to delay or prevent implementation of the
27 assessment system. The state board of education and superintendent of
28 public instruction may modify the assessment system, as needed, in
29 subsequent school years;

1 (c) By September 1, 1993, determine what is essential for secondary
2 students to know and be able to do. At a minimum, these essential
3 learnings shall include reading, writing, speaking, science, history,
4 geography, mathematics, and critical thinking. Consideration also
5 shall be given to including attitudes as an essential learning. In
6 determining the essential learnings for secondary students, the
7 commission shall consider the recommendations of the work force
8 training and education coordinating board created under chapter 238,
9 Laws of 1991;

10 (d) By December 1, 1995, present to the state board of education
11 and superintendent of public instruction a state-wide assessment system
12 for use in the secondary grades designed to determine if the essential
13 learnings identified under (c) of this subsection have been mastered.
14 The assessment system shall use a variety of methodologies, including
15 performance-based measures, to determine if students have mastered the
16 essential learnings, and shall lead to a certificate of mastery. The
17 assessment system shall be designed so that the results under the
18 assessment system are used by educators as tools to evaluate
19 instructional practices and are used to initiate appropriate
20 educational support for students who do not master the essential
21 learnings. Mastery of each component of the essential learnings shall
22 be required before students progress in subsequent components of the
23 essential learnings. The commission shall recommend to the state board
24 of education whether the certificate of mastery should take the place
25 of the graduation requirements or be required for graduation in
26 addition to graduation requirements. The state board of education and
27 superintendent of public instruction shall implement the secondary
28 assessment system beginning in the 1996-97 school year, unless the
29 legislature takes action to delay or prevent implementation of the
30 assessment system. The state board of education and superintendent of

1 public instruction may modify the assessment system, as needed, in
2 subsequent school years;

3 (e) Consider methods to address the unique needs of special
4 education students when developing the essential learnings and
5 assessments in (a), (b), (c), and (d) of this subsection;

6 (f) Develop strategies that will assist educators in helping
7 students master the essential learnings;

8 (g) Develop recommendations for the repeal or amendment of federal,
9 state, and local laws, rules, budgetary language, regulations, and
10 other factors that inhibit schools from adopting strategies designed to
11 help students achieve the essential learnings;

12 (h) Develop recommendations on the time, support, and resources,
13 including technical assistance, needed by schools and school districts
14 to help students achieve the essential learnings. These
15 recommendations shall include an estimate for the legislature,
16 superintendent of public instruction, and governor on the expected cost
17 of implementing the elementary and secondary assessment systems during
18 the 1995-97 biennium and beyond;

19 (i) Develop recommendations for consideration by the higher
20 education coordinating board for adopting college and university
21 entrance requirements that would assist schools in adopting strategies
22 designed to help students achieve the essential learnings;

23 (j) By December 1, 1995, recommend to the legislature, state board
24 of education, and superintendent of public instruction a state-wide
25 accountability system to evaluate accurately and fairly the level of
26 learning occurring in individual schools and school districts. The
27 commission also shall recommend to the legislature steps that should be
28 taken to assist school districts and schools in which learning is
29 significantly below expected levels of performance under the assessment
30 systems established under this section;

1 (k) Report annually by December 1st to the legislature on the
2 progress, findings, and recommendations of the commission; and

3 (l) Complete other tasks, as appropriate.

4 (4) The commission shall seek advice broadly from the public and
5 all interested educational organizations in the conduct of its work,
6 including holding periodic regional public hearings.

7 (5) The commission shall select an entity to provide staff support
8 and the office of financial management shall contract with that entity.
9 The commission may direct the office of financial management to enter
10 into subcontracts with school districts, teachers, higher education
11 faculty, state agencies, business organizations, and other individuals
12 and organizations to assist the commission in its deliberations.

13 (6) Members of the commission shall be reimbursed for travel
14 expenses as provided in RCW 43.03.050 and 43.03.060.

15 (7) The first meeting of the commission shall be before September
16 15, 1991.

17 NEW SECTION. **Sec. 303.** (1) From funds appropriated by the
18 legislature, the superintendent of public instruction shall implement
19 the reach for excellence program under section 301 of this act to
20 assist selected schools and school districts in local efforts to
21 improve student mastery of the essential learnings under section 302 of
22 this act.

23 (2) Participation in the reach for excellence program shall be
24 voluntary. Schools or districts selected to participate shall be
25 required to match the state funds received at fifty percent. The
26 district match may consist of:

27 (a) Local education program enhancement funds appropriated by the
28 legislature;

29 (b) The district's excess levy; or

1 (c) Other available funds.

2 NEW SECTION. **Sec. 304.** (1) By November 15, 1991, the
3 superintendent of public instruction shall determine what information
4 must be included in grant applications for the reach for excellence
5 program, and shall notify school districts of the requirements. At a
6 minimum, the grant applications shall include the following
7 information:

8 (a) A statement indicating how the proposed reach project supports
9 the "Vision: Education 2001" statement;

10 (b) Evidence that opportunities were provided for parents and
11 citizens to be involved in the development of the proposed reach
12 project and that the board of directors, teachers, administrators, and
13 classified employees are committed to working cooperatively in
14 implementing the reach project;

15 (c) A proposed plan summarizing how the grant funds will be
16 expended;

17 (d) Waivers to be used as authorized under RCW 28A.305.140;

18 (e) Sources of the local fifty percent match; and

19 (f) A written statement that the school district board of directors
20 and the local bargaining agents will modify those portions of their
21 local agreements as applicable for the reach project.

22 (2) Applications for grants shall be submitted by the district's
23 board of directors to the superintendent of public instruction by March
24 15, 1992. Grant applications may be submitted jointly by two or more
25 school districts or by an educational service district on behalf of one
26 or more school districts. An application may include a proposal for
27 two or more school buildings to implement jointly a reach for
28 excellence project.

1 (3) The superintendent of public instruction, in consultation with
2 the commission on student learning, shall select grant recipients and
3 determine grant funding levels by May 15, 1992. Reach for excellence
4 projects may be conducted through the 1996-97 school year subject to
5 biennial approval by the superintendent of public instruction and
6 appropriation of funds.

