
HOUSE BILL 2475

State of Washington

55th Legislature

1998 Regular Session

By Representatives B. Thomas, Johnson, Cairnes, Linville, Appelwick, Cole, Carrell, Cody, H. Sommers, Wensman, Cooke, Carlson, D. Schmidt and Mielke

Read first time . Referred to Committee on .

1 AN ACT Relating to increasing the minimum school program
2 requirements; amending RCW 28A.150.220, 28A.150.220, 28A.150.250,
3 28A.150.290, 28A.150.290, 28A.190.030, 28A.195.010, 28A.305.140,
4 28A.310.240, 28A.400.300, and 28A.410.080; reenacting and amending RCW
5 28A.330.100; creating a new section; providing a contingent effective
6 date; and providing contingent expiration dates.

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

8 **Sec. 1.** RCW 28A.150.220 and 1995 c 77 s 1 are each amended to read
9 as follows:

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

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

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 (c) "School year" means the minimum school year length as required
8 under subsection (5) of this section.

9 (2) Satisfaction of the basic education goal identified in RCW
10 28A.150.210 shall be considered to be implemented by the following
11 program requirements:

12 (a) Each school district shall make available to students in
13 kindergarten at least ((a)) an average total program offering of ((four
14 hundred fifty hours)) two and one-half hours per school day. The
15 program shall include reading, arithmetic, language skills and such
16 other subjects and such activities as the school district shall
17 determine to be appropriate for the education of the school district's
18 students enrolled in such program;

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

30 (c) Each school district shall make available to students in grades
31 four through six at least ((a)) an average total program hour offering
32 of ((two thousand nine hundred seventy hours)) five and one-half hours
33 per school day. A minimum of ninety percent of the total program hour
34 offerings shall be in the basic skills areas of reading/language arts
35 (which may include languages other than English, including American
36 Indian languages), mathematics, social studies, science, music, art,
37 health and physical education. The remaining ten percent of the total
38 program hour offerings may include such subjects and activities as the

1 school district shall determine to be appropriate for the education of
2 the school district's students in such grades;

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

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

35 (3) In order to provide flexibility to the local school districts
36 in the setting of their curricula, and in order to maintain the intent
37 of this legislation, which is to stress the instruction of basic skills
38 and work skills, any local school district may establish minimum course
39 mix percentages that deviate by up to five percentage points above or

1 below those minimums required by subsection (2) of this section, so
2 long as the total program hour requirement is still met.

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

6 (5) Each school district's kindergarten through twelfth grade basic
7 educational program shall be accessible to all students who are five
8 years of age, as provided by RCW 28A.225.160, and less than twenty-one
9 years of age (~~and shall consist of a minimum of one hundred eighty~~
10 ~~school days per school year~~). Beginning in the 1999-2000 school year,
11 the minimum school year length shall be as follows:

<u>School Year</u>	<u>Minimum School Year Length</u>
<u>1999-2001</u>	<u>181 days</u>
<u>2001-03</u>	<u>182 days</u>
<u>2003-05</u>	<u>183 days</u>
<u>2005-07</u>	<u>184 days</u>
<u>2007-09</u>	<u>185 days</u>
<u>2009-11</u>	<u>186 days</u>
<u>2011-13</u>	<u>187 days</u>
<u>2013-15</u>	<u>188 days</u>
<u>2015-17</u>	<u>189 days</u>
<u>2017-19 and thereafter</u>	<u>190 days</u>

23 The school year shall consist of the minimum school year length in
24 such grades as are conducted by a school district, and ((one hundred
25 eighty half days)) the half-day equivalent of instruction(~~(, or~~
26 ~~equivalent,)) in kindergarten(~~(: PROVIDED, That effective May 1, 1979,~~~~
27 a)). Each school district may schedule the last five school days of
28 the ~~((one hundred and eighty day))~~ school year for noninstructional
29 purposes in the case of students who are graduating from high school,
30 including, but not limited to, the observance of graduation and early
31 release from school upon the request of a student, and all such
32 students may be claimed as a full time equivalent student to the extent
33 they could otherwise have been so claimed for the purposes of RCW
34 28A.150.250 and 28A.150.260.

