

SENATE BILL 5095

State of Washington 52nd Legislature 1991 Regular Session

By Senator Talmadge.

Read first time January 18, 1991. Referred to Committee on Education.

1 AN ACT Relating to educational reform; amending RCW 28A.150.030,
2 28A.195.010, 28A.150.250, 28A.150.290, 28A.335.160, 28A.150.220,
3 28A.190.030, 28A.330.100, 28A.500.010, 84.52.053, 28A.150.100,
4 28A.150.260, 28A.405.310, 28A.400.300, 28A.405.100, 28A.185.010,
5 28A.185.020, 28A.185.030, 28A.150.370, 84.52.053, 28A.215.100,
6 28A.215.180, 28A.215.010, 28A.215.020, 28A.215.040, 28A.315.540, and
7 28A.315.450; reenacting and amending RCW 28A.400.200; adding a new
8 section to chapter 28A.150 RCW; adding a new section to chapter 28A.500
9 RCW; adding a new section to chapter 28A.400 RCW; adding a new section
10 to chapter 28A.410 RCW; adding a new section to chapter 82.04 RCW;
11 adding a new section to chapter 28A.230 RCW; adding a new section to
12 chapter 28A.215 RCW; adding new sections to chapter 28A.300 RCW; adding
13 a new section to chapter 28A.315 RCW; adding a new section to chapter
14 28A.320 RCW; creating new sections; repealing RCW 84.52.0531,
15 28A.405.350, 28A.300.010, 28A.150.200, 28A.150.210, 28A.150.220,
16 28A.150.230, 28A.150.240, 28A.150.250, 28A.150.260, 28A.150.270,

1 28A.150.280, 28A.150.290, and 28A.150.295; and providing contingent
2 effective dates.

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

4 PART 1

5 INTENT

6 NEW SECTION. **Sec. 101.** The Constitution of the state of
7 Washington requires the state to make ample provision for the education
8 of all children residing within the state and to provide a general and
9 uniform system of public schools. The legislature finds that this
10 constitutional mandate is not being met. Far too many students in our
11 public schools are unable to read, to communicate, or to reason
12 effectively.

13 It is the intent of the legislature to improve the public school
14 system by measures such as reforming the funding system; improving the
15 quality of education by reducing class size, extending the school year,
16 and requiring competency in a core curriculum; increasing the
17 professionalism of teachers by improving compensation, providing
18 performance incentives, and streamlining dispute resolution processes;
19 improving access to technology in classrooms; encouraging partnerships;
20 improving vocational education; and permitting the intervention of the
21 state in local schools when necessary.

22 PART 2

23 CHANGING THE SCHOOL YEAR

24 NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.150
25 RCW to read as follows:

26 The school year shall consist of the equivalent of:

1 (1) During the 1991-92 school year, one hundred eighty-two school
2 days for grades one through twelve and one hundred eighty-two half days
3 of school for kindergarten;

4 (2) During the 1992-93 school year, one hundred eighty-four school
5 days for grades one through twelve and one hundred eighty-four half
6 days of school for kindergarten;

7 (3) During the 1993-94 school year, one hundred eighty-six school
8 days for grades one through twelve and one hundred eighty-six half days
9 of school for kindergarten;

10 (4) During the 1994-95 school year, one hundred eighty-eight school
11 days for grades one through twelve and one hundred eighty-eight half
12 days of school for kindergarten;

13 (5) During the 1995-96 school year, one hundred ninety school days
14 for grades one through twelve and one hundred ninety half days of
15 school for kindergarten;

16 (6) During the 1996-97 school year, one hundred ninety-two school
17 days for grades one through twelve and one hundred ninety-two half days
18 of school for kindergarten;

19 (7) During the 1997-98 school year, one hundred ninety-four school
20 days for grades one through twelve and one hundred ninety-four half
21 days of school for kindergarten;

22 (8) During the 1998-99 school year, one hundred ninety-six school
23 days for grades one through twelve and one hundred ninety-six half days
24 of school for kindergarten;

25 (9) During the 1999-2000 school year, one hundred ninety-eight
26 school days for grades one through twelve and one hundred ninety-eight
27 half days of school for kindergarten; and

28 (10) For the 2000-2001 school year and thereafter, two hundred
29 school days for grades one through twelve and two hundred half days of
30 school for kindergarten.

1 **Sec. 202.** RCW 28A.150.030 and 1971 ex.s. c 161 s 1 are each
2 amended to read as follows:

3 (1) A school day shall mean ((each)) a calendar day of the school
4 year on which day all pupils enrolled in the common schools of a school
5 district are afforded the opportunity to be engaged in educational
6 activity that is planned and conducted by ((and)) or under the
7 direction of the school district staff, as directed by the
8 administration and board of directors of the district.

9 (2) The equivalent of a school day shall mean:

10 (a) Kindergarten - full day: A minimum of the equivalent of four
11 hours of program hour offerings;

12 (b) Kindergarten - half day: A minimum of the equivalent of two
13 and one-half hours of program hour offerings;

14 (c) Primary - grades one through three: A minimum of five hours of
15 program hour offerings at each grade level;

16 (d) Elementary - grades four through six: A minimum of five and
17 one-half hours of program hour offerings at each grade level;

18 (e) Grades seven and eight: A minimum of five and one-half hours
19 of program hour offerings at each grade level;

20 (f) Grades nine through twelve: A minimum of six hours of program
21 hour offerings at each grade level;

22 (g) For purposes of this subsection, "program hour offering" has
23 the meaning under RCW 28A.150.220.

24 **Sec. 203.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to
25 read as follows:

26 The legislature hereby recognizes that private schools should be
27 subject only to those minimum state controls necessary to insure the
28 health and safety of all the students in the state and to insure a
29 sufficient basic education to meet usual graduation requirements. The

1 state, any agency or official thereof, shall not restrict or dictate
2 any specific educational or other programs for private schools except
3 as hereinafter in this section provided.

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

14 (1) The minimum school year for instructional purposes shall
15 consist of no less than ~~((one hundred eighty school days or the~~
16 ~~equivalent in annual minimum program hour offerings as prescribed in~~
17 ~~RCW 28A.150.220))~~ the number of school days provided under section 201
18 of this 1991 act.

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

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

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

29 (b) In exceptional cases, people of unusual competence but without
30 certification may teach students so long as a certified person

1 exercises general supervision. Annual written statements shall be
2 submitted to the office of the superintendent of public instruction
3 reporting and explaining such circumstances.

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

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

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

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

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

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

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

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

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

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

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

15 **Sec. 204.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
16 read as follows:

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

1 school days provided under section 201 of this 1991 act, except that
2 for kindergartens one (~~full~~) school year shall (~~be one hundred~~
3 ~~eighty~~) consist of the number of half days of instruction under
4 section 201 of this 1991 act, or the equivalent as provided in RCW
5 28A.150.220.

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

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

28 If a school district's basic education program fails to meet the
29 basic education requirements enumerated in RCW 28A.150.250,
30 28A.150.260, and 28A.150.220, the state board of education shall

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

6 **Sec. 205.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
7 read as follows:

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

15 (2) The superintendent of public instruction shall have the
16 authority to make rules and regulations which establish the terms and
17 conditions for allowing school districts to receive state basic
18 education moneys as provided in RCW 28A.150.250 when said districts are
19 unable to fulfill for one or more schools as officially scheduled the
20 requirement of a full school year ~~((of one hundred eighty days))~~
21 consisting of the number of school days provided under section 201 of
22 this 1991 act or the total program hour offering, teacher contact hour,
23 or course mix and percentage requirements imposed by RCW 28A.150.030,
24 28A.150.220, and 28A.150.260 due to one or more of the following
25 conditions:

26 (a) An unforeseen natural event, including, but not necessarily
27 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or
28 volcanic eruption that has the direct or indirect effect of rendering

1 one or more school district facilities unsafe, unhealthy, inaccessible,
2 or inoperable; and

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

16 A condition is foreseeable for the purposes of this subsection to
17 the extent a reasonably prudent person would have anticipated prior to
18 August first of the preceding school year that the condition probably
19 would occur during the ensuing school year because of the occurrence of
20 an event or a circumstance which existed during such preceding school
21 year or a prior school year. A board of directors of a school district
22 is deemed for the purposes of this subsection to have knowledge of
23 events and circumstances which are a matter of common knowledge within
24 the school district and of those events and circumstances which can be
25 discovered upon prudent inquiry or inspection.

