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**SENATE BILL 5822**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** Senators Bailey, Rasmussen and Skratek; by request of Superintendent of Public Instruction and State Board of Education.

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

1            AN ACT Relating to education; amending RCW 28A.150.200,  
2 28A.150.220, 28A.150.230, 28A.150.260, 28A.150.290, 28A.195.010,  
3 28A.230.090, 28A.230.100, and 28A.170.100; adding new sections to  
4 chapter 28A.150 RCW; and repealing RCW 28A.150.210, 28A.230.110,  
5 28A.305.140, 28A.320.210, and 28A.320.220.

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

7            NEW SECTION.    **Sec. 1.**            RCW 28A.150.200 through 28A.150.295 and  
8 sections 1 through 3, 5, and 14 of this act shall be known and cited as  
9 the local control of education act.

10           NEW SECTION.    **Sec. 2.**            The public policy purpose of the local  
11 control of education act is to provide local school district boards of  
12 directors greater authority to determine the fundamental policies and  
13 practices related to education, including the authority to structure  
14 the education program to meet the needs of students as defined by the

1 patrons in local communities. In order to accomplish this public  
2 policy goal it is necessary, within the local control of education act,  
3 to repeal or amend laws that impede local control of schools.  
4 Specifically, under the local control of education act, unnecessary  
5 state control components of the basic education act of 1977 are  
6 repealed and replaced with basic program of education requirements, as  
7 specified in RCW 28A.150.220.

8 NEW SECTION. **Sec. 3.** The board of directors of each school  
9 district may exercise the following powers:

10 (1) Such powers as expressly authorized by law;

11 (2) Such powers as are necessary or fairly implied in powers  
12 expressly authorized by law; and

13 (3) The additional broad discretionary power to determine and adopt  
14 written policies and rules not in conflict with other law that provide  
15 for the development and implementation of programs, activities,  
16 services, or practices that the board determines will:

17 (a) Benefit the education, health, or safety of citizens; or

18 (b) Promote the effective, efficient, or safe maintenance and  
19 operation of school district programs, activities, services, or  
20 practices.

21 The adoption of any such policy or rule shall be preceded by notice  
22 in accordance with the open public meeting law of chapter 42.30 RCW  
23 which furthermore sets forth or reasonably describes the proposed  
24 policy or regulation, plus a reasonable opportunity for public written  
25 and oral comment and consideration of the comment by the board of  
26 directors.

27 **Sec. 4.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to  
28 read as follows:

1       (~~This 1977 amendatory act shall be known and may be cited as "The~~  
2 ~~Washington Basic Education Act of 1977."~~ The program evolving from the  
3 ~~Basic Education Act shall include (1) the goal of the school system as~~  
4 ~~defined in RCW 28A.150.210, (2) those program requirements enumerated~~  
5 ~~in RCW 28A.150.220, and (3) the determination and distribution of state~~  
6 ~~resources as defined in RCW 28A.150.250 and 28A.150.260.)~~)

7       The requirements of the (~~Basic Education Act~~) local control of  
8 education act are deemed by the legislature to comply with the  
9 requirements of Article IX, section 1 of the state Constitution, which  
10 states that "It is the paramount duty of the state to make ample  
11 provision for the education of all children residing within its  
12 borders, without distinction or preference on account of race, color,  
13 caste, or sex," and are adopted pursuant to Article IX, section 2 of  
14 the state Constitution, which states that "The legislature shall  
15 provide for a general and uniform system of public schools."

16       NEW SECTION. Sec. 5.       Unless the context clearly requires  
17 otherwise, the definitions in the section shall apply throughout RCW  
18 28A.150.200 through 28A.150.295 and sections 1 through 3 and 14 of this  
19 act.

20       (1) "Instructional hours" means those hours students are provided  
21 the opportunity to engage in educational activity planned by and under  
22 the direction of school district staff, as directed by the  
23 administration and board of directors of the district, inclusive of  
24 intermissions for class changes, recess, and teacher/parent-guardian  
25 conferences that are planned and scheduled by the district for the  
26 purpose of discussing students' educational needs or progress, and  
27 exclusive of time actually spent for meals.

