
SECOND SUBSTITUTE SENATE BILL 5919

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Anderson, Erwin, Oke, L. Smith, Johnson, Barr, Bluechel, von Reichbauer, Roach, Metcalf, Thorsness and McCaslin).

Read first time March 11, 1991.

1 AN ACT Relating to educational excellence; amending RCW
2 28A.605.020, 28A.150.040, 28A.150.230, 28A.225.220, 28A.230.190,
3 28A.230.230, 28A.230.240, 28A.410.030, 28A.405.220, 28B.80.350,
4 28A.230.100, 84.52.0531, 41.59.020, and 41.56.030; adding a new section
5 to chapter 28A.615 RCW; adding new sections to chapter 28A.320 RCW;
6 adding new sections to chapter 28A.240 RCW; adding new sections to
7 chapter 28A.300 RCW; adding new sections to chapter 28A.230 RCW; adding
8 new sections to chapter 28A.400 RCW; adding new sections to chapter
9 28A.410 RCW; adding new sections to chapter 28A.600 RCW; adding new
10 sections to chapter 28A.630 RCW; adding new sections to chapter 28B.80
11 RCW; adding a new section to chapter 28B.50 RCW; adding a new section
12 to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW;
13 adding a new section to chapter 28A.500 RCW; adding a new chapter to
14 Title 28C RCW; creating new sections; providing effective dates;
15 providing expiration dates; and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

2 (a) Academic achievement of Washington students can and should be
3 improved;

4 (b) Student success, in large part, depends on parents'
5 involvement, both at home and at school, in the education of their
6 child;

7 (c) Many school districts across the state are engaged in efforts
8 to reevaluate and restructure their local education programs;

9 (d) State support can help sustain and accelerate the momentum of
10 educational restructuring initiatives.

11 (2) The legislature recognizes that the public education system, as
12 the foundation of our society, faces critical issues that reflect the
13 public's increasing concern regarding the effectiveness and
14 accountability of our public schools. The legislature finds that these
15 issues can be addressed by:

16 (a) Establishing rights and responsibilities of parents to
17 knowledgeably participate in the education of their children;

18 (b) Increasing the broad powers of school boards;

19 (c) Measuring and reporting student achievement in a manner that
20 encourages accountability to and understanding by the public;

21 (d) Increasing public confidence in the professional preparation
22 and training of educators; and

23 (e) Providing funding support for initiatives to restructure
24 schools, meet the special needs of students, and enhance vocational
25 education.

PART I

PARENTS' RIGHTS AND RESPONSIBILITIES

NEW SECTION. **Sec. 101.** The legislature finds that parents have the primary responsibility for the welfare of their children and that the successful education of children is the product of a responsive and rigorous educational system that depends on the participation of informed and concerned parents and citizens. To this end, RCW 28A.605.020 and sections 102 through 104 of this act are intended to define certain rights of parents to be informed of, and participate in, the education of their children.

"Parents" as used in this act, includes one or both parents and any legal guardian.

NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.615 RCW to read as follows:

Parents have the right to know what their child is being taught and are encouraged to exercise their responsibility to participate in their child's education.

(1) School district boards of directors shall adopt policies to ensure the implementation of the requirements that public records be made available under RCW 42.17.250 through 42.17.340. The board of directors of a school district shall develop specific policies providing for the inspection and review of any type of materials used in association with the district's educational program. The district may charge a nominal cost to cover any costs of reproduction.

(2) Districts shall inform parents annually through the report required under section 105 of this act of parents' right to inspect and review any type of materials used in association with the district's educational program.

1 (3) Innovation and educational reform should be encouraged in
2 public schools. To that end, parents and the community at large should
3 be encouraged to participate in the development and implementation of
4 experimental or pilot education programs. Before implementation of any
5 experimental or pilot education program, the school district shall
6 consult and communicate with parents regarding the proposed program.

7 (4) No child may be placed in an experimental or pilot program in
8 a school district without prior written notification to the parent.
9 The notification shall include a detailed description of the program.

10 (5) A site-based council established under section 202 of this act
11 may veto implementation of an experimental or pilot education program
12 adopted by the district's board of directors. At least three-fourths
13 of the members of the site-based council shall support the motion to
14 veto.

15 (6) A school district shall not perform psychological testing of a
16 student without the written permission of the parents.

17 **Sec. 103.** RCW 28A.605.020 and 1979 ex.s. c 250 s 8 are each
18 amended to read as follows:

19 Every school district board of directors shall, (~~after following~~
20 ~~established procedure~~) in cooperation with teacher and parent
21 organizations, adopt a policy assuring parents access to their child's
22 classroom and/or school sponsored activities for purposes of observing
23 class procedure, teaching material, and class conduct: PROVIDED, That
24 such observation shall not disrupt the classroom procedure or learning
25 activity. The policy adopted under this section is not subject to
26 collective bargaining. The right of parents to visit their child's
27 classroom, as established under this section, is in addition to any
28 parent/teacher conferences offered by the school district.

1 **Sec. 104.** RCW 28A.150.040 and 1990 c 33 s 101 are each amended to
2 read as follows:

3 (1) The school year shall begin on the first day of September and
4 end with the last day of August: PROVIDED, That any school district
5 may elect to commence the minimum annual school term as required under
6 RCW 28A.150.220 in the month of August of any calendar year and in such
7 case the operation of a school district for such period in August shall
8 be credited by the superintendent of public instruction to the
9 succeeding school year for the purpose of the allocation and
10 distribution of state funds for the support of such school district.

11 (2) By May 30 of each year, the board of directors of each school
12 district shall, following a public hearing, establish the schedule of
13 days for students to attend school during the succeeding school year.
14 The days so designated shall be employee work days and shall not be
15 subject to collective bargaining. However, employee work days beyond
16 those scheduled for student attendance may be a subject of collective
17 bargaining.

18 NEW SECTION. **Sec. 105.** A new section is added to chapter 28A.320
19 RCW to read as follows:

20 (1) In keeping with the accountability purpose expressed in section
21 101, chapter ..., Laws of 1991 (section 101 of this act) and to ensure
22 that the local community and electorate have access to information on
23 the educational programs in the school districts, each school
24 district's board of directors shall publish annually a school district
25 accountability report. School districts shall have a copy of the
26 accountability report available for public inspection at each school in
27 the district, at the district office, and in public libraries.

28 (2) The accountability report shall include a brief statement of
29 the mission of the school district, enrollment statistics including

1 student demographics, expenditures per pupil for the school year, the
2 average compensation for teachers, a summary of student scores on all
3 mandated tests and college entrance examination scores, a concise
4 annual budget report, the student drop-out, absenteeism, and graduation
5 rates, an invitation to all citizens to participate in site-based
6 councils and other school planning activities. The published
7 accountability report shall compare district, state, and national data
8 whenever appropriate.

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

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

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

26 (a) 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;

1 (b) Determine the final assignment of staff, certificated or
2 classified, according to board enumerated classroom and program needs;

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

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

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

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

18 ~~((3) In keeping with the accountability purpose expressed in this
19 section and to insure that the local community and electorate have
20 access to information on the educational programs in the school
21 districts, each school district's board of directors shall annually
22 publish a descriptive guide to the district's common schools. This
23 guide shall be made available at each school in the district for
24 examination by the public. The guide shall include, but not be limited
25 to, the following:~~

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

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

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

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

2 ~~(i) Student enrollment;~~

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

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

11 ~~(iv) Total number of full time equivalent personnel itemized by~~
12 ~~classroom teachers, instructional support, building and central~~
13 ~~administration, and support services, including itemization of such~~
14 ~~personnel by program; and~~

15 ~~(v) Special levy budget request presented by program and~~
16 ~~expenditure for purposes over and above those requirements identified~~
17 ~~in RCW 28A.150.220.))~~

18 **Sec. 107.** RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each
19 amended to read as follows:

20 (1) Any board of directors may make agreements with adults choosing
21 to attend school: PROVIDED, That unless such arrangements are approved
22 by the state superintendent of public instruction, a reasonable tuition
23 charge, fixed by the state superintendent of public instruction, shall
24 be paid by such students as best may be accommodated therein.

25 (2) A district is strongly encouraged to honor the request of a
26 parent or guardian for his or her child to attend a school in another
27 district.

28 (3) A district shall release a student to a nonresident district
29 that agrees to accept the student if:

1 (a) A financial, educational, safety, or health condition affecting
2 the student would likely be reasonably improved as a result of the
3 transfer; or

4 (b) Attendance at the school in the nonresident district is more
5 accessible to the parent's place of work or to the location of child
6 care; or

7 (c) There is a special hardship or detrimental condition.

8 (4) A district may deny the request of a resident student to
9 transfer to a nonresident district if the release of the student would
10 adversely affect the district's existing desegregation plan.

11 (5) For the purpose of helping a district assess the quality of its
12 education program, a resident school district may request an optional
13 exit interview or questionnaire with the parents or guardians of a
14 child transferring to another district. No parent or guardian may be
15 forced to attend such an interview or complete the questionnaire.

16 (6) School districts may establish annual transfer fees for
17 nonresident students enrolled under subsection (3) of this section and
18 RCW 28A.225.225. However, the school district may not charge tuition
19 if the student is attending a nonresident school district because of
20 the location of child care. Until rules are adopted under section 202,
21 chapter 9, Laws of 1990 1st ex. sess. for the calculation of the
22 transfer fee, the transfer fee shall be calculated by the same formula
23 as the fees authorized under section 10, chapter 130, Laws of 1969.
24 These fees, if applied, shall be applied uniformly for all such
25 nonresident students except as provided in this section. The
26 superintendent of public instruction, from available funds, shall pay
27 any transfer fees for low-income students assessed by districts under
28 this section. All transfer fees must be paid over to the county
29 treasurer within thirty days of its collection for the credit of the
30 district in which such students attend. Reimbursement of a high school

1 district for cost of educating high school pupils of a nonhigh school
2 district shall not be deemed a transfer fee as affecting the
3 apportionment of current state school funds.

4 PART II

5 SCHOOL SITE-BASED COUNCILS

6 NEW SECTION. **Sec. 201.** The legislature finds that in order to
7 achieve the goal of reforming the public schools, each citizen of the
8 state must accept the commitment of developing our most important
9 resource, our children. The legislature further finds that part of
10 building this commitment includes having persons in the field of
11 education form partnerships with other persons in the community. To
12 build a learning community, and develop this commitment, the
13 legislature intends:

14 (1) That school boards of directors, school administrators,
15 teachers, employee unions, and members of the community find new ways
16 of working collaboratively, changing existing policies and agreements
17 where appropriate;

18 (2) To encourage the creation of site-based councils, where
19 parents, teachers, and citizens will join to make decisions for our
20 schools; and

21 (3) To give school districts and schools broad discretion in
22 establishing their site-based councils but consistent with the
23 limitations under section 202 of this act.

24 NEW SECTION. **Sec. 202.** (1) A site-based council may be
25 established at one or more schools if the school district board of
26 directors has adopted a policy authorizing site-based councils. The
27 policy is not subject to collective bargaining. The school district

1 board of directors has final authority in establishing the parameters
2 and areas of involvement accorded to school site-based councils.

3 (2) The policy adopted by a school district board of directors may
4 include but is not limited to:

5 (a) Procedures for forming a site-based council and official
6 recognition of the council by the district;

7 (b) Membership of the site-based council including the principal,
8 certificated and classified staff, students in secondary schools,
9 parents, and persons in the community. A majority of the site-based
10 council shall be parents. Existing organizations may be used to form
11 the site-based council;

12 (c) Designation of activities with which site-based councils may
13 become involved, such as: Student assessment, parent involvement, and
14 developing community schools; and

15 (d) Delegation of authority to site-based councils to adopt their
16 own bylaws and charter.

17 (3) School district boards of directors shall not delegate to site-
18 based councils the authority to make personnel decisions regarding
19 either instructional, administrative or classified staff.

20 (4) A school board shall only delegate authority over budget
21 decisions to a site-based council if the authority is clearly defined
22 in writing, if the authority is limited to a one-year period but may be
23 renewed annually with the approval of the board, and if the authority
24 of the site-based council is limited to decisions at the building
25 level.

26 (5) Each school district board of directors deciding to adopt a
27 policy authorizing site-based councils shall provide, by resolution,
28 plans for attendance policies that are consistent with the requirements
29 of any desegregation plan in order to promote stability for schools
30 with site-based councils.

1 NEW SECTION. **Sec. 203.** If modifications to existing local
2 bargaining agreements are necessary to implement school site-based
3 councils, those modifications shall be clearly stated in the written
4 agreement between the school district board of directors and the
5 exclusive bargaining representative for district certificated
6 instructional staff.