35 (6) The state board of education shall adopt rules to implement and
36 ensure compliance with the program requirements imposed by this
37 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
38 program approval requirements as the state board may establish:

1 PROVIDED, That each school district board of directors shall establish
2 the basis and means for determining and monitoring the district's
3 compliance with the basic skills and work skills percentage and course
4 requirements of this section. The certification of the board of
5 directors and the superintendent of a school district that the district
6 is in compliance with such basic skills and work skills requirements
7 may be accepted by the superintendent of public instruction and the
8 state board of education.

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

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

25 **Sec. 2.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
26 read as follows:

27 (1) "School year" means the minimum school year length as required
28 under subsection (4) of this section.

29 (2) Satisfaction of the basic education program requirements
30 identified in RCW 28A.150.210 shall be considered to be implemented by
31 the following program:

32 (a) Each school district shall make available to students enrolled
33 in kindergarten at least ((a)) an average total instructional offering
34 of ((four hundred fifty hours)) two and one-half hours per school day.
35 The program shall include instruction in the essential academic
36 learning requirements under RCW 28A.630.885 and such other subjects and
37 such activities as the school district shall determine to be

1 appropriate for the education of the school district's students
2 enrolled in such program;

3 (b) Each school district shall make available to students enrolled
4 in grades one through twelve, at least a district-wide annual average
5 total instructional hour offering of (~~one thousand hours~~) five and
6 one-half hours per school day. The state board of education may define
7 alternatives to classroom instructional time for students in grades
8 nine through twelve enrolled in alternative learning experiences. The
9 state board of education shall establish rules to determine annual
10 average instructional hours for districts including fewer than twelve
11 grades. The program shall include the essential academic learning
12 requirements under RCW 28A.630.885 and such other subjects and such
13 activities as the school district shall determine to be appropriate for
14 the education of the school district's students enrolled in such group;

15 (c) If the essential academic learning requirements include a
16 requirement of languages other than English, the requirement may be met
17 by students receiving instruction in one or more American Indian
18 languages.

19 (~~(2)~~) (3) Nothing contained in subsection (~~(1)~~) (2) of this
20 section shall be construed to require individual students to attend
21 school for any particular number of hours per day or to take any
22 particular courses.

23 (~~(3)~~) (4) Each school district's kindergarten through twelfth
24 grade basic educational program shall be accessible to all students who
25 are five years of age, as provided by RCW 28A.225.160, and less than
26 twenty-one years of age (~~and shall consist of a minimum of one hundred~~
27 ~~eighty school days per school year~~). Beginning in the 1999-2000
28 school year, the minimum school year length shall be as follows:

<u>School Year</u>	<u>Minimum School Year Length</u>
<u>1999-2001</u>	<u>181 days</u>
<u>2001-03</u>	<u>182 days</u>
<u>2003-05</u>	<u>183 days</u>
<u>2005-07</u>	<u>184 days</u>
<u>2007-09</u>	<u>185 days</u>
<u>2009-11</u>	<u>186 days</u>
<u>2011-13</u>	<u>187 days</u>
<u>2013-15</u>	<u>188 days</u>
<u>2015-17</u>	<u>189 days</u>
<u>2017-19 and thereafter</u>	<u>190 days</u>

1 The school year shall consist of the minimum school year length in
2 such grades as are conducted by a school district, and ~~((one hundred~~
3 ~~eighty half days))~~ the half-day equivalent of instruction ~~((, or~~
4 ~~equivalent,))~~ in kindergarten ~~((: PROVIDED, That effective May 1, 1979,~~
5 a)). Each school district may schedule the last five school days of
6 the ~~((one hundred and eighty day))~~ school year for noninstructional
7 purposes in the case of students who are graduating from high school,
8 including, but not limited to, the observance of graduation and early
9 release from school upon the request of a student, and all such
10 students may be claimed as a full time equivalent student to the extent
11 they could otherwise have been so claimed for the purposes of RCW
12 28A.150.250 and 28A.150.260.