7 NEW SECTION. **Sec. 305.** (1) All school districts, including
8 districts with reach projects, shall implement the essential learnings
9 and the assessment system for the elementary grades beginning no later
10 than the 1995-96 school year as provided under section 302 of this act.

11 (2) All school districts, including districts with reach projects,
12 shall implement the essential learnings and the assessment system for
13 the secondary grades beginning no later than the 1996-97 school year as
14 provided under section 302 of this act.

15 NEW SECTION. **Sec. 306.** (1) Reach grants may be used for the
16 following purposes:

17 (a) Planning and staff development and training, including training
18 in new or alternative instructional strategies;

19 (b) Purchase of instructional materials, supplies, and resources;
20 and

21 (c) Development of new measures to assess student performance.

22 (2) Before the end of the first year of the project, the following
23 information shall be submitted to the superintendent of public
24 instruction:

25 (a) Target educational outcomes for the essential learnings,
26 including identification of the grade levels and subject matter areas
27 in which the essential learnings will be addressed, and including
28 benchmark data for the essential learnings. Target educational

1 outcomes means expected levels of student performance and achievement
2 determined by reach project grant recipients.

3 (b) Identification of the evaluation and accountability procedures
4 and activities that will be used to assess progress toward or
5 achievement of the target educational outcomes. Grantees shall
6 identify at least one measure of assessing student performance and
7 progress toward the target educational outcomes for the essential
8 learnings, in addition to any use of standardized testing, that will be
9 developed or used as part of the reach project. To the extent
10 possible, grantees shall use the state test and assessments in grades
11 four, eight, and eleven to measure student performance and progress
12 toward the target educational outcomes for the essential learnings.

13 (3) The superintendent of public instruction shall use the
14 benchmark data for the target educational outcomes required under
15 subsection (2)(a) of this section in assessing biennially the progress
16 made toward the target educational outcomes to determine project
17 eligibility for renewal. In evaluating projects to determine their
18 continuation, the superintendent shall emphasize giving projects
19 maximum flexibility and time to be successful.

20 NEW SECTION. Sec. 307. (1) Each school district participating
21 in the reach program shall report to the superintendent of public
22 instruction by October 1, 1993, and biennially thereafter, the
23 following information:

- 24 (a) The activities supported by reach for excellence grant funds;
- 25 (b) Updated information relating to the required benchmark data;
- 26 (c) Progress made toward the target educational outcomes; and
- 27 (d) The means of evaluating student performance and progress toward
28 or attainment of the target educational outcomes for the essential
29 learnings.

1 (2) By December 1, 1993, and by December 1st biennially thereafter,
2 the superintendent of public instruction shall report to the
3 legislature, the governor, and the commission on student learning on
4 the reach for excellence program. The reports shall include
5 information on the items required under subsection (1) of this section
6 and also indicate the number of projects using any of the waivers
7 authorized under RCW 28A.150.220.

8 (3) In the report due December 1, 1995, the superintendent of
9 public instruction shall include an analysis of the effectiveness of
10 state tests and assessments in grades four, eight, and eleven in
11 measuring progress toward the target educational outcomes for the
12 essential learnings.

13 (4) The superintendent of public instruction shall submit a final
14 report on the reach for excellence program to the legislature and the
15 governor not later than December 1, 1997.

16 (5) This section shall expire December 31, 1997.

17 NEW SECTION. **Sec. 308.** Sections 301 through 307 of this act are
18 necessary for the immediate preservation of the public peace, health,
19 or safety, or support of the state government and its existing public
20 institutions, and shall take effect immediately.

21 NEW SECTION. **Sec. 309.** Sections 301 through 306 of this act
22 shall expire September 1, 1997.

23 NEW SECTION. **Sec. 310.** Sections 301 through 307 of this act are
24 each added to chapter 28A.630 RCW.

25 PART IV

26 TECHNICAL ASSISTANCE FOR EDUCATIONAL RESTRUCTURING

1 ~~for all students in the district an effective education system that is~~
2 ~~designed to enhance the educational program for each student. The~~
3 ~~local plan may include alternative ways to provide effective~~
4 ~~educational programs for students who experience difficulty with the~~
5 ~~regular education program.~~

6 ~~The state board shall adopt criteria to evaluate the need for the~~
7 ~~waiver or waivers)) shall be waived for school districts or individual~~
8 ~~schools within a district if the school district submits to the state~~
9 ~~board of education a plan for restructuring its educational program, or~~
10 ~~the educational program of individual schools within the district that~~
11 ~~includes:~~

12 ~~(a) Specific standards for increased student learning that the~~
13 ~~district expects to achieve;~~

14 ~~(b) How the district plans to achieve the higher standards,~~
15 ~~including timelines for implementation;~~

16 ~~(c) How the district plans to determine if the higher standards are~~
17 ~~met;~~

18 ~~(d) Evidence that the board of directors, teachers, administrators,~~
19 ~~and classified employees are committed to working cooperatively in~~
20 ~~implementing the plan;~~

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

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

24 ~~(2) Applicants selected for reach for excellence grants under~~
25 ~~section 304 of this 1991 act shall be deemed to have met the~~
26 ~~requirements of subsection (1) of this section.~~

27 ~~(3) Waivers granted by the state board of education under this~~
28 ~~section shall be renewed every two years upon the state board of~~
29 ~~education receiving a renewal request from the school district board of~~
30 ~~directors. Before filing the request, the school district shall~~

1 conduct at least one public meeting to evaluate the educational
2 programs that were implemented as a result of the waivers. The request
3 to the state board of education shall include information regarding the
4 activities and programs implemented as a result of the waivers and a
5 summary of the comments received at the public meeting or meetings.