26 (3) The superintendent of public instruction shall make every
27 effort to reduce the amount of paperwork required in administration of
28 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and
29 28A.500.010; to simplify the application, monitoring and evaluation
30 processes used; to eliminate all duplicative requests for information

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

6 **Sec. 206.** RCW 28A.335.160 and 1990 c 33 s 359 are each amended to
7 read as follows:

8 Any school district may cooperate with one or more school districts
9 in the following:

10 (1) The joint financing, planning, construction, equipping and
11 operating of any educational facility otherwise authorized by law:
12 PROVIDED, That any cooperative financing plan involving the
13 construction of school plant facilities must be approved by the state
14 board of education pursuant to such rules as may now or hereafter be
15 promulgated relating to state approval of school construction.

16 (2) The joint maintenance and operation of educational programs or
17 services (a) either as a part of the operation of a joint facility or
18 otherwise, (b) either on a full or part time attendance basis, and (c)
19 either on a regular (~~one hundred eighty day~~) school year consisting
20 of the number of school days provided under section 201 of this 1991
21 act or extended school year: PROVIDED, That any such joint program or
22 service must be operated pursuant to a written agreement approved by
23 the superintendent of public instruction pursuant to rules and
24 regulations promulgated therefor. In establishing rules and
25 regulations the state superintendent shall consider, among such other
26 factors as the superintendent deems appropriate, the economic
27 feasibility of said services and programs, the educational and
28 administrative scope of said agreement and the need for said programs
29 or services.

1 Notwithstanding any other provision of the law, the state
2 superintendent of public instruction shall establish rules and
3 regulations for the apportionment of attendance credits for such
4 students as are enrolled in a jointly operated facility or program,
5 including apportionment for approved part time and extended school year
6 attendance.

7 **Sec. 207.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
8 read as follows:

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

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

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

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

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

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

5 (b) Each school district shall make available to students in grades
6 one through three, at least a total program hour offering of (~~two
7 thousand seven hundred hours.~~) which a minimum of ninety-five percent
8 of the total program hour offerings shall be in the basic skills areas
9 of 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
17 thousand nine hundred seventy hours.~~) which a minimum of ninety
18 percent of the total program hour offerings shall be in the basic
19 skills areas of reading/language arts (which may include foreign
20 languages), mathematics, social studies, science, music, art, health
21 and physical education. The remaining ten percent of the total program
22 hour 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.~~) which a minimum of eighty-five
28 percent of the total program hour offerings shall be in the basic
29 skills areas of reading/language arts (which may include foreign
30 languages), mathematics, social studies, science, music, art, health

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

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

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

4 (5) Each school district's kindergarten through twelfth grade basic
5 educational program shall be accessible to all students who are five
6 years of age, as provided by RCW 28A.225.160, and less than twenty-one
7 years of age and shall consist of (~~a minimum of one hundred eighty~~
8 ~~school days per~~) the number of school days in a school year as
9 provided under section 201 of this 1991 act in such grades as are
10 conducted by a school district, and (~~one hundred eighty~~) the number
11 of half-days of instruction during the school year as provided under
12 section 201 of this 1991 act, or equivalent, in kindergarten:
13 PROVIDED, That effective May 1, 1979, a school district may schedule
14 the last five school days of the (~~one hundred and eighty day~~) school
15 year for noninstructional purposes in the case of students who are
16 graduating from high school, including, but not limited to, the
17 observance of graduation and early release from school upon the request
18 of a student, and all such students may be claimed as a full time
19 equivalent student to the extent they could otherwise have been so
20 claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

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

1 may be accepted by the superintendent of public instruction and the
2 state board of education.

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

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

18 **Sec. 208.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to
19 read as follows:

20 Each school district within which there is located a residential
21 school shall, singly or in concert with another school district
22 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
23 39.34 RCW, conduct a program of education, including related student
24 activities, for residents of the residential school. Except as
25 otherwise provided for by contract pursuant to RCW 28A.190.050, the
26 duties and authority of a school district and its employees to conduct
27 such a program shall be limited to the following:

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

4 (2) The purchase, lease or rental and provision of textbooks, maps,
5 audio-visual equipment, paper, writing instruments, physical education
6 equipment and other instructional equipment, materials and supplies,
7 deemed necessary by the school district for the conduct of the program
8 of education;

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

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

17 (a) Not less than (~~one hundred and eighty school days~~) the number
18 of school days provided under section 201 of this 1991 act each school
19 year;

20 (b) Special education pursuant to RCW 28A.155.010 through
21 28A.155.100, and vocational education, as necessary to address the
22 unique needs and limitations of residents; and

23 (c) Such courses of instruction and school related student
24 activities as are provided by the school district for nonresidential
25 school students to the extent it is practical and judged appropriate
26 for the residents by the school district after consultation with the
27 superintendent or chief administrator of the residential school:
28 PROVIDED, That a preschool special education program may be provided
29 for handicapped residential school students;

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

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

12 **Sec. 209.** RCW 28A.330.100 and 1990 c 33 s 348 are each amended to
13 read as follows:

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

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

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

22 (3) To employ a business manager, attorneys, architects, inspectors
23 of construction, superintendents of buildings and a superintendent of
24 supplies, all of whom shall serve at the board's pleasure, and to
25 prescribe their duties and fix their compensation.

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

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

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

11 (7) To determine the length of time over and above (~~one hundred~~
12 ~~eighty~~) the number of school days provided under section 201 of this
13 1991 act that school shall be maintained: PROVIDED, That for purposes
14 of apportionment no district shall be credited with more than (~~one~~
15 ~~hundred and eighty three days' attendance~~) the number of school days
16 under section 201 of this 1991 act in any school year; and to fix the
17 time for annual opening and closing of schools and for the daily
18 dismissal of pupils before the regular time for closing schools.

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

22 (9) To provide free textbooks and supplies for all children
23 attending school, when so ordered by a vote of the electors; or if the
24 free textbooks are not voted by the electors, to provide books for
25 children of indigent parents, on the written statement of the city
26 superintendent that the parents of such children are not able to
27 purchase them.

28 (10) To require of the officers or employees of the district to
29 give a bond for the honest performance of their duties in such penal
30 sum as may be fixed by the board with good and sufficient surety, and

1 to cause the premium for all bonds required of all such officers or
2 employees to be paid by the district: PROVIDED, That the board may, by
3 written policy, allow that such bonds may include a deductible proviso
4 not to exceed two percent of the officer's or employee's annual salary.

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

7 (12) To appoint a practicing physician, resident of the school
8 district, who shall be known as the school district medical inspector,
9 and whose duty it shall be to decide for the board of directors all
10 questions of sanitation and health affecting the safety and welfare of
11 the public schools of the district who shall serve at the board's
12 pleasure; the school district medical inspector or authorized deputies
13 shall make monthly inspections of each school in the district and
14 report the condition of the same to the board of education and board of
15 health: PROVIDED, That children shall not be required to submit to
16 vaccination against the will of their parents or guardian.

17 NEW SECTION. **Sec. 210.** The year-round school pilot project is
18 created. The project shall be designed by the superintendent of public
19 instruction to encourage school districts to adopt year-round school
20 schedules. The superintendent of public instruction shall provide
21 grants, from such funds as may be appropriated for the purposes of this
22 section, to applicant school districts. By December 15, 1994, the
23 superintendent of public instruction shall report to the legislature on
24 the project. This section shall expire December 31, 1994.

