
SENATE BILL 5819

State of Washington 52nd Legislature 1991 Regular Session
By Senator Metcalf.

Read first time February 22, 1991. Referred to Committee on Education.

1 AN ACT Relating to education; amending RCW 28A.150.100,
2 28A.150.250, 28A.150.260, 28A.305.160, 28A.405.230, 28A.150.290, and
3 28A.305.130; and adding a new section to chapter 28A.320 RCW.

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

5 **Sec. 1.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
6 read as follows:

7 (1) For the purposes of this section and RCW 28A.150.410 and
8 28A.400.200, "basic education certificated instructional staff" shall
9 mean all full time equivalent certificated instructional staff in the
10 following programs as defined for state-wide school district accounting
11 purposes: Basic education, secondary vocational education, general
12 instructional support, and general supportive services.

13 (2) For the purposes of this section and RCW 28A.150.240 and
14 28A.150.260, "basic education certificated instructional classroom
15 teacher" means an instructional employee possessing at least a

1 provisional certificate whose primary duty is the daily educational
2 instruction of students. The daily instruction of students means
3 classroom instructional and related duties such as planning periods and
4 parent-teacher conferences.

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

9 **Sec. 2.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
10 read as follows:

11 From those funds made available by the legislature for the current
12 use of the common schools, the superintendent of public instruction
13 shall distribute annually as provided in RCW 28A.510.250 to each school
14 district of the state operating a program approved by the state board
15 of education an amount which, when combined with an appropriate portion
16 of such locally available revenues, other than receipts from federal
17 forest revenues distributed to school districts pursuant to RCW
18 28A.520.010 and 28A.520.020, as the superintendent of public
19 instruction may deem appropriate for consideration in computing state
20 equalization support, excluding excess property tax levies, will
21 constitute a basic education allocation in dollars for each annual
22 average full time equivalent student enrolled, based upon one full
23 school year of one hundred eighty days, except that for kindergartens
24 one full school year shall be one hundred eighty half days of
25 instruction, or the equivalent as provided in RCW 28A.150.220.

26 Basic education shall be considered to be fully funded by those
27 amounts of dollars appropriated by the legislature pursuant to RCW
28 28A.150.250 and 28A.150.260 to fund those program requirements
29 identified in RCW 28A.150.220 in accordance with the formula and ratios

1 provided in RCW 28A.150.260 and those amounts of dollars appropriated
2 by the legislature to fund the salary requirements of RCW 28A.150.100
3 and 28A.150.410.

4 Operation of a program approved by the state board of education,
5 for the purposes of this section, shall include a finding that the
6 ratio of students per basic education certificated instructional
7 classroom teacher in grades kindergarten through three is not greater
8 than the ratio of students per basic education certificated
9 instructional classroom teacher in grades four and above for such
10 district: PROVIDED, That for the purposes of this section, "basic
11 education certificated instructional classroom teacher" shall be
12 defined ((~~as an instructional employee possessing at least a~~
13 ~~provisional certificate, but not necessarily employed as a certificated~~
14 ~~employee, whose primary duty is the daily educational instruction of~~
15 ~~students~~)) under RCW 28A.150.100(2): PROVIDED FURTHER, That the state
16 board of education shall adopt rules and regulations to insure
17 compliance with the student/teacher ratio provisions of this section,
18 and such rules and regulations shall allow for exemptions for those
19 special programs and/or school districts which may be deemed unable to
20 practicably meet the student/teacher ratio requirements of this section
21 by virtue of a small number of students.

22 If a school district's basic education program fails to meet the
23 basic education requirements enumerated in RCW 28A.150.250,
24 28A.150.260, and 28A.150.220, the state board of education shall
25 require the superintendent of public instruction to withhold state
26 funds in whole or in part for the basic education allocation until
27 program compliance is assured: PROVIDED, That the state board of
28 education may waive this requirement in the event of substantial lack
29 of classroom space.

1 **Sec. 3.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to
2 read as follows:

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

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

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

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

16 (c) Classified staff and their related costs;

17 (d) Nonsalary costs;

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

21 (f) The attendance of students pursuant to RCW 28A.335.160 and
22 28A.225.250 who do not reside within the servicing school district.