6 (4) If a school district intends to waive the program hour
7 offerings under RCW 28A.150.220, it shall make available to students
8 enrolled in kindergarten at least a total instructional offering of
9 four hundred fifty hours. The program shall include instruction in
10 the essential learnings under section 302 of this 1991 act and other
11 subjects and activities as the school district determines to be
12 appropriate. Each school district also shall make available to
13 students enrolled in grades one through twelve at least a district-wide
14 annual average total instructional hour offering of one thousand hours.
15 Effective May 1, 1992, a school district may schedule the last thirty
16 instructional hours of any school year for noninstructional purposes in
17 the case of students who are graduating from high school, including,
18 but not limited to, the observance of graduation and early release from
19 school upon the request of a student, and all such students may be
20 claimed as full-time equivalent students to the extent they could
21 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
22 28A.150.260. The state board of education may define alternatives to
23 classroom instructional time for students in grades nine through twelve
24 enrolled in alternative learning experiences. The state board of
25 education shall establish rules to determine annual average
26 instructional hours for districts having fewer than twelve grades. The
27 program shall include instruction in the essential learnings under
28 section 302 of this 1991 act and other subjects and activities the
29 school district determines to be appropriate.

1 (5) If a school district intends to waive the minimum one hundred
2 eighty day school year requirement under RCW 28A.150.220, it shall make
3 available to its students the instructional offerings under subsection
4 (4) of this section.

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

13 NEW SECTION. Sec. 502. A new section is added to chapter 28A.150
14 RCW to read as follows:

15 The superintendent of public instruction shall work with
16 appropriate organizations to ensure that teachers, administrators, and
17 school boards are aware of the waivers available under RCW 28A.305.140.

18 **Sec. 503.** RCW 28A.150.260 and 1991 c 116 s 10 are each amended to
19 read as follows:

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

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

1 recognition of the following costs among the various districts within
2 the state:

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

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

5 (c) Classified staff and their related costs;

6 (d) Nonsalary costs;

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

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

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

20 (b) (~~Commencing with the 1988-89 school year,~~) The formula
21 adopted by the legislature shall reflect the following ratios at a
22 minimum: (i) Forty-nine certificated instructional staff to one
23 thousand annual average full time equivalent students enrolled in
24 grades kindergarten through three; (ii) forty-six certificated
25 instructional staff to one thousand annual average full time equivalent
26 students in grades four through twelve; (iii) four certificated
27 administrative staff to one thousand annual average full time
28 equivalent students in grades kindergarten through twelve; and (iv)
29 sixteen and sixty-seven one-hundredths classified personnel to one

1 thousand annual average full time equivalent students enrolled in
2 grades kindergarten through twelve.

3 (c) In the event the legislature rejects the distribution formula
4 recommended by the governor, without adopting a new distribution
5 formula, the distribution formula for the previous school year shall
6 remain in effect: PROVIDED, That the distribution formula developed
7 pursuant to this section shall be for state apportionment and
8 equalization purposes only and shall not be construed as mandating
9 specific operational functions of local school districts other than
10 those program requirements identified in RCW 28A.150.220 and
11 28A.150.100. The enrollment of any district shall be the annual
12 average number of full time equivalent students and part time students
13 as provided in RCW 28A.150.350, enrolled on the first school day of
14 each month and shall exclude full time equivalent handicapped students
15 recognized for the purposes of allocation of state funds for programs
16 under RCW 28A.155.010 through 28A.155.100. The definition of full time
17 equivalent student shall be determined by rules and regulations of the
18 superintendent of public instruction: PROVIDED, That the definition
19 shall be included as part of the superintendent's biennial budget
20 request: PROVIDED, FURTHER, That any revision of the present
21 definition shall not take effect until approved by the house
22 appropriations committee and the senate ways and means committee:
23 PROVIDED, FURTHER, That the office of financial management shall make
24 a monthly review of the superintendent's reported full time equivalent
25 students in the common schools in conjunction with RCW 43.62.050.

26 (3)(a) Certificated instructional staff shall include those persons
27 employed by a school district who are nonsupervisory employees within
28 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
29 people of unusual competence but without certification may teach
30 students so long as a certificated person exercises general

1 supervision: PROVIDED, FURTHER, That the hiring of such
2 noncertificated people shall not occur during a labor dispute and such
3 noncertificated people shall not be hired to replace certificated
4 employees during a labor dispute.

5 (b) Certificated administrative staff shall include all those
6 persons who are chief executive officers, chief administrative
7 officers, confidential employees, supervisors, principals, or assistant
8 principals within the meaning of RCW 41.59.020(4).

9 (4) Each annual average full time equivalent certificated classroom
10 teacher's direct classroom contact hours shall average at least twenty-
11 five hours per week. Direct classroom contact hours shall be exclusive
12 of time required to be spent for preparation, conferences, or any other
13 nonclassroom instruction duties. Up to two hundred minutes per week
14 may be deducted from the twenty-five contact hour requirement, at the
15 discretion of the school district board of directors, to accommodate
16 authorized teacher/parent-guardian conferences, recess, passing time
17 between classes, and informal instructional activity. Implementing
18 rules to be adopted by the state board of education pursuant to RCW
19 28A.150.220(~~(+6)~~) (4) shall provide that compliance with the direct
20 contact hour requirement shall be based upon teachers' normally
21 assigned weekly instructional schedules, as assigned by the district
22 administration. Additional record-keeping by classroom teachers as a
23 means of accounting for contact hours shall not be required.
24 (~~However, upon request from the board of directors of any school~~
25 ~~district, the provisions relating to direct classroom contact hours for~~
26 ~~individual teachers in that district may be waived by the state board~~
27 ~~of education if the waiver is necessary to implement a locally approved~~
28 ~~plan for educational excellence and the waiver is limited to those~~
29 ~~individual teachers approved in the local plan for educational~~
30 ~~excellence. The state board of education shall develop criteria to~~

1 ~~evaluate the need for the waiver. Granting of the waiver shall depend~~
2 ~~upon verification that: (a) The students' classroom instructional time~~
3 ~~will not be reduced; and (b) the teacher's expertise is critical to the~~
4 ~~success of the local plan for excellence.)~~ Waivers from contact hours
5 may be requested under RCW 28A.305.140.

6 NEW SECTION. Sec. 504. RCW 28A.320.210 and 1990 c 33 s 334,
7 1988 c 256 s 1, 1987 c 505 s 9, 1986 c 137 s 1, 1984 c 278 s 3, 1977
8 ex.s. c 305 s 1, & 1975-'76 2nd ex.s. c 90 s 1 are each repealed.