7 NEW SECTION. **Sec. 204.** (1) Schools with site-based councils may
8 receive funds to provide resources for restructuring their educational
9 programs. The superintendent of public instruction shall allocate
10 funds, as are appropriated for this purpose, to school districts to
11 distribute to the schools with site-based councils.

12 (2) School districts shall submit reports about the plans and use
13 of funds to the superintendent of public instruction. The
14 superintendent of public instruction may transmit information to other
15 schools and school districts through the state clearinghouse for
16 educational information and assistance.

17 (3) The superintendent of public instruction may provide technical
18 assistance under this section to any school or school district
19 establishing or using a site-based council.

20 PART III

21 SCHOOL BOARD POWERS

22 NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.320
23 RCW to read as follows:

24 The board of directors of each school district may exercise the
25 following powers:

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

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

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

7 (a) Benefit the education of citizens; or

8 (b) Promote the effective, efficient, or safe maintenance and
9 operation of school district programs, activities, services, or
10 practices.

11 The adoption of any such policy or rule shall be preceded by notice
12 in accordance with the open public meeting law of chapter 42.30 RCW
13 which furthermore sets forth or reasonably describes the proposed
14 policy or regulation, plus a reasonable opportunity for public written
15 and oral comment and consideration of the comment by the board of
16 directors.

17 NEW SECTION. **Sec. 302.** A new section is added to chapter 28A.300
18 RCW to read as follows:

19 (1) The superintendent of public instruction shall adopt rules
20 clearly allowing districts to blend funds for the basic education,
21 learning assistance, special education, and transitional bilingual
22 education programs to the maximum extent possible for the continued
23 receipt of federal funds.

24 (2) The superintendent of public instruction may create a new
25 program code in the accounting manual for public school districts to
26 track revenues and expenditures under subsection (1) of this section.

PART IV

PLANNING AND IMPLEMENTATION GRANTS FOR RESTRUCTURING

NEW SECTION. **Sec. 401.** (1) The legislature believes that attaining the state vision for excellence in education under Senate Concurrent Resolution No. 8400 will require new state-supported opportunities for schools to implement strategies to improve student learning and skills. It is the intent of the legislature to provide additional support to schools or school districts to:

(a) Encourage students, parents, teachers, principals, classified school staff, school district personnel, the school board, and other citizens to become more active partners in the learning community of their school or district;

(b) Encourage schools or districts to select and compete against goals and educational outcomes tailored to their own learning community; and

(c) Foster improvements in instruction, curriculum, and assessment.

(2) It is the further intent of the legislature that what is learned from local projects under the reach for excellence grant program established under section 403 of this act shall be considered as a basis for the development of new goals, standards, and assessments for the state education system.

(3) The reach for excellence grant program shall be:

(a) Responsive to local educational concerns and desires;

(b) Educational, focusing on improving student learning and skills and encouraging the development of new measures to assess student performance;

(c) Accountable, so that projects earn reach achievement awards linked directly to progress made toward identified educational outcomes;

1 (d) Collaborative, with projects reflecting a partnership between
2 students, parents, teachers, principals, and others; and

3 (e) Home-based, tailored to the needs of each participating school.

4 NEW SECTION. **Sec. 402.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout sections
6 403 through 414 of this act.

7 (1) "Educational outcomes" and "target educational outcomes" mean
8 expected levels of student performance and achievement, including
9 student learning objectives required under RCW 28A.320.210.

10 (2) "Indicators" means institutional factors that may bear a
11 relationship to student learning and can be used to help assess
12 students' progress toward identified educational outcomes.

13 (3) "Context indicators" means variables that characterize the
14 setting in which educational programs are delivered and generally are
15 items over which schools have little control.

16 (4) "Process indicators" means variables that characterize how
17 educational programs are delivered and generally are items over which
18 schools have some control.

19 (5) "Grant" means state funds provided to a district with a
20 selected reach for excellence project for use in the planning and
21 initial implementation of the project.

22 (6) "Award" or "reach achievement award" means state funds provided
23 to a reach project for progress made toward target educational
24 outcomes.

25 (7) "Superintendent" means the superintendent of public
26 instruction.

27 NEW SECTION. **Sec. 403.** (1) From funds appropriated by the
28 legislature, the state board of education shall establish the reach for

1 excellence grant program to assist schools and school districts in
2 local efforts to improve student learning and skills. Participation in
3 the program shall be voluntary.

4 (2) Schools or districts selected to participate in the reach for
5 excellence grant program shall be required to match the state funds
6 under section 406(2) of this act at one hundred percent. The district
7 match may consist of funds under section 1101 of this act.

8 (3) The state board of education shall be responsible for final
9 decisions regarding selection and funding levels of projects and for
10 the manner in which reach achievement awards shall be distributed.
11 Reach projects may be conducted for up to six years subject to funding
12 and annual approval by the state board. No project may receive
13 continued funding for additional planning or reach achievement awards
14 without approval from the state board. The state board shall use the
15 benchmark data for the target educational outcomes required under
16 section 406(2)(f) of this act in annually assessing the progress made
17 toward the target educational outcomes to determine project eligibility
18 for annual reach achievement awards. In evaluating projects to
19 determine their continuation the state board shall emphasize giving
20 projects maximum flexibility and time to be successful.

21 (4) The superintendent shall be responsible for administration of
22 the reach for excellence program once projects and funding levels have
23 been determined by the state board.

24 (5) The state board shall establish a working committee to assist
25 it with:

26 (a) The development of any additional grant application criteria;

27 (b) Selecting reach applicants for grant awards;

28 (c) Determining the manner in which reach achievement awards will
29 be distributed; and

1 (d) Monitoring the development and use of measures of assessing
2 student performance in addition to standardized tests, as required
3 under section 406 of this act.

4 NEW SECTION. **Sec. 404.** (1) The superintendent shall assure that
5 the sum total of all funds allocated for planning grants and for reach
6 achievement awards does not exceed the amount appropriated by the
7 legislature for the reach for excellence grant program.

8 (2) The superintendent shall award funds appropriated for the reach
9 for excellence grant program to the selected projects as follows. The
10 initial grant shall be awarded to projects for planning activities
11 relating to implementation of the local reach project and for initial
12 implementation of the project. Planning and initial implementation
13 grants shall be for the 1991-92 and 1992-93 school years. These grants
14 may be used for the following purposes:

- 15 (a) Planning;
- 16 (b) Staff development and training;
- 17 (c) Purchase of instructional materials, supplies, and resources;
- 18 (d) Development of new measures to assess student performance; and
- 19 (e) Initial implementation of the reach project.

20 (3)(a) Commencing with the end of the 1993-94 school year, and each
21 school year thereafter, projects receiving initial reach grants shall
22 be evaluated by the state board to determine their eligibility for
23 reach achievement awards as determined under section 403(3) of this
24 act.

25 (b) School staff shall have the final authority to determine how
26 the reach achievement awards will be used and, if applicable to the
27 project, how much each staff member shall receive.

28 (4) Reach achievement awards may be used for the following
29 purposes:

1 (a) Any of the purposes authorized under subsection (2) of this
2 section;

3 (b) Stipends or salary and compensation increases for certificated
4 or classified staff under RCW 28A.400.200(4). Nothing in sections 402
5 through 414 of this act precludes the use of reach achievement awards
6 for providing stipends or salary and compensation increases through a
7 compensation model characterized by differentiated levels of employment
8 classification for certificated staff and differentiated
9 responsibilities for each level of employment classification; or

10 (c) Any combination of (a) and (b) of this subsection.

11 (5) A site-based council may use planning grant funds under
12 subsection (2) of this section for planning, staff and community
13 development and training, and materials and supplies: PROVIDED, That
14 these activities are related directly to the reach project.

15 NEW SECTION. **Sec. 405.** Use of reach achievement awards for the
16 purpose of section 404(4)(b) of this act is not an increase in salary
17 or compensation for the purposes of RCW 28A.400.200, nor may such
18 compensation be applied to the district's salary schedule or be
19 provided in a manner that would increase the state's basic education
20 funding obligation.

21 NEW SECTION. **Sec. 406.** (1) Schools or school districts
22 interested in implementing or enhancing existing local projects for
23 educational excellence shall submit a grant application to the state
24 board of education. All applications shall be submitted by the
25 district's board of directors. If possible, applicants should develop
26 their reach projects as part of the self-study process under RCW
27 28A.320.200, or otherwise link the proposed reach project to the self-
28 study results of the school or district.

1 (2) Grant applications shall include:

2 (a) Documentation that at least one public hearing was held on the
3 proposed reach project or projects. The public hearing required under
4 this subsection, and other public hearings as may be held, may be
5 conducted as part of the public hearings required under chapter 28A.505
6 RCW;

7 (b) Documentation that all parties are committed to work
8 cooperatively during the term of the project;

9 (c) A statement indicating how the proposed reach project supports
10 the state vision for excellence in education endorsed under Senate
11 Concurrent Resolution No. 8400;

12 (d) A description of how the reach for excellence grant program
13 funds will be expended. The expenditure plan may be included as part
14 of the district's annual budget required under chapter 28A.505 RCW;

15 (e) Target educational outcomes for the selected basic academic,
16 workplace, and life and family skills under section 407 (1) through (3)
17 of this act. Student learning objectives required under RCW
18 28A.320.210 may be used for target educational outcomes if applicable
19 for the purposes of the reach project;

20 (f) Benchmark data for the target educational outcomes identified
21 for the selected skills under section 407 (1) through (3) of this act;

22 (g) Benchmark data for context and process indicators as provided
23 under section 408 of this act;

24 (h) Identification of the evaluation and accountability procedures
25 and activities, including potential use of context and process
26 indicators, that may be used to: (i) Assess progress toward the target
27 educational outcomes; (ii) evaluate additional educational benefits
28 received by students, building staff, and parents from implementation
29 of the reach project; and (iii) assess the overall effectiveness of the
30 project. Applicants may use evaluation and accountability procedures

1 and activities established under the state self-study program under RCW
2 28A.320.200. Applicants shall identify at least one measure of
3 assessing student performance other than standardized testing that will
4 be developed or used as part of the reach project. Applicants are
5 encouraged to seek information from state higher education institutions
6 regarding potential alternatives to standardized testing;

7 (i) A written statement that school directors and administrators
8 are willing to exempt the reach project or projects from specifically
9 identified local rules, as needed;

10 (j) A written statement that the school directors and the local
11 bargaining agents will modify those portions of their local agreements
12 as applicable for the reach project or projects;

13 (k) Written statements of support from the district's board of
14 directors, the district superintendent, and the principal and staff of
15 the school or schools requesting to implement a reach project, and
16 statements of support, willingness to participate, or concerns from any
17 interested persons or organizations; and

18 (l) Other information as may be determined necessary by the state
19 board of education.

20 NEW SECTION. **Sec. 407.** (1) Grant applications under section 406
21 of this act shall include target educational outcomes for at least
22 three of the following basic academic skill areas:

23 (a) Reading and writing of the English language;

24 (b) Speaking and listening;

25 (c) Observing and questioning;

26 (d) Studying;

27 (e) Reasoning and problem solving;

28 (f) Mathematics; and

29 (g) Computer competency.

1 (2) Grant applications under section 406 of this act shall include
2 educational outcomes for at least two of the following workplace skill
3 areas:

- 4 (a) Decision making;
- 5 (b) Cooperation and teamwork;
- 6 (c) Self-directed learning; and
- 7 (d) Positive work habits.

8 (3) Grant applications under section 406 of this act shall include
9 educational outcomes for at least two of the following life and family
10 skill areas:

- 11 (a) Home and family life;
- 12 (b) Career planning;
- 13 (c) Life-long learning;
- 14 (d) Responsible and ethical behavior;
- 15 (e) Concern for others;
- 16 (f) Interpersonal relationships; and
- 17 (g) The arts, performing arts, and music.

18 (4) Grant applications shall indicate for subsections (1) through
19 (3) of this section the grade levels and subject matter areas in which
20 the identified skills will be addressed.

21 NEW SECTION. **Sec. 408.** (1) If possible, grant applications
22 under section 406 of this act should include benchmark data for the
23 context and process indicators listed under subsections (2) and (3) of
24 this section. However, as a condition to receiving reach for
25 excellence program grant funds, applicants selected for the reach
26 program shall submit to the state board of education the benchmark data
27 for the context and process indicators listed under subsections (2) and
28 (3) of this section.

1 (2) Applicants shall provide benchmark data for the following
2 context indicators developed by the educational outcomes and
3 measurement committee and reported to the legislature by the
4 superintendent in 1989:

5 (a) The average percent of students absent from school each day;

6 (b) Student mobility rate;

7 (c) School growth rate;

8 (d) Teacher mobility rate;

9 (e) Administrator mobility rate;

10 (f) The percent of students from low-income families; and

11 (g) The percent of students who speak English as a second language;

12 plus

13 (h) The average percent of teachers absent from school each day.