25 PART 3

26 FINANCING REFORM

1 NEW SECTION. **Sec. 301.** RCW 84.52.0531 and 1990 c 33 s 601,
2 1989 c 141 s 1, 1988 c 252 s 1, 1987 1st ex.s. c 2 s 101, 1987 c 185 s
3 40, & 1985 c 374 s 1 are each repealed.

4 **Sec. 302.** RCW 28A.500.010 and 1987 1st ex.s. c 2 s 102 are each
5 amended to read as follows:

6 (1) Commencing with taxes assessed in (~~(1988)~~) 1991 to be collected
7 in calendar year (~~(1989)~~) 1992 and thereafter, in addition to a school
8 district's other general fund allocations, each eligible district shall
9 be provided local effort assistance funds as provided in this section.
10 Such funds are not part of the district's basic education allocation.
11 (~~(For the first distribution of local effort assistance funds provided~~
12 ~~under this section in calendar year 1989, state funds may be prorated~~
13 ~~according to the formula in this section.)~~)

14 (2)(a) "Prior tax collection year" shall mean the year immediately
15 preceding the year in which the local effort assistance shall be
16 allocated.

17 (b) The "state-wide average (~~(ten)~~) fifteen percent levy rate"
18 shall mean ten percent of the total levy bases as defined in (~~(RCW~~
19 ~~84.52.0531(4))~~) section 303(3) of this 1991 act summed for all school
20 districts, and divided by the total assessed valuation for excess levy
21 purposes in the prior tax collection year for all districts as adjusted
22 to one hundred percent by the county indicated ratio established in RCW
23 84.48.075.

24 (c) The "~~(ten)~~) fifteen percent levy rate" of a district shall
25 mean:

26 (i) (~~(Ten)~~) Fifteen percent of the district's levy base as defined
27 in (~~(RCW 84.52.0531(4))~~) section 303(3) of this 1991 act, plus one-half
28 of any amount computed under (~~(RCW 84.52.0531(3)(b))~~) section 303(2) of
29 this 1991 act in the case of nonhigh school districts; divided by

1 (ii) The district's assessed valuation for excess levy purposes for
2 the prior tax collection year as adjusted to one hundred percent by the
3 county indicated ratio.

4 (d) "Eligible districts" shall mean those districts with a ~~((ten))~~
5 fifteen percent levy rate which exceeds the state-wide average ~~((ten))~~
6 fifteen percent levy rate.

7 (3) Allocation of state matching funds to eligible districts for
8 local effort assistance shall be determined as follows:

9 (a) Funds raised by the district through maintenance and operation
10 levies during that tax collection year shall be matched with state
11 funds using the following ratio of state funds to levy funds: (i) The
12 difference between the district's ~~((ten))~~ fifteen percent levy rate and
13 the state-wide average ~~((ten))~~ fifteen percent levy rate; to (ii) the
14 state-wide average ~~((ten))~~ fifteen percent levy rate.

15 (b) The maximum amount of state matching funds for which a district
16 may be eligible in any tax collection year shall be ~~((ten))~~ fifteen
17 percent of the district's levy base as defined in ~~((RCW 84.52.0531(4)))~~
18 section 303(3) of this 1991 act, multiplied by the following
19 percentage: (i) The difference between the district's ~~((ten))~~ fifteen
20 percent levy rate and the state-wide average ~~((ten))~~ fifteen percent
21 levy rate; divided by (ii) the district's ~~((ten))~~ fifteen percent levy
22 rate.

23 (4) Fifty-five percent of local effort assistance funds shall be
24 distributed to qualifying districts during the applicable tax
25 collection year on or before June 30 and forty-five percent shall be
26 distributed on or before December 31 of any year.

27 NEW SECTION. Sec. 303. A new section is added to chapter 28A.500
28 RCW to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply in RCW 28A.500.010.

3 (1) "Basic education allocation" means the amount determined
4 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED,
5 That when determining the basic education allocation under subsection
6 (3) of this section, nonresident full time equivalent pupils who are
7 participating in a program provided for in chapter 28A.545 RCW or in
8 any other program pursuant to an interdistrict agreement shall be
9 included in the enrollment of the resident district and excluded from
10 the enrollment of the serving district.

11 (2) "Additional sums for nonhigh districts" means an amount equal
12 to the total estimated amount due by the nonhigh school district to
13 high school districts pursuant to chapter 28A.545 RCW for the school
14 year during which collection of the levy is to commence, less the
15 increase in the nonhigh school district's basic education allocation as
16 computed pursuant to subsection (1) of this section due to the
17 inclusion of pupils participating in a program provided for in chapter
18 28A.545 RCW in such computation.

19 (3) For excess levies for collection in calendar year 1991 and
20 thereafter, a district's "levy base" means the sum of the following
21 allocations received by the district for the prior school year,
22 including allocations for compensation increases, adjusted by the
23 percent increase per full time equivalent student in the state basic
24 education appropriation between the prior school year and the current
25 school year:

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

28 (b) State and federal categorical allocations for the following
29 programs:

30 (i) Pupil transportation;

1 (ii) Handicapped education;
2 (iii) Education of highly capable students;
3 (iv) Compensatory education, including but not limited to learning
4 assistance, migrant education, Indian education, refugee programs, and
5 bilingual education;
6 (v) Food services; and
7 (vi) State-wide block grant programs; and
8 (c) Any other federal allocations for elementary and secondary
9 school programs, including direct grants, other than federal impact aid
10 funds and allocations in lieu of taxes.

11 **Sec. 304.** RCW 84.52.053 and 1987 1st ex.s. c 2 s 103 are each
12 amended to read as follows:

13 The limitations imposed by RCW 84.52.050 through 84.52.056, and
14 84.52.043 shall not prevent the levy of additional taxes by school
15 districts, when authorized so to do by the electors of such school
16 district in the manner and for the purposes and number of years
17 allowable under Article VII, section 2(a) of the Constitution of this
18 state, as amended by Amendment 79 and as thereafter amended, at a
19 special or general election to be held in the year in which the levy is
20 made or, in the case of a proposition authorizing (~~two-year~~) levies
21 for maintenance and operation support of a school district or
22 authorizing two-year through six-year levies to support the
23 construction, modernization, or remodeling of school facilities, or
24 both, at a special or general election to be held in the year in which
25 the first annual levy is made: PROVIDED, That once additional tax
26 levies have been authorized for maintenance and operation support of a
27 school district (~~for a two year period~~), no further additional tax
28 levies for maintenance and operation support of the district for
29 (~~that~~) a two-year period may be authorized. If an excess levy for

1 maintenance and operation is not approved by the voters in subsequent
2 elections, the school district may continue the excess levy for
3 maintenance and operation purposes that last received voter approval if
4 approved after December 31, 1991.

5 A special election may be called and the time therefor fixed by the
6 board of school directors, by giving notice thereof by publication in
7 the manner provided by law for giving notices of general elections, at
8 which special election the proposition authorizing such excess levy
9 shall be submitted in such form as to enable the voters favoring the
10 proposition to vote "yes" and those opposed thereto to vote "no".

11 NEW SECTION. Sec. 305. Section 304 of this act shall take
12 effect December 31, 1991, if the proposed amendment to Article VII,
13 section 2 of the state Constitution providing for continuing levies,
14 Senate Joint Resolution No. (S-0409/91), is validly submitted
15 to and is approved and ratified by the voters at a general election to
16 be held in November 1991. If this proposed amendment is not so
17 approved and ratified, section 304 of this act is void in its entirety.

18 NEW SECTION. Sec. 306. The superintendent of public
19 instruction shall develop a proposed weighted student funding formula
20 and submit the proposal to the legislature by January 1, 1993.