23 (2)(a) This formula for distribution of basic education funds shall
24 be reviewed biennially by the superintendent and governor. The
25 recommended formula shall be subject to approval, amendment or
26 rejection by the legislature. The formula shall be for allocation
27 purposes only. While the legislature intends that the allocations for
28 additional instructional staff be used to increase the ratio of such
29 staff to students, nothing in this section shall require districts to
30 reduce the number of administrative staff below existing levels.

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

13 ~~(c))~~ Commencing with the (~~1988-89~~) 1991-92 school year, the
14 formula adopted by the legislature shall reflect the following ratios
15 at a minimum: (i) Forty-nine certificated instructional (~~staff~~)
16 classroom teachers to one thousand annual average full time equivalent
17 students enrolled in grades kindergarten through three; (ii) forty-six
18 certificated instructional (~~staff~~) classroom teachers to one thousand
19 annual average full time equivalent students in grades four through
20 twelve; (iii) four certificated administrative staff to one thousand
21 annual average full time equivalent students in grades kindergarten
22 through twelve; and (iv) sixteen and sixty-seven one-hundredths
23 classified personnel to one thousand annual average full time
24 equivalent students enrolled in grades kindergarten through twelve.

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

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

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

1 noncertificated people shall not be hired to replace certificated
2 employees during a labor dispute.

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

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

1 reduced; and (b) the teacher's expertise is critical to the success of
2 the local plan for excellence.

3 **Sec. 4.** RCW 28A.305.160 and 1975-'76 2nd ex.s. c 97 s 1 are each
4 amended to read as follows:

5 The state board of education shall adopt and distribute to all
6 school districts lawful and reasonable rules and regulations
7 prescribing the substantive and procedural due process guarantees of
8 pupils in the common schools. Such rules and regulations shall
9 authorize a school district to use informal due process procedures in
10 connection with the short term suspension of students to the extent
11 constitutionally permissible: PROVIDED, That the state board deems the
12 interest of students to be adequately protected. The rules shall
13 protect the ability of all students to learn and staff to work in safe
14 environments that are free from inappropriate conduct or disruptions
15 and provide staff with the ability to protect the learning environment
16 to the extent constitutionally permissible, including removing students
17 from classes.

18 **Sec. 5.** RCW 28A.405.230 and 1990 c 33 s 392 are each amended to
19 read as follows:

20 Any certificated employee of a school district employed as an
21 assistant superintendent, director, principal, assistant principal,
22 coordinator, or in any other supervisory or administrative position,
23 hereinafter in this section referred to as "administrator", shall be
24 subject to transfer, at the expiration of the term of his or her
25 employment contract, to any subordinate certificated position within
26 the school district. "Subordinate certificated position" as used in
27 this section, shall mean any administrative or nonadministrative

1 certificated position for which the annual compensation is less than
2 the position currently held by the administrator.

3 Every superintendent determining that the best interests of the
4 school district would be served by transferring any administrator to a
5 subordinate certificated position shall notify that administrator in
6 writing on or before May 15th preceding the commencement of such school
7 term of that determination, which notification shall state the reason
8 or reasons for the transfer, and shall identify the subordinate
9 certificated position to which the administrator will be transferred.
10 Such notice shall be served upon the administrator personally, or by
11 certified or registered mail, or by leaving a copy of the notice at the
12 place of his or her usual abode with some person of suitable age and
13 discretion then resident therein.

14 Every such administrator so notified, at his or her request made in
15 writing and filed with the president or chair, or secretary of the
16 board of directors of the district within ten days after receiving such
17 notice, shall be given the opportunity to meet informally with the
18 board of directors in an executive session thereof for the purpose of
19 requesting the board to reconsider the decision of the superintendent.
20 Such board, upon receipt of such request, shall schedule the meeting
21 for no later than the next regularly scheduled meeting of the board,
22 and shall notify the administrator in writing of the date, time and
23 place of the meeting at least three days prior thereto. At such
24 meeting the administrator shall be given the opportunity to refute any
25 facts upon which the determination was based and to make any argument
26 in support of his or her request for reconsideration. The
27 administrator and the board may invite their respective legal counsel
28 to be present and to participate at the meeting. The board shall
29 notify the administrator in writing of its final decision within ten
30 days following its meeting with the administrator. No appeal to the