9 NEW SECTION. Sec. 505. Section 501 of this act is necessary for
10 the immediate preservation of the public peace, health, or safety, or
11 support of the state government and its existing public institutions,
12 and shall take effect September 1, 1991.

13 PART VI

14 BASIC EDUCATION AMENDMENTS--EFFECTIVE 1997

15 **Sec. 601.** RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each
16 amended to read as follows:

17 The goal of the Basic Education Act for the schools of the state of
18 Washington set forth in this (~~(1977 amendatory act)~~) chapter shall be
19 to provide students with the opportunity to (~~(achieve those skills~~
20 ~~which are generally recognized as requisite to learning. Those skills~~
21 ~~shall include the ability:~~

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

24 ~~(2) To organize words and other symbols into acceptable verbal and~~
25 ~~nonverbal forms of expression, and numbers into their appropriate~~
26 ~~functions;~~

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

4 ~~(4) To use various muscles necessary for coordinating physical and~~
5 ~~mental functions))~~ master the essential learnings necessary for their
6 roles as citizens and potential participants in the economic
7 marketplace and in the marketplace of ideas identified by the
8 commission established in section 301 of this 1991 act.

9 NEW SECTION. **Sec. 602.** A new section is added to chapter 28A.150
10 RCW to read as follows:

11 Unless the context clearly requires otherwise, the definition in
12 this section applies throughout RCW 28A.150.200 through 28A.150.295.

13 "Instructional hours" means those hours students are provided the
14 opportunity to engage in educational activity planned by and under the
15 direction of school district staff, as directed by the administration
16 and board of directors of the district, inclusive of intermissions for
17 class changes, recess, and teacher/parent-guardian conferences that are
18 planned and scheduled by the district for the purpose of discussing
19 students' educational needs or progress, and exclusive of time actually
20 spent for meals.

21 **Sec. 603.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
22 read as follows:

23 ~~(1) ((For the purposes of this section and RCW 28A.150.250 and~~
24 ~~28A.150.260:~~

25 ~~(a) The term "total program hour offering" shall mean those hours~~
26 ~~when students are provided the opportunity to engage in educational~~
27 ~~activity planned by and under the direction of school district staff,~~
28 ~~as directed by the administration and board of directors of the~~

1 ~~district, inclusive of intermissions for class changes, recess and~~
2 ~~teacher/parent guardian conferences which are planned and scheduled by~~
3 ~~the district for the purpose of discussing students' educational needs~~
4 ~~or progress, and exclusive of time actually spent for meals.~~

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

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

14 (a) Each school district shall make available to students enrolled
15 in kindergarten at least a total ~~((program))~~ instructional offering of
16 four hundred fifty hours. The program shall include ~~((reading,~~
17 ~~arithmetic, language skills))~~ instruction in the essential learnings
18 under section 302 of this 1991 act and such other subjects and such
19 activities as the school district shall determine to be appropriate for
20 the education of the school district's students enrolled in such
21 program;

22 (b) Each school district shall make available to students enrolled
23 in grades one through ~~((three))~~ twelve, at least a district-wide annual
24 average total ~~((program))~~ instructional hour offering of ~~((two thousand~~
25 ~~seven hundred))~~ one thousand hours. A ~~((minimum of ninety-five percent~~
26 ~~of the total program hour offerings))~~ school district may schedule the
27 last thirty instructional hours of any 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 full-time equivalent students to the extent
2 they could otherwise have been so claimed for the purposes of RCW
3 28A.150.250 and 28A.150.260. The state board of education may define
4 alternatives to classroom instructional time for students in grades
5 nine through twelve enrolled in alternative learning experiences. The
6 state board of education shall establish rules to determine annual
7 average instructional hours for districts including fewer than twelve
8 grades. The program 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)) include the

1 essential learnings under section 302 of this 1991 act and such other
2 subjects and such activities as the school district shall determine to
3 be appropriate for the education of the school district's students
4 enrolled in such group.

5 ((+4)) (2) Nothing contained in subsection ((+2)) (1) of this
6 section shall be construed to require individual students to attend
7 school for any particular number of hours per day or to take any
8 particular courses.

9 ((+5)) (3) Each school district's kindergarten through twelfth
10 grade basic educational program shall be accessible to all students who
11 are five years of age, as provided by RCW 28A.225.160, and less than
12 twenty-one years of age ~~((and shall consist of a minimum of one hundred~~
13 ~~eighty school days per school year in such grades as are conducted by~~
14 ~~a school district, and one hundred eighty half days of instruction, or~~
15 ~~equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a~~
16 ~~school district may schedule the last five school days of the one~~
17 ~~hundred and eighty day school year for noninstructional purposes in the~~
18 ~~case of students who are graduating from high school, including, but~~
19 ~~not limited to, the observance of graduation and early release from~~
20 ~~school upon the request of a student, and all such students may be~~
21 ~~claimed as a full time equivalent student to the extent they could~~
22 ~~otherwise have been so claimed for the purposes of RCW 28A.150.250 and~~
23 ~~28A.150.260)).~~

24 ((+6)) (4) The state board of education shall adopt rules to
25 implement and ensure compliance with the program requirements imposed
26 by this section, RCW 28A.150.250 and 28A.150.260, and such related
27 supplemental program approval requirements as the state board may
28 establish~~((: PROVIDED, That each school district board of directors~~
29 ~~shall establish the basis and means for determining and monitoring the~~
30 ~~district's compliance with the basic skills and work skills percentage~~

1 and course requirements of this section. The certification of the
2 board of directors and the superintendent of a school district that the
3 district is in compliance with such basic skills and work skills
4 requirements may be accepted by the superintendent of public
5 instruction and the state board of education.

6 (7) Handicapped education programs, vocational technical institute
7 programs, state institution and state residential school programs, all
8 of which programs are conducted for the common school age, kindergarten
9 through secondary school program students encompassed by this section,
10 shall be exempt from the basic skills and work skills percentage and
11 course requirements of this section in order that the unique needs,
12 abilities or limitations of such students may be met.