21 **Sec. 307.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
22 read as follows:

23 (1) For the purposes of this section and RCW 28A.150.410 and
24 28A.400.200, "basic education certificated instructional staff" shall
25 mean all full time equivalent certificated instructional staff in the
26 following programs as defined for state-wide school district accounting

1 purposes: Basic education, secondary vocational education, general
2 instructional support, and general supportive services.

3 (2) In the (~~(1988-89)~~) 1991-92 school year and thereafter, each
4 school district shall maintain a ratio of at least (~~(forty-six)~~) fifty-
5 five basic education certificated instructional staff to one thousand
6 annual average full time equivalent students.

7 **Sec. 308.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to
8 read as follows:

9 The basic education allocation for each annual average full time
10 equivalent student shall be determined in accordance with the following
11 procedures:

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

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

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

22 (c) Classified staff and their related costs;

23 (d) Nonsalary costs;

24 (e) Extraordinary costs of remote and necessary schools and small
25 high schools, including costs of additional certificated and classified
26 staff; and

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

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

9 (b) (~~The formula adopted by the legislature for the 1987-88 school~~
10 ~~year shall reflect the following ratios at a minimum: (i) Forty-eight~~
11 ~~certificated instructional staff to one thousand annual average full~~
12 ~~time equivalent students enrolled in grades kindergarten through three;~~
13 ~~(ii) forty-six certificated instructional staff to one thousand annual~~
14 ~~average full time equivalent students enrolled in grades four through~~
15 ~~twelve; (iii) four certificated administrative staff to one thousand~~
16 ~~annual average full time equivalent students enrolled in grades~~
17 ~~kindergarten through twelve; and (iv) sixteen and sixty-seven~~
18 ~~one-hundredths classified personnel to one thousand annual average full~~
19 ~~time equivalent students enrolled in grades kindergarten through~~
20 ~~twelve.~~

21 (c)) Commencing with the ((~~1988-89~~)) 1991-92 school year, the
22 formula adopted by the legislature shall reflect the following ratios
23 at a minimum: (i) ((~~Forty-nine~~)) Fifty-five certificated instructional
24 staff to one thousand annual average full time equivalent students
25 enrolled in grades kindergarten through ((~~three;~~ ~~(ii) forty-six~~
26 ~~certificated instructional staff to one thousand annual average full~~
27 ~~time equivalent students in grades four through~~)) twelve; ((~~(iii)~~))
28 (ii) four certificated administrative staff to one thousand annual
29 average full time equivalent students in grades kindergarten through
30 twelve; and ((~~(iv)~~)) (iii) sixteen and sixty-seven one-hundredths

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

3 ~~((d))~~ (c) In the event the legislature rejects the distribution
4 formula recommended by the governor, without adopting a new
5 distribution formula, the distribution formula for the previous school
6 year shall remain in effect: PROVIDED, That the distribution formula
7 developed 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
27 persons employed by a school district who are nonsupervisory employees
28 within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional
29 cases and as provided under section 408 of this 1991 act, people of
30 unusual competence but without certification may teach students so long

1 as a certificated person exercises general supervision: PROVIDED,
2 FURTHER, That the hiring of such noncertificated people shall not occur
3 during a labor dispute and such noncertificated people shall not be
4 hired to replace certificated 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
11 twenty-five hours per week. Direct classroom contact hours shall be
12 exclusive of time required to be spent for preparation, conferences, or
13 any other nonclassroom instruction duties. Up to two hundred minutes
14 per week may be deducted from the twenty-five contact hour requirement,
15 at the discretion of the school district board of directors, to
16 accommodate authorized teacher/parent-guardian conferences, recess,
17 passing time between classes, and informal instructional activity.
18 Implementing rules to be adopted by the state board of education
19 pursuant to RCW 28A.150.220(6) shall provide that compliance with the
20 direct 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. However,
24 upon request from the board of directors of any school district, the
25 provisions relating to direct classroom contact hours for individual
26 teachers in that district may be waived by the state board of education
27 if the waiver is necessary to implement a locally approved plan for
28 educational excellence and the waiver is limited to those individual
29 teachers approved in the local plan for educational excellence. The
30 state board of education shall develop criteria to evaluate the need

1 for the waiver. Granting of the waiver shall depend upon verification
2 that: (a) The students' classroom instructional time will not be
3 reduced; and (b) the teacher's expertise is critical to the success of
4 the local plan for excellence.

5 PART 4

6 REFORMING THE TEACHING PROFESSION

7 **Sec. 401.** RCW 28A.405.310 and 1990 c 33 s 396 are each amended to
8 read as follows:

9 (1) Any employee receiving a notice of probable cause for discharge
10 or adverse effect in contract status pursuant to RCW 28A.405.300, or
11 any employee, with the exception of provisional employees as defined in
12 RCW 28A.405.220, receiving a notice of probable cause for nonrenewal of
13 contract pursuant to RCW 28A.405.210, shall be granted the opportunity
14 for a hearing pursuant to this section.

15 (2) In any request for a hearing pursuant to RCW 28A.405.300 or
16 28A.405.210, the employee may request either an open or closed hearing.
17 The hearing shall be open or closed as requested by the employee, but
18 if the employee fails to make such a request, the hearing officer may
19 determine whether the hearing shall be open or closed.

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

25 (4) In the event that an employee requests a hearing pursuant to
26 RCW 28A.405.300 or 28A.405.210, a hearing officer shall be appointed in
27 the following manner: Within fifteen days following the receipt of any
28 such request the board of directors of the district or its designee and
29 the employee or employee's designee shall each appoint one nominee.

1 The two nominees shall jointly appoint a hearing officer who shall be
2 a member in good standing of the Washington state bar association or a
3 person adhering to the arbitration standards established by the public
4 employment relations commission and listed on its current roster of
5 arbitrators. Should said nominees fail to agree as to who should be
6 appointed as the hearing officer, either the board of directors or the
7 employee, upon appropriate notice to the other party, may apply to the
8 presiding judge of the superior court for the county in which the
9 district is located for the appointment of such hearing officer,
10 whereupon such presiding judge shall have the duty to appoint a hearing
11 officer who shall, in the judgment of such presiding judge, be
12 qualified to fairly and impartially discharge his or her duties.
13 Nothing herein shall preclude the board of directors and the employee
14 from stipulating as to the identity of the hearing officer in which
15 event the foregoing procedures for the selection of the hearing officer
16 shall be inapplicable. The district shall pay all fees and expenses of
17 any hearing officer selected pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

28 (9) All subpoenas and prehearing discovery orders shall be
29 enforceable by and subject to the contempt and other equity powers of

1 the superior court of the county in which the school district is
2 located upon petition of any aggrieved party.

3 (10) A complete record shall be made of the hearing and all orders
4 and rulings of the hearing officer and school board.

5 NEW SECTION. **Sec. 402.** RCW 28A.405.350 and 1990 c 33 s 399,
6 1975-'76 2nd ex.s. c 114 s 7, 1969 ex.s. c 34 s 16, & 1969 ex.s. c 223
7 s 28A.58.490 are each repealed.

8 NEW SECTION. **Sec. 403.** A new section is added to chapter 28A.400
9 RCW to read as follows:

10 (1) An employee may request that RCW 28A.405.300 through
11 28A.405.380 be waived and the issues be subject to arbitration when the
12 employee is notified in writing of discharge or another adverse change
13 in contract status. The waiver shall be requested in writing within
14 seven days after receiving notice.

15 (2) The school district superintendent may consent to the waiver
16 within three days of the request. If the superintendent consents to
17 the waiver, the issue of probable cause for discharge or adverse change
18 in contract status shall be decided through arbitration.

19 (3) The arbitrator shall be selected in the same manner as a
20 hearing officer is selected under RCW 28A.405.310(4). The arbitrator
21 shall be selected within fifteen days after the waiver is accepted.

22 (4) The arbitration shall begin within five days after the
23 arbitrator is selected. The decision shall be made within ten days
24 after the conclusion of the arbitration proceedings.