13 ~~((4))~~ (5) The state board of education shall adopt rules to
14 implement and ensure compliance with the program requirements imposed
15 by this section, RCW 28A.150.250 and 28A.150.260, and such related
16 supplemental program approval requirements as the state board may
17 establish.

18 **Sec. 3.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
19 read as follows:

20 From those funds made available by the legislature for the current
21 use of the common schools, the superintendent of public instruction
22 shall distribute annually as provided in RCW 28A.510.250 to each school
23 district of the state operating a program approved by the state board
24 of education an amount which, when combined with an appropriate portion
25 of such locally available revenues, other than receipts from federal
26 forest revenues distributed to school districts pursuant to RCW
27 28A.520.010 and 28A.520.020, as the superintendent of public
28 instruction may deem appropriate for consideration in computing state
29 equalization support, excluding excess property tax levies, will
30 constitute a basic education allocation in dollars for each annual
31 average full time equivalent student enrolled, based upon one full
32 school year ~~((of one hundred eighty days))~~ as prescribed in RCW
33 28A.150.220, except that for kindergartens one full school year shall
34 be ~~((one hundred eighty half days of instruction, or))~~ the half-day
35 school year equivalent as provided in RCW 28A.150.220.

36 Basic education shall be considered to be fully funded by those
37 amounts of dollars appropriated by the legislature pursuant to RCW
38 28A.150.250 and 28A.150.260 to fund those program requirements

1 identified in RCW 28A.150.220 in accordance with the formula and ratios
2 provided in RCW 28A.150.260 and those amounts of dollars appropriated
3 by the legislature to fund the salary requirements of RCW 28A.150.100
4 and 28A.150.410.

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

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

28 **Sec. 4.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
29 read as follows:

30 (1) The superintendent of public instruction shall have the power
31 and duty to make such rules and regulations as are necessary for the
32 proper administration of this chapter and RCW 28A.160.150 through
33 ~~((28A.160.220))~~ 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
34 not inconsistent with the provisions thereof, and in addition to
35 require such reports as may be necessary to carry out his or her duties
36 under this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~
37 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

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

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

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

29 A condition is foreseeable for the purposes of this subsection to
30 the extent a reasonably prudent person would have anticipated prior to
31 August first of the preceding school year that the condition probably
32 would occur during the ensuing school year because of the occurrence of
33 an event or a circumstance which existed during such preceding school
34 year or a prior school year. A board of directors of a school district
35 is deemed for the purposes of this subsection to have knowledge of
36 events and circumstances which are a matter of common knowledge within
37 the school district and of those events and circumstances which can be
38 discovered upon prudent inquiry or inspection.

1 (3) The superintendent of public instruction shall make every
2 effort to reduce the amount of paperwork required in administration of
3 this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210,
4 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
5 monitoring and evaluation processes used; to eliminate all duplicative
6 requests for information from local school districts; and to make every
7 effort to integrate and standardize information requests for other
8 state education acts and federal aid to education acts administered by
9 the superintendent of public instruction so as to reduce paperwork
10 requirements and duplicative information requests.

11 **Sec. 5.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
12 read as follows:

13 (1) The superintendent of public instruction shall have the power
14 and duty to make such rules and regulations as are necessary for the
15 proper administration of this chapter and RCW 28A.160.150 through
16 ~~((28A.160.220))~~ 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
17 not inconsistent with the provisions thereof, and in addition to
18 require such reports as may be necessary to carry out his or her duties
19 under this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~
20 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

21 (2) The superintendent of public instruction shall have the
22 authority to make rules and regulations which establish the terms and
23 conditions for allowing school districts to receive state basic
24 education moneys as provided in RCW 28A.150.250 when said districts are
25 unable to fulfill for one or more schools as officially scheduled the
26 requirement of a ~~((full))~~ minimum school year ~~((of one hundred eighty~~
27 ~~days))~~ as provided in RCW 28A.150.220 or the annual average total
28 instructional hour offering imposed by RCW 28A.150.220 and 28A.150.260
29 due to one or more of the following conditions:

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

35 (b) An unforeseen mechanical failure or an unforeseen action or
36 inaction by one or more persons, including negligence and threats, that
37 (i) is beyond the control of both a school district board of directors
38 and its employees and (ii) has the direct or indirect effect of

1 rendering one or more school district facilities unsafe, unhealthy,
2 inaccessible, or inoperable. Such actions, inactions or mechanical
3 failures may include, but are not necessarily limited to, arson,
4 vandalism, riots, insurrections, bomb threats, bombings, delays in the
5 scheduled completion of construction projects, and the discontinuance
6 or disruption of utilities such as heating, lighting and water:
7 PROVIDED, That an unforeseen action or inaction shall not include any
8 labor dispute between a school district board of directors and any
9 employee of the school district.

