
SENATE BILL 6177

State of Washington 52nd Legislature 1992 Regular Session

By Senators Skratek, Bailey, Rinehart, Murray, Pelz and A. Smith

Read first time 01/20/92. Referred to Committee on Education.

1 AN ACT Relating to community schools; amending RCW 28A.305.140,
2 28A.150.220, and 28A.150.260; adding new sections to chapter 28A.240
3 RCW; adding a new section to chapter 28A.150 RCW; repealing RCW
4 28A.240.010, 28A.240.020, and 28A.240.030; and making appropriations.

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

6 NEW SECTION. **Sec. 1.** 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 enrolled in school and
11 persons working in the field of education form partnerships with other
12 persons in the community. To build a learning community, with the
13 local school as a community focus, and develop this commitment, the
14 legislature intends:

1 (1) That school boards of directors, school administrators,
2 teachers, staff, employee unions, students, and members of the
3 community find new ways of working collaboratively, and changing
4 existing policies and agreements where appropriate;

5 (2) To encourage the creation of site-based councils, where
6 parents, teachers, staff, students, and citizens will join to make
7 decisions for our schools;

8 (3) To give school districts and schools broad discretion in
9 establishing their site-based councils;

10 (4) To enable parents, teachers, staff, students, and citizens to
11 have the time to participate in school governance; and

12 (5) To encourage the creation of community schools, by coordinating
13 a wide array of community services at the local school.

14 NEW SECTION. **Sec. 2.** (1) A school district board of directors
15 may adopt a policy authorizing site-based councils.

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

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

20 (b) Membership of the site-based council including the principal,
21 certificated and classified staff, students, parents, and persons in
22 the community. Existing organizations may be used to form the site-
23 based council;

24 (c) Designation of activities with which site-based councils may
25 become involved, such as: Development of school improvement plans,
26 student assessments, parent involvement, and developing community
27 schools;

28 (d) Delegation of authority to site-based councils to adopt their
29 own bylaws and charter; and

1 (e) Provisions for educating members of site-based councils to
2 ensure that all members are knowledgeable about school funding,
3 educational programs, and options for change.

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

7 (4) Each school district board of directors that adopts a policy
8 authorizing site-based councils shall provide, by resolution, plans for
9 attendance policies that are consistent with the requirements of any
10 desegregation plan in order to promote stability for schools with site-
11 based councils.

12 NEW SECTION. **Sec. 3.** If modifications to existing local
13 bargaining agreements are necessary to implement school site-based
14 councils, those modifications shall be clearly stated in the written
15 agreement between the school district board of directors and the
16 exclusive bargaining representative for district certificated
17 instructional staff, and the exclusive bargaining representative for
18 district classified staff.

19 NEW SECTION. **Sec. 4.** (1) Schools with site-based councils may
20 receive funds to provide resources for restructuring their educational
21 programs. The superintendent of public instruction shall allocate
22 funds, as may be appropriated for this purpose, to school districts to
23 distribute to the schools with site-based councils.

24 (2) School districts shall submit reports about the plans and use
25 of funds to the superintendent of public instruction. The
26 superintendent of public instruction may transmit information to other
27 schools and school districts through the state clearinghouse for
28 educational information and assistance.

1 NEW SECTION. **Sec. 5.** Each site-based council shall adopt a plan
2 for student community service.

3 NEW SECTION. **Sec. 6.** (1) Subject to available funds, the
4 superintendent of public instruction, upon request from a school or
5 school district, shall provide or contract to provide the following:

6 (a) Technical assistance to implement site-based councils under
7 section 2 of this act;

8 (b) Technical assistance in the development of community schools
9 under section 2 of this act, including strategies for pooling state and
10 local resources; and

11 (c) Technical assistance in areas including, but not limited to,
12 curriculum development, instructional strategies, assessment of student
13 performance, and program evaluation.

14 (2) The superintendent of public instruction shall provide for the
15 sharing of information between schools adopting site-based councils and
16 schools and districts not adopting site-based councils.