28       (2) "Instruction in work force skills" means applied learning that  
29 strengthens and reinforces an individual's academic knowledge, critical

1 thinking, problem-solving skills, and work ethics, and thereby develops  
2 employability, occupational skills, and the ability to manage home and  
3 work responsibilities necessary for economic independence. Such  
4 instruction shall include but is not limited to technology education/  
5 industrial arts, home and family life education, business education,  
6 marketing education, agricultural education, health occupations  
7 education, trade and industrial education, and technical education.

8 **Sec. 6.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to  
9 read as follows:

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

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

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

26 ~~(2))~~ The basic program of education provided by the state, in  
27 conformance with Article IX, section 1 of the state Constitution, shall  
28 consist of the following:

1       (a) The basic education allowance to school districts as provided  
2 in RCW 28A.150.100, 28A.150.250, 28A.150.260, and 28A.150.410;

3       (b) The appropriation for handicapped programs as provided in RCW  
4 28A.150.390 and the requirements related therein within chapter 28A.155  
5 RCW;

6       (c) The part-time student enrollment as provided in RCW  
7 28A.150.350;

8       (d) The student transportation allocations as provided in RCW  
9 28A.160.150, 28A.160.160, 28A.160.180, 28A.160.190, and 28A.160.200;

10       (e) The learning assistance program as provided in chapter 28A.165  
11 RCW;

12       (f) The transitional bilingual instructional program as provided in  
13 chapter 28A.180 RCW;

14       (g) A program of education in school districts with high schools of  
15 sufficient size, scope, and quality to permit students enrolled therein  
16 to meet graduation requirements established by law or rule of the state  
17 board of education;

18       (h) Satisfaction of the basic education ((goal)) program  
19 requirements identified in ((RCW 28A.150.210)) section 2 of this 1991  
20 act shall be considered to be implemented by the following program  
21 ((requirements)):

22       ((a)) (i) Each school district shall make available to all  
23 students enrolled in kindergarten at least a total ((program))  
24 instructional offering of four hundred fifty hours. The program shall  
25 include instruction in reading, arithmetic, and language skills ((and  
26 such other subjects and such activities as the school district shall  
27 determine to be appropriate for the education of the school district's  
28 students enrolled in such program));

29       ((b)) (ii) Each school district shall make available to students  
30 enrolled in grades one through ((three)) twelve, at least a district-

1 wide annual average total ((program)) instructional hour offering of  
2 ((two thousand seven hundred)) one thousand hours. ((A minimum of  
3 ninety five percent of the total program hour offerings)) Effective May  
4 1, 1992, a school district may schedule the last thirty instructional  
5 hours of any school year for noninstructional purposes in the case of  
6 students who are graduating from high school, including, but not  
7 limited to, the observance of graduation and early release from school  
8 upon the request of a student, and all such students may be claimed as  
9 full-time equivalent students to the extent they could otherwise have  
10 been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.  
11 The state board of education may define alternatives to classroom  
12 instructional time for students in grades nine through twelve enrolled  
13 in alternative learning experiences. The state board of education  
14 shall establish rules to determine annual average instructional hours  
15 for districts including fewer than twelve grades. The program shall  
16 ((be in the basic skills areas of)) include, in one or more of the  
17 grades one through twelve, instruction in reading/language arts  
18 ((which may include)), foreign languages((+)), mathematics, social  
19 studies, science, music, art, health ((and)), physical education, and  
20 work force skills. The requirements in this subsection may be met  
21 through interdisciplinary offerings. ((The remaining five percent of  
22 the total program hour offerings may include such subjects and  
23 activities as the school district shall determine to be appropriate for  
24 the education of the school district's students in such grades;

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

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

5 (d) Each school district shall make available to students in grades  
6 seven through eight, at least a total program hour offering of one  
7 thousand nine hundred eighty hours. A minimum of eighty 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.— A minimum of ten percent of the total program hour  
12 offerings shall be in the area of work skills.— The remaining five  
13 percent of the total program hour offerings may include such subjects  
14 and activities as the school district shall determine to be appropriate  
15 for the education of the school district's students in such grades;

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

1 increased to two thousand nine hundred seventy hours and such  
2 requirements for grades ten through twelve are decreased to three  
3 thousand two hundred forty hours.