25 (5) The decision of the arbitrator is final and is not subject to
26 appeal unless there was an evident mistake in the description of any
27 person, thing, or property; the arbitrators have based the award on a
28 matter not submitted to them; or there was an evident miscalculation of

1 an amount. The arbitration may be overturned upon a showing of fraud
2 or duress either in requesting the waiver or during the arbitration.

3 **Sec. 404.** RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c
4 33 s 381 are each reenacted and amended to read as follows:

5 (1) Every school district board of directors shall fix, alter,
6 allow, and order paid salaries and compensation for all district
7 employees in conformance with this section.

8 (2)(a) Salaries for certificated instructional staff shall not be
9 less than the salary provided in the appropriations act in the
10 state-wide salary allocation schedule for an employee with a
11 baccalaureate degree and zero years of service; ((and))

12 (b) Salaries for certificated instructional staff with a masters
13 degree shall not be less than the salary provided in the appropriations
14 act in the state-wide salary allocation schedule for an employee with
15 a masters degree and zero years of service; and

16 ~~((3)(a) The actual average salary paid to basic education~~
17 ~~certificated instructional staff shall not exceed the district's~~
18 ~~average basic education certificated instructional staff salary used~~
19 ~~for the state basic education allocations for that school year as~~
20 ~~determined pursuant to RCW 28A.150.410.~~

21 ~~(b) Fringe benefit contributions for basic education certificated~~
22 ~~instructional staff shall be included as salary under (a) of this~~
23 ~~subsection to the extent that the district's actual average benefit~~
24 ~~contribution exceeds the greater of: (i) The formula amount for~~
25 ~~insurance benefits provided per certificated instructional staff unit~~
26 ~~in the state operating appropriations act in effect at the time the~~
27 ~~compensation is payable; or (ii) the actual average amount provided by~~
28 ~~the school district in the 1986-87 school year. For purposes of this~~
29 ~~section, fringe benefits shall not include payment for unused leave for~~

1 illness or injury under RCW 28A.400.210, or employer contributions for
2 old age survivors insurance, workers' compensation, unemployment
3 compensation, and retirement benefits under the Washington state
4 retirement system.))

5 (c) Salary and benefits for certificated instructional staff in
6 programs other than basic education shall be consistent with the salary
7 and benefits paid to certificated instructional staff in the basic
8 education program.

9 ((4) Salaries and benefits for certificated instructional staff
10 may exceed the limitations in subsection (3) of this section only by
11 separate contract for additional time, additional responsibilities, or
12 incentives. Supplemental contracts shall not cause the state to incur
13 any present or future funding obligation. Supplemental contracts shall
14 be subject to the collective bargaining provisions of chapter 41.59 RCW
15 and the provisions of RCW 28A.405.240, shall not exceed one year, and
16 if not renewed shall not constitute adverse change in accordance with
17 RCW 28A.405.300 through 28A.405.380. No district may enter into a
18 supplemental contract under this subsection for the provision of
19 services which are a part of the basic education program required by
20 Article IX, section 3 of the state Constitution.

21 (5)) (3) Employee benefit plans offered by any district shall
22 comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

23 (4) Any salary paid that exceeds the district's average basic
24 education certificated instructional staff salary used for the state
25 basic education allocation for that school year as determined pursuant
26 to RCW 28A.150.410 shall be reported to the office of the
27 superintendent of public instruction. This additional salary is not
28 part of basic education and shall not be used to determine the
29 district's basic education allocation.

1 **Sec. 405.** RCW 28A.400.300 and 1990 c 33 s 382 are each amended to
2 read as follows:

3 Every board of directors, unless otherwise specially provided by
4 law, shall:

5 (1) Employ for not more than one year, and for sufficient cause
6 discharge all certificated and noncertificated employees, and fix,
7 alter, allow, and order paid their salaries and compensation;

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

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

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

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

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

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

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

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

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

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

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

14 NEW SECTION. **Sec. 406.** (1) The superintendent of public
15 instruction shall establish a task force to develop a career ladder
16 system by September 1, 1993. The proposal shall be submitted to the
17 legislature by September 1, 1993. The system shall be designed to
18 foster and sustain a professional educational environment that includes
19 the following characteristics: Attracts individuals to the teaching
20 profession; encourages creativity and cooperation among teachers and
21 other certificated instructional staff; provides appropriate in-
22 service opportunities for certificated instructional staff; enhances
23 the intrinsic rewards certificated instructional staff gain from
24 helping students learn; and provides certificated instructional staff
25 with compensation that takes into account job performance but is also
26 commensurate with social expectations. The proposal shall focus on the
27 optimal use, remuneration, and development of human resources. The
28 proposal shall include at a minimum the following features:

- 1 (a) Differentiated levels of employment classification for
2 certificated instructional staff;
- 3 (b) Differentiated responsibilities for each level of employment
4 classification;
- 5 (c) Differentiated compensation for each level of employment
6 classification, which shall be based on at least one factor other than
7 years of experience and level of educational attainment;
- 8 (d) An evaluation component; and
- 9 (e) An in-service/staff development component.
- 10 (2) The task force shall consist of the following members:
- 11 (a) The superintendent of public instruction who shall serve as
12 chair of the committee;
- 13 (b) One member representing the state board of education other than
14 the superintendent of public instruction;
- 15 (c) Four members who are practicing certificated instructional
16 employees, one of whom shall be a vocational instructor, with two from
17 first class school districts and two from second class school
18 districts;
- 19 (d) Four members who are school directors, with two from first
20 class school districts and two from second class school districts;
- 21 (e) Two members who are principals, with one from a first class
22 school district and one from a second class school district;
- 23 (f) Two members who are superintendents, with one from a first
24 class school district and one from a second class school district;
- 25 (g) Two members representing institutions with state board of
26 education approved-professional educator preparation programs;
- 27 (h) One member representing business;
- 28 (i) One member representing labor; and
- 29 (j) Two members representing parents.

1 (3) Members of the committee shall be reimbursed for expenses under
2 RCW 43.03.050 and 43.03.060.

3 (4) This section shall expire June 30, 1994.

4 **Sec. 407.** RCW 28A.405.100 and 1990 c 33 s 386 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction shall establish and
7 may amend from time to time minimum criteria for the evaluation of the
8 professional performance capabilities and development of certificated
9 classroom teachers and certificated support personnel. For classroom
10 teachers the criteria shall be developed in the following categories:
11 Instructional skill; classroom management, professional preparation and
12 scholarship; effort toward improvement when needed; the handling of
13 student discipline and attendant problems; and interest in teaching
14 pupils and knowledge of subject matter.

15 Every board of directors shall, in accordance with procedure
16 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
17 establish evaluative criteria and procedures for all certificated
18 classroom teachers and certificated support personnel. The evaluative
19 criteria must contain as a minimum the criteria established by the
20 superintendent of public instruction pursuant to this section and must
21 be prepared within six months following adoption of the superintendent
22 of public instruction's minimum criteria. The district must certify to
23 the superintendent of public instruction that evaluative criteria have
24 been so prepared by the district.

25 (~~Except as provided in subsection (5) of this section,~~) It shall
26 be the responsibility of a principal or his or her designee to evaluate
27 all certificated personnel in his or her school. During each school
28 year all classroom teachers and certificated support personnel,
29 hereinafter referred to as "employees" in this section, shall be

1 observed for the purposes of evaluation at least (~~twice~~) four times
2 in the performance of their assigned duties. Total observation time for
3 each employee for each school year shall be not less than (~~sixty~~) one
4 hundred minutes. Following each observation, or series of
5 observations, the principal or other evaluator shall promptly document
6 the results of the evaluation in writing, and shall provide the
7 employee with a copy thereof within three days after such report is
8 prepared. New employees shall be observed at least (~~once~~) twice for
9 a total observation time of (~~thirty~~) fifty minutes during the first
10 ninety calendar days of their employment period.