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

20 (3) The superintendent of public instruction shall make every
21 effort to reduce the amount of paperwork required in administration of
22 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,
23 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
24 monitoring and evaluation processes used; to eliminate all duplicative
25 requests for information from local school districts; and to make every
26 effort to integrate and standardize information requests for other
27 state education acts and federal aid to education acts administered by
28 the superintendent of public instruction so as to reduce paperwork
29 requirements and duplicative information requests.

30 **Sec. 6.** RCW 28A.190.030 and 1995 c 77 s 19 are each amended to
31 read as follows:

32 Each school district within which there is located a residential
33 school shall, singly or in concert with another school district
34 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
35 39.34 RCW, conduct a program of education, including related student
36 activities, for residents of the residential school. Except as
37 otherwise provided for by contract pursuant to RCW 28A.190.050, the

1 duties and authority of a school district and its employees to conduct
2 such a program shall be limited to the following:

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

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

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

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

19 (a) ~~((Not less than one hundred and eighty school days each school
20 year))~~ The minimum school year length as prescribed in RCW 28A.150.220;

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

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

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

35 (6) The expenditure of funds for the direct and indirect costs of
36 maintaining and operating the program of education that are
37 appropriated by the legislature and allocated by the superintendent of
38 public instruction for the exclusive purpose of maintaining and
39 operating residential school programs of education, and funds from

1 federal and private grants, bequests and gifts made for the purpose of
2 maintaining and operating the program of education.

3 **Sec. 7.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
4 read as follows:

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

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

22 (1) The minimum school year for instructional purposes shall
23 consist of no less than (~~one hundred eighty school days~~) the minimum
24 school year length or the equivalent in annual minimum program hour
25 offerings as prescribed in RCW 28A.150.220.

26 (2) The school day shall be the same as that required in RCW
27 28A.150.030 and 28A.150.220, except that the percentages of total
28 program hour offerings as prescribed in RCW 28A.150.220 for basic
29 skills, work skills, and optional subjects and activities shall not
30 apply to private schools or private sectarian schools.

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

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

36 (b) In exceptional cases, people of unusual competence but without
37 certification may teach students so long as a certified person
38 exercises general supervision. Annual written statements shall be

1 submitted to the office of the superintendent of public instruction
2 reporting and explaining such circumstances.

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

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

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

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

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

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

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

22 (6) The physical facilities of the school or district shall be
23 adequate to meet the program offered by the school or district:
24 PROVIDED, That each school building shall meet reasonable health and
25 fire safety requirements. However, the state board shall not require
26 private school students to meet the student learning goals, obtain a
27 certificate of mastery to graduate from high school, to master the
28 essential academic learning requirements, or to be assessed pursuant to
29 RCW 28A.630.885. However, private schools may choose, on a voluntary
30 basis, to have their students master these essential academic learning
31 requirements, take these assessments, and obtain certificates of
32 mastery. A residential dwelling of the parent, guardian, or custodian
33 shall be deemed to be an adequate physical facility when a parent,
34 guardian, or person having legal custody is instructing his or her
35 child under subsection (4) of this section.