14 (3) Applicants shall provide benchmark data for the following
15 process indicators developed by the educational outcomes and
16 measurement committee and reported to the legislature by the
17 superintendent in 1989:

18 (a) Student-teacher ratio;

19 (b) Student-counselor ratio;

20 (c) Student-staff specialist ratio;

21 (d) The average expenditure per student;

22 (e) The average expenditure per staff member for in-service for
23 staff development;

24 (f) School accreditation status;

25 (g) The percent of students served by compensatory education
26 programs;

27 (h) The percent of students served by chapter 1 migrant education
28 programs;

29 (i) The percent of students served by special education programs;

30 and

1 (j) The percent of students served by gifted-talented programs.

2 (4) If possible and appropriate, benchmark data required under
3 section 406(2)(f) of this act and subsections (2) and (3) of this
4 section shall be provided on a by-school basis. If this is not
5 possible, the benchmark data shall be provided on a district-level
6 basis.

7 NEW SECTION. **Sec. 409.** (1) Grant applications may be submitted
8 jointly by two or more school districts or by an educational service
9 district on behalf of one or more school districts. An application may
10 include a proposal for two or more school buildings to implement
11 jointly a reach for excellence project.

12 (2) Upon request from a school district, the superintendent or the
13 educational service district shall provide the district with technical
14 assistance to develop the grant application.

15 (3) Upon request from a reach for excellence project, the
16 superintendent or the educational service district shall provide the
17 project with technical assistance to develop a measure of assessing
18 student performance as required under section 406(2)(h) of this act.

19 NEW SECTION. **Sec. 410.** Applicants selected for the reach for
20 excellence grant program may request from the state board of education
21 or the superintendent a waiver from the statutory or regulatory
22 requirements relating to:

23 (1) Teacher contact hour requirements under RCW 28A.150.260;

24 (2) Basic education program hours offering requirements under RCW
25 28A.150.200 through 28A.150.220;

26 (3) Student learning objectives under RCW 28A.320.210; and

27 (4) Mandatory school building self-study under RCW 28A.320.200.

1 The waivers may be renewed subject to continued funding and
2 approval by the state board of education under section 403 of this act.

3 NEW SECTION. **Sec. 411.** If modifications to existing local
4 bargaining agreements are necessary to implement grant proposals, those
5 modifications shall be clearly stated in the written agreement between
6 the school district board of directors and the exclusive bargaining
7 representative for district certificated instructional staff. The
8 requirement is not necessary if a previously written agreement to waive
9 the provisions of chapter 41.59 RCW for schools with reach projects has
10 been reached by the same two parties.

11 NEW SECTION. **Sec. 412.** (1) Each school district shall report to
12 the state board of education by October 1, 1993, and annually
13 thereafter pursuant to section 414(4) of this act, the following
14 information:

15 (a) The educational excellence activities supported by reach for
16 excellence grant funds;

17 (b) Updated information relating to the required benchmark data;

18 (c) Progress made toward the target educational outcomes; and

19 (d) The means and the results of evaluating the target educational
20 outcomes and additional benefits received by students, building staff,
21 and parents from implementation of the local reach project.

22 (2) By December 1, 1993, and by December 1st of each subsequent
23 even-numbered calendar year, the state board of education shall provide
24 the legislature and the governor a report on the reach for excellence
25 grant program. The reports shall include information on the items
26 required under subsection (1) of this section.

27 (3) In the report due December 1, 1996, the state board shall:

1 (a) Indicate the most common basic academic, workplace, and life
2 and family skills and accompanying target educational outcomes
3 identified by the reach projects;

4 (b) Indicate the development or use of measures to assess student
5 performance other than standardized tests;

6 (c) Indicate the number of projects that implemented the waivers
7 authorized under section 410 of this act;

8 (d) Include recommendations on the feasibility of implementing
9 basic academic, workplace, and life and family skills, educational
10 outcomes, and context and process indicators state-wide; and

11 (e) Comment on or recommend how the salary allocation schedule
12 developed by the legislative evaluation and accountability program
13 committee might reflect a school performance assessment model based on
14 basic academic, workplace, and life and family skills, educational
15 outcomes, and context and process indicators.

16 (4) The state board of education shall submit a final report on the
17 reach for excellence grant program to the legislature and the governor
18 not later than December 1, 1998.

19 NEW SECTION. **Sec. 413.** The superintendent shall provide for the
20 sharing of information between reach projects and with schools and
21 districts not selected or not participating in the reach for excellence
22 grant program.

23 NEW SECTION. **Sec. 414.** (1) The state board of education and the
24 superintendent shall adopt rules as necessary under chapter 34.05 RCW
25 to implement sections 402 through 414 of this act. The rules shall be
26 adopted not later than December 1, 1991.

27 (2) The rules shall include the following dates to govern
28 administration of the reach for excellence grant program:

1 (a) Initial applications must be received by the state board of
2 education not later than March 15, 1992;

3 (b) The state board of education shall evaluate the applications
4 and select the initial projects for grants by May 31, 1992; and

5 (c) After planning, initial implementation of the first reach
6 projects shall commence no later than the start of the 1993-94 school
7 year.

8 (3) The state board shall establish an annual date by which
9 subsequent applications must be submitted.

10 (4) The state board shall establish a date by which the annual
11 report required under section 412(1) of this act shall be submitted.

12 (5) The state board shall establish an annual date by which the
13 board shall notify each project of the amount of any eligible reach
14 achievement award and status to continue.

15 PART V

16 STUDENT ACHIEVEMENT TESTS

17 **Sec. 501.** RCW 28A.230.190 and 1990 c 101 s 6 are each amended to
18 read as follows:

19 (1) Every school district is encouraged to test pupils in grade two
20 by an assessment device designed or selected by the school district.
21 This test shall be used to help teachers in identifying those pupils in
22 need of assistance in the skills of reading, writing, mathematics, and
23 language arts. The test results are not to be compiled by the
24 superintendent of public instruction, but are only to be used by the
25 local school district.

26 (2) The superintendent of public instruction shall prepare and
27 conduct, with the assistance of school districts, a standardized
28 achievement test to be given annually to all pupils in grade four. The

1 test shall assess students' skill in reading, mathematics, writing,
2 science, history, geography, and language arts and shall focus upon
3 appropriate input variables. Results of such tests shall be compiled
4 by the superintendent of public instruction, who shall make those
5 results available annually to the legislature, to all local school
6 districts and subsequently to parents of those children tested. The
7 results shall allow parents to ascertain the achievement levels and
8 input variables of their children as compared with the other students
9 within the district, the state and, if applicable, the nation.

10 (3) The superintendent of public instruction shall report annually
11 to the legislature on the achievement levels of students in grade four.

12 **Sec. 502.** RCW 28A.230.230 and 1990 c 101 s 2 are each amended to
13 read as follows:

14 The superintendent of public instruction shall prepare and conduct,
15 with the assistance of school districts, an annual assessment of all
16 students in the eighth grade. The purposes of the assessment are to
17 assist students, parents, and teachers in the planning and selection of
18 appropriate high school courses for students and to provide information
19 about students' current academic proficiencies both in the basic skills
20 of reading, writing, science, mathematics, economics, history,
21 geography, and language, and in the reasoning and thinking skills
22 essential for successful entry into those courses required for high
23 school graduation. The assessment shall also include the collection of
24 information about students' interests and plans for high school and
25 beyond and may include the collection of other related student and
26 school information. The superintendent of public instruction shall make
27 the results of the assessment available to all school districts which
28 shall in turn make them available to students, parents, and teachers in

1 a timely fashion and in a manner consistent with the purposes of RCW
2 28A.230.220 through 28A.230.260.

3 **Sec. 503.** RCW 28A.230.240 and 1990 c 101 s 3 are each amended to
4 read as follows:

5 The superintendent of public instruction shall prepare and conduct,
6 with the assistance of local school districts, an annual assessment of
7 all students in the eleventh grade beginning with the 1991-92 school
8 year. The purposes of the assessment are to provide achievement and
9 guidance information to students, parents, and teachers that will
10 assist in reviewing students' current performance and planning
11 effectively for their initial years beyond high school. The
12 achievement measures shall assess students' strengths and deficiencies
13 in the broad content areas common to the high school curriculum and
14 those thinking and reasoning skills essential for completing high
15 school graduation requirements and for success beyond high school. The
16 assessment shall include measurements of the students' skills in
17 reading, writing, mathematics, language, history, geography, economics,
18 and science and technology. The assessment shall also collect
19 information about students' career interests and plans and other
20 related student and school information including students' high school
21 course selection patterns, course credits, and grades. The
22 superintendent of public instruction shall make the results of the
23 assessment available to all local school districts which shall in turn
24 make them available to students, parents, and teachers in a timely
25 fashion and in a manner consistent with the purposes of RCW 28A.230.220
26 through 28A.230.260. No grade ten students shall be tested in the fall
27 of 1990 and the funds already appropriated for such testing shall be
28 used for the planning and preliminary development work necessary to
29 implement RCW 28A.230.220 through 28A.230.260.

1 NEW SECTION. **Sec. 504.** A new section is added to chapter 28A.230
2 RCW to read as follows:

3 The superintendent of public instruction shall prepare and conduct,
4 with the assistance of local school districts, an annual assessment of
5 all students in grade twelve. The purpose of the assessment is to
6 determine the competence of students in the subject matters of reading,
7 writing, mathematics, language, science, technology, economics,
8 history, geography, and reasoning and thinking skills.

9 NEW SECTION. **Sec. 505.** A new section is added to chapter 28A.230
10 RCW to read as follows:

11 (1) The superintendent of public instruction shall establish
12 standards by which successful completion of the achievement assessments
13 and tests under this chapter are to be measured. In preparing the
14 assessments, tests, and standards, the superintendent of public
15 instruction shall consider the special needs of students in programs
16 such as the handicapped and bilingual education programs. Each school
17 district shall notify the parents of each student of their child's
18 performance on the assessments and tests conducted under this chapter.

19 (2) A school district shall not advance a student beyond the
20 fourth, eighth, or eleventh grade without the student having
21 successfully completed the respective assessment or test under this
22 chapter, unless the school district determines that the educational
23 interests of the student are best served by advancement to the next
24 grade. In making this determination, the school district shall consult
25 with the parents of the student. If the parents, in writing, desire
26 that the student not be advanced, the school district shall not advance
27 the student.

1 (3) After October 1, 1997, no student may graduate from a high
2 school in this state unless the student has successfully completed the
3 assessment conducted under section 504 of this act.

4 (4) If a student fails to successfully complete a test or
5 assessment under this chapter, the school district shall offer
6 additional educational opportunities to prepare the student to
7 successfully retake all or part of the test or assessment. Such
8 educational opportunities may include learning assistance programs,
9 tutoring, summer school, or after-school classes.

10 PART VI

11 ENHANCING THE TEACHING PROFESSION

12 NEW SECTION. **Sec. 601.** (1) The department of personnel, in
13 consultation with teachers, classified employees, administrators,
14 school directors, business, labor, parents, and legislators shall
15 conduct a study of total compensation for educational employees in
16 Washington. The study shall include, but is not limited to, a review
17 of the relationship between total compensation for educational
18 employees and:

19 (a) Total compensation paid:

20 (i) In other professions requiring comparable educational
21 experience and preparation; and

22 (ii) To teachers, administrators, and classified employees in other
23 states;

24 (b) The in-service training act of 1977, RCW 28A.415.030 and
25 28A.415.040;

26 (c) In-service and staff development opportunities sponsored by
27 school districts, educational service districts, or other providers of
28 in-service and staff development programs;

1 (d) The provisions of RCW 28A.215.020 that allow credit on the
2 salary schedule developed by the legislative evaluation and
3 accountability program committee for approved in-service and continuing
4 education;

5 (e) The state board of education's continuing education requirement
6 for certificated instructional staff with continuing certificates;

7 (f) The length of the school year for contracted certificated and
8 classified employees;

9 (g) The teacher assistance program under RCW 28A.405.450;

10 (h) The self-study program under RCW 28A.320.200;

11 (i) The schools for the twenty-first century program under RCW
12 28A.630.100 through 28A.630.290;

13 (j) The evaluation of certificated employees under RCW 28A.405.100;

14 (k) State board of education teacher assignment and certificate
15 endorsement policies;

16 (l) Certification requirements under chapter 28A.410 RCW;

17 (m) The Washington award for excellence in education program under
18 RCW 28A.625.020 through 28A.625.070, and particularly the Christa
19 McAuliffe award under RCW 28A.625.030;

20 (n) Local education program enhancement funds; and

21 (o) The results of the studies by the state board of education on
22 internships and alternative classification.