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

11       ~~(4))~~ (2) Nothing contained in subsection ~~((+2))~~ (1)(h) of this  
12 section shall be construed to require individual students to attend  
13 school for any particular number of hours per day or to take any  
14 particular courses.

15       ~~((+5))~~ (3) Each school district's kindergarten through twelfth  
16 grade basic educational program shall be accessible to all students who  
17 are five years of age, as provided by RCW 28A.225.160, and less than  
18 twenty-one years of age ~~((and shall consist of a minimum of one hundred  
19 eighty school days per school year in such grades as are conducted by  
20 a school district, and one hundred eighty half days of instruction, or  
21 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a  
22 school district may schedule the last five school days of the one  
23 hundred and eighty day school year for noninstructional purposes in the  
24 case of students who are graduating from high school, including, but  
25 not limited to, the observance of graduation and early release from  
26 school upon the request of a student, and all such students may be  
27 claimed as a full time equivalent student to the extent they could  
28 otherwise have been so claimed for the purposes of RCW 28A.150.250 and  
29 28A.150.260))~~.



1       (~~(6)~~) (4) The state board of education shall adopt rules to  
2 implement and ensure compliance with the program requirements imposed  
3 by this section, RCW 28A.150.250 and 28A.150.260, and such related  
4 supplemental program approval requirements as the state board may  
5 establish(~~(: PROVIDED, That each school district board of directors~~  
6 ~~shall establish the basis and means for determining and monitoring the~~  
7 ~~district's compliance with the basic skills and work skills percentage~~  
8 ~~and course requirements of this section. The certification of the~~  
9 ~~board of directors and the superintendent of a school district that the~~  
10 ~~district is in compliance with such basic skills and work skills~~  
11 ~~requirements may be accepted by the superintendent of public~~  
12 ~~instruction and the state board of education.~~

13       ~~(7) Handicapped education programs, vocational technical institute~~  
14 ~~programs, state institution and state residential school programs, all~~  
15 ~~of which programs are conducted for the common school age, kindergarten~~  
16 ~~through secondary school program students encompassed by this section,~~  
17 ~~shall be exempt from the basic skills and work skills percentage and~~  
18 ~~course requirements of this section in order that the unique needs,~~  
19 ~~abilities or limitations of such students may be met.~~

20       ~~(8) Any school district may petition the state board of education~~  
21 ~~for a reduction in the total program hour offering requirements for one~~  
22 ~~or more of the grade level groupings specified in this section. The~~  
23 ~~state board of education shall grant all such petitions that are~~  
24 ~~accompanied by an assurance that the minimum total program hour~~  
25 ~~offering requirements in one or more other grade level groupings will~~  
26 ~~be exceeded concurrently by no less than the number of hours of the~~  
27 ~~reduction)).~~

28       **Sec. 7.** RCW 28A.150.230 and 1990 c 33 s 106 are each amended to  
29 read as follows:

1 (1) It is the intent and purpose of this section to guarantee that  
2 each common school district board of directors, whether or not acting  
3 through its respective administrative staff, be held accountable for  
4 the proper operation of their district to the local community and its  
5 electorate. In accordance with the provisions of Title 28A RCW, as now  
6 or hereafter amended, each common school district board of directors  
7 shall be vested with the final responsibility for the setting of  
8 policies ensuring quality in the content and extent of its educational  
9 program and that such program provide students with the opportunity to  
10 achieve those skills which are generally recognized as requisite to  
11 learning.