36 (7) Private school curriculum shall include instruction of the
37 basic skills of occupational education, science, mathematics, language,
38 social studies, history, health, reading, writing, spelling, and the

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

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

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

12 **Sec. 8.** RCW 28A.305.140 and 1992 c 141 s 302 are each amended to
13 read as follows:

14 (1) The self-study process requirements under RCW 28A.320.200, the
15 teacher classroom contact requirements under RCW 28A.150.260(4), and
16 the program hour offerings requirements under RCW 28A.150.200 through
17 28A.150.220 shall be waived for school districts or individual schools
18 within a district if the school district submits to the state board of
19 education a plan for restructuring its educational program, or the
20 educational program of individual schools within the district that
21 includes:

22 (a) Specific standards for increased student learning that the
23 district expects to achieve;

24 (b) How the district plans to achieve the higher standards,
25 including timelines for implementation;

26 (c) How the district plans to determine if the higher standards are
27 met;

28 (d) Evidence that the board of directors, teachers, administrators,
29 and classified employees are committed to working cooperatively in
30 implementing the plan;

31 (e) Evidence that opportunities were provided for parents and
32 citizens to be involved in the development of the plan; and

33 (f) Identification of the state requirements that will be waived.

34 (2) Waivers granted by the state board of education under this
35 section shall be renewed every three years upon the state board of
36 education receiving a renewal request from the school district board of
37 directors. Before filing the request, the school district shall
38 conduct at least one public meeting to evaluate the educational

1 programs that were implemented as a result of the waivers. The request
2 to the state board of education shall include information regarding the
3 activities and programs implemented as a result of the waivers, whether
4 the higher standards for students are being achieved, and a summary of
5 the comments received at the public meeting or meetings.

6 (3) If a school district intends to waive the program hour
7 offerings under RCW 28A.150.220, it shall make available to students
8 enrolled in kindergarten at least ((a)) an average total instructional
9 offering of ((~~four hundred fifty hours~~)) two and one-half hours per
10 school day. Each school district also shall make available to students
11 enrolled in grades one through twelve at least ((a)) an annual
12 district-wide annual average total instructional hour offering of ((~~one~~
13 ~~thousand hours~~)) five and one-half hours per school day. A school
14 district may schedule the last thirty instructional hours of any school
15 year for noninstructional purposes in the case of students who are
16 graduating from high school, including, but not limited to, the
17 observance of graduation and early release from school upon the request
18 of a student, and all such students may be claimed as full-time
19 equivalent students to the extent they could otherwise have been so
20 claimed for the purposes of RCW 28A.150.250 and 28A.150.260. The state
21 board of education may define alternatives to classroom instructional
22 time for students in grades nine through twelve enrolled in alternative
23 learning experiences. The state board of education shall establish
24 rules to determine annual average instructional hours for districts
25 having fewer than twelve grades. The program shall include instruction
26 in the essential academic learning requirements under RCW 28A.630.885
27 and other subjects and activities the school district determines to be
28 appropriate.

29 (4) "Instructional hours" means those hours students are provided
30 the opportunity to engage in educational activity planned by and under
31 the direction of school district staff, as directed by the
32 administration and board of directors of the district, inclusive of
33 intermissions for class changes, recess, and teacher/parent-guardian
34 conferences that are planned and scheduled by the district for the
35 purpose of discussing students' educational needs or progress, and
36 exclusive of time actually spent for meals.

37 **Sec. 9.** RCW 28A.310.240 and 1997 c 13 s 6 are each amended to read
38 as follows:

1 (1) Every educational service district board shall adopt written
2 policies granting leaves to persons under contracts of employment with
3 the district in positions requiring either certification or classified
4 qualifications, including but not limited to leaves for attendance at
5 official or private institutes and conferences and sabbatical leaves
6 for employees in positions requiring certification qualification, and
7 leaves for illness, injury, bereavement, and emergencies for both
8 certificated and classified employees, with such compensation as the
9 board prescribes. The board shall adopt written policies granting
10 annual leave with compensation for illness, injury, and emergencies as
11 follows:

12 (a) For persons under contract with the district for a full fiscal
13 year, at least ten days;

14 (b) For persons under contract with the district as part-time
15 employees, at least that portion of ten days as the total number of
16 days contracted for bears to one (~~hundred eighty days~~) school year as
17 prescribed in RCW 28A.150.220;

18 (c) For certificated and classified employees, annual leave with
19 compensation for illness, injury, and emergencies shall be granted and
20 accrue at a rate not to exceed twelve days per fiscal year. Provisions
21 of any contract in force on July 23, 1989, which conflict with
22 requirements of this subsection shall continue in effect until contract
23 expiration; after expiration, any new contract executed between the
24 parties shall be consistent with this subsection;