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

21 **Sec. 604.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
22 read as follows:

23 (1) The superintendent of public instruction shall have the power
24 and duty to make such rules and regulations as are necessary for the
25 proper administration of this chapter and RCW 28A.160.150 through
26 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the
27 provisions thereof, and in addition to require such reports as may be
28 necessary to carry out his or her duties under this chapter and RCW
29 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

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

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

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

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

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

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

19 **Sec. 605.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to
20 read as follows:

21 The legislature hereby recognizes that private schools should be
22 subject only to those minimum state controls necessary to ((insure))
23 ensure the health and safety of all the students in the state and to
24 ((insure)) ensure a sufficient basic education to meet usual graduation
25 requirements. The state, any agency or official thereof, shall not
26 restrict or dictate any specific educational or other programs for
27 private schools except as hereinafter 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))~~ total instructional
10 ~~((purposes))~~ hour offerings shall consist of no less than ~~((one hundred~~
11 ~~eighty school days or the equivalent in))~~ the annual minimum
12 ~~((program))~~ instructional hour offerings as prescribed in RCW
13 28A.150.220.

14 (2) ~~((The school day shall be the same as that required in RCW~~
15 ~~28A.150.030 and 28A.150.220, except that the percentages of total~~
16 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~
17 ~~skills, work skills, and optional subjects and activities shall not~~
18 ~~apply to private schools or private sectarian schools.~~

19 ~~(3))~~ All classroom teachers shall hold appropriate Washington
20 state certification except as follows:

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

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

29 ~~((4))~~ (3) An approved private school may operate an extension
30 program for parents, guardians, or persons having legal custody of a

1 child to teach children in their custody. The extension program shall
2 require at a minimum that:

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

6 (b) The planning by the certified person and the parent, guardian,
7 or person having legal custody include objectives consistent with this
8 subsection and subsections (1), ~~((+2+))~~ (4), (5), and (6)~~((, and (7)))~~
9 of this section;

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

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

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

17 ~~((+5+))~~ (4) Appropriate measures shall be taken to safeguard all
18 permanent records against loss or damage.

19 ~~((+6+))~~ (5) The physical facilities of the school or district shall
20 be adequate to meet the program offered by the school or district:
21 PROVIDED, That each school building shall meet reasonable health and
22 fire safety requirements. A residential dwelling of the parent,
23 guardian, or custodian shall be deemed to be an adequate physical
24 facility when a parent, guardian, or person having legal custody is
25 instructing his or her child under subsection ~~((+4+))~~ (3) of this
26 section.

27 ~~((+7+))~~ (6) Private school curriculum shall include instruction of
28 the ~~((basic skills of occupational education, science, mathematics,~~
29 ~~language, social studies, history, health, reading, writing, spelling,~~
30 ~~and the development of appreciation of art and music, all in sufficient~~

1 ~~units for meeting~~) essential learnings under section 302 of this 1991
2 act and meet state board of education graduation requirements.

3 ((+8)) (7) Each school or school district shall be required to
4 maintain up-to-date policy statements related to the administration and
5 operation of the school or school district.

6 All decisions of policy, philosophy, selection of books, teaching
7 material, curriculum, except as provided in subsection ((+7) ~~above~~
8 ~~provided~~) (6) of this section, school rules and administration, or
9 other matters not specifically referred to in this section, shall be
10 the responsibility of the administration and administrators of the
11 particular private school involved.

12 **Sec. 606.** RCW 28A.150.260 and 1991 ex.s. c ... s 503 (section 503
13 of this act) are each amended to read as follows:

14 The basic education allocation for each annual average full time
15 equivalent student shall be determined in accordance with the following
16 procedures:

17 (1) The governor shall and the superintendent of public instruction
18 may recommend to the legislature a formula based on a ratio of students
19 to staff for the distribution of a basic education allocation for each
20 annual average full time equivalent student enrolled in a common
21 school. The distribution formula shall have the primary objective of
22 equalizing educational opportunities and shall provide appropriate
23 recognition of the following costs among the various districts within
24 the state:

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

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

27 (c) Classified staff and their related costs;

28 (d) Nonsalary costs;

1 (e) Extraordinary costs of remote and necessary schools and small
2 high schools, including costs of additional certificated and classified
3 staff; and

4 (f) The attendance of students pursuant to RCW 28A.335.160 and
5 28A.225.250 who do not reside within the servicing school district.

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

14 (b) The formula adopted by the legislature shall reflect the
15 following ratios at a minimum: (i) Forty-nine certificated
16 instructional staff to one thousand annual average full time equivalent
17 students enrolled in grades kindergarten through three; (ii) forty-six
18 certificated instructional staff to one thousand annual average full
19 time equivalent students in grades four through twelve; (iii) four
20 certificated administrative staff to one thousand annual average full
21 time equivalent students in grades kindergarten through twelve; and
22 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
23 thousand annual average full time equivalent students enrolled in
24 grades kindergarten through twelve.

25 (c) In the event the legislature rejects the distribution formula
26 recommended by the governor, without adopting a new distribution
27 formula, the distribution formula for the previous school year shall
28 remain in effect: PROVIDED, That the distribution formula developed
29 pursuant to this section shall be for state apportionment and
30 equalization purposes only and shall not be construed as mandating

1 specific operational functions of local school districts other than
2 those program requirements identified in RCW 28A.150.220 and
3 28A.150.100. The enrollment of any district shall be the annual
4 average number of full time equivalent students and part time students
5 as provided in RCW 28A.150.350, enrolled on the first school day of
6 each month and shall exclude full time equivalent handicapped students
7 recognized for the purposes of allocation of state funds for programs
8 under RCW 28A.155.010 through 28A.155.100. The definition of full time
9 equivalent student shall be determined by rules and regulations of the
10 superintendent of public instruction: PROVIDED, That the definition
11 shall be included as part of the superintendent's biennial budget
12 request: PROVIDED, FURTHER, That any revision of the present
13 definition shall not take effect until approved by the house
14 appropriations committee and the senate ways and means committee:
15 PROVIDED, FURTHER, That the office of financial management shall make
16 a monthly review of the superintendent's reported full time equivalent
17 students in the common schools in conjunction with RCW 43.62.050.