17 (3) To the extent possible, the superintendent shall ensure that
18 agency staff work collaboratively with teachers, students, and parents,
19 local schools and districts, state and local government, and community
20 agencies, to promote local educational awareness and restructuring.
21 The state clearinghouse for educational information and assistance
22 should be used as a focus within the agency to provide training and
23 information to agency staff teams for the purposes of this section.

24 NEW SECTION. **Sec. 7.** The legislature finds that the demands
25 of the workplace and of local school governance need to be balanced to
26 promote community participation in schools. Changes in workplace leave
27 policies are desirable to accommodate changes in local school
28 governance, and allow businesses to contribute to local schools in an

1 effective manner. The legislature declares it to be in the public
2 interest to provide reasonable employee leave to promote participation
3 in site-based school councils.

4 NEW SECTION. **Sec. 8.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout sections 7
6 through 10 of this act.

7 (1) "Employee" has the definition in RCW 49.78.020(3).

8 (2) "Employer" means any person, firm, corporation, partnership,
9 business trust, legal representative, or other business entity that
10 engages in any business, industry, profession, or activity in this
11 state and includes any unit of state or local government including, but
12 not limited to, a county, city, town, municipal corporation, quasi-
13 municipal corporation, or political subdivision.

14 (3) "Local school governance leave" means paid leave from
15 employment, as provided in section 9 of this act, to participate as an
16 elected or appointed officer in local school governance organizations,
17 including but not limited to, school site-based councils as established
18 in section 2 of this act, school boards of directors, and parent-
19 teacher organizations.

20 (4) "Reduced leave schedule" means leave scheduled for fewer than
21 an employee's usual number of hours or days per work week.

22 NEW SECTION. **Sec. 9.** (1) An employee is entitled to thirty-
23 two hours of paid local school governance leave during any twenty-four
24 month period. This leave shall be in addition to any vacation or sick
25 leave to which the employee might otherwise be entitled.

26 (2) Local school governance leave may be taken on a reduced leave
27 schedule subject to the approval of the employer.

1 (3) The leave required in this section is in addition to family
2 leave provided under RCW 49.78.030.

3 (4) An employer may require verification of participation in local
4 school governance activities.

5 NEW SECTION. Sec. 10. (1) An employee planning to take local
6 school governance leave under section 9 of this act shall provide the
7 employer with written notice at least thirty days in advance of the
8 anticipated date or dates of local school governance activities,
9 stating the dates during which the employee intends to take local
10 school governance leave.

11 (2) If the employee fails to give the notice required by this
12 section, the employer may deny that request for local school governance
13 leave.

14 **Sec. 11.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended
15 to read as follows:

16 ~~((The state board of education may grant waivers to school
17 districts from the provisions of))~~ (1) The self-study process
18 requirements under RCW 28A.320.200, the teacher classroom contact
19 requirements under RCW 28A.150.260(4), and the minimum one hundred
20 eighty day school year requirement and program hour offerings under RCW
21 28A.150.200 through 28A.150.220 ~~((on the basis that such waiver or~~
22 ~~wavers are necessary to implement successfully a local plan to provide~~
23 ~~for all students in the district an effective education system that is~~
24 ~~designed to enhance the educational program for each student. The~~
25 ~~local plan may include alternative ways to provide effective~~
26 ~~educational programs for students who experience difficulty with the~~
27 ~~regular education program.~~

1 ~~The state board shall adopt criteria to evaluate the need for the~~
2 ~~waiver or waivers)) shall be waived for school districts or individual~~
3 ~~schools within a district if the school district submits to the state~~
4 ~~board of education a plan for restructuring its educational program, or~~
5 ~~the educational program of individual schools within the district that~~
6 ~~includes:~~

7 (a) Adoption of policies for site-based councils;

8 (b) Specific standards for increased student learning that the
9 district expects to achieve;

10 (c) How the district plans to achieve the higher standards,
11 including timelines for implementation;

12 (d) How the district plans to determine if the higher standards are
13 met;

14 (e) Evidence that the board of directors, teachers, administrators,
15 classified employees, and community members are committed to working
16 cooperatively in implementing the plan;

17 (f) Evidence that opportunities were provided for parents and
18 citizens to be involved in the development of the plan; and

19 (g) Identification of the state requirements that will be waived.