1 courts shall lie from the final decision of the board of directors to
2 transfer an administrator to a subordinate certificated position:
3 PROVIDED, That in the case of principals such transfer shall be made at
4 the expiration of the contract year and only during the first three
5 consecutive school years of employment as a principal by a school
6 district if the principal in every four-year period spends a minimum of
7 one hundred eighty hours providing direct instructional services to
8 students in the classroom; except that if any such principal has been
9 previously employed as a principal by another school district in the
10 state of Washington for three or more consecutive school years the
11 provisions of this section shall apply only to the first full school
12 year of such employment if the principal in every four-year period
13 spends a minimum of one hundred eighty hours providing direct
14 instructional services to students in the classroom.

15 This section applies to any person employed as an administrator by
16 a school district on June 25, 1976 and to all persons so employed at
17 any time thereafter. This section provides the exclusive means for
18 transferring an administrator to a subordinate certificated position at
19 the expiration of the term of his or her employment contract.

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

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

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

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

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

28 A condition is foreseeable for the purposes of this subsection to
29 the extent a reasonably prudent person would have anticipated prior to
30 August first of the preceding school year that the condition probably

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

8 (3) The superintendent of public instruction shall make every
9 effort to reduce the amount of paperwork required in administration of
10 this chapter, chapter 28A.155 RCW, and RCW 28A.160.150 through
11 28A.160.220, 28A.300.170, and 28A.500.010; to simplify the application,
12 monitoring and evaluation processes used; to eliminate all duplicative
13 requests for information from local school districts; and to make every
14 effort to integrate and standardize information requests for other
15 state education acts and federal aid to education acts administered by
16 the superintendent of public instruction so as to reduce paperwork
17 requirements and duplicative information requests. The superintendent
18 shall make every effort to reduce the amount of paperwork required
19 based upon the recommendations of the district committees under section
20 7 of this 1991 act. In odd-numbered years, the superintendent shall
21 report to the legislature on responses to recommendations under section
22 7 of this 1991 act.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.320
24 RCW to read as follows:

25 Each school district in the state shall establish district
26 committees to review paperwork requirements affecting the schools
27 within their district imposed by schools, school district boards of
28 directors, the state board of education, the superintendent of public
29 instruction, and the legislature. The committee shall be selected by

1 the school district superintendent and consist of teachers,
2 administrators, parents, and members of the community. The committee
3 shall periodically submit its recommendations to the superintendent of
4 public instruction.

5 **Sec. 8.** RCW 28A.305.130 and 1990 c 33 s 266 are each amended to
6 read as follows:

7 In addition to any other powers and duties as provided by law, the
8 state board of education shall:

9 (1) Approve or disapprove the program of courses leading to
10 teacher, school administrator, and school specialized personnel
11 certification offered by all institutions of higher education within
12 the state which may be accredited and whose graduates may become
13 entitled to receive such certification. All programs leading to
14 teacher certification shall require each student to spend a minimum of
15 one hundred eighty hours in a classroom before the student completes
16 forty-five quarter hours or thirty semester hours in a teacher
17 preparation program.

18 (2) Conduct every five years a review of the program approval
19 standards, including the minimum standards for teachers,
20 administrators, and educational staff associates, to reflect research
21 findings and assure continued improvement of preparation programs for
22 teachers, administrators, and educational staff associates.

23 (3) Investigate the character of the work required to be performed
24 as a condition of entrance to and graduation from any institution of
25 higher education in this state relative to such certification as
26 provided for in subsection (1) above, and prepare a list of accredited
27 institutions of higher education of this and other states whose
28 graduates may be awarded such certificates.