18 (3)(a) Certificated instructional staff shall include those persons
19 employed by a school district who are nonsupervisory employees within
20 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
21 people of unusual competence but without certification may teach
22 students so long as a certificated person exercises general
23 supervision: PROVIDED, FURTHER, That the hiring of such
24 noncertificated people shall not occur during a labor dispute and such
25 noncertificated people shall not be hired to replace certificated
26 employees during a labor dispute.

27 (b) Certificated administrative staff shall include all those
28 persons who are chief executive officers, chief administrative
29 officers, confidential employees, supervisors, principals, or assistant
30 principals within the meaning of RCW 41.59.020(4).

1 (~~(4) Each annual average full time equivalent certificated~~
2 ~~classroom teacher's direct classroom contact hours shall average at~~
3 ~~least twenty five hours per week. Direct classroom contact hours shall~~
4 ~~be exclusive of time required to be spent for preparation, conferences,~~
5 ~~or any other nonclassroom instruction duties. Up to two hundred minutes~~
6 ~~per week may be deducted from the twenty five contact hour requirement,~~
7 ~~at the discretion of the school district board of directors, to~~
8 ~~accommodate authorized teacher/parent guardian conferences, recess,~~
9 ~~passing time between classes, and informal instructional activity.~~
10 ~~Implementing rules to be adopted by the state board of education~~
11 ~~pursuant to RCW 28A.150.220(4) shall provide that compliance with the~~
12 ~~direct contact hour requirement shall be based upon teachers' normally~~
13 ~~assigned weekly instructional schedules, as assigned by the district~~
14 ~~administration. Additional record keeping by classroom teachers as a~~
15 ~~means of accounting for contact hours shall not be required. Waivers~~
16 ~~from contact hours may be requested under RCW 28A.305.140.))~~

17 NEW SECTION. **Sec. 607.** Sections 601 through 606 of this act
18 shall take effect September 1, 1997. However, these sections shall not
19 take effect if, by September 1, 1997, a law is enacted stating that a
20 school accountability and assessment system is not in place.

21 NEW SECTION. **Sec. 608.** The following acts or parts of acts as
22 now existing or hereafter amended are each repealed effective September
23 1, 1997. However, this section shall not take effect if, by September
24 1, 1997, a law is enacted stating that a school accountability and
25 assessment system is not in place.

26 (1) RCW 28A.305.140 and 1991 ex.s. c -- s 501 (section 501 of this
27 act), 1990 c 33 s 267, & 1985 c 349 s 6; and

1 (2) RCW 28A.320.200 and 1990 c 33 s 333, 1989 c 83 s 1, 1988 c 256
2 s 2, & 1985 c 349 s 2.

3 PART VII

4 SCHOOL BOARD POWERS

5 NEW SECTION. **Sec. 701.** A new section is added to chapter 28A.320
6 RCW to read as follows:

7 (1) The board of directors of each school district may exercise the
8 following:

9 (a) The broad discretionary power to determine and adopt written
10 policies not in conflict with other law that provide for the
11 development and implementation of programs, activities, services, or
12 practices that the board determines will:

13 (i) Promote the education of kindergarten through twelfth grade
14 students in the public schools; or

15 (ii) Promote the effective, efficient, or safe management and
16 operation of the school district;

17 (b) Such powers as are expressly authorized by law; and

18 (c) Such powers as are necessarily or fairly implied in the powers
19 expressly authorized by law.

20 (2) Before adopting a policy under subsection (1)(a) of this
21 section, the school district board of directors shall comply with the
22 notice requirements of the open public meetings act, chapter 42.30 RCW,
23 and shall in addition include in that notice a statement that sets
24 forth or reasonably describes the proposed policy. The board of
25 directors shall provide a reasonable opportunity for public written and
26 oral comment and consideration of the comment by the board of
27 directors.

PART VIII

HIGH SCHOOL GRADUATION REQUIREMENTS

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Sec. 801. RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each amended to read as follows:

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

SUBJECT	CREDITS
English	3
Mathematics	2
Social Studies	
United States history	
— and government	1
Washington state	
— history and government	1/2
Contemporary world	
— history, geography,	
— and problems	1
Science (1 credit	
— must be in	
— laboratory science)	2
Occupational Education	1
Physical Education	2
Electives	5 1/2
Total	18

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

3 ~~(3) The Washington state history and government requirement may be~~
4 ~~fulfilled by students in grades seven or eight or both. Students who~~
5 ~~have completed the Washington state history and government requirement~~
6 ~~in grades seven or eight or both shall be considered to have fulfilled~~
7 ~~the Washington state history and government requirement.~~

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

13 ~~((+5))~~ (2) In recognition of the statutory authority of the state
14 board of education to establish and enforce minimum high school
15 graduation requirements, the state board shall periodically reevaluate
16 the graduation requirements and shall report such findings to the
17 legislature in a timely manner as determined by the state board.

18 ~~((+6))~~ (3) Pursuant to any foreign language requirement
19 established by the state board of education or a local school district,
20 or both, for purposes of high school graduation, students who receive
21 instruction in sign language shall be considered to have satisfied the
22 state or local school district foreign language graduation requirement.

23 ~~((+7))~~ (4) If requested by the student and his or her family, a
24 student who has completed high school courses ~~((while in seventh and~~
25 ~~eighth grade))~~ before attending high school shall be given high school
26 credit which shall be applied to fulfilling high school graduation
27 requirements if:

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

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

4 ~~((+8))~~ (5) Students who have taken and successfully completed high
5 school courses under the circumstances in subsection ~~((+7))~~ (4) of
6 this section shall not be required to take an additional competency
7 examination or perform any other additional assignment to receive
8 credit. Subsection ~~((+7))~~ (4) of this section shall also apply to
9 students enrolled in high school on April 11, 1990, who took the
10 courses ~~((while they were in seventh and eighth grade))~~ before
11 attending high school.

12 NEW SECTION. Sec. 802. RCW 28A.230.110 and 1990 c 33 s 239 &
13 1985 c 384 s 1 are each repealed.

14 PART IX

15 EDUCATOR PREPARATION AND CERTIFICATION

16 NEW SECTION. Sec. 901. The committees on education in the
17 senate and the house of representatives shall jointly study the current
18 system for the preparation of teachers and administrators and the
19 requirements for initial and continuing certification. Specific
20 recommendations about educational requirements after initial
21 certification shall be submitted to the legislature before December 15,
22 1991.