20 (2) Waivers granted by the state board of education under this
21 section shall be renewed every two years upon the state board of
22 education receiving a renewal request from the school district board of
23 directors. Before filing the request, the school district shall
24 conduct at least one public meeting to evaluate the educational
25 programs that were implemented as a result of the waivers. The request
26 to the state board of education shall include information regarding the
27 activities and programs implemented as a result of the waivers and a
28 summary of the comments received at the public meeting or meetings.

29 (3) If a school district intends to waive the program hour
30 offerings under RCW 28A.150.220, it shall make available to students

1 enrolled in kindergarten at least a total instructional offering of
2 four hundred fifty hours. Each school district also shall make
3 available to students enrolled in grades one through twelve at least a
4 district-wide annual average total instructional hour offering of one
5 thousand hours. The state board of education may define alternatives
6 to classroom instructional time for students in grades nine through
7 twelve enrolled in alternative learning experiences. The state board
8 of education shall establish rules to determine annual average
9 instructional hours for districts having fewer than twelve grades.

10 NEW SECTION. Sec. 12. A new section is added to chapter 28A.150
11 RCW to read as follows:

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

15 **Sec. 13.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
16 read as follows:

17 (1) For the purposes of this section and RCW 28A.150.250 and
18 28A.150.260:

19 (a) The term "total program hour offering" shall mean those hours
20 when students are provided the opportunity to engage in educational
21 activity planned by and under the direction of school district staff,
22 as directed by the administration and board of directors of the
23 district, inclusive of intermissions for class changes, recess, staff
24 participation in site-based councils, and teacher/parent-guardian
25 conferences which are planned and scheduled by the district for the
26 purpose of discussing students' educational needs or progress, and
27 exclusive of time actually spent for meals.

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

7 (2) Satisfaction of the basic education goal identified in RCW
8 28A.150.210 shall be considered to be implemented by the following
9 program requirements:

10 (a) Each school district shall make available to students in
11 kindergarten at least a total program offering of four hundred fifty
12 hours. The program shall include reading, arithmetic, language skills
13 and such other subjects and such activities as the school district
14 shall determine to be appropriate for the education of the school
15 district's students enrolled in such program;

16 (b) Each school district shall make available to students in grades
17 one through three, at least a total program hour offering of two
18 thousand seven hundred hours. A minimum of ninety-five percent of the
19 total program hour offerings shall be in the basic skills areas of
20 reading/language arts (which may include foreign languages),
21 mathematics, social studies, science, music, art, health and physical
22 education. The remaining five percent of the total program hour
23 offerings may include such subjects and activities as the school
24 district shall determine to be appropriate for the education of the
25 school district's students in such grades;

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

1 mathematics, social studies, science, music, art, health and physical
2 education. The remaining ten percent of the total program hour
3 offerings may include such subjects and activities as the school
4 district shall determine to be appropriate for the education of the
5 school district's students in such grades;

6 (d) Each school district shall make available to students in grades
7 seven through eight, at least a total program hour offering of one
8 thousand nine hundred eighty hours. A minimum of eighty-five percent
9 of the total program hour offerings shall be in the basic skills areas
10 of reading/language arts (which may include foreign languages),
11 mathematics, social studies, science, music, art, health and physical
12 education. A minimum of ten percent of the total program hour
13 offerings shall be in the area of work skills. The remaining five
14 percent of the total program hour offerings may include such subjects
15 and activities as the school district shall determine to be appropriate
16 for the education of the school district's students in such grades;

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

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

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

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

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

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

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

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

28 **Sec. 14.** RCW 28A.150.260 and 1991 c 116 s 10 are each amended to
29 read as follows:

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

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

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

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

14 (c) Classified staff and their related costs;

15 (d) Nonsalary costs;

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

19 (f) The attendance of students pursuant to RCW 28A.335.160 and
20 28A.225.250 who do not reside within the servicing school district.