11 Every employee whose work is judged unsatisfactory based on
12 district evaluation criteria shall be notified in writing of stated
13 specific areas of deficiencies along with a suggested specific and
14 reasonable program for improvement on or before February 1st of each
15 year. A probationary period shall be established beginning on or
16 before February 1st and ending no later than May 1st. The purpose of
17 the probationary period is to give the employee opportunity to
18 demonstrate improvements in his or her areas of deficiency. The
19 establishment of the probationary period and the giving of the notice
20 to the employee of deficiency shall be by the school district
21 superintendent and need not be submitted to the board of directors for
22 approval. During the probationary period the evaluator shall meet with
23 the employee at least twice monthly to supervise and make a written
24 evaluation of the progress, if any, made by the employee. The
25 evaluator may authorize one additional certificated employee to
26 evaluate the probationer and to aid the employee in improving his or
27 her areas of deficiency; such additional certificated employee shall be
28 immune from any civil liability that might otherwise be incurred or
29 imposed with regard to the good faith performance of such evaluation.
30 The probationer may be removed from probation if he or she has

1 demonstrated improvement to the satisfaction of the principal in those
2 areas specifically detailed in his or her initial notice of deficiency
3 and subsequently detailed in his or her improvement program. Lack of
4 necessary improvement shall be specifically documented in writing with
5 notification to the probationer and shall constitute grounds for a
6 finding of probable cause under RCW 28A.405.300 or 28A.405.210.

7 The establishment of a probationary period shall not be deemed to
8 adversely affect the contract status of an employee within the meaning
9 of RCW 28A.405.300.

10 (2) Every board of directors shall establish evaluative criteria
11 and procedures for all superintendents, principals, and other
12 administrators. It shall be the responsibility of the district
13 superintendent or his or her designee to evaluate all administrators.
14 Such evaluation shall be based on the administrative position job
15 description. Such criteria, when applicable, shall include at least
16 the following categories: Knowledge of, experience in, and training in
17 recognizing good professional performance, capabilities and
18 development; school administration and management; school finance;
19 professional preparation and scholarship; effort toward improvement
20 when needed; interest in pupils, employees, patrons and subjects taught
21 in school; leadership; and ability and performance of evaluation of
22 school personnel.

23 (3) Each certificated employee shall have the opportunity for
24 confidential conferences with his or her immediate supervisor on no
25 less than two occasions in each school year. Such confidential
26 conference shall have as its sole purpose the aiding of the
27 administrator in his or her professional performance.

28 (4) The failure of any evaluator to evaluate or supervise or cause
29 the evaluation or supervision of certificated employees or
30 administrators in accordance with this section, as now or hereafter

1 amended, when it is his or her specific assigned or delegated
2 responsibility to do so, shall be sufficient cause for the nonrenewal
3 of any such evaluator's contract under RCW 28A.405.210, or the
4 discharge of such evaluator under RCW 28A.405.300.

5 ~~((5) After an employee has four years of satisfactory evaluations
6 under subsection (1) of this section, a school district may use a short
7 form of evaluation. The short form of evaluation shall include either
8 a thirty minute observation during the school year with a written
9 summary or a final annual written evaluation based on the criteria in
10 subsection (1) of this section and based on at least two observation
11 periods during the school year totaling at least sixty minutes without
12 a written summary of such observations being prepared. However, the
13 evaluation process set forth in subsection (1) of this section shall be
14 followed at least once every three years and an employee or evaluator
15 may request that the evaluation process set forth in subsection (1) of
16 this section be conducted in any given school year. The short form
17 evaluation process may not be used as a basis for determining that an
18 employee's work is unsatisfactory under subsection (1) of this section
19 nor as probable cause for the nonrenewal of an employee's contract
20 under RCW 28A.405.210.))~~

21 NEW SECTION. **Sec. 408.** A new section is added to chapter 28A.410
22 RCW to read as follows:

23 The state board of education shall adopt rules authorizing persons
24 with special knowledge or expertise in specific fields of knowledge to
25 teach students. The rules shall include but not be limited to criteria
26 for school districts to select persons, limitations on the subject
27 matter that may be taught, supervision requirements, and time limits
28 which shall not exceed four thousand hours of instruction. A school
29 district shall not be required to demonstrate that a person with

1 regular certification is unavailable. Persons shall not be hired under
2 this section during a labor dispute.

3 PART 5

4 EDUCATION FOR HIGHLY CAPABLE STUDENTS

5 **Sec. 501.** RCW 28A.185.010 and 1984 c 278 s 12 are each amended to
6 read as follows:

7 Pursuant to rules and regulations adopted by the superintendent of
8 public instruction for the administration of this chapter, the
9 superintendent of public instruction shall carry out a program for
10 highly capable students. Such program ~~((may))~~ shall include
11 conducting, coordinating and aiding in research (including pilot
12 programs), disseminating information to local school districts,
13 providing statewide staff development, and allocating to school
14 districts supplementary funds for additional costs of district
15 programs, as provided by RCW 28A.185.020.

16 **Sec. 502.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to
17 read as follows:

18 ~~((Supplementary))~~ (1) Funds ~~((as may))~~ shall be provided by the
19 state for this program ~~((, in accordance with RCW 28A.150.370, shall be~~
20 ~~categorical funding))~~ on an excess cost basis from appropriations
21 provided by the legislature based upon a per student amount not to
22 exceed three percent of any district's full-time equivalent enrollment.

23 (2) The superintendent of public instruction shall submit to each
24 regular session of the legislature during an odd-numbered year a budget
25 request for programs for highly capable students.

26 **Sec. 503.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to
27 read as follows:

1 Local school districts ((may)) shall establish and operate, either
2 separately or jointly, programs for highly capable students. Such
3 authority shall include the right to employ and pay special instructors
4 and to operate such programs jointly with a public institution of
5 higher education. Local school districts which establish and operate
6 programs for highly capable students shall adopt identification
7 procedures and provide educational opportunities as follows:

8 (1) In accordance with rules and regulations adopted by the
9 superintendent of public instruction, school districts shall implement
10 procedures for nomination, assessment and selection of their most
11 highly capable students. Nominations shall be based upon data from
12 teachers, other staff, parents, students, and members of the community.
13 Assessment shall be based upon a review of each student's capability as
14 shown by multiple criteria intended to reveal, from a wide variety of
15 sources and data, each student's unique needs and capabilities.
16 Selection shall be made by a broadly based committee of professionals,
17 after consideration of the results of the multiple criteria assessment.

18 (2) Students selected pursuant to procedures outlined in this
19 section shall be provided, to the extent feasible, an educational
20 opportunity which takes into account each student's unique needs and
21 capabilities and the limits of the resources and program options
22 available to the district, including those options which can be
23 developed or provided by using funds allocated by the superintendent of
24 public instruction for that purpose.

25 **Sec. 504.** RCW 28A.150.370 and 1990 c 33 s 114 are each amended to
26 read as follows:

27 In addition to those state funds provided to school districts for
28 basic education, the legislature shall appropriate funds for pupil
29 transportation, in accordance with RCW 28A.150.100 through 28A.150.430,

1 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010, for
2 highly capable students under chapter 28A.185 RCW, and for programs for
3 handicapped students, in accordance with RCW 28A.155.010 through
4 28A.155.100. The legislature may appropriate funds to be distributed
5 to school districts for population factors such as urban costs,
6 enrollment fluctuations and for special programs, including but not
7 limited to, vocational-technical institutes, compensatory programs,
8 bilingual education, urban, rural, racial and disadvantaged programs,
9 (~~programs for gifted students,~~) and other special programs.