12 (2) In conformance with the provisions of Title 28A RCW, as now or  
13 hereafter amended, it shall be the responsibility of each common school  
14 district board of directors, acting through its respective  
15 administrative staff, to:

16 (a) Establish programs, pursuant to RCW 28A.230.130, for students  
17 whose educational plans include application for entrance to a  
18 baccalaureate degree-granting institution after being granted a high  
19 school diploma. In addition, programs shall be established, directly  
20 or otherwise, that prepare students for employment or further technical  
21 training after being granted a high school diploma;

22 (b) Establish policies and procedures that provide for the results  
23 of the Washington state high school and beyond assessment program to be  
24 used to assist each student to plan and prepare for high school and  
25 posthigh school career steps;

26 (c) Establish performance criteria and an evaluation process for  
27 its certificated personnel, including administrative staff, and for all  
28 programs constituting a part of such district's curriculum;

29 ((b)) (d) Determine the final assignment of staff, certificated  
30 or classified, according to board enumerated classroom and program

1 needs. Persons employed by such a district in positions requiring  
2 certification shall possess the appropriate, current, and valid  
3 certificate;

4 ~~((e))~~ (e) Determine the amount of instructional hours necessary  
5 for any student to acquire a quality education in such district, in not  
6 less than an amount otherwise required in RCW 28A.150.220, or rules and  
7 regulations of the state board of education;

8 ~~((d))~~ (f) Determine the allocation of staff time, whether  
9 certificated or classified;

10 ~~((e))~~ (g) Establish final curriculum standards consistent with  
11 law and rules and regulations of the state board of education, relevant  
12 to the particular needs of district students or the unusual  
13 characteristics of the district, and ensuring a quality education for  
14 each student in the district; and

15 ~~((f))~~ (h) Evaluate teaching materials, including text books,  
16 teaching aids, handouts, or other printed material, in public hearing  
17 upon complaint by parents, guardians or custodians of students who  
18 consider dissemination of such material to students objectionable.

19 (3) In keeping with the accountability purpose expressed in this  
20 section and to insure that the local community and electorate have  
21 access to information on the educational programs in the school  
22 districts, each school district's board of directors shall ensure  
23 compliance with the provisions of the self-study process as required by  
24 RCW 28A.320.200. The school district board of directors shall also  
25 annually publish a descriptive guide to the district's common schools  
26 pursuant to rules that may be developed by the state board of  
27 education. This guide shall be made available at each school in the  
28 district for examination by the public. ~~((The guide shall include, but~~  
29 ~~not be limited to, the following:~~

1       ~~(a) Criteria used for written evaluations of staff members pursuant~~  
2 ~~to RCW 28A.405.100;~~  
3       ~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~  
4       ~~(c) Results of comparable testing for all schools within the~~  
5 ~~district; and~~  
6       ~~(d) Budget information which will include the following:~~  
7       ~~(i) Student enrollment;~~  
8       ~~(ii) Number of full time equivalent personnel per school in the~~  
9 ~~district itemized according to classroom teachers, instructional~~  
10 ~~support, and building administration and support services, including~~  
11 ~~itemization of such personnel by program;~~  
12       ~~(iii) Number of full time equivalent personnel assigned in the~~  
13 ~~district to central administrative offices, itemized according to~~  
14 ~~instructional support, building and central administration, and support~~  
15 ~~services, including itemization of such personnel by program;~~  
16       ~~(iv) Total number of full time equivalent personnel itemized by~~  
17 ~~classroom teachers, instructional support, building and central~~  
18 ~~administration, and support services, including itemization of such~~  
19 ~~personnel by program; and~~  
20       ~~(v) Special levy budget request presented by program and~~  
21 ~~expenditure for purposes over and above those requirements identified~~  
22 ~~in RCW 28A.150.220.)~~)

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

25       The basic education allocation for each annual average full time  
26 equivalent student shall be determined in accordance with the following  
27 procedures:

28       (1) The governor shall and the superintendent of public instruction  
29 may recommend to the legislature a formula based on a ratio of students

1 to staff for the distribution of a basic education allocation for each  
2 annual average full time equivalent student enrolled in a common  
3 school. The distribution formula shall have the primary objective of  
4 equalizing educational opportunities and shall provide appropriate  
5 recognition of the following costs among the various districts within  
6 the state:

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

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

9 (c) Classified staff and their related costs;

10 (d) Nonsalary costs;

11 (e) Extraordinary costs of remote and necessary schools and small  
12 high schools, including costs of additional certificated and classified  
13 staff; and

14 (f) The attendance of students pursuant to RCW 28A.335.160 and  
15 28A.225.250 who do not reside within the servicing school district.

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

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

1 annual average full time equivalent students enrolled in grades  
2 kindergarten through twelve; and (iv) sixteen and sixty-seven  
3 one-hundredths classified personnel to one thousand annual average full  
4 time equivalent students enrolled in grades kindergarten through  
5 twelve.

6 (c) Commencing with the 1988-89 school year, the formula adopted by  
7 the legislature shall reflect the following ratios at a minimum: (i)  
8 Forty-nine certificated instructional staff to one thousand annual  
9 average full time equivalent students enrolled in grades kindergarten  
10 through three; (ii) forty-six certificated instructional staff to one  
11 thousand annual average full time equivalent students in grades four  
12 through twelve; (iii) four certificated administrative staff to one  
13 thousand annual average full time equivalent students in grades  
14 kindergarten through twelve; and (iv) sixteen and sixty-seven  
15 one-hundredths classified personnel to one thousand annual average full  
16 time equivalent students enrolled in grades kindergarten through  
17 twelve.

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

1 under RCW 28A.155.010 through 28A.155.100. The definition of full time  
2 equivalent student shall be determined by rules and regulations of the  
3 superintendent of public instruction: PROVIDED, That the definition  
4 shall be included as part of the superintendent's biennial budget  
5 request: PROVIDED, FURTHER, That any revision of the present  
6 definition shall not take effect until approved by the house  
7 appropriations committee and the senate ways and means committee:  
8 PROVIDED, FURTHER, That the office of financial management shall make  
9 a monthly review of the superintendent's reported full time equivalent  
10 students in the common schools in conjunction with RCW 43.62.050.

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

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

24 ~~((4) Each annual average full time equivalent certificated~~  
25 ~~classroom teacher's direct classroom contact hours shall average at~~  
26 ~~least twenty five hours per week. Direct classroom contact hours shall~~  
27 ~~be exclusive of time required to be spent for preparation, conferences,~~  
28 ~~or any other nonclassroom instruction duties. Up to two hundred~~  
29 ~~minutes per week may be deducted from the twenty five contact hour~~  
30 ~~requirement, at the discretion of the school district board of~~

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

20 **Sec. 9.** 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 annual average total ~~((program))~~ instructional hour offering~~((, teacher~~  
8 ~~contact hour, or course mix and percentage requirements))~~ imposed by  
9 RCW 28A.150.220 and 28A.150.260 due to one or more of the following  
10 conditions:

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

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

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

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

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

19 **Sec. 10.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to  
20 read as follows:

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

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

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

9 (1) The ~~((minimum school year for))~~ total instructional  
10 ~~((purposes))~~ hour offerings shall consist of no less than ~~((one hundred  
11 eighty school days or the equivalent in))~~ the annual minimum  
12 ~~((program))~~ instructional hour offerings as prescribed in RCW  
13 28A.150.220.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ~~((+7+))~~ (6) Private school curriculum shall include instruction of  
28 the basic skills of occupational education, science, mathematics,  
29 language, social studies, history, health, reading, writing, spelling,

1 and the development of appreciation of art and music, all in sufficient  
2 units for meeting state board of education graduation requirements.