23 **Sec. 902.** RCW 28A.410.040 and 1990 c 33 s 406 are each amended
24 to read as follows:

25 (1) The state board of education shall adopt rules providing that,
26 except as provided in this section, all individuals qualifying for an

1 initial-level teaching certificate after August 31, 1992, shall possess
2 a baccalaureate degree in the arts, sciences, and/or humanities and
3 have fulfilled the requirements for teacher certification pursuant to
4 RCW 28A.305.130 (1) and (2). ~~((The state board of education shall
5 develop and adopt rules establishing baccalaureate degree equivalency
6 standards for certification of vocational instructors performing
7 instructional duties and acquiring initial level certification after
8 August 31, 1992.))~~ However, candidates for grades preschool through
9 eight certificates shall have fulfilled the requirements for a major as
10 part of their baccalaureate degree. If the major is in early childhood
11 education, elementary education, or special education, the candidate
12 must have at least thirty quarter hours or twenty semester hours in one
13 academic field.

14 (2) ~~((The state board of education shall study the impact of
15 eliminating the major in education under subsection (1) of this section
16 and submit a report to the legislature by January 15, 1990. The report
17 shall include a recommendation on whether the major in education under
18 subsection (1) of this section should be eliminated.~~

19 ~~(3))~~ The initial certificate shall be valid for ~~((two years.~~

20 ~~(4) Certificate holders may renew the certificate for a three year
21 period by providing proof of acceptance and enrollment in an approved
22 masters degree program. A second renewal, for a period of two years,
23 may be granted upon recommendation of the degree granting institution
24 and if the certificate holder can demonstrate substantial progress
25 toward the completion of the masters degree and that the degree will be
26 completed within the two year extension period. Under no circumstances
27 may an initial certificate be valid for))~~ a period of no more than
28 seven years. The initial certificate may be reinstated pursuant to
29 state board of education rules.

1 **Sec. 1001.** RCW 28A.405.220 and 1990 c 33 s 391 are each amended to
2 read as follows:

3 Notwithstanding the provisions of RCW 28A.405.210, every person
4 employed by a school district in a teaching or other nonsupervisory
5 certificated position shall be subject to nonrenewal of employment
6 contract as provided in this section during the first two years of
7 employment by such district, unless the employee has previously
8 completed at least two years of certificated employment in another
9 school district in the state of Washington, in which case the employee
10 shall be subject to nonrenewal of employment contract pursuant to this
11 section during the first year of employment with the new district.
12 Employees as defined in this section shall hereinafter be referred to
13 as "provisional employees".

14 In the event the superintendent of the school district determines
15 that the employment contract of any provisional employee should not be
16 renewed by the district for the next ensuing term such provisional
17 employee shall be notified thereof in writing on or before May 15th
18 preceding the commencement of such school term, which notification
19 shall state the reason or reasons for such determination. Such notice
20 shall be served upon the provisional employee personally, or by
21 certified or registered mail, or by leaving a copy of the notice at the
22 place of his or her usual abode with some person of suitable age and
23 discretion then resident therein. The determination of the
24 superintendent shall be subject to the evaluation requirements of RCW
25 28A.405.100.

26 Every such provisional employee so notified, at his or her request
27 made in writing and filed with the superintendent of the district
28 within ten days after receiving such notice, shall be given the
29 opportunity to meet informally with the superintendent for the purpose
30 of requesting the superintendent to reconsider his or her decision.

1 Such meeting shall be held no later than ten days following the receipt
2 of such request, and the provisional employee shall be given written
3 notice of the date, time and place of meeting at least three days prior
4 thereto. At such meeting the provisional employee shall be given the
5 opportunity to refute any facts upon which the superintendent's
6 determination was based and to make any argument in support of his or
7 her request for reconsideration.

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

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

25 This section applies to any person employed by a school district in
26 a teaching or other nonsupervisory certificated position after June 25,
27 1976. This section provides the exclusive means for nonrenewing the
28 employment contract of a provisional employee and no other provision of
29 law shall be applicable thereto, including, without limitation, RCW
30 28A.405.210 and chapter 28A.645 RCW.

PART XI

LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

NEW SECTION. **Sec. 1101.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall establish a program to provide school districts, from appropriated funds, local education program enhancement funds.

(2) A school district shall be eligible to receive an allocation from appropriated funds if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students;

(h) Programs involving students in community services;

(i) Senior citizen volunteer programs;

(j) Those sections under this act requiring a match of local funds to state funds; and

1 (k) Other purposes that enhance a school district's basic education
2 program.

3 (4) Program enhancements funded pursuant to this section do not
4 fall within the definition of basic education for purposes of Article
5 IX of the state Constitution and the state's funding duty thereunder.

6 (5)(a) Allocations to eligible school districts shall be calculated
7 on the basis of average annual full time equivalent enrollment. For
8 school districts enrolling not more than one hundred average annual
9 full time equivalent students, and for small school plants within any
10 school district designated as remote and necessary schools, the
11 allocations shall be determined as follows:

12 (i) Enrollment of not more than sixty average annual full time
13 equivalent students in grades kindergarten through six shall generate
14 funding based on sixty full time equivalent students;

15 (ii) Enrollment of not more than twenty average annual full time
16 equivalent students in grades seven and eight shall generate funding
17 based on twenty full time equivalent students; and

18 (iii) Enrollment of sixty or fewer average annual full time
19 equivalent students in grades nine through twelve shall generate
20 funding based on sixty full time equivalent students.

21 (b) Allocations shall be distributed on a school-year basis
22 pursuant to RCW 28A.510.250.

23 PART XII

24 EXCESS LEVIES

25 **Sec. 1201.** RCW 84.52.0531 and 1990 c 33 s 601 are each amended to
26 read as follows:

1 The maximum dollar amount which may be levied by or for any school
2 district for maintenance and operation support under the provisions of
3 RCW 84.52.053 shall be determined as follows:

4 (1) For excess levies for collection in calendar year 1991, the
5 maximum dollar amount shall be calculated pursuant to the laws and
6 rules in effect in November 1990.