10 PART 6

11 BUSINESS AND SCHOOL PARTNERSHIPS--TAX CREDITS

12 NEW SECTION. **Sec. 601.** A new section is added to chapter 82.04
13 RCW to read as follows:

14 In computing tax under this chapter, there is allowed a credit
15 against the tax equal to twenty-five percent of the fair market value
16 of any donation of materials, equipment, real property, or services to
17 a public school in the state of Washington if the school district
18 superintendent or his or her designee accepts the donation. For any
19 nonmonetary donation, the amount of the credit shall equal twenty-five
20 percent of the fair market value of the donation. If the amount of the
21 credit exceeds the tax liability under this chapter, any excess may be
22 carried forward to subsequent years. No tax credit may be claimed
23 under this section until a copy of the written letter from the school
24 district stating that the donation was accepted is sent to the
25 department of revenue and the department of revenue approves the
26 donation. The department of revenue shall by rule establish the
27 procedure for granting the credit.

28 PART 7

29 LOCAL DECISIONS ON ACQUIRING EQUIPMENT

1 **Sec. 701.** RCW 84.52.053 and 1987 1st ex.s. c 2 s 103 are each
2 amended to read as follows:

3 The limitations imposed by RCW 84.52.050 through 84.52.056, and
4 84.52.043 shall not prevent the levy of additional taxes by school
5 districts, when authorized so to do by the electors of such school
6 district in the manner and for the purposes and number of years
7 allowable under Article VII, section 2(a) of the Constitution of this
8 state, as amended by Amendment 79 and as thereafter amended, at a
9 special or general election to be held in the year in which the levy is
10 made or, in the case of a proposition authorizing two-year levies for
11 maintenance and operation support of a school district or authorizing
12 two-year through six-year levies to support the construction,
13 modernization, or remodeling of school facilities, or both, at a
14 special or general election to be held in the year in which the first
15 annual levy is made(~~(:—PROVIDED, That))~~). The two-year through
16 six-year levy authorized by this section for the construction,
17 modernization, or remodeling of school facilities may be used to
18 purchase capital equipment that constitutes a fixture or interconnected
19 system that is not part of a construction project. Such proceeds may
20 be used to expand an existing interconnected system and may be used to
21 purchase replacement equipment if the replacement equipment is
22 modernizing or upgrading an existing system or interconnected system.
23 Once additional tax levies have been authorized for maintenance and
24 operation support of a school district for a two year period, no
25 further additional tax levies for maintenance and operation support of
26 the district for that period may be authorized.

27 A special election may be called and the time therefor fixed by the
28 board of school directors, by giving notice thereof by publication in
29 the manner provided by law for giving notices of general elections, at
30 which special election the proposition authorizing such excess levy

1 shall be submitted in such form as to enable the voters favoring the
2 proposition to vote "yes" and those opposed thereto to vote "no".

3 PART 8

4 STUDENT COMPETENCY

5 NEW SECTION. **Sec. 801.** A new section is added to chapter 28A.230
6 RCW to read as follows:

7 (1) The board of directors of each school district shall prepare
8 and administer a standardized state-wide high school core competency
9 achievement test to measure acquisition of the competencies described
10 in local district student learning objectives. A student shall not
11 receive a high school diploma unless the student passes the high school
12 competency test. Students may take the test at any point, until
13 passed, in their high school program or until graduation. Experiences
14 for which testing is not appropriate may be demonstrated by successful
15 completion of relevant course work. Students with special educational
16 needs may participate in this program to the extent of their
17 capabilities. Unless stated in the student's individual education
18 plan, this section does not apply to students with handicapping
19 conditions under chapter 28A.155 RCW.

20 (2) The state board of education shall require a diagnostic test to
21 be given to each high school student who scores below the twenty-fifth
22 percentile in the eighth or eleventh grade assessments or who has not
23 passed the test under subsection (1) of this section. The diagnostic
24 tests shall be used to identify students who need help to remedy
25 deficiencies and the assistance needed before those students graduate
26 from high school.

27 PART 9

28 EARLY CHILDHOOD EDUCATION

1 **Sec. 901.** RCW 28A.215.100 and 1985 c 418 s 1 are each amended to
2 read as follows:

3 It is the intent of the legislature to establish a preschool state
4 education and assistance program. This special assistance program is
5 a voluntary enrichment program to help prepare some children to enter
6 the common school system and shall be offered (~~((only as funds are~~
7 ~~available))~~) to all eligible children not served by a comparable
8 federally funded program. This program is (~~((not a))~~) part of the basic
9 program of education which must be fully funded by the legislature
10 under Article IX, section 1 of the state Constitution. It is the
11 further intent of the legislature that the services of the program be
12 delivered by a variety of service providers including but not limited
13 to school districts, private nonprofit agencies and municipal
14 corporations, and that the program continue to be administered by the
15 department of community development.

16 **Sec. 902.** RCW 28A.215.180 and 1990 c 33 s 214 are each amended to
17 read as follows:

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

PART 10

CHILD CARE

Sec. 1001. RCW 28A.215.010 and 1969 ex.s. c 223 s 28A.34.010 are each amended to read as follows:

(1) The board of directors of any school district shall have the power to establish and maintain nursery schools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district.

(2) The school board shall establish such courses, activities, rules, and regulations governing nursery schools and before-and-after-school care as it may deem best including, but not limited to, rules governing qualifications for persons providing services and program standards: PROVIDED, That these courses and activities shall meet the minimum standards ~~((for such nursery schools as established by the United States Department of Health, Education and Welfare, or its successor agency))~~ under federal law and regulation, and under rules adopted by the ((state board of education)) superintendent of public instruction. The rules adopted for child care programs under this section shall be developed and agreed to by the department of social and health services and the superintendent of public instruction.

(3) Except as otherwise provided by state or federal law, the school district board of directors may fix a reasonable charge for the care and instruction of children attending ~~((such schools))~~ nursery school or receiving child care. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

1 NEW SECTION. **Sec. 1102.** The superintendent of public
2 instruction shall serve the remainder of the four-year term of office
3 for which elected in 1988 and until the successor is appointed and
4 qualified.

5 NEW SECTION. **Sec. 1103.** A new section is added to chapter 28A.300
6 RCW to read as follows:

7 The superintendent of public instruction shall be appointed by the
8 governor subject to confirmation by the senate. The governor shall
9 select the superintendent from a list of three names submitted by the
10 state board of education. The superintendent shall be appointed for a
11 four-year term.

12 NEW SECTION. **Sec. 1104.** Sections 1101 through 1103 of this act
13 shall take effect June 30, 1992, if the proposed amendment to Article
14 III, section 1 of the state Constitution providing for the appointment
15 of the superintendent of public instruction by the governor, Senate
16 Joint Resolution No. (S-0410/91), is validly submitted to and is
17 approved and ratified by the voters at a general election to be held in
18 November 1991. If this proposed amendment is not so approved and
19 ratified, sections 1101 through 1103 of this act are void in their
20 entirety.

21 **Sec. 1105.** RCW 28A.315.540 and 1987 c 307 s 2 are each amended to
22 read as follows:

23 Each member of the board of directors of a school district may
24 receive the compensation (~~((of fifty dollars per day or portion~~
25 ~~thereof))~~) for attending board meetings and for performing other
26 services on behalf of the school district(~~(, not to exceed four~~
27 ~~thousand eight hundred dollars per year, if))~~) as the district board of

1 directors (~~(has authorized)~~) authorizes by board resolution, at a
2 regularly scheduled meeting, the provision of such compensation. A
3 board of directors of a school district may authorize such compensation
4 only from locally collected excess levy funds available for that
5 purpose, and compensation for board members shall not cause the state
6 to incur any present or future funding obligation.

7 Any director may waive all or any portion of his or her
8 compensation under this section as to any month or months during his or
9 her term of office, by a written waiver filed with the district as
10 provided in this section. The waiver, to be effective, must be filed
11 any time after the director's election and before the date on which the
12 compensation would otherwise be paid. The waiver shall specify the
13 month or period of months for which it is made.