25 (d) Compensation for leave for illness or injury actually taken
26 shall be the same as the compensation the person would have received
27 had the person not taken the leave provided in this section;

28 (e) Leave provided in this section not taken shall accumulate from
29 fiscal year to fiscal year up to a maximum of one hundred eighty days
30 for the purposes of RCW 28A.310.490, and for leave purposes up to a
31 maximum of the number of contract days agreed to in a given contract,
32 but not greater than one fiscal year. Such accumulated time may be
33 taken at any time during the fiscal year, or up to twelve days per year
34 may be used for the purpose of payments for unused sick leave; and

35 (f) Accumulated leave under this section shall be transferred to
36 educational service districts, school districts, and the office of the
37 superintendent of public instruction, and from any such district or
38 office to another such district or office. An intervening customary

1 summer break in employment or the performance of employment duties
2 shall not preclude such a transfer.

3 (2) Leave accumulated by a person in a district prior to leaving
4 the district may, under rules of the board, be granted to the person
5 when the person returns to the employment of the district.

6 (3) Leave for illness or injury accumulated before July 23, 1989,
7 under the administrative practices of an educational service district,
8 and such leave transferred before July 23, 1989, to or from an
9 educational service district, school district, or the office of the
10 superintendent of public instruction under the administrative practices
11 of the district or office, is declared valid and shall be added to such
12 leave for illness or injury accumulated after July 23, 1989.

13 **Sec. 10.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22
14 are each reenacted and amended to read as follows:

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

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

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

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

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

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

32 (6) To, in addition to the minimum requirements imposed by this
33 title establish and maintain such grades and departments, including
34 night, high, kindergarten, vocational training and, except as otherwise
35 provided by law, industrial schools, and schools and departments for
36 the education and training of any class or classes of youth with
37 disabilities, as in the judgment of the board, best shall promote the
38 interests of education in the district.

1 (7) To determine the length of time over and above (~~one hundred~~
2 ~~eighty days~~) the minimum school year length as prescribed in RCW
3 28A.150.220 that school shall be maintained: PROVIDED, That for
4 purposes of apportionment no district shall be credited with more than
5 (~~one hundred and eighty three~~) three days' attendance in excess of
6 any school year; and to fix the time for annual opening and closing of
7 schools and for the daily dismissal of pupils before the regular time
8 for closing schools.

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

12 (9) To provide free textbooks and supplies for all children
13 attending school.

14 (10) To require of the officers or employees of the district to
15 give a bond for the honest performance of their duties in such penal
16 sum as may be fixed by the board with good and sufficient surety, and
17 to cause the premium for all bonds required of all such officers or
18 employees to be paid by the district: PROVIDED, That the board may, by
19 written policy, allow that such bonds may include a deductible proviso
20 not to exceed two percent of the officer's or employee's annual salary.

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

23 (12) To appoint a practicing physician, resident of the school
24 district, who shall be known as the school district medical inspector,
25 and whose duty it shall be to decide for the board of directors all
26 questions of sanitation and health affecting the safety and welfare of
27 the public schools of the district who shall serve at the board's
28 pleasure: PROVIDED, That children shall not be required to submit to
29 vaccination against the will of their parents or guardian.

30 **Sec. 11.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
31 read as follows:

32 Every board of directors, unless otherwise specially provided by
33 law, shall:

34 (1) Employ for not more than one year, and for sufficient cause
35 discharge all certificated and classified employees;

36 (2) Adopt written policies granting leaves to persons under
37 contracts of employment with the school district(s) in positions
38 requiring either certification or classified qualifications, including

1 but not limited to leaves for attendance at official or private
2 institutes and conferences and sabbatical leaves for employees in
3 positions requiring certification qualification, and leaves for
4 illness, injury, bereavement and, emergencies for both certificated and
5 classified employees, and with such compensation as the board of
6 directors prescribe: PROVIDED, That the board of directors shall adopt
7 written policies granting to such persons annual leave with
8 compensation for illness, injury and emergencies as follows:

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

11 (b) For such persons under contract with the school district as
12 part time employees, at least that portion of ten days as the total
13 number of days contracted for bears to one (~~hundred eighty days~~)
14 school year as prescribed in RCW 28A.150.220;

15 (c) For certificated and classified employees, annual leave with
16 compensation for illness, injury, and emergencies shall be granted and
17 accrue at a rate not to exceed twelve days per year; provisions of any
18 contract in force on June 12, 1980, which conflict with requirements of
19 this subsection shall continue in effect until contract expiration;
20 after expiration, any new contract executed between the parties shall
21 be consistent with this subsection;

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

25 (e) Leave provided in this proviso not taken shall accumulate from
26 year to year up to a maximum of one hundred eighty days for the
27 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up
28 to a maximum of the number of contract days agreed to in a given
29 contract, but not greater than one year. Such accumulated time may be
30 taken at any time during the school year or up to twelve days per year
31 may be used for the purpose of payments for unused sick leave.

32 (f) Sick leave heretofore accumulated under section 1, chapter 195,
33 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under
34 administrative practice of school districts prior to the effective date
35 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is
36 hereby declared valid, and shall be added to leave for illness or
37 injury accumulated under this proviso;

38 (g) Any leave for injury or illness accumulated up to a maximum of
39 forty-five days shall be creditable as service rendered for the purpose

1 of determining the time at which an employee is eligible to retire, if
2 such leave is taken it may not be compensated under the provisions of
3 RCW 28A.400.210 and 28A.310.490;

4 (h) Accumulated leave under this proviso shall be transferred to
5 and from one district to another, the office of superintendent of
6 public instruction and offices of educational service district
7 superintendents and boards, to and from such districts and such
8 offices;

9 (i) Leave accumulated by a person in a district prior to leaving
10 said district may, under rules and regulations of the board, be granted
11 to such person when the person returns to the employment of the
12 district.

13 When any certificated or classified employee leaves one school
14 district within the state and commences employment with another school
15 district within the state, the employee shall retain the same
16 seniority, leave benefits and other benefits that the employee had in
17 his or her previous position: PROVIDED, That classified employees who
18 transfer between districts after July 28, 1985, shall not retain any
19 seniority rights other than longevity when leaving one school district
20 and beginning employment with another. If the school district to which
21 the person transfers has a different system for computing seniority,
22 leave benefits, and other benefits, then the employee shall be granted
23 the same seniority, leave benefits and other benefits as a person in
24 that district who has similar occupational status and total years of
25 service.

26 **Sec. 12.** RCW 28A.410.080 and 1969 ex.s. c 223 s 28A.01.025 are
27 each amended to read as follows:

28 The school year for all matters pertaining to teacher certification
29 or for computing experience in teaching shall consist of not (~~fewer~~)
30 less than ((one hundred eighty school days)) the minimum school year
31 length prescribed in RCW 28A.150.220.

32 NEW SECTION. **Sec. 13.** Section 1 of this act shall expire
33 September 1, 2000. However, section 1 of this act shall not expire if,
34 by September 1, 2000, a law is not enacted stating that a school
35 accountability and academic assessment system is not in place.

1 NEW SECTION. **Sec. 14.** With respect to school employees and school
2 districts who are parties to a collective bargaining agreement in
3 effect on the effective date of this section that conflicts with RCW
4 28A.150.220, this act does not apply to the extent of the conflict
5 until the first day following expiration of the collective bargaining
6 agreement or until a superseding agreement resolving the conflict is
7 executed by the parties before expiration. After expiration of the
8 agreement, this act shall apply without regard to renewal or extension
9 of the agreement.

10 NEW SECTION. **Sec. 15.** Sections 2 and 5 of this act shall take
11 effect September 1, 2000. However, sections 2 and 5 of this act shall
12 not take effect if, by September 1, 2000, a law is enacted stating that
13 a school accountability and academic assessment system is not in place.

14 NEW SECTION. **Sec. 16.** Section 8 of this act expires September 1,
15 2000, unless by September 1, 2000, a law is enacted stating that a
16 school accountability and academic assessment system is not in place.

--- END ---