7 (2) For the purpose of this section, the basic education allocation
8 shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and
9 28A.150.350: PROVIDED, That when determining the basic education
10 allocation under subsection (4) of this section, nonresident full time
11 equivalent pupils who are participating in a program provided for in
12 chapter 28A.545 RCW or in any other program pursuant to an
13 interdistrict agreement shall be included in the enrollment of the
14 resident district and excluded from the enrollment of the serving
15 district.

16 ~~((2) For the purposes of subsection (5) of this section, a base~~
17 ~~year levy percentage shall be established. The base year levy~~
18 ~~percentage shall be equal to the greater of: (a) The district's actual~~
19 ~~levy percentage for calendar year 1985, (b) the average levy percentage~~
20 ~~for all school district levies in the state in calendar year 1985, or~~
21 ~~(c) the average levy percentage for all school district levies in the~~
22 ~~educational service district of the district in calendar year 1985.))~~

23 (3) For excess levies for collection in calendar year ~~((1988))~~ 1992
24 and thereafter, the maximum dollar amount shall be the ~~((total of))~~ sum
25 of (a) and (b) of this subsection minus (c) of this subsection:

26 (a) The district's levy base as defined in subsection (4) of this
27 section multiplied by the district's maximum levy percentage as defined
28 in subsection~~((s))~~ (5) ~~((and (6)))~~ of this section; ~~((plus))~~

29 (b) In the case of nonhigh school districts only, an amount equal
30 to the total estimated amount due by the nonhigh school district to

1 high school districts pursuant to chapter 28A.545 RCW for the school
2 year during which collection of the levy is to commence, less the
3 increase in the nonhigh school district's basic education allocation as
4 computed pursuant to subsection (1) of this section due to the
5 inclusion of pupils participating in a program provided for in chapter
6 28A.545 RCW in such computation; (~~less~~)

7 (c) The maximum amount of state matching funds under RCW
8 28A.500.010 for which the district is eligible in that tax collection
9 year.

10 (4) For excess levies for collection in calendar year (~~(1988)~~) 1992
11 and thereafter, a district's levy base shall be the sum of (~~the~~
12 ~~following~~) allocations in (a) through (c) of this subsection received
13 by the district for the prior school year, including allocations for
14 compensation increases, (~~adjusted~~) plus the sum of such allocations
15 multiplied by the percent increase per full time equivalent student in
16 the state basic education appropriation between the prior school year
17 and the current school year(~~(+)~~) and divided by fifty-five percent. A
18 district's levy base shall not include local school district property
19 tax levies or other local revenues, or state and federal allocations
20 not identified in (a) through (c) of this subsection.

21 (a) The district's basic education allocation as determined
22 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

23 (b) State and federal categorical allocations for the following
24 programs:

25 (i) Pupil transportation;

26 (ii) Handicapped education;

27 (iii) Education of highly capable students;

28 (iv) Compensatory education, including but not limited to learning
29 assistance, migrant education, Indian education, refugee programs, and
30 bilingual education;

1 (v) Food services; and
2 (vi) State-wide block grant programs; and
3 (c) Any other federal allocations for elementary and secondary
4 school programs, including direct grants, other than federal impact aid
5 funds and allocations in lieu of taxes.

6 (5) ~~((For levies to be collected in calendar year 1988, a
7 district's maximum levy percentage shall be determined as follows:~~

8 ~~(a) Multiply the district's base year levy percentage as defined in
9 subsection (2) of this section by the district's levy base as
10 determined in subsection (4) of this section;~~

11 ~~(b) Reduce the amount in (a) of this subsection by the total
12 estimated amount of any levy reduction funds as defined in subsection
13 (7) of this section which are to be allocated to the district for the
14 1987-88 school year;~~

15 ~~(c) Divide the amount in (b) of this subsection by the district's
16 levy base to compute a new percentage; and~~

17 ~~(d) The percentage in (c) of this subsection or twenty percent,
18 whichever is greater, shall be the district's maximum levy percentage
19 for levies collected in calendar year 1988.~~

20 ~~(6))~~ For excess levies for collection in calendar year ~~((1989))~~
21 1992 and thereafter, a district's maximum levy percentage shall be
22 determined as follows:

23 (a) Multiply the district's maximum levy percentage for the prior
24 year ~~((or thirty percent, whichever is less,))~~ by the district's levy
25 base as determined in subsection (4) of this section;

26 (b) Reduce the amount in (a) of this subsection by the total
27 estimated amount of any levy reduction funds as defined in subsection
28 ~~((7))~~ (6) of this section which are to be allocated to the district
29 for the current school year;

1 (c) Divide the amount in (b) of this subsection by the district's
2 levy base to compute a new percentage; and

3 (d) The percentage in (c) of this subsection or twenty percent,
4 whichever is greater, shall be the district's maximum levy percentage
5 for levies collected in that calendar year.

6 ~~((+7+))~~ (6) "Levy reduction funds" shall mean increases in state
7 funds from the prior school year for programs included under subsection
8 (4) of this section: (a) That are not attributable to enrollment
9 changes, compensation increases, or inflationary adjustments; and (b)
10 that are or were specifically identified as levy reduction funds in the
11 appropriations act. If levy reduction funds are dependent on formula
12 factors which would not be finalized until after the start of the
13 current school year, the superintendent of public instruction shall
14 estimate the total amount of levy reduction funds by using prior school
15 year data in place of current school year data. Levy reduction funds
16 shall not include moneys received by school districts from cities or
17 counties.

18 ~~((+8+))~~ (7) For the purposes of this section, "prior school year"
19 shall mean the most recent school year completed prior to the year in
20 which the levies are to be collected.

21 ~~((+9+))~~ (8) For the purposes of this section, "current school year"
22 shall mean the year immediately following the prior school year.

23 ~~((+10+))~~ (9) The superintendent of public instruction shall develop
24 rules and regulations and inform school districts of the pertinent data
25 necessary to carry out the provisions of this section.

26 PART XIII
27 MISCELLANEOUS

1 NEW SECTION. **Sec. 1301.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.