14 The compensation provided in this section shall be in addition to
15 any reimbursement for expenses paid to such directors by the school
16 district.

17 NEW SECTION. Sec. 1106. A new section is added to chapter 28A.315
18 RCW to read as follows:

19 In connection with a primary or general election for board of
20 director positions, the board of directors of any school district may,
21 after holding a regularly scheduled meeting preceded by publishing
22 notice in a daily newspaper of general circulation one week before the
23 hearing, do one or both of the following:

24 (1) Establish total dollar limits on individuals' and
25 organizations' campaign contributions;

26 (2) Authorize reasonable expenditures of district excess levy funds
27 for direct campaign purposes, on a matching basis with private
28 contributions, toward the election campaigns. The district may
29 establish a requirement that the candidate agree to limitations on

1 campaign expenditures as a condition of accepting moneys from excess
2 levy funds.

3 **Sec. 1107.** RCW 28A.315.450 and 1980 c 35 s 1 are each amended to
4 read as follows:

5 The governing board of a school district shall be known as the
6 board of directors of the district.

7 (1) Unless otherwise specifically provided, as in RCW 29.13.060 or
8 as provided in subsection (3) of this section, each member of a board
9 of directors shall be elected by ballot by the registered voters of the
10 school district and shall hold office for a term of four years and
11 until a successor is elected and qualified. Terms of school directors
12 shall be staggered, and insofar as possible, not more than a majority
13 of one shall be elected to full terms at any regular election. In case
14 a member or members of a board of directors are to be elected to fill
15 an unexpired term or terms, the ballot shall specify the term for which
16 each such member is to be elected.

17 (2) Except for a school district of the first class having within
18 its boundaries a city with a population of four hundred thousand people
19 or more in class AA counties which shall have a board of directors of
20 seven members, the board of directors of every school district of the
21 first class or school district of the second class shall consist of
22 five members.

23 (3) The members of a school district board of directors in a school
24 district of the first class having within its boundaries a city with a
25 population of four hundred thousand people or more in class AA counties
26 may be appointed by the mayor with the approval of the city council if
27 approved by the voters at a regular election. The measure may be
28 placed on the ballot by vote of the city council or by resolution of
29 the school district board of directors.

SCHOOL DISTRICT ACCOUNTABILITY

NEW SECTION. **Sec. 1201.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The superintendent of public instruction shall develop an investigation and evaluation system to identify school districts that have deficiencies severe enough to preclude an adequate education for the children in those districts. Based on the investigation, the superintendent of public instruction shall issue a report documenting any irregularities.

(2) If the superintendent of public instruction determines that a local school district has failed to assure a thorough and efficient system of education, the superintendent of public instruction may issue an order suspending the powers of the school district board of directors for up to three years and creating a state-operated school district for that term.

(3) The superintendent of public instruction shall appoint a state district superintendent for each state-operated school district who shall serve for the term of the state-operated school district. The individual selected shall be qualified by training and experience appropriate for the particular district.

(4) Within four months after the establishment of a state-operated school district, the state district superintendent for that district shall present a corrective action plan and timetable developed for that district. At least once each year the state district superintendent shall report to the superintendent of public instruction on the progress made in implementing the corrective action plan and the prospects for return of the district to local control.

1 (5) If a state-operated school district has not met the
2 requirements of the corrective action plan by the time the district is
3 to be returned to local control, the superintendent of public
4 instruction shall order an additional term of up to three years for the
5 state-operated school district.

6 NEW SECTION. **Sec. 1202.** (1) The head teacher pilot project is
7 created. The superintendent of public instruction may select not more
8 than five districts, from those that apply, to participate in the
9 project. The districts selected shall be of different sizes and from
10 different regions of the state and have a minimum of twenty-five
11 percent of the schools within the districts participating in the
12 project.

13 (2) The project shall be designed to encourage schools to try
14 different styles of participatory management within school buildings.
15 In the participating schools, a head teacher shall replace the
16 principal as the school administrator. The head teacher shall have
17 administrative and teaching responsibilities. The position of head
18 teacher may be shared by more than one person.

19 (3) The participating school districts shall report to the
20 superintendent of public instruction on the head teacher pilot project.
21 Included in the report shall be the reactions of students, teachers,
22 and parents to the project. Particular issues analyzed in the report
23 shall include but not be limited to: Evaluation of teachers, student
24 discipline, community relations, staff satisfaction, and changes, if
25 any in the school budget. The superintendent of public instruction
26 shall compile the reports and submit a report to the legislature by
27 December 15, 1993.

28 (4) This section shall expire December 31, 1993.

29 PART 13

VOCATIONAL EDUCATION

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NEW SECTION. **Sec. 1301.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction of public instruction shall develop model curricula for the integration of vocational and academic programs and distribute curricula to educational service districts and school districts;

(2) The office of the superintendent of public instruction shall develop in-service training programs on the use of the curricula under subsection (1) of this section;

(3) The superintendent of public instruction shall work with the state institutions of higher education to establish course equivalencies, as applicable, for college entrance requirements.

PART 14

REPEAL OF BASIC EDUCATION ACT

NEW SECTION. **Sec. 1401.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed effective January 1, 1994:

- (1) RCW 28A.150.200 and 1990 c 33 s 104 & 1977 ex.s. c 359 s 1;
- (2) RCW 28A.150.210 and 1977 ex.s. c 359 s 2;
- (3) RCW 28A.150.220 and 1990 c 33 s 105, 1982 c 158 s 1, 1979 ex.s. c 250 s 1, & 1977 ex.s. c 359 s 3;
- (4) RCW 28A.150.230 and 1990 c 33 s 106, 1979 ex.s. c 250 s 7, & 1977 ex.s. c 359 s 18;
- (5) RCW 28A.150.240 and 1979 ex.s. c 250 s 5 & 1977 ex.s. c 359 s 19;
- (6) RCW 28A.150.250 and 1990 c 33 s 107, 1987 1st ex.s. c 2 s 201, 1986 c 144 s 1, 1983 c 3 s 30, 1982 c 158 s 3, 1982 c 158 s 2, 1980 c

1 154 s 12, 1979 ex.s. c 250 s 2, 1977 ex.s. c 359 s 4, 1975 1st ex.s. c
2 211 s 1, 1973 2nd ex.s. c 4 s 1, 1973 1st ex.s. c 195 ss 9, 136, 137,
3 138, 139, & 1973 c 46 s 2;

4 (7) RCW 28A.150.260 and 1990 c 33 s 108, 1987 1st ex.s. c 2 s 202,
5 1985 c 349 s 5, 1983 c 229 s 1, 1979 ex.s. c 250 s 3, 1979 c 151 s 12,
6 1977 ex.s. c 359 s 5, & 1969 ex.s. c 244 s 14;

7 (8) RCW 28A.150.270 and 1985 c 7 s 89 & 1980 c 154 s 13;

8 (9) RCW 28A.150.280 and 1990 c 33 s 110, 1990 c 33 s 109, 1981 c
9 343 s 1, 1981 c 265 s 9, 1981 c 265 s 8, 1977 ex.s. c 359 s 6, 1977 c
10 80 s 3, 1975 1st ex.s. c 275 s 60, 1972 ex.s. c 85 s 1, 1971 c 48 s 14,
11 & 1969 ex.s. c 223 s 28A.41.160;

12 (10) RCW 28A.150.290 and 1990 c 33 s 111, 1981 c 285 s 1, 1979
13 ex.s. c 250 s 6, 1973 1st ex.s. c 78 s 1, 1972 ex.s. c 105 s 4, 1971 c
14 46 s 1, 1969 ex.s. c 3 s 2, & 1969 ex.s. c 223 s 28A.41.170; and

15 (11) RCW 28A.150.295 and 1969 ex.s. c 223 s 28A.02.010.

16 PART 15

17 MISCELLANEOUS

18 NEW SECTION. **Sec. 1501.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.