23 (2) A review of the relationship between staffing and total
24 compensation levels for certificated and classified positions.

25 (3) Based on the results of the study findings, the department of
26 personnel shall submit to the legislature and the governor not later
27 than December 1, 1991, a plan to bring educational employees' total
28 compensation to a level that places Washington in the top ten states by
29 the beginning of the 1997-98 school year.

1 NEW SECTION. **Sec. 602.** The department of personnel, in
2 consultation with teachers, classified employees, administrators,
3 school directors, business, labor, parents, and legislators shall study
4 and recommend to the legislature and the governor not later than
5 December 1, 1991, a plan to maintain total compensation for educational
6 employees in Washington at the levels to be established under section
7 601(2) of this act. The plan may include the use of peer states or
8 peer professions.

9 NEW SECTION. **Sec. 603.** The definitions in this section apply
10 throughout sections 604 through 607 of this act.

11 (1) "Teacher" means a certificated instructional staff person
12 employed in a public school in this state. The term includes persons
13 holding a certificate under sections 608 through 610 of this act.

14 (2) "Certificated staff" means teachers and certificated
15 administrative staff.

16 (3) "School building" means a discrete school operated by a school
17 district.

18 NEW SECTION. **Sec. 604.** The superintendent of public
19 instruction, from available funds, shall allocate to school districts
20 funds to effectuate an optional performance-based salary enhancement
21 program for the teachers and certificated administrative staff of the
22 state. Funds appropriated by the legislature for optional,
23 performance-based salary enhancements shall be separate from and in
24 addition to funds appropriated by the legislature for salary increases
25 for certificated staff.

26 Funds provided for the optional, performance-based salary
27 enhancement program under this section shall be allocated by the

1 superintendent of public instruction to school buildings in the state
2 on a grant basis.

3 NEW SECTION. **Sec. 605.** (1) In order to apply for a performance-
4 based salary enhancement grant, a majority vote by the certificated
5 staff of the building is required.

6 (2) Schools, through the school district, shall submit a grant
7 application to the superintendent of public instruction. The grant
8 application shall include the following information:

9 (a) Documentation that a performance-based salary enhancement plan
10 has been adopted by a committee established in the school building.
11 The committee shall be a school site-based council under sections 201
12 through 204 of this act; and

13 (b) Documentation that the performance-based salary enhancement
14 plan identifies the criteria to be used to evaluate the performance of
15 those certificated staff participating in the program, the levels of
16 salary enhancement that can be earned under the plan, and the person or
17 persons responsible for evaluating the performance of participating
18 staff to determine eligibility for a salary enhancement.

19 (3) The criteria under subsection (2)(b) of this section for the
20 performance-based salary enhancement plan may include the following
21 criteria:

22 (a) Demonstration of improved competency of students leaving grades
23 four, eight, eleven, and twelve in the subject matters of reading,
24 writing, mathematics, science, history, and geography. The improved
25 competency shall be measured by the assessments and tests administered
26 under chapter 28A.230 RCW;

27 (b) Development of lesson plans with understandable student
28 learning objectives that provide for measurement of student achievement

1 against those objectives, and evaluation of improved student
2 achievement resulting from the plans;

3 (c) Demonstration of staff competency in theory and content of
4 assigned subject matter, as well as principles and methods of
5 instruction;

6 (d) Maintenance of a clearly understood grading procedure that is
7 administered fairly and consistently, and is directly related to
8 student learning objective improvement;

9 (e) Demonstration of increased student motivation, self-direction,
10 and self-discipline;

11 (f) Demonstration of communication skills for improvement in
12 parent/staff relationships that effectively contribute to improved
13 student performance; and

14 (g) Decreasing rates of student absenteeism and, in the case of
15 high school buildings, demonstration of an increased graduation rate
16 for students. The plan shall include a methodology for calculating the
17 graduation rate that reflects the rate of student drop-outs as well as
18 student transfers into and out of the school.

19 (4) In developing the performance-based salary enhancement plan,
20 the committee shall seek input from appropriate groups, including
21 parents, teachers, administrators, students, and the public. Prior to
22 adoption of the plan, the committee shall present the plan in a public
23 hearing with prior public notice.

24 (5) It is the intent of the legislature that the performance-based
25 salary enhancement program reward those educators whose performance is
26 exemplary and is not intended to result in across-the-board salary
27 increases for all certificated staff in the school building. However,
28 the committee under subsection (2) of this section, by a vote of at
29 least three-fourths of its members, may adopt a performance-based

1 salary enhancement program that results in uniform across-the-board
2 salary increases.

3 NEW SECTION. **Sec. 606.** Performance-based salary enhancement
4 grants for certificated staff do not constitute an increase in salary
5 or compensation for purposes of RCW 28A.400.200, nor may such
6 compensation be applied to the district's salary schedule or be
7 provided in a manner that would increase the state's basic education
8 funding obligation.

9 NEW SECTION. **Sec. 607.** Schools or districts accepting
10 performance-based salary enhancement grant funds shall be required to
11 match the state funds at a minimum of one hundred percent. The match
12 may consist of funds under section 1101 of this act.

13 NEW SECTION. **Sec. 608.** It is the intent of the legislature to
14 attract career professionals from diverse backgrounds into the teaching
15 profession and prevent teacher shortages by making alternate teacher
16 certification available to persons with baccalaureate degrees and
17 extensive, relevant work experience. The alternate certificate
18 established under section 609 of this act shall allow eligible persons
19 to qualify for initial teacher certification upon satisfactory
20 completion of limited preservice coursework and two years of full-time
21 teaching under the guidance and supervision of an employee of a school
22 district in Washington state.

23 NEW SECTION. **Sec. 609.** The state board of education shall by
24 December 15, 1991, adopt rules to implement an alternate teacher
25 certificate having the following standards:

26 (1) Each candidate for the alternate teacher's certificate shall:

1 (a) Possess a baccalaureate degree in the arts, sciences, or
2 humanities from an accredited college or university;

3 (b) Have completed a minimum number of years, as determined by the
4 state board of education, of occupational experience relevant to the
5 subject area in which he or she is seeking endorsement;

6 (c) Meet the age and character requirements established by the
7 state board of education for all certificated school staff, including
8 compliance with the background check through the Washington state
9 patrol criminal investigation system as required under RCW 28A.410.010;
10 and

11 (d) Possess a contract for employment in a school district of the
12 state.

13 (2) Prior to beginning teaching under the alternate teacher
14 certificate, the candidate shall:

15 (a) Have satisfied preservice coursework requirements established
16 by the state board of education for this purpose. These requirements
17 shall be limited to no more than fifteen quarter hours or ten semester
18 hours of postbaccalaureate coursework, or the equivalent in state board
19 of education approved in-service clock hours. In establishing the
20 requirements, the state board shall select courses available during the
21 summer as well as the school year;

22 (b) Have developed with their employing school district a written
23 plan for supervision, guidance, and support to be provided to the
24 candidate by the district for the duration of the alternate
25 certificate. The plan shall include but not be limited to assignment
26 by the district of a mentor teacher according to criteria established
27 for the teacher assistance program under RCW 28A.405.450 and evaluation
28 under the school district's teacher evaluation procedures.

29 (3) The alternate teacher certificate allows the holder full
30 authority to serve as a part-time or full-time teacher. The

1 certificate shall be valid for not more than two years of full-time
2 teaching or its equivalent. A person desiring to teach beyond the
3 expiration date of his or her alternate certificate shall apply for
4 initial or professional certification with the superintendent of public
5 instruction. Such certification shall be conditioned upon the
6 satisfaction of all requirements in this section and recommendation by
7 the school district employing the candidate under alternate
8 certification. Initial certification shall not require additional
9 coursework or experience.

10 (4) The alternate certification developed under this section shall
11 be available not later than the 1992-93 school year.

12 NEW SECTION. **Sec. 610.** (1) The state board of education shall
13 report to the legislature by December 15, 1991, on:

14 (a) The standards adopted pursuant to section 609 of this act; and

15 (b) Recommendations for placement of teachers with alternate
16 certification as provided for in section 609 of this act on the state-
17 wide salary allocation schedule.

18 (2) The state board of education shall report annually to the
19 legislature and the governor on alternate teacher certification. Each
20 report is due by December 1st and shall include but not be limited to:
21 The number of alternate certification teachers hired by school
22 districts; the grade level and subject areas to which they have been
23 assigned; the number of instructional hours they have taught; the
24 number who have applied for initial or professional certification; and
25 the number who have been granted initial or professional certification.

26 **Sec. 611.** RCW 28A.410.030 and 1987 c 525 s 203 are each amended to
27 read as follows:

1 (1) The state board of education shall require a uniform state
2 ((exit)) entry to practice examination for teacher certification
3 candidates.

4 (2) Commencing August 31, 1993, ((teacher certification)) for
5 initial teacher certification or alternative certification under
6 sections 608 through 610 of this 1991 act candidates completing a
7 teacher preparation program shall be required to pass an ((exit)) entry
8 to practice examination before being granted an initial certificate.
9 The examination shall test knowledge and competence in: (a) The
10 subjects ((including, but not limited to,)) for which the candidate has
11 an endorsement; and (b) instructional skills, classroom management, and
12 student behavior and development. The examination for (b) of this
13 subsection shall consist primarily of essay questions.

14 (3) Candidates shall pass the examinations in subsection (2) (a)
15 and (b) of this section. However, if a candidate passes only the
16 examination in subsection (2)(b) of this section, the candidate may
17 teach for one school year if the candidate retakes the examination in
18 subsection (2)(a) of this section once each six months while teaching.

19 (4) The state board of education shall adopt such rules as may be
20 necessary to implement this section.

21 **Sec. 612.** RCW 28A.405.220 and 1990 c 33 s 391 are each amended to
22 read as follows:

23 Notwithstanding the provisions of RCW 28A.405.210, every person
24 employed by a school district in a teaching or other nonsupervisory
25 certificated position shall be subject to nonrenewal of employment
26 contract as provided in this section during the first three years of
27 employment by such district, unless the employee has previously
28 completed at least three years of certificated employment in another
29 school district in the state of Washington, in which case the employee

1 shall be subject to nonrenewal of employment contract pursuant to this
2 section during the first year of employment with the new district.
3 Employees as defined in this section shall hereinafter be referred to
4 as "provisional employees".

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

17 Every such provisional employee so notified, at his or her request
18 made in writing and filed with the superintendent of the district
19 within ten days after receiving such notice, shall be given the
20 opportunity to meet informally with the superintendent for the purpose
21 of requesting the superintendent to reconsider his or her decision.
22 Such meeting shall be held no later than ten days following the receipt
23 of such request, and the provisional employee shall be given written
24 notice of the date, time and place of meeting at least three days prior
25 thereto. At such meeting the provisional employee shall be given the
26 opportunity to refute any facts upon which the superintendent's
27 determination was based and to make any argument in support of his or
28 her request for reconsideration.

29 Within ten days following the meeting with the provisional
30 employee, the superintendent shall either reinstate the provisional

1 employee or shall submit to the school district board of directors for
2 consideration at its next regular meeting a written report recommending
3 that the employment contract of the provisional employee be nonrenewed
4 and stating the reason or reasons therefor. A copy of such report
5 shall be delivered to the provisional employee at least three days
6 prior to the scheduled meeting of the board of directors. In taking
7 action upon the recommendation of the superintendent, the board of
8 directors shall consider any written communication which the
9 provisional employee may file with the secretary of the board at any
10 time prior to that meeting.

11 The board of directors shall notify the provisional employee in
12 writing of its final decision within ten days following the meeting at
13 which the superintendent's recommendation was considered. The decision
14 of the board of directors to nonrenew the contract of a provisional
15 employee shall be final and not subject to appeal.

16 This section applies to any person employed by a school district in
17 a teaching or other nonsupervisory certificated position after June 25,
18 1976. This section provides the exclusive means for nonrenewing the
19 employment contract of a provisional employee and no other provision of
20 law shall be applicable thereto, including, without limitation, RCW
21 28A.405.210 and chapter 28A.645 RCW.

22 PART VII

23 PRIMARY GRADES SPECIAL EMPHASIS GRANT PROGRAM

24 NEW SECTION. **Sec. 701.** Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout sections
26 701 through 709 of this act.

27 (1) "Child intervention specialist" means:

1 (a) An educational staff associate who holds certification as a
2 school counselor, a school psychologist, a school nurse, or a school
3 social worker under state board of education rules adopted pursuant to
4 RCW 28A.305.130; or

5 (b)(i) An appropriate public or private provider of professional
6 health care as defined under RCW 18.120.020(4), including providers
7 employed by the state of Washington;

8 (ii) A mental health professional as defined under RCW
9 71.05.020(12), including mental health professionals employed by the
10 state of Washington; or

11 (iii) A child psychiatrist or children's mental health specialist
12 as defined under RCW 71.34.020, including child psychiatrists or
13 children's mental health specialists employed by the state of
14 Washington, whose services may be requested by a school district
15 pursuant to a prevention and intervention program for elementary
16 students implemented under sections 702 through 704 of this act.

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

20 (3) "Elementary grades prevention and intervention program" means
21 a program of services and activities or events developed pursuant to
22 sections 702 through 704 of this act.

23 (4) "Superintendent" means the superintendent of public
24 instruction.

25 NEW SECTION. **Sec. 702.** (1) From funds appropriated by the
26 legislature, the superintendent shall establish a voluntary program to
27 assist school districts in providing prevention and intervention
28 programs for elementary grade students. This program shall be called
29 the fair start program. The fair start program shall not become a part

1 of the state's basic program of education obligation as set forth under
2 Article IX of the state Constitution.

3 (2) Any district currently providing elementary students with
4 prevention and intervention services which loses the source of funding
5 for those services, for reasons beyond the control of the district, may
6 use fair start funds to continue or enhance the existing level of
7 prevention and intervention services.

8 NEW SECTION. **Sec. 703.** The superintendent shall distribute
9 funds equitably to all school districts based on the district's
10 enrollment in grades kindergarten through six. Districts accepting
11 fair start allocations shall be required to match the state funds at
12 one hundred percent. In addition to the funds under section 1101 of
13 this act, the district match may consist of:

14 (1) Federal funds;

15 (2) Other funds available to districts, including funds from state
16 programs with prevention and intervention components, such as:

17 (a) The substance abuse awareness program under RCW 28A.170.010
18 through 28A.170.070;

19 (b) The substance abuse prevention and intervention program under
20 RCW 28A.170.075 through 28A.170.100;

21 (c) The community mobilization against substance abuse program
22 under RCW 43.270.010 through 43.270.080;

23 (d) The learning assistance program under RCW 28A.165.010 through
24 28A.165.090;

25 (e) The dropout prevention program under RCW 28A.175.020 through
26 28A.175.070;

27 (3) District funds currently used for elementary prevention and
28 intervention services;

1 (4) Contributions of or contractual arrangements for services,
2 including the use of a child intervention specialist licensed or
3 employed by the state of Washington, materials, supplies, or physical
4 facilities; or

5 (5) Any combination of funds under subsections (1) through (4) of
6 this section.

7 NEW SECTION. **Sec. 704.** (1) School districts interested in
8 implementing or enhancing an elementary grades prevention and
9 intervention program shall submit the following information to the
10 superintendent of public instruction:

11 (a) Documentation that the district board of directors has adopted
12 a written policy regarding the district's role and responsibility
13 relating to prevention and intervention services for elementary
14 students or a letter of commitment from the board of directors that a
15 written policy will be adopted within six months of receipt of state
16 funding under this chapter;

17 (b) District goals relating to prevention and intervention services
18 for elementary students;

19 (c) Procedures for notifying parents or guardians regarding:

20 (i) The referral of students for prevention and intervention
21 services; and

22 (ii) Liability issues relating to the provision of prevention and
23 intervention services to students outside school buildings;

24 (d) Use of grant funds for prevention and intervention related in-
25 service purposes, including, as necessary and appropriate,
26 multicultural in-service training for child intervention specialists;

27 (e) How the services of child intervention specialists may be
28 integrated into the district's elementary grades prevention and
29 intervention program;

1 (f) Evaluation procedures the district will implement to assess the
2 effectiveness of the district's early grades prevention and
3 intervention program; and

4 (g) Other information as requested by the superintendent.

5 (2) The district's plan for providing prevention and intervention
6 services to students shall be based on the district's identified goals
7 under subsection (1)(b) of this section. The plan shall be developed
8 with the participation of, but not limited to, district and building-
9 level staff and administrators, child intervention specialists, and
10 parents.

11 (3) In addition to the information required under subsection (1) of
12 this section, school districts and educational service districts
13 accepting moneys under the fair start program shall be required to
14 establish formal agreements for coordinated case management with lead
15 mental health agencies or other public or private social service
16 agencies that are present in the community with an emphasis on the most
17 efficient and cost-effective use of fair start funds.

18 (4) Two or more school districts may submit a joint application for
19 the purpose of establishing or enhancing a cooperative prevention and
20 intervention program for elementary grades students.

21 (5) An educational service district may submit an application on
22 behalf of one or more school districts for the purpose of establishing
23 or enhancing an elementary grades prevention and intervention program.

24 NEW SECTION. **Sec. 705.** (1) Districts shall use fair start funds
25 to provide prevention and intervention services to students in grades
26 preschool through six with priority given to students based on need.
27 Districts shall establish the criteria determining need and include
28 this information in the reports required under section 708 of this act.

1 (2) In developing their elementary grades prevention and
2 intervention programs, districts shall, as appropriate, take into
3 consideration the multicultural background and needs of students and,
4 as necessary, provide appropriate multicultural curriculum materials.

5 (3) In developing their elementary grades prevention and
6 intervention programs, districts shall emphasize the delivery of
7 services using child intervention specialists as defined in section
8 701(1)(a) of this act. Districts are encouraged to have child
9 intervention specialists as defined in section 701(1)(b) of this act
10 deliver services in the district and under the supervision of a child
11 intervention specialist as defined in section 701(1)(a) of this act
12 under the district's prevention and intervention program.

13 (4) Nothing under sections 701 through 709 of this act shall
14 preclude a district from incorporating a primary intervention program
15 model as part of the district's fair start program.

16 NEW SECTION. **Sec. 706.** The superintendent shall develop
17 specific measures to evaluate the success of the grant projects and the
18 fair start program. The department of social and health services shall
19 provide the superintendent with information the superintendent may use
20 in developing measures to evaluate the fair start program and projects.

21 NEW SECTION. **Sec. 707.** (1) The superintendent of public
22 instruction shall adopt rules as necessary under chapter 34.05 RCW to
23 implement sections 701 through 706 of this act.

24 (a) The rules shall permit districts to contract with governmental
25 or nongovernmental organizations or community-based professional health
26 care providers to provide elementary students with prevention and
27 intervention services under the local fair start program.

1 (b) The rules shall permit school districts to provide prevention
2 and intervention services through the local educational service
3 district.

4 (c) The rules shall assure appropriate coordination between the
5 superintendent and the department of social and health services
6 regarding the primary intervention program and the fair start program.

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

11 NEW SECTION. **Sec. 708.** (1) School districts and educational
12 service districts shall submit annually to the superintendent of public
13 instruction a report on their fair start programs. The reports shall
14 include the criteria established to determine students' needs to
15 provide prevention and intervention services on a priority basis.

16 (2) The superintendent shall submit biennially a report to the
17 governor and the legislature on the fair start program established
18 under section 702 of this act. The first report shall be submitted not
19 later than December 1, 1992. The first report shall include
20 information on districts' criteria establishing students' needs to
21 receive prevention and intervention services on a priority basis.
22 Subsequent reports shall be submitted not later than December 1 in
23 even-numbered years.

24 NEW SECTION. **Sec. 709.** (1) The superintendent of public
25 instruction shall collect and disseminate to school districts
26 information on programs established or enhanced under the fair start
27 program.

1 (2) Upon request, the superintendent shall provide information to
2 districts regarding how other districts have used fair start funds
3 locally and how other districts have established formal agreements for
4 coordinated case management under section 704(4) of this act or
5 otherwise coordinated services to children.

6 PART VIII

7 WORKPLACE SKILLS GRANT PROGRAM

8 NEW SECTION. **Sec. 801.** (1) The legislature recognizes that
9 students now and in the future will need to acquire certain skills to
10 be better prepared to function in a rapidly changing society, including
11 an ever changing workplace environment. As we continue to experience
12 the fast-paced social evolution into an information and service-
13 oriented age, individuals' abilities to assimilate information quickly
14 and their capacity to adjust to new circumstances are rapidly becoming
15 new fundamental skills.

16 (2) New technologies are being introduced into the education system
17 but need to be introduced more quickly and equitably across the
18 curriculum. At the same time, teachers and students need to become
19 familiar with the educational technologies and to learn how to use
20 these technologies to enhance the educational experience.

21 (3) The legislature finds that providing for the integration of
22 technology in education, providing resources to enhance vocational
23 education programs, facilitating the integration of academics and
24 vocational education, and encouraging innovative developments in the
25 use of technology and vocational education will make students better
26 prepared to meet the challenges of the twenty-first century.

1 NEW SECTION. **Sec. 802.** The voc ed works 2000 program is
2 created. The program shall encourage the development of new and the
3 improvement of existing vocational projects to help students learn the
4 skills necessary to meet the challenges of an increasingly
5 technological and ever-changing workplace. Goals of projects within
6 the program shall include but not be limited to:

7 (1) Encouraging the integration between academic and vocational
8 programs with the following specific items addressed:

9 (a) Revision of instructional strategies and materials used in
10 vocational courses to establish higher academic standards and
11 expectations for students;

12 (b) Development of a challenging multiyear program of study that
13 combines academic and vocational elements designed both to prepare
14 students for employment after high school and for further education;

15 (c) Access to rewarding and demanding vocational programs and
16 academic courses for underachieving students and methods of providing
17 needed extra assistance;

18 (d) Coordination among secondary and postsecondary vocational
19 education programs;

20 (e) Coordination among vocational and academic administrators and
21 teachers and school counselors, business, and labor, and
22 representatives of postsecondary education to identify, specify, and
23 develop methods to assess minimum levels of academic achievement and
24 technical competencies;

25 (f) Providing assistance to students in selecting courses and
26 choosing careers;

27 (g) Expanding efforts to assist students in finding employment or
28 entering an institution of postsecondary education;

29 (h) Establishing performance indicators both to track and report
30 annual progress;

- 1 (i) Providing information about the program throughout the state;
2 and
3 (j) Identifying the professional development needed by teachers and
4 administrators to assist in the integration of academic and vocational
5 skills;
6 (2) Encouraging collaborative models among schools and school
7 districts, educational service districts, interdistrict cooperatives,
8 skills centers, public vocational technical institutes, community
9 colleges, business, labor, and industry;
10 (3) Encouraging the development of workplace competencies and
11 concepts that transcend particular occupational skills;
12 (4) Encouraging the effective administration of vocational
13 programs; and
14 (5) Developing modifications in curriculum, instruction, and
15 program delivery to address changing technology and changing students'
16 needs.

17 NEW SECTION. **Sec. 803.** (1) The superintendent of public
18 instruction, with the assistance of the state board of education and in
19 consultation with the state board for vocational education and the
20 state board for community college education, shall develop a process
21 for public schools or school districts, educational service districts,
22 interdistrict cooperatives, skills centers, public vocational technical
23 institutes, and community colleges to participate in the voc ed works
24 2000 program.

25 (2) The superintendent of public instruction shall review and
26 select projects for the grant awards, and monitor and evaluate programs
27 operated by grant recipients.

28 (3) The superintendent of public instruction shall evaluate the
29 program on a state-wide basis.

1 NEW SECTION. **Sec. 804.** The superintendent of public
2 instruction, after reviewing project proposals, shall, subject to money
3 being appropriated by the legislature for this purpose, select not more
4 than twenty-one projects during each biennium for the voc ed works 2000
5 program. The projects should reflect a balance among rural and urban
6 areas, geographical areas, and school characteristics and sizes. The
7 projects may be awarded to a public high school, a school district
8 containing one or more high schools, a skills center, an educational
9 service district, an interdistrict cooperative, a public vocational
10 technical institute, or a community college. An award to a community
11 college shall be made only if the project involves a school or school
12 district, educational service district, interdistrict cooperative,
13 public vocational technical institute, or skills center. Applications
14 from two or more school districts, educational service districts,
15 combinations of school districts and community college districts
16 through an agreement under RCW 28B.50.530, or any combination are
17 encouraged.

18 NEW SECTION. **Sec. 805.** Initial applications to participate in
19 the voc ed works 2000 program shall be submitted to the office of the
20 superintendent of public instruction not later than September 30, 1991,
21 for implementation beginning December 30, 1991. Subject to available
22 funding, additional applications may be submitted to the superintendent
23 of public instruction for consideration by November 1st of subsequent
24 years. Each application shall contain a proposed plan that:

25 (1) Describes specific activities to be carried out as part of the
26 project;

27 (2) Provides for all parties to work cooperatively during the term
28 of the project;

1 (3) Includes provisions for certificated school staff providing
2 instruction in vocational education programs, and classified school
3 employees with primary roles in implementing and conducting the plan,
4 to be employed on supplemental contracts with additional compensation
5 for an average of ten additional days beyond the general state-funded
6 school year allocations for each participating employee, and staff
7 development time as provided by legislative appropriation.
8 Notwithstanding the provisions of RCW 28A.400.200, district resources
9 may be used to fund the employment of school district staff beyond the
10 average of ten additional days for the purposes of the project;

11 (4) Includes budget plans for the project and additional
12 anticipated sources of funding, including private grants and
13 contributions, if any;

14 (5) Identifies the technical resources desired, the potential costs
15 of those resources, and the institutions of higher education,
16 businesses, industries, labor organizations, educational service
17 districts, or consultants available to provide such resources;

18 (6) Identifies the evaluation and accountability processes to be
19 used to measure student, project, and staff performance;

20 (7) Justifies each request for waiver of specific state statutes or
21 administrative rules during at least the first two years of the
22 program;

23 (8) Includes a written statement that school directors and
24 administrators and community college boards of trustees, if applicable,
25 are willing to exempt the projects from specifically identified local
26 rules, as needed;

27 (9) Includes a written statement that the school directors and
28 community college board of trustees and the local bargaining agents
29 will modify those portions of their local agreements as applicable for
30 the projects;

1 (10) Includes a written statement that model curriculum programs
2 developed under RCW 28A.300.110 have been considered, if applicable;

3 (11) Includes written statements of support from the school
4 district board of directors, the school district superintendent, and
5 the principal and staff of the building requesting to become a project,
6 and statements of support, willingness to participate, or concerns from
7 any interested parent, business, or community organization; and

8 (12) Includes written statements of support from the community
9 college board of trustees and the community college president and staff
10 of the community college requesting to become a project, if applicable.

11 NEW SECTION. **Sec. 806.** (1) The superintendent of public
12 instruction shall administer sections 802 through 812 of this act and
13 is authorized to award grant funding, subject to money being
14 appropriated by the legislature for this purpose, for projects selected
15 by the superintendent of public instruction under section 804 of this
16 act.

17 (2) The superintendent of public instruction shall distribute the
18 initial award grants by December 1, 1991. The initial projects under
19 the voc ed works 2000 program shall begin during the 1991-92 school
20 year.

21 (3) The projects for the voc ed works 2000 program may be conducted
22 for up to six years, if funds are so provided. Subject to approval by
23 the superintendent of public instruction and continued state funding,
24 projects initially funded for two years may be extended for a total
25 period not to exceed six years. Future funding shall be conditioned on
26 a positive evaluation of the project.

27 NEW SECTION. **Sec. 807.** (1) The superintendent of public
28 instruction may accept, receive, and administer for the purposes of

1 sections 802 through 812 of this act such gifts, grants, and
2 contributions as may be provided from public and private sources for
3 the purposes of sections 802 through 812 of this act.

4 (2) The vocational works 2000 program account is hereby established in
5 the custody of the state treasurer. The superintendent of public
6 instruction shall deposit in the account all moneys received under this
7 section. Moneys in the account may be spent only for the purposes of
8 sections 802 through 812 of this act. Disbursements from this account
9 shall be on the authorization of the superintendent of public
10 instruction or the superintendent's designee. The account is subject
11 to the allotment procedure provided under chapter 43.88 RCW, but no
12 appropriation is required for disbursements.

13 NEW SECTION. **Sec. 808.** (1) The superintendent of public
14 instruction, where appropriate, or the state board of education, where
15 appropriate, is authorized to grant waivers to project applicants from
16 the provisions of statutes or administrative rules relating to:
17 Graduation requirements under RCW 28A.230.090; student to teacher
18 ratios; teacher contact hour requirements under RCW 28A.150.260;
19 teacher certification requirements; program approval standards; the
20 commingling of funds appropriated by the legislature for vocational
21 education programs and basic education programs if not inconsistent
22 with federal laws or regulations; and other administrative rules which
23 in the opinion of the superintendent of public instruction or the state
24 board of education may need to be waived to implement a project
25 proposal.

26 (2) State rules dealing with public health, safety, and civil
27 rights, including accessibility by the handicapped, shall not be
28 waived.

1 (3) A school district may request the state board of education or
2 superintendent of public instruction to ask the United States
3 department of education, the United States department of labor, or
4 other federal agencies to waive certain federal regulations necessary
5 to implement the proposed project.

6 (4) The superintendent of public instruction and the state board of
7 education shall work with the state board for community college
8 education and the higher education coordinating board for the waiver of
9 applicable college entrance requirements and for the establishment of
10 course equivalency requirements for students participating in projects
11 under sections 802 through 812 of this act.

12 (5) The superintendent of public instruction and the state board of
13 education shall seek the waiver of any applicable provisions of the job
14 skills program under RCW 28C.04.400 through 28C.04.480.

15 NEW SECTION. **Sec. 809.** The superintendent of public instruction
16 shall ensure that successful applicants will be afforded resources and
17 special support assistance, as specified in legislative appropriations,
18 in undertaking activities for the voc ed works 2000 program. The
19 superintendent of public instruction shall develop a process that
20 coordinates and facilitates linkages among participating school
21 districts, community colleges, business, labor, and industry. Staff
22 from schools or school districts, public vocational technical
23 institutes, educational service districts, skills centers, and
24 community colleges selected to participate in the voc ed works 2000
25 program shall be given priority consideration for participation in
26 state sponsored staff development programs and summer institutes which
27 are directly related to the goals of the selected projects.

1 NEW SECTION. **Sec. 810.** (1) The superintendent of public
2 instruction may adopt rules under chapter 34.05 RCW as necessary to
3 implement the superintendent's duties under sections 802 through 812 of
4 this act.

5 (2) The state board of education may adopt rules under chapter
6 34.05 RCW as necessary to implement its duties under sections 802
7 through 812 of this act.

8 NEW SECTION. **Sec. 811.** (1) The superintendent of public
9 instruction shall report to the legislature on the progress of the voc
10 ed works 2000 program by January 15th of each odd-numbered year,
11 including a recommendation on the number of additional projects that
12 should be authorized and funded. The first report shall be submitted
13 by January 15, 1993.

14 (2) Each applicant selected to participate in the voc ed works 2000
15 program shall submit an annual report to the superintendent of public
16 instruction on the progress of the project as a condition of receipt of
17 continued funding.

18 NEW SECTION. **Sec. 812.** The superintendent of public
19 instruction, through the state clearinghouse for education information,
20 shall collect and disseminate to all school districts and other
21 interested parties information about the voc ed works 2000 program.

22 NEW SECTION. **Sec. 813.** A new section is added to chapter 28B.80
23 RCW to read as follows:

24 The higher education coordinating board shall review the entrance
25 requirements for the state institutions of higher education and shall
26 work with the boards of trustees and the boards of regents of the state
27 universities, the regional universities, and The Evergreen State

1 College and the superintendent of public instruction and the state
2 board of education regarding waiving certain entrance requirements or
3 developing course equivalencies for students enrolled in a program
4 under sections 802 through 812 of this act.

5 NEW SECTION. **Sec. 814.** A new section is added to chapter 28B.50
6 RCW to read as follows:

7 The state board for community college education may adopt rules
8 under chapter 34.05 RCW as necessary to implement the board's duties
9 under sections 802 through 812 of this act.

10 NEW SECTION. **Sec. 815.** A new section is added to chapter 28A.150
11 RCW to read as follows:

12 The superintendent of public instruction shall adopt rules that
13 establish general program approval standards for determining the terms
14 and conditions under which school districts are eligible to receive
15 state funds for secondary vocational education. The standards shall
16 include a provision regarding the use of extended or supplemental
17 contracts for certificated vocational education instructors in
18 vocational fields and provide assistance to districts in determining
19 when to offer such contracts.

20 NEW SECTION. **Sec. 816.** (1) Each school district, skills center,
21 educational service district, interdistrict cooperative, or public
22 vocational technical institute receiving state funds for vocational
23 programs shall consult with a local advisory council on vocational
24 education. The district may create a council or may use an existing
25 entity that meets the requirements of this section and sections 817 and
26 818 of this act. Joint councils may be established.

1 (2) The councils shall be composed of members who are
2 representative of the population found in the area that the council
3 serves. The council shall be composed of representatives of the
4 general public including at a minimum representatives of business,
5 industry, labor, and spokespersons for persons with disabilities.

6 NEW SECTION. **Sec. 817.** The local advisory council shall provide
7 advice and assistance to the school district, skills center,
8 educational service district, interdistrict cooperative, or public
9 vocational technical institute on:

10 (1) Selecting equipment and instructional materials and
11 establishing specifications for training areas. The council shall
12 suggest ways to provide for the efficient and effective use of
13 equipment and insure maximum use of the equipment;

14 (2) Determining training needs;

15 (3) Determining content and length of courses;

16 (4) Determining current and future employment opportunities and
17 requirements;

18 (5) Making recommendations to help provide for experienced and
19 knowledgeable instructors; and

20 (6) Providing support for the entire vocational education program.

21 NEW SECTION. **Sec. 818.** A school district shall only be eligible
22 to receive funds to upgrade or to acquire equipment for vocational
23 education programs if the district in consultation with the local
24 advisory council has developed a vocational education program
25 improvement component within their plan. The improvement component
26 shall describe: Methods for strengthening vocational education;
27 business and industry partnerships; the potential to aid local economic
28 development; staff training; the need for extended or supplemental

1 contracts for specific certificated instructional staff in vocational
2 programs; job placement; consistency with the state plan for vocational
3 education; and the basic skills and core competencies required for
4 successful employment. In developing the plan, coordination with
5 community colleges, business and industry, and other school districts,
6 educational service districts, interdistrict cooperatives, skills
7 centers, and public vocational technical institutes shall be
8 considered. The plan shall be revised at least once every two years.

9 NEW SECTION. **Sec. 819.** The entity in the state of Washington
10 qualifying as the entity for the receipt of federal funds shall, with
11 available funds, provide technical assistance to local vocational
12 education advisory committees.

13 NEW SECTION. **Sec. 820.** Each vocational agriculture education
14 service area shall encourage greater student and teacher knowledge of
15 environmentally sensitive and low-input agricultural and landscaping
16 practices, water conservation, and agricultural worker protections.

17 NEW SECTION. **Sec. 821.** A new section is added to chapter 28B.10
18 RCW to read as follows:

19 In developing admission standards, each four-year institution of
20 higher education shall recognize the relevance of vocational education
21 courses and the competencies taught in such courses and shall make
22 every effort to designate applicable vocational education courses as
23 course equivalencies.

24 **Sec. 822.** RCW 28B.80.350 and 1988 c 172 s 4 are each amended to
25 read as follows:

1 The board shall coordinate educational activities among all
2 segments of higher education taking into account the educational
3 programs, facilities, and other resources of both public and
4 independent two and four-year colleges and universities. The four-year
5 institutions and the state board for community college education shall
6 coordinate information and activities with the board. The board shall
7 have the following additional responsibilities:

8 (1) Promote interinstitutional cooperation;

9 (2) Establish minimum admission standards for four-year
10 institutions, including a requirement that coursework in sign language
11 shall satisfy any foreign language requirement the board or the
12 institutions may establish as a general undergraduate admissions
13 requirement. The standards shall include recognition of the relevance
14 of vocational education courses and the competencies taught in such
15 courses and the use of vocational education courses having academic
16 equivalencies to meet admission requirements to four-year institutions;

17 (3) Establish transfer policies;

18 (4) Adopt rules implementing statutory residency requirements;

19 (5) Develop and administer reciprocity agreements with bordering
20 states and the province of British Columbia;

21 (6) Review and recommend compensation practices and levels for
22 administrative employees, exempt under chapter 28B.16 RCW, and faculty
23 using comparative data from peer institutions;

24 (7) Monitor higher education activities for compliance with all
25 relevant state policies for higher education;

26 (8) Arbitrate disputes between and among four-year institutions or
27 between and among four-year institutions and community colleges at the
28 request of one or more of the institutions involved, or at the request
29 of the governor, or from a resolution adopted by the legislature. The

1 decision of the board shall be binding on the participants in the
2 dispute;

3 (9) Establish and implement a state system for collecting,
4 analyzing, and distributing information;

5 (10) Recommend to the governor and the legislature ways to remove
6 any economic incentives to use off-campus program funds for on-campus
7 activities; and

8 (11) Make recommendations to increase minority participation, and
9 monitor and report on the progress of minority participation in higher
10 education.

11 NEW SECTION. Sec. 823. By November 1, 1992, the higher
12 education coordinating board shall develop recommendations for
13 eliminating or modifying university and college entrance requirements
14 that inhibit schools from adopting strategies that are designed to
15 ensure that students achieve the essential knowledge, skills, and
16 attitudes.

17 **Sec. 824.** RCW 28A.230.100 and 1990 c 33 s 239 are each amended to
18 read as follows:

19 The state board of education shall adopt rules pursuant to chapter
20 34.05 RCW, to implement the course requirements set forth ~~((in))~~
21 pursuant to RCW 28A.230.090. Such rules shall include, as the state
22 board deems necessary, granting equivalencies for and temporary
23 exemptions from the course requirements ~~((in RCW 28A.230.090 and~~
24 ~~special alterations of the course requirements in RCW 28A.230.090))~~
25 established. In developing such rules the state board shall recognize
26 the relevance of instruction in work force skills through vocational
27 education and applied courses and allow such courses to fulfill in
28 whole or in part the courses required for graduation ~~((in RCW~~

1 28A.230.090)). Such rules may include provisions for competency
2 testing in lieu of such courses required for graduation ((in)) pursuant
3 to RCW 28A.230.090.

4 NEW SECTION. **Sec. 825.** The legislature finds that the needs of
5 the work force and the economy necessitate enhanced vocational
6 education opportunities in secondary education including curriculum
7 which integrates vocational and academic education. In order for the
8 state's work force to be competitive in the world market, employees
9 need competencies in both vocational and technical skills and in
10 essential subject areas such as English, math, science, technology,
11 geography, history, and critical thinking. Curriculum which integrates
12 vocational and academic education reflects that many students learn
13 best through applied learning, and that students should be offered
14 flexible education opportunities which prepare them for both the world
15 of work and for higher education.

16 NEW SECTION. **Sec. 826.** A new section is added to chapter 28A.300
17 RCW to read as follows:

18 The superintendent of public instruction shall develop a model
19 curriculum integrating vocational and academic education at the
20 secondary level. The curriculum shall integrate vocational education
21 for gainful employment with education in the academic subjects of
22 English, math, science, technology, geography, and history, and with
23 education in critical thinking. Upon completion, the model curriculum
24 shall be provided for consideration and use by school districts.

25 NEW SECTION. **Sec. 827.** A new section is added to chapter 28A.320
26 RCW to read as follows:

1 School districts receiving funds for any of the programs under
2 sections 802 through 821 of this act or RCW 28B.80.350, or for
3 improvements in vocational equipment and the nonemployee-related costs
4 associated with that equipment or for increasing the number of teachers
5 to students in approved secondary vocational programs shall be required
6 to match the funds at one hundred percent. The district match may
7 consist of funds under section 1101 of this act.

8 PART IX

9 URBAN SCHOOLS GRANTS

10 NEW SECTION. **Sec. 901.** The superintendent of public instruction
11 shall establish and administer an urban schools grant program to
12 provide eligible school districts an opportunity to apply for state
13 funds that are separate from and in addition to the state funds
14 allocated for the state's basic program of education.

15 NEW SECTION. **Sec. 902.** (1) The Seattle, Tacoma, Spokane,
16 Yakima, and Pasco school districts are eligible to apply for an urban
17 schools grant under section 901 of this act.

18 (2) Districts accepting urban schools grant funds shall be required
19 to match the state funds at one hundred percent. The district match
20 may consist of funds under section 1101 of this act.

21 NEW SECTION. **Sec. 903.** The eligible school districts interested
22 in applying for funds under the urban schools grant program shall
23 submit a grant application to the superintendent of public instruction.
24 Grant applications shall include the following:

25 (1) Documentation that the district board of directors has held at
26 least one public hearing regarding the proposed use of the grant funds.

1 The public hearing and other public hearings held by the district may
2 be held as part of the public hearings required pursuant to chapter
3 28A.505 RCW;

4 (2) Identified budgeted expenditures for the grant funds. The
5 expenditure plan may be included as part of the district's annual
6 budget required under chapter 28A.505 RCW;

7 (3) Documentation that the development of the expenditure plan,
8 prior to the first public hearing, involved teachers, school and
9 district administrators, educational staff associates and classified
10 personnel, parents, students, and members of the community at-large;

11 (4) A description of the services, programs, or activities that
12 will be funded, in whole or in part, by the grant funds;

13 (5) A description of the methods and procedures to be used to
14 evaluate the effectiveness of the services, programs, or activities
15 supported by the grant funds; and

16 (6) Other information as requested by the superintendent of public
17 instruction.

18 NEW SECTION. **Sec. 904.** Grant funds shall be used for purposes
19 identified by the school district in compliance with section 903 of
20 this act. New or existing programs enhanced by funds received under
21 the urban schools grant program shall not become a part of the state's
22 basic program of education obligation as set forth under Article IX of
23 the state Constitution.

24 NEW SECTION. **Sec. 905.** (1) Each school district receiving funds
25 under the urban schools grant program established under section 901 of
26 this act shall submit biennially to the superintendent of public
27 instruction a report on the district's use of the grant funds and other
28 information required by the superintendent of public instruction. The

1 superintendent of public instruction shall establish the date for
2 submittal of reports.

3 (2) The superintendent of public instruction shall submit
4 biennially to the legislature a report on the urban schools grant
5 program. The first report shall be submitted not later than December
6 1, 1992.

7 NEW SECTION. **Sec. 906.** The superintendent of public instruction
8 shall adopt rules as necessary under chapter 34.05 RCW to implement the
9 provisions of sections 901 through 905 of this act.

10 PART X

11 SMALL SCHOOLS GRANTS

12 NEW SECTION. **Sec. 1001.** (1) The superintendent of public
13 instruction shall establish and administer a small schools grant
14 program to assist eligible school districts in meeting special needs of
15 the districts.

16 (2) Funds appropriated by the legislature for the purposes of the
17 small schools grant program and new or existing programs enhanced by
18 funds received under the small schools grant program shall not become
19 a part of the state's basic program of education obligation as set
20 forth under Article IX of the state Constitution.

21 (3) School districts shall be eligible to apply for additional
22 state funds under the small schools grant program if the school
23 district meets the criteria under section 1002 of this act.

24 (4) Districts accepting small schools grant funds shall be required
25 to match the state funds at one hundred percent. The district match
26 may consist of funds under section 1101 of this act.

1 NEW SECTION. **Sec. 1002.** (1) A school district of the second
2 class under RCW 28A.315.230 may apply for funds under the small schools
3 grant program established under section 1001 of this act, to help meet
4 the special needs of the district, if the school district meets all of
5 the criteria in this section:

6 (a) The median household income is at least twenty percent below
7 the state average;

8 (b) The number of families receiving aid to families with
9 dependent children exceeds the state-wide average by twenty percent or
10 more;

11 (c) The number of persons unemployed exceeds the state-wide
12 average by twenty percent;

13 (d) The assessed valuation of property for excess levy purposes
14 would require a levy rate of more than two dollars per one thousand
15 dollars of valuation to raise a ten percent levy;

16 (e) The district does not receive federal impact aid in excess of
17 the maximum amount the district would be eligible to raise with a ten
18 percent levy; and

19 (f) The district does not receive federal forest moneys in excess
20 of their basic education allocation.

21 (2) If a second class school district is a joint district under
22 RCW 28A.315.350, the criteria under subsection (1) of this section
23 shall be applied based upon the county which comes closest to meeting
24 the criteria under subsection (1) of this section.

25 NEW SECTION. **Sec. 1003.** Eligible school districts interested in
26 applying for funds under the grant program established under section
27 1001 of this act shall submit a grant application to the superintendent
28 of public instruction. Grant applications shall include the following:

1 (1) Documentation that the district board of directors has held at
2 least one public hearing regarding the proposed use of the grant funds.
3 The public hearing and other public hearings held by the district may
4 be held as part of the public hearings required pursuant to chapter
5 28A.505 RCW;

6 (2) Identified budgeted expenditures for the grant funds. The
7 expenditure plan may be included as part of the district's annual
8 budget required under chapter 28A.505 RCW;

9 (3) Documentation that the development of the expenditure plan
10 prior to the first public hearing involved teachers, school and
11 district administrators, educational staff associates and classified
12 personnel, parents, students, and members of the community at-large;

13 (4) A description of the services, programs, or activities that
14 will be funded in whole or in part by the grant funds; and

15 (5) A description of the methods and procedures to be used to
16 evaluate the effectiveness of the services, programs, or activities
17 supported by the grant funds.

18 NEW SECTION. **Sec. 1004.** (1) Each school district receiving funds
19 under the grant program established under section 1001 of this act
20 shall submit biennially to the superintendent of public instruction a
21 report on the district's use of the grant funds. The report shall
22 include an assessment of the effectiveness of the services, programs,
23 or activities supported by the grant funds and other information
24 required by the superintendent of public instruction.

25 (2) The superintendent of public instruction shall establish the
26 date for submittal of reports. The superintendent of public
27 instruction shall work with the eligible districts in developing
28 reporting requirements that do not create excessive paperwork but which
29 provide information necessary for the legislature to evaluate the

1 impact of the grant program on the educational programs of the eligible
2 school districts.

3 (3) The superintendent of public instruction shall submit
4 biennially to the legislature a report on the grant program established
5 under section 1001 of this act. The first report shall be submitted
6 not later than December 1, 1992.

7 NEW SECTION. **Sec. 1005.** The superintendent of public instruction
8 shall adopt rules as necessary under chapter 34.05 RCW to implement
9 sections 1001 through 1004 of this act.

10 PART XI

11 FUNDING MATCHING REQUIREMENTS

12 NEW SECTION. **Sec. 1101.** A new section is added to chapter 28A.320
13 RCW to read as follows:

14 Districts or schools may use the following fund sources to meet the
15 one hundred percent funding matching requirements for sections 402
16 through 414 of this act, sections 603 through 607 of this act, sections
17 701 through 709 of this act, sections 802 through 821 of this act,
18 sections 901 through 906 of this act, sections 1001 through 1005 of
19 this act, and RCW 28B.80.350:

20 (1) Local education program enhancement funds appropriated by the
21 legislature;

22 (2) The five percent special levy authority under RCW
23 84.52.0531(10);

24 (3) The district's regular levy;

25 (4) Municipal funds;

26 (5) Other nonstate funds; or

27 (6) Any combination of (1) through (5) of this subsection.

PART XII

SPECIAL FIVE PERCENT LEVY AUTHORITY

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

Except as provided for in subsection (10) of this section, the maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

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

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

(3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

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

1 (b) In the case of nonhigh school districts only, an amount equal
2 to the total estimated amount due by the nonhigh school district to
3 high school districts pursuant to chapter 28A.545 RCW for the school
4 year during which collection of the levy is to commence, less the
5 increase in the nonhigh school district's basic education allocation as
6 computed pursuant to subsection (1) of this section due to the
7 inclusion of pupils participating in a program provided for in chapter
8 28A.545 RCW in such computation; less

9 (c) The maximum amount of state matching funds under RCW
10 28A.500.010 for which the district is eligible in that tax collection
11 year.

12 (4) For excess levies for collection in calendar year 1988 and
13 thereafter, a district's levy base shall be the sum of the following
14 allocations received by the district for the prior school year,
15 including allocations for compensation increases, adjusted by the
16 percent increase per full time equivalent student in the state basic
17 education appropriation between the prior school year and the current
18 school year:

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

21 (b) State and federal categorical allocations for the following
22 programs:

23 (i) Pupil transportation;

24 (ii) Handicapped education;

25 (iii) Education of highly capable students;

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

29 (v) Food services; and

30 (vi) State-wide block grant programs; and

1 (c) Any other federal allocations for elementary and secondary
2 school programs, including direct grants, other than federal impact aid
3 funds and allocations in lieu of taxes.

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

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

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

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

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

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

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

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

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

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

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

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

19 (9) For the purposes of this section, "current school year" shall
20 mean the year immediately following the prior school year.

21 (10) In addition to the excess levies under this section, a
22 district may levy a sum not to exceed the district's levy base as
23 determined under subsection (4) of this section multiplied by not more
24 than five percent for the following purposes:

25 (a) Planning and implementation grants under sections 402 through
26 414 of this 1991 act;

27 (b) Primary grades special emphasis grants under sections 701
28 through 709 of this 1991 act;

1 (c) Workplace skills grants under sections 802 through 812 of this
2 1991 act, and including increasing the number of certificated staff in
3 vocational programs and enhancing equipment in vocational programs;

4 (d) Urban schools grants under sections 901 through 906 of this
5 1991 act;

6 (e) Salary enhancement grants under sections 603 through 607 of
7 this 1991 act;

8 (f) Small schools grants under sections 1001 through 1005 of this
9 1991 act; or

10 (g) Local restructuring efforts and initiatives.

11 (11) The superintendent of public instruction shall develop rules
12 and regulations and inform school districts of the pertinent data
13 necessary to carry out the provisions of this section.

14 NEW SECTION. Sec. 1202. A new section is added to chapter 28A.500
15 RCW to read as follows:

16 (1) Commencing with taxes assessed in 1992 to be collected in
17 calendar year 1993 and thereafter, in addition to a school district's
18 other general fund allocations, each eligible district shall be
19 provided local effort assistance funds as provided in this section for
20 levies raised under RCW 84.52.0531(10). Such funds are not part of the
21 district's basic education allocation.

22 (2) (a) "Prior tax collection year" means the year immediately
23 preceding the year in which the local effort assistance shall be
24 allocated.

25 (b) The "state-wide average five percent levy rate" means five
26 percent of the total levy bases as defined in RCW 84.52.0531(4) summed
27 for all school districts, and divided by the total assessed valuation
28 for excess levy purposes in the prior tax collection year for all

1 districts as adjusted to one hundred percent by the county indicated
2 ratio established in RCW 84.48.075.

3 (c) The "five percent levy rate" of a district means:

4 (i) Five percent of the district's levy base as defined in RCW
5 84.52.0531(4), plus one-half of any amount computed under RCW
6 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

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

10 (d) "Eligible districts" means those districts with a five percent
11 levy rate which exceeds the state-wide average five percent levy rate.

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

14 (a) Funds raised by the district through maintenance and operation
15 levies during that tax collection year shall be matched with state
16 funds using the following ratio of state funds to levy funds: (i) The
17 difference between the district's five percent levy rate and the state-
18 wide average five percent levy rate; to (ii) the state-wide average
19 five percent levy rate.

20 (b) The maximum amount of state matching funds for which a district
21 may be eligible in any tax collection year shall be five percent of the
22 district's levy base as defined in RCW 84.52.0531(4), multiplied by the
23 following percentage: (i) The difference between the district's five
24 percent levy rate and the state-wide average five percent levy rate;
25 divided by (ii) the district's five percent levy rate.

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

PART XIII

COLLECTIVE BARGAINING

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Sec. 1301. RCW 41.59.020 and 1989 c 11 s 11 are each amended to read as follows:

As used in this chapter:

(1) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(2) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: PROVIDED, That prior law, practice or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory. The following shall not be a subject of collective bargaining: (a) The school district's policy assuring parental access to the classroom under RCW 28A.605.020; (b) performance pay plans adopted under sections 603 through 607 of this 1991 act; and (c) the schedule of days for

1 students to attend school, as established by the school district board
2 of directors under RCW 28A.150.040.

3 (3) The term "commission" means the public employment relations
4 commission established by RCW 41.58.010.

5 (4) The terms "employee" and "educational employee" means any
6 certificated employee of a school district, except:

7 (a) The chief executive officer of the employer.

8 (b) The chief administrative officers of the employer, which shall
9 mean the superintendent of the district, deputy superintendents,
10 administrative assistants to the superintendent, assistant
11 superintendents, and business manager. Title variation from all
12 positions enumerated in this subsection (b) may be appealed to the
13 commission for determination of inclusion in, or exclusion from, the
14 term "educational employee".

15 (c) Confidential employees, which shall mean:

16 (i) Any person who participates directly on behalf of an employer
17 in the formulation of labor relations policy, the preparation for or
18 conduct of collective bargaining, or the administration of collective
19 bargaining agreements, except that the role of such person is not
20 merely routine or clerical in nature but calls for the consistent
21 exercise of independent judgment; and

22 (ii) Any person who assists and acts in a confidential capacity to
23 such person.

24 (d) Unless included within a bargaining unit pursuant to RCW
25 41.59.080, any supervisor, which means any employee having authority,
26 in the interest of an employer, to hire, assign, promote, transfer,
27 layoff, recall, suspend, discipline, or discharge other employees, or
28 to adjust their grievances, or to recommend effectively such action, if
29 in connection with the foregoing the exercise of such authority is not
30 merely routine or clerical in nature but calls for the consistent

1 exercise of independent judgment, and shall not include any persons
2 solely by reason of their membership on a faculty tenure or other
3 governance committee or body. The term "supervisor" shall include only
4 those employees who perform a preponderance of the above-specified acts
5 of authority.

6 (e) Unless included within a bargaining unit pursuant to RCW
7 41.59.080, principals and assistant principals in school districts.

8 (5) The term "employer" means any school district.

9 (6) The term "exclusive bargaining representative" means any
10 employee organization which has:

11 (a) Been selected or designated pursuant to the provisions of this
12 chapter as the representative of the employees in an appropriate
13 collective bargaining unit; or

14 (b) Prior to January 1, 1976, been recognized under a predecessor
15 statute as the representative of the employees in an appropriate
16 collective bargaining or negotiations unit.

17 (7) The term "person" means one or more individuals, organizations,
18 unions, associations, partnerships, corporations, boards, committees,
19 commissions, agencies, or other entities, or their representatives.

20 (8) The term "nonsupervisory employee" means all educational
21 employees other than principals, assistant principals and supervisors.

22 **Sec. 1302.** RCW 41.56.030 and 1989 c 275 s 2 are each amended to
23 read as follows:

24 As used in this chapter:

25 (1) "Public employer" means any officer, board, commission,
26 council, or other person or body acting on behalf of any public body
27 governed by this chapter as designated by RCW 41.56.020, or any
28 subdivision of such public body. For the purposes of this section, the
29 public employer of district court employees for wage-related matters is

1 the respective county legislative authority, or person or body acting
2 on behalf of the legislative authority, and the public employer for
3 nonwage-related matters is the judge or judge's designee of the
4 respective district court.

5 (2) "Public employee" means any employee of a public employer
6 except any person (a) elected by popular vote, or (b) appointed to
7 office pursuant to statute, ordinance or resolution for a specified
8 term of office by the executive head or body of the public employer, or
9 (c) whose duties as deputy, administrative assistant or secretary
10 necessarily imply a confidential relationship to the executive head or
11 body of the applicable bargaining unit, or any person elected by
12 popular vote or appointed to office pursuant to statute, ordinance or
13 resolution for a specified term of office by the executive head or body
14 of the public employer, or (d) who is a personal assistant to a
15 district judge or court commissioner. For the purpose of (d) of this
16 subsection, no more than one assistant for each judge or commissioner
17 may be excluded from a bargaining unit.

18 (3) "Bargaining representative" means any lawful organization which
19 has as one of its primary purposes the representation of employees in
20 their employment relations with employers.

21 (4) "Collective bargaining" means the performance of the mutual
22 obligations of the public employer and the exclusive bargaining
23 representative to meet at reasonable times, to confer and negotiate in
24 good faith, and to execute a written agreement with respect to
25 grievance procedures and collective negotiations on personnel matters,
26 including wages, hours and working conditions, which may be peculiar to
27 an appropriate bargaining unit of such public employer, except that by
28 such obligation neither party shall be compelled to agree to a proposal
29 or be required to make a concession unless otherwise provided in this
30 chapter. In the case of the Washington state patrol, "collective

1 bargaining" shall not include wages and wage-related matters. In the
2 case of employees of school districts, "collective bargaining" does not
3 include: (a) The schedule of days for students to attend school, as
4 established by the school district board of directors under RCW
5 28A.150.040; (b) the school district's policy assuring parental access
6 to the classroom under RCW 28A.605.020; or (c) performance pay plans
7 adopted under sections 603 through 607 of this 1991 act.

8 (5) "Commission" means the public employment relations commission.

9 (6) "Executive director" means the executive director of the
10 commission.

11 (7) "Uniformed personnel" means (a) law enforcement officers as
12 defined in RCW 41.26.030 as now or hereafter amended, of cities with a
13 population of fifteen thousand or more or law enforcement officers
14 employed by the governing body of any county of the second class or
15 larger, or (b) fire fighters as that term is defined in RCW 41.26.030,
16 as now or hereafter amended.

17 PART XIV

18 LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

19 NEW SECTION. Sec. 1401. A new section is added to chapter 28A.300
20 RCW to read as follows:

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

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

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

28 (b) Prioritized the identified needs; and

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

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

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

7 (b) Reduction of class size;

8 (c) Early childhood education;

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

11 (e) Staff development and in-service programs;

12 (f) Student logical reasoning and analytical skill development;

13 (g) Programs for highly capable students;

14 (h) Programs involving students in community services;

15 (i) Senior citizen volunteer programs;

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

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

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

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

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

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

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

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

12 PART XV

13 MISCELLANEOUS

14 NEW SECTION. **Sec. 1501.** This act may be known and cited as the
15 bringing education home act.

16 NEW SECTION. **Sec. 1502.** Part headings used in this act do not
17 constitute part of the law.

18 NEW SECTION. **Sec. 1503.** Sections 201 through 204 of this act are
19 each added to chapter 28A.240 RCW.

20 NEW SECTION. **Sec. 1504.** Sections 402 through 414 of this act are
21 each added to chapter 28A.630 RCW.

22 NEW SECTION. **Sec. 1505.** Sections 603 through 607 of this act are
23 each added to chapter 28A.400 RCW.

1 NEW SECTION. **Sec. 1506.** Sections 608 through 610 of this act are
2 each added to chapter 28A.410 RCW.

3 NEW SECTION. **Sec. 1507.** Sections 701 through 709 of this act are
4 each added to chapter 28A.600 RCW.

5 NEW SECTION. **Sec. 1508.** Sections 802 through 812, 901 through
6 906, and 1001 through 1005 of this act are each added to chapter
7 28A.630 RCW.

8 NEW SECTION. **Sec. 1509.** Sections 816 through 820 of this act
9 shall constitute a new chapter in Title 28C RCW.

10 NEW SECTION. **Sec. 1510.** Section 105 of this act shall take
11 effect September 1, 1992.

12 NEW SECTION. **Sec. 1511.** Section 504 of this act shall take
13 effect October 1, 1997.

14 NEW SECTION. **Sec. 1512.** Section 1202 of this act shall take
15 effect January 1, 1992.

16 NEW SECTION. **Sec. 1513.** Sections 301, 302, 401 through 414, 501
17 through 503, 601, 602, 701 through 709, 802 through 822, 901 through
18 905, 1001 through 1005, 1301, and 1302 of this act are necessary for
19 the immediate preservation of the public peace, health, or safety, or
20 support of the state government and its existing public institutions,
21 and shall take effect immediately.

1 NEW SECTION. **Sec. 1514.** Sections 401 through 414 of this act
2 shall expire December 31, 1998.

3 NEW SECTION. **Sec. 1515.** Sections 601 and 602 of this act shall
4 expire December 31, 1991.

5 NEW SECTION. **Sec. 1516.** If specific funding for the purposes of
6 sections 401 through 414 of this act, referencing this act by bill and
7 section numbers, is not provided by June 30, 1991, in the omnibus
8 appropriations act, sections 401 through 414 of this act shall be null
9 and void.

10 NEW SECTION. **Sec. 1517.** If specific funding for the purposes of
11 sections 601 and 602 of this act, referencing this act by bill and
12 section numbers, is not provided by June 30, 1991, in the omnibus
13 appropriations act, sections 601 and 602 of this act shall be null and
14 void.

15 NEW SECTION. **Sec. 1518.** If specific funding for the purposes of
16 sections 603 through 607 of this act, referencing this act by bill and
17 section numbers, is not provided by June 30, 1991, in the omnibus
18 appropriations act, sections 603 through 607 of this act shall be null
19 and void.

20 NEW SECTION. **Sec. 1519.** If specific funding for the purposes of
21 sections 701 through 709 of this act, referencing this act by bill and
22 section numbers, is not provided by June 30, 1991, in the omnibus
23 appropriations act, sections 701 through 709 of this act shall be null
24 and void.

1 NEW SECTION. **Sec. 1520.** If specific funding for the purposes of
2 sections 801 through 827 of this act, referencing this act by bill and
3 section numbers, is not provided by June 30, 1991, in the omnibus
4 appropriations act, sections 801 through 827 of this act shall be null
5 and void.

6 NEW SECTION. **Sec. 1521.** If specific funding for the purposes of
7 sections 901 through 906 of this act, referencing this act by bill and
8 section numbers, is not provided by June 30, 1991, in the omnibus
9 appropriations act, sections 901 through 906 of this act shall be null
10 and void.

11 NEW SECTION. **Sec. 1522.** If specific funding for the purposes of
12 sections 1001 through 1005 of this act, referencing this act by bill
13 and section numbers, is not provided by June 30, 1991, in the omnibus
14 appropriations act, sections 1001 through 1005 of this act shall be
15 null and void.

16 NEW SECTION. **Sec. 1523.** If specific funding for the purposes of
17 section 1202 of this act, referencing this act by bill and section
18 number, is not provided by June 30, 1991, in the omnibus appropriations
19 act, section 1202 of this act shall be null and void.

20 NEW SECTION. **Sec. 1524.** If specific funding for the purposes of
21 section 1401 of this act, referencing this act by bill and section
22 number, is not provided by June 30, 1991, in the omnibus appropriations
23 act, section 1401 of this act shall be null and void.

24 NEW SECTION. **Sec. 1525.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.