1 (4)(a) The state board of education shall adopt rules to allow a
2 teacher certification candidate to fulfill, in part, teacher
3 preparation program requirements through work experience as a
4 noncertificated teacher's aide in a public school or private school
5 meeting the requirements of RCW 28A.195.010. The rules shall include,
6 but are not limited to, limitations based upon the recency of the
7 teacher preparation candidate's teacher aide work experience, and
8 limitations based on the amount of work experience that may apply
9 toward teacher preparation program requirements under this chapter.

10 (b) The state board of education shall require that at the time of
11 the individual's enrollment in a teacher preparation program, the
12 supervising teacher and the building principal shall jointly provide to
13 the teacher preparation program of the higher education institution at
14 which the teacher candidate is enrolled, a written assessment of the
15 performance of the teacher candidate. The assessment shall contain
16 such information as determined by the state board of education and
17 shall include: Evidence that at least fifty percent of the candidate's
18 work as a noncertificated teacher's aide was involved in instructional
19 activities with children under the supervision of a certificated
20 teacher and that the candidate worked a minimum of six hundred thirty
21 hours for one school year; the type of work performed by the candidate;
22 and a recommendation of whether the candidate's work experience as a
23 noncertificated teacher's aide should be substituted for teacher
24 preparation program requirements. In compliance with such rules as may
25 be established by the state board of education under this section, the
26 teacher preparation programs of the higher education institution where
27 the candidate is enrolled shall make the final determination as to what
28 teacher preparation program requirements may be fulfilled by teacher
29 aide work experience.

1 (5) Supervise the issuance of such certificates as provided for in
2 subsection (1) above and specify the types and kinds of certificates
3 necessary for the several departments of the common schools by rule or
4 regulation in accordance with RCW 28A.410.010.

5 (6) Accredite, subject to such accreditation standards and
6 procedures as may be established by the state board of education, all
7 schools that apply for accreditation, and approve, subject to the
8 provisions of RCW 28A.195.010, private schools carrying out a program
9 for any or all of the grades one through twelve: PROVIDED, That no
10 public or private schools shall be placed upon the list of accredited
11 schools so long as secret societies are knowingly allowed to exist
12 among its students by school officials: PROVIDED FURTHER, That the
13 state board may elect to require all or certain classifications of the
14 public schools to conduct and participate in such pre-accreditation
15 examination and evaluation processes as may now or hereafter be
16 established by the board.

17 (7) Make rules and regulations governing the establishment in any
18 existing nonhigh school district of any secondary program or any new
19 grades in grades nine through twelve. Before any such program or any
20 new grades are established the district must obtain prior approval of
21 the state board.

22 (8) Prepare such outline of study for the common schools as the
23 board shall deem necessary, and prescribe such rules for the general
24 government of the common schools, as shall seek to secure regularity of
25 attendance, prevent truancy, secure efficiency, and promote the true
26 interest of the common schools.

27 (9) Prepare with the assistance of the superintendent of public
28 instruction a uniform series of questions, with the proper answers
29 thereto for use in the correcting thereof, to be used in the

1 examination of persons, as this code may direct, and prescribe rules
2 and regulations for conducting any such examinations.

3 (10) Continuously reevaluate courses and adopt and enforce
4 regulations within the common schools so as to meet the educational
5 needs of students and articulate with the institutions of higher
6 education and unify the work of the public school system.

7 (11) Carry out board powers and duties relating to the organization
8 and reorganization of school districts under RCW 28A.315.010 through
9 28A.315.680 and 28A.315.900.

10 (12) By rule or regulation promulgated upon the advice of the
11 director of community development, through the director of fire
12 protection, provide for instruction of pupils in the public and private
13 schools carrying out a K through 12 program, or any part thereof, so
14 that in case of sudden emergency they shall be able to leave their
15 particular school building in the shortest possible time or take such
16 other steps as the particular emergency demands, and without confusion
17 or panic; such rules and regulations shall be published and distributed
18 to certificated personnel throughout the state whose duties shall
19 include a familiarization therewith as well as the means of
20 implementation thereof at their particular school.

21 (13) Hear and decide appeals as otherwise provided by law.

22 The state board of education is given the authority to promulgate
23 information and rules dealing with the prevention of child abuse for
24 purposes of curriculum use in the common schools.

25 NEW SECTION. **Sec. 9.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.