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

29 (b) (~~Commencing with the 1988-89 school year,~~) The formula
30 adopted by the legislature shall reflect the following ratios at a

1 minimum: (i) Forty-nine certificated instructional staff to one
2 thousand annual average full time equivalent students enrolled in
3 grades kindergarten through three; (ii) forty-six certificated
4 instructional staff to one thousand annual average full time equivalent
5 students in grades four through twelve; (iii) four certificated
6 administrative staff to one thousand annual average full time
7 equivalent students in grades kindergarten through twelve; and (iv)
8 sixteen and sixty-seven one-hundredths classified personnel to one
9 thousand annual average full time equivalent students enrolled in
10 grades kindergarten through twelve.

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

1 PROVIDED, FURTHER, That the office of financial management shall make
2 a monthly review of the superintendent's reported full time equivalent
3 students in the common schools in conjunction with RCW 43.62.050.

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

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

17 (4) Each annual average full time equivalent certificated classroom
18 teacher's direct classroom contact hours shall average at least twenty-
19 five hours per week. Direct classroom contact hours shall be exclusive
20 of time required to be spent for preparation, conferences, or any other
21 nonclassroom instruction duties. Up to two hundred minutes per week
22 may be deducted from the twenty-five contact hour requirement, at the
23 discretion of the school district board of directors, to accommodate
24 authorized teacher/parent-guardian conferences, recess, passing time
25 between classes, and informal instructional activity. Implementing
26 rules to be adopted by the state board of education pursuant to RCW
27 ((~~28A.150.220(6)~~)) 28A.150.220(4) shall provide that compliance with
28 the direct contact hour requirement shall be based upon teachers'
29 normally assigned weekly instructional schedules, as assigned by the
30 district administration. Additional record-keeping by classroom

1 teachers as a means of accounting for contact hours shall not be
2 required. ((However, upon request from the board of directors of any
3 school district, the provisions relating to direct classroom contact
4 hours for individual teachers in that district may be waived by the
5 state board of education if the waiver is necessary to implement a
6 locally approved plan for educational excellence and the waiver is
7 limited to those individual teachers approved in the local plan for
8 educational excellence. The state board of education shall develop
9 criteria to evaluate the need for the waiver. Granting of the waiver
10 shall depend upon verification that: (a) The students' classroom
11 instructional time will not be reduced; and (b) the teacher's expertise
12 is critical to the success of the local plan for excellence.)) Waivers
13 from contact hours may be requested under RCW 28A.305.140.

14 NEW SECTION. Sec. 15. The following acts or parts of acts are
15 each repealed:

16 (1) RCW 28A.240.010 and 1990 c 33 s 248 & 1985 c 422 s 2;

17 (2) RCW 28A.240.020 and 1985 c 422 s 1; and

18 (3) RCW 28A.240.030 and 1990 c 33 s 249 & 1985 c 422 s 3.

19 NEW SECTION. Sec. 16. Sections 1 through 10 of this act are
20 each added to chapter 28A.240 RCW.

21 NEW SECTION. Sec. 17. The sum of forty-nine thousand dollars,
22 or as much thereof as may be necessary, is appropriated for the
23 biennium ending June 30, 1993, from the general fund to the
24 superintendent of public instruction for the purposes of section 4 of
25 this act.

1 NEW SECTION. **Sec. 18.** The sum of forty-nine thousand dollars,
2 or as much thereof as may be necessary, is appropriated for the
3 biennium ending June 30, 1993, from the general fund to the
4 superintendent of public instruction for the purposes of section 6 of
5 this act.