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

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

12 **Sec. 11.** RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each  
13 amended to read as follows:

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

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

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

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

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

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

22       ~~((+5))~~ (2) In recognition of the statutory authority of the state  
23 board of education to establish and enforce minimum high school  
24 graduation requirements, the state board shall periodically reevaluate  
25 the graduation requirements and shall report such findings to the  
26 legislature in a timely manner as determined by the state board.

27       ~~((+6))~~ (3) Pursuant to any foreign language requirement  
28 established by the state board of education or a local school district,  
29 or both, for purposes of high school graduation, students who receive

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

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

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

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

13 ~~((8))~~ (5) Students who have taken and successfully completed high  
14 school courses under the circumstances in subsection ~~((7))~~ (4) of  
15 this section shall not be required to take an additional competency  
16 examination or perform any other additional assignment to receive  
17 credit. Subsection ~~((7))~~ (4) of this section shall also apply to  
18 students enrolled in high school on April 11, 1990, who took the  
19 courses while they were in seventh and eighth grade.

20 **Sec. 12.** RCW 28A.230.100 and 1990 c 33 s 239 are each amended to  
21 read as follows:

22 The state board of education shall adopt rules pursuant to chapter  
23 34.05 RCW, to implement the course requirements set forth ~~((in))~~  
24 pursuant to RCW 28A.230.090. Such rules shall include, as the state  
25 board deems necessary, granting equivalencies for and temporary  
26 exemptions from the course requirements ~~((in RCW 28A.230.090 and~~  
27 ~~special alterations of the course requirements in RCW 28A.230.090))~~  
28 established. In developing such rules the state board shall recognize  
29 the relevance of instruction in work force skills through vocational

1 education and applied courses and allow such courses to fulfill in  
2 whole or in part the courses required for graduation (~~in~~ RCW  
3 ~~28A.230.090~~). Such rules may include provisions for competency  
4 testing in lieu of such courses required for graduation (~~in~~) pursuant  
5 to RCW 28A.230.090.

6 **Sec. 13.** RCW 28A.170.100 and 1990 c 33 s 159 are each amended to  
7 read as follows:

8 (1) School districts are encouraged to promote parent and community  
9 involvement in drug and alcohol abuse prevention and intervention  
10 programs, through parent visits under RCW 28A.605.020 and through any  
11 school involvement program established by the district under RCW  
12 28A.615.010 through 28A.615.050.

13 (2) Districts are further encouraged to review drug and alcohol  
14 prevention and intervention programs as part of the self-study  
15 procedures required under RCW 28A.320.200 and as part of any annual  
16 goal-setting process the district may have established under (~~RCW~~  
17 ~~28A.320.220~~) section 2 of this 1991 act.

18 NEW SECTION. **Sec. 14.** To implement RCW 28A.150.200 through  
19 28A.150.295 and sections 1 through 3 and 5 of this act, the  
20 superintendent of public instruction shall provide technical assistance  
21 as requested by school districts in areas including, but not limited  
22 to, curriculum development, assessment of student performance, and  
23 program evaluation.

24 NEW SECTION. **Sec. 15.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 28A.150.210 and 1977 ex.s. c 359 s 2;

27 (2) RCW 28A.230.110 and 1990 c 33 s 240 & 1985 c 3 s 4;



1 (3) RCW 28A.305.140 and 1990 c 33 s 267 & 1985 c 349 s 6;

2 (4) RCW 28A.320.210 and 1990 c 33 s 334, 1988 c 256 s 1, 1987 c 505  
3 s 9, 1986 c 137 s 1, 1984 c 278 s 3, 1977 ex.s. c 305 s 1, & 1975-'76  
4 2nd ex.s. c 90 s 1; and

5 (5) RCW 28A.320.220 and 1984 c 278 s 1.

6 NEW SECTION. **Sec. 16.** Sections 1 through 3, 5, and 14 of this  
7 act are each added to chapter 28A.150 RCW.

8 NEW SECTION. **Sec